



**WINTERVILLE TOWN COUNCIL AGENDA
MONDAY, JANUARY 10, 2022 - 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. Dr. Martin Luther King, Jr. Day.
 2. Human Trafficking Awareness and Prevention Month.
- VII. PUBLIC HEARINGS:**
 1. Kenneth Allen Annexation.
 2. Revisions to the Noise Ordinance.
- VIII. 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.*
- IX. 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. WLH Development – Rezoning Request (Parcel 77831): Schedule Public Hearing for February 14, 2022.
 2. Budget Amendment 2021-2022-3.

X. NEW BUSINESS:

1. Brookstone, Phase 2 – Preliminary Plat.

XI. OTHER AGENDA ITEMS:

1. Discussion of Town's Quasquicentennial Anniversary (March 3, 1897).

XII. ITEMS FOR FUTURE AGENDAS/FUTURE WORK SESSIONS:

XIII. ANNOUNCEMENTS:

1. Town Offices Closed: Monday, January 17, 2022 for the Martin Luther King, Jr. Holiday.
2. Planning and Zoning Board Meeting: Tuesday, January 18, 2022 @ 7:00 pm - Town Hall Assembly Room.
3. Board of Adjustment Meeting: Tuesday, January 18, 2022 @ 7:30 pm - Town Hall Assembly Room.
4. Recreation Advisory Board: Tuesday, January 25, 2022 @ 6:30 pm – Operation Center Training Room.
5. Regular Town Council Meeting: Monday, February 14, 2022 @ 7:00 pm - Town Hall Assembly Room.

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

XV. 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.)*



PROCLAMATION
DR. MARTIN LUTHER KING, JR. DAY

WHEREAS, Dr. Martin Luther King, Jr. was a great moral leader who espoused peace and the brotherhood of man; and

WHEREAS, Dr. King advanced the cause of the attainment of social changes for all people and the establishment of "The Beloved Community" worldwide; and

WHEREAS, Dr. Martin Luther King, Jr. admonished us to have faith, wisdom, and conviction that racial harmony can be achieved and left us a blueprint for harmonious relationships, let us, therefore, embrace his principles of love, peace and non-violence as well as freedom and justice for all; and

WHEREAS, a national holiday has been established by law to observe the anniversary of Dr. King's birth; and

WHEREAS, the State of North Carolina has established the third Monday in January as a legal holiday in honor of his birth;

NOW, THEREFORE, I, Richard E. Hines, Mayor of the Town of Winterville hereby proclaim January 17, 2022, as "DR. MARTIN LUTHER KING, JR. DAY" throughout the Town of Winterville. I urge all citizens to avail themselves of the splendid opportunity to remember and celebrate the life of Dr. King, whose struggle for civil rights and noble pursuit of equality for all Americans deserve our heartfelt appreciation.

IN WITNESS WHEREOF, I do set my hand, and cause the seal of Winterville to be affixed this 10th day of January 2022.

Richard E. Hines, Mayor

Attest:

Donald Harvey, Town Clerk



PROCLAMATION

HUMAN TRAFFICKING AWARENESS AND PREVENTION JANUARY 2022

WHEREAS, human trafficking involves the recruitment, harboring, transportation, provision, buying or selling of human beings for their services of labor or commercial sex through the use of force, fraud or coercion; and

WHEREAS, human trafficking violates basic human rights and deprives victims of human dignity and freedom; and

WHEREAS, human trafficking is a growing global and national problem, with North Carolina being consistently ranked among the top ten states for prevalence in human trafficking; and

WHEREAS, it is imperative that we educate our communities, our young people and families to take an active interest in learning how to recognize the risks and resist predators who use coercion and threats to manipulate children as young as 12 into labor or sex trafficking; and

WHEREAS, in recognition of the need for that education, the NC General Assembly enacted legislation mandating that sex trafficking prevention and awareness information be included in the sexual health education curriculum; and

WHEREAS, the NC General Assembly enacted legislation in 2019 mandating that sex trafficking training be provided to all public school personnel; and

WHEREAS, the Pitt County Coalition Against Human Trafficking seeks to eradicate human trafficking by empowering organizations and individuals through collaboration, leadership and training; and

WHEREAS, the Winterville Police Department, the Pitt County Sheriff's Office, Pitt County Schools TEDI Bear Child Advocacy Center, the Center for Family Violence Prevention, and many other organizations are active members of the Pitt County Coalition Against Human Trafficking; and

WHEREAS, the Town of Winterville is committed to protecting people vulnerable to human trafficking and taking action to end human trafficking through prevention, prosecution and partnerships.

NOW, THEREFORE, I, Richard E. Hines, Mayor of the Town of Winterville, do hereby proclaim January 2022 as "Human Trafficking Awareness and Prevention Month" in the Town of Winterville and commend its observance to all citizens.

IN WITNESS WHEREOF, I do set my hand, and cause the seal of Winterville to be affixed this 10th day of January 2022.

Richard E. Hines, Mayor

Attest:

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Public Hearings

Meeting Date: January 10, 2022

Presenter: Bryan Jones, Planning Director

Item to be Considered

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

Action Requested: Hold the Public Hearing.

Attachment: Annexation Petition, Annexation Map, Legal Description, Certificate of Sufficiency, Adjacent Property Owner Notification, Public Hearing Notice, Draft Ordinance 22-O-012.

Prepared By: Bryan Jones, Planning Director

Date: 12/29/2021

ABSTRACT ROUTING:

TC: 1/4/2022

TM: 1/5/2022

Final: tlp - 1/5/2022

Supporting Documentation

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

Location: Vernon White Road east 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: Hold the Public Hearing.

PETITION REQUESTING ANNEXATION

Date: 2/24/2021

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

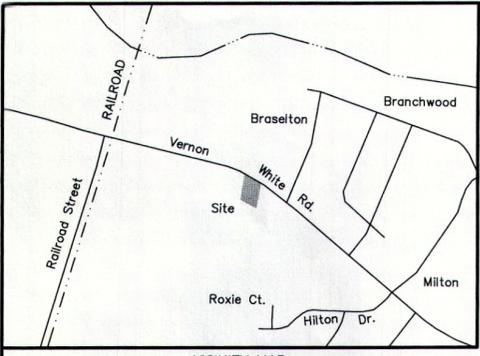
SEE ATTACHED LEGAL DESCRIPTION

Name Kenneth Allen Address 386 Vernon White Rd.
Signature Kenneth Allen Winterville, NC 28590

Name Sally H. Allen Address 386 Vernon White Rd.
Signature Sally H. Allen Winterville, NC 28590

Name _____ Address _____

Signature _____

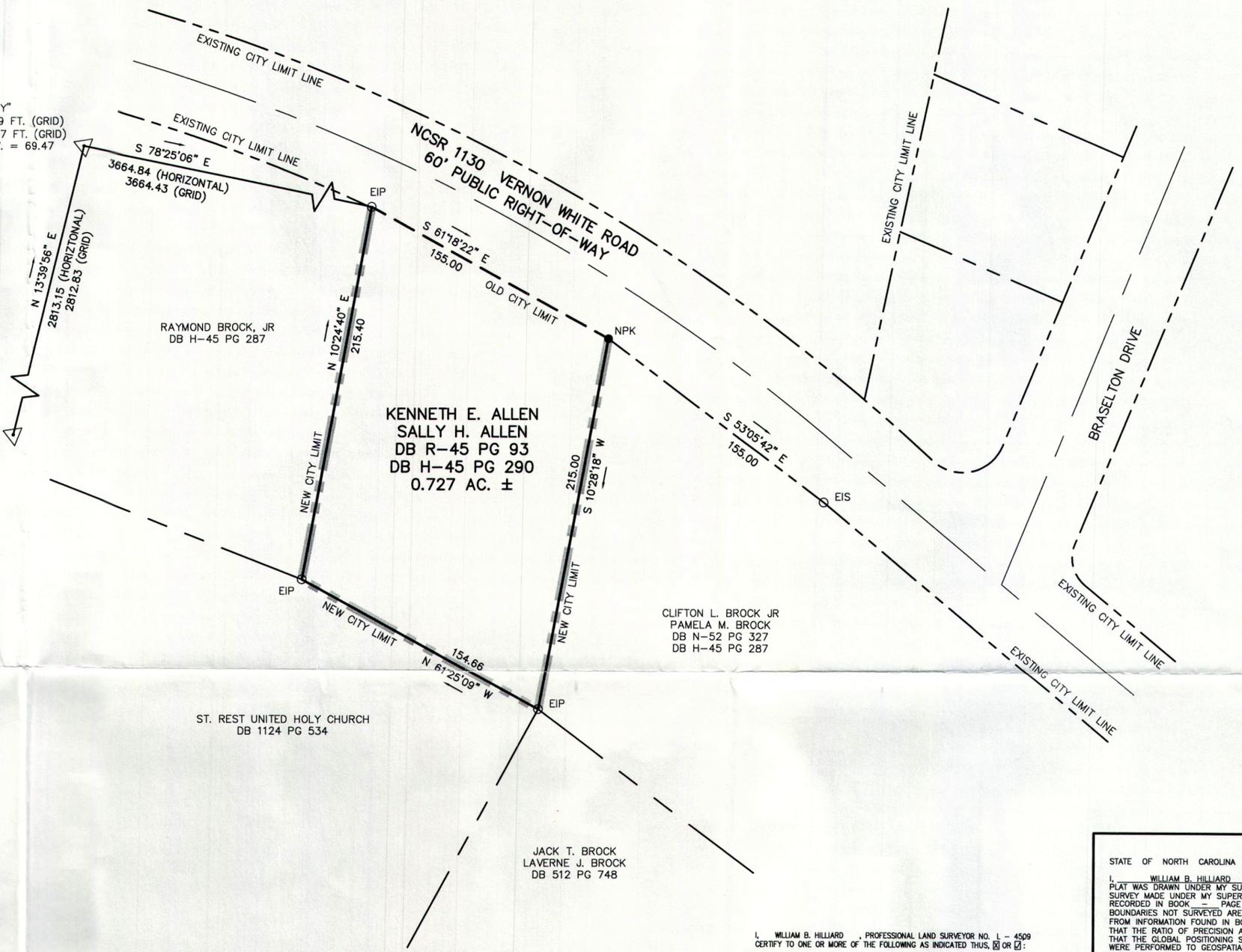


NOTE :
 COMBINED SCALE FACTOR = 0.99988777
 ALL DISTANCES ARE HORIZONTAL
 GROUND MEASUREMENTS IN FEET
 AND DECIMALS THEREOF UNLESS
 NOTED OTHERWISE.
 ALL COORDINATES SHOWN ARE RELATIVE TO
 NAD 83/2011 COORDINATE ADJUSTMENTS.



N.C.G.S.M. "REEDY"
 N = 656,283.99 FT. (GRID)
 E = 2,474,446.87 FT. (GRID)
 NAVD 1988 ELEV. = 69.47

N.C.G.S.M. "WINTERVILLE"
 N = 653,550.83 FT. (GRID)
 E = 2,473,782.39 FT. (GRID)
 NAVD 1988 ELEV. = 69.68



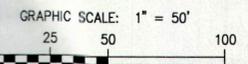
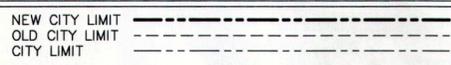
LEGEND

EIP = EXISTING IRON PIPE
 EIS = EXISTING IRON STAKE
 NPK = NEW PK NAIL
 = NOT TO SCALE

NOTES:

- 1) THIS PROPERTY IS SUBJECT TO THE NEUSE RIVER RIPARIAN BUFFER RULES.
- 2) THE SURVEYOR MAKES NO GUARANTEE THAT THERE ARE NO OTHER EASEMENTS THAT MAY BENEFIT OR BURDEN THE SUBJECT PROPERTY.
- 3) THIS PROPERTY IS LOCATED IN ZONE X AND IS NOT IN A SPECIAL FLOOD HAZARD AREA AS TAKEN FROM N.F.I.P. RATE MAP DATED JULY 7, 2014 COMMUNITY PANEL NUMBER 3720467500K

CITY LIMIT LINE TYPE LEGEND



- I, WILLIAM B. HILLIARD, PROFESSIONAL LAND SURVEYOR NO. L-4509 CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THUS, OR :
- A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;
 - B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;
 - C. ANY OF THE FOLLOWING:
 1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
 2. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE; OR
 3. THAT THE SURVEY IS A CONTROL SURVEY.
 - D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;
 - E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

William B. Hilliard 6/28/18
 SURVEYOR DATE

STATE OF NORTH CAROLINA PITT COUNTY
 I, WILLIAM B. HILLIARD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; (DEED DESCRIPTION RECORDED IN BOOK _____ PAGE _____), THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE CLASS A ACCURACY CLASSIFICATION (95% CONFIDENCE) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS SURVEY:
 POSITION ACCURACY: < 0.10'
 TYPE OF FIELD PROCEDURE: RTK/VRS & CONVENTIONAL
 DATE(S) OF SURVEY: JUNE 28, 2018
 DATUM/EPOCH: NAD 83 (2001)
 PUBLISHED/FIELD CONTROL MONUMENTS USED: WINTERVILLE AND REEDY
 GEOD MODEL: GEOD99
 COMBINED GRID FACTOR: 0.99988777
 UNITS: U.S. SURVEY FEET
 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 28TH DAY OF JUNE, 2018.

OWNER : KENNETH & SALLY ALLEN
 ADDRESS : 386 VERNON WHITE ROAD WINTERVILLE, NC 28590
 PHONE : 252-531-5713

THE EAST GROUP
 324 S. EVANS ST.
 GREENVILLE, NC 27834
 (252) 759-3746
 CORPORATE LICENSE NO. C0206
 .Engineering . Architecture . Surveying . Technology

SURVEYED : GDF	PROJECT # : 20180123
DRAWN BY : WBH	DATE : 06/28/18
CHECKED : WBH	SCALE : 1" = 50'

MAP NO.	PLATS RECORDED	BOOK	PAGE

MAP SHOWING AREA ANNEXED BY
 THE TOWN OF WINTERVILLE, NC

DATE _____ ORDINANCE NO. _____ AREA _____
 WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

William B. Hilliard
 L-4509
 ACCEPTED BY THE TOWN OF WINTERVILLE

 MAYOR

 DATE



Corporate Office
324 Evans St
Greenville
NC 27858
www.eastgroup.com

Tel 252.758.3746
Fax 252.830.3954

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.

6/28/18



William B. Hilliard

- ENGINEERING
- ARCHITECTURE
- SURVEYING
- TECHNOLOGY

CERTIFICATE OF SUFFICIENCY

**KENNETH ALLEN - 386 VERNON WHITE ROAD
PARCEL 33103**

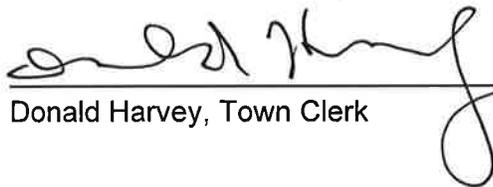
To the Town Council of the Town of Winterville, North Carolina:

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 9th day of November 2021.

ATTEST:





Donald Harvey, Town Clerk



2571 Railroad Street
PO Box 1459
Winterville, NC 28590

Phone (252)215-2358
Fax (252)756-3109
www.wintervillenc.com

**Town Council
Public Hearing
Annexation Petition**

NOTICE IS HEREBY GIVEN that the Winterville Town Council will meet on Monday, January 10, 2022 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, to hold a Public Hearing on the following proposal:

The Town of Winterville has received an annexation petition from the property owner to annex 386 Vernon White Road (Parcel 33103). Additional information is available by contacting bryan.jones@wintervillenc.com or the Winterville Planning Department at (252) 756-2221.

To maintain the safety of Town residents, Town Council, and Town Staff, the Winterville Town Council meeting will allow limited in-person attendance due to COVID-19 provisions and the meeting will be available electronically. The Agenda is available on the Town website at www.wintervillenc.com/agendas. The public is encouraged to watch the Town Council's meeting live on YouTube (www.wintervillenc.com/videos). Those that wish to address the Town Council during the Public Hearing should contact the Town Clerk at (252) 215-2344 or via email to don.harvey@wintervillenc.com to register by **one business day before the meeting at 5:00 pm.**

KENNETH ELMO ALLEN, JR.
SALLY HARDEE ALLEN
386 VERNON WHITE ROAD
WINTERVILLE, NC 28590

ST REST UNITED HOLY CHURCH
PO BOX 1905
WINTERVILLE, NC 28590

CLIFTON LLOYD BROCK, JR.
PAMELA M. BROCK
398 VERNON WHITE ROAD
WINTERVILLE, NC 28590

MAVIS L. GREENWALDT
6073 FREE UNION CHURCH RD
PINETOWN, NC 27866

MAILED
12/28/21

JACK THOMAS BROCK
LAVERNE JOYNER BROCK
414 VERNON WHITE ROAD
WINTERVILLE, NC 28590

**NOTICE OF PUBLIC HEARING
Town of Winterville**

NOTICE IS HEREBY GIVEN that the Winterville Town Council will meet on Monday, January 10, 2022 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, to hold a Public Hearing on the following proposal:

The Town of Winterville has received an annexation petition from the property owner to annex 386 Vernon White Road (Parcel 33103). Additional information is available by contacting bryan.jones@wintervillenc.com or the Winterville Planning Department at (252) 756-2221 ext. 2358.

To maintain the safety of Town residents, Town Council, and Town Staff, the Winterville Town Council meeting will allow limited in-person attendance due to COVID-19 provisions and the meeting will be available electronically. The Agenda is available on the Town website at www.wintervillenc.com/agendas. The public is encouraged to watch the Town Council's meeting live on YouTube (www.wintervillenc.com/videos). Those that wish to address the Town Council during the Public Hearing should contact the Town Clerk at (252) 756-2221 ext. 2344 or via email to don.harvey@wintervillenc.com to register by **one business day before the meeting at 5:00 pm.**

Notes to Publisher:

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

Subject: Winterville Pubic Hearing – 386 Vernon White Road Annexation.

Please place the above legal advertisement in the Daily Reflector on Wednesday December 29, 2021 and Wednesday, January 5, 2022. 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, Town Clerk
Town of Winterville
2571 Railroad Street/PO Box 1459
Winterville, NC 28590
(252) 756-2221 ext. 2344
don.harvey@wintervillenc.com

Town of Winterville
Annexation Ordinance

Ordinance No: 22-O-012

Property Annexed: 386 Vernon White Road

Ordinance Adopted: January 10, 2022

Effective Date: January 31, 2022

Mail to:

Town of Winterville
Attn: Planning Department
2571 Railroad Street
Winterville, NC 28590

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF WINTERVILLE, NORTH CAROLINA**

Kenneth Allen Property – Annexation (Parcel 33103)

WHEREAS, the Town Council has been petitioned under NCGS 160D to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of annexation was held at the Winterville Town Hall at 7:00 pm on January 10, 2022 after due notice was given by publication on December 29, 2021 and Wednesday, January 5, 2022; and

WHEREAS, the Town Council finds that the petition meets the requirements of NCGS 160D;

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

Section 1. By virtue of the authority granted by NCGS 160D, the following described territory is hereby annexed and made part of the Town of Winterville as of October 31, 2021:

Legal Description for Annexation
Kenneth Allen Property – Annexation
(386 Vernon White Road - Parcel 33103)

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.

Section 2. Upon and after October 31, 2021, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in

the Town of Winterville and shall be entitled to the same privileges and benefits as other parts of the Town of Winterville. Said territory shall be subject to municipal taxes according to NCGS 160D.

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

Adopted this the 10th day of January 2022.

Richard E. Hines, Mayor

ATTEST:

Donald Harvey, Town Clerk

DRAFT

North Carolina

Pitt County

I hereby certify that the foregoing is a true and accurate copy of an ordinance duly adopted by the Town Council of the Town of Winterville, North Carolina, at a meeting held on October 11, 2021 at 7 o'clock pm at the Town Hall in the Town of Winterville.

IN WITNESS WHEREOF I have hereunto set my hand and have caused the official corporate seal of the Town of Winterville to be affixed, this _____ day of January 2022.

Donald Harvey, Town Clerk

North Carolina

Pitt County

I, Kristin L. Godley, a Notary Public, do hereby certify that Donald Harvey, Town Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purpose therein expressed.

WITNESS my hand and notarial seal this _____ day of October 2021.

Notary Public

My Commission Expires: **June 23, 2024**



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Public Hearings

Meeting Date: January 10, 2022

Presenter: Ryan C. Willhite, Chief of Police

Item to be Considered

Subject: Changes to the Current Noise Ordinance.

Action Requested: Approval of Draft Ordinance

Attachment: Public Hearing Notice and Proposed Ordinance Changes and language/tables (Draft Ordinance 22-O-011).

Prepared By: Ryan C. Willhite, Chief of Police

Date: 1/3/2022

ABSTRACT ROUTING:

TC: 1/3/2022

TM: 1/5/2022

Final: tlp - 1/5/2022

Supporting Documentation

To improve the current noise ordinance and make it less subjective, the implementation of decibel (sound) meters and associated decibel levels for both residential, business and agricultural areas are defined. In addition, noise permitting changes are included to include small revisions that enable Police Officers to have a clearly defined and measurable method to ensure fair and impartial enforcement of noise complaints. The attached Draft Ordinance language is submitted for final approval after the Public Hearing.

Staff stands ready to answer questions and discuss details as needed.

Budgetary Impact: TBD.

Recommendation: Approval of Draft Ordinance.

**NOTICE OF PUBLIC HEARING
Town of Winterville**

NOTICE IS HEREBY GIVEN that the Winterville Town Council will meet on Monday, January 10, 2022 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, to hold a Public Hearing on the following proposal:

The Town of Winterville is proposing revisions to the Noise Ordinance. Additional information is available by contacting ryan.willhite@wintervillenc.com or the Winterville Police Department at (252) 756-2221 ext. 2400.

To maintain the safety of Town residents, Town Council, and Town Staff, the Winterville Town Council meeting will allow limited in-person attendance due to COVID-19 provisions and the meeting will be available electronically. The Agenda is available on the Town website at www.wintervillenc.com/agendas. The public is encouraged to watch the Town Council's meeting live on YouTube (www.wintervillenc.com/videos). Those that wish to address the Town Council during the Public Hearing should contact the Town Clerk at (252) 756-2221 ext. 2344 or via email to don.harvey@wintervillenc.com to register by **one business day before the meeting at 5:00 pm.**

Notes to Publisher:

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

Subject: Winterville Pubic Hearing – Noise Ordinance Revisions.

Please place the above legal advertisement in the Daily Reflector on Wednesday December 29, 2021 and Wednesday, January 5, 2022. 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, Town Clerk
Town of Winterville
2571 Railroad Street/PO Box 1459
Winterville, NC 28590
(252) 756-2221 ext. 2344
don.harvey@wintervillenc.com

CHAPTER 96: NOISE

96.01	PURPOSE
96.02	UNLAWFUL NOISES IN GENERAL
96.03.	STANDARDS AND NOISE MEASURING PROCEDURES
96.04	MOTOR VEHICLE NOISE
96.05	EXCEPTIONS
96.06	DETERMINATIONS
96.07	PERMITS
96.08	ENFORCEMENT AND PENALTIES
96.09	APPEALS PROCEDURE
96.10	EFFECTIVE DATE

§ 96.01 PURPOSE

The Town of Winterville recognizes that excessive and unnecessary noise endangers the physical and emotional health and welfare of the people, interferes with legitimate business and recreational activity, depresses property values, offends the senses, creates public nuisances, and in other respects reduces the quality of life.

§ 96.02 UNLAWFUL NOISE IN GENERAL

Loud and disturbing. It shall be unlawful for any person, firm or corporation to create or assist in creating any unreasonably **LOUD AND DISTURBING NOISE**, which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the town. The term **LOUD AND DISTURBING NOISE** shall be limited to loud and disturbing noise heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof.

Unnecessary noise: Any excessive or unusually loud sound or any sound which disturbs the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any reasonable person of ordinary sensibilities or causes damage to property. Specifically, it shall be unlawful to emit noise of such character, intensity or duration as to be detrimental to the life or health of any reasonable person of ordinary sensibilities, and exceeds the standards outlined in 96.03.

96.03- Standards.

- (A) Standards, instrumentation, personnel, measurement procedures, and reporting procedures to be used in the measurement of sound shall be as specified in this section.

- (B) Sound level measurement shall be measured with a sound level meter using the A-weighted scale, set on “slow” response.
- (C) Sound level instruments shall be at least Type II, meeting American National Standard Institute (ANSI) S1.4-1971 requirements. Persons using the sound level meters shall be trained in sound level measurement and the operation of sound level measurement equipment.
- (D) Maximum noise levels by use occupancy.
- (1) The use of sound-amplifying equipment is limited to the conditions specified in this section.
 - (2) No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level that, at its peak, exceeds the limits set forth for the use occupancy categories in Table 1.

TABLE 1. SOUND LEVELS AND MEASURING DISTANCE BY USE OCCUPANCY

<u>USE OCCUPANCY CATEGORY</u>	<u>Time</u>	<u>Sound Level Limit (dB(A))</u>	<u>Distance measured from origination of sound</u>
<u>Residential</u>	<u>7:00 am- 11:00pm</u> <u>11:00pm-7:00am</u>	<u>60</u> <u>50</u>	<u>Measured from the property line from location which the sound is originating</u>
<u>Residential Duplex or other multi-family unit</u>	<u>7:00 am- 11:00pm</u> <u>11:00pm-7:00am</u>	<u>60</u> <u>50</u>	<u>Measured from the nearest attached or adjacent occupied dwelling, either inside or outside the dwelling from which the sound originates</u>
<u>Public space, commercial or business</u>	<u>7:00 am- 11:00pm</u> <u>11:00pm-7:00am</u>	<u>65</u> <u>60</u>	<u>100 ft from property line from which the sound is originating</u>
<u>Manufacturing, industrial or agricultural</u>	<u>At all times</u>	<u>75</u>	<u>100 ft from property line from which the sound is originating</u>
<u>Levels to exceed with a permit only</u>	<u>7:00 am- 11:00pm</u>	<u>Business-75</u> <u>Residential-70</u>	<u>100 ft from property line from which the sound is originating</u>

(A) The playing by any person, firm, or corporation, use, operate, or permit to be played, used or operated any television, radio, audio system in a motor vehicle, record, tape or compact disc player, drum, musical instrument, loudspeaker, communication system, amplification system, or any other sound production or reproduction system or device in such a manner that it is plainly audible (i) across property boundaries or inside the confines of the dwelling unit, house-

or apartment of another person, between the hours of 11:00 p.m. and 8:00 a.m., or (ii) at a distance of one hundred (100) feet or more in any direction from the device.

~~For purposes of this section, "plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. Specific words or phrases need not be discernible. **The detection of bass reverberations is sufficient to constitute a plainly audible sound.**~~

(E) The keeping of any animal or bird which makes frequent or long continued sounds, that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity;

(F) The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in the manner as to create unreasonably loud, disturbing sounds **violating the standards set forth in Table 1.;**

~~(D) The operating of any garage or service station in any residential area so as to cause unreasonably loud, disturbing sounds to be emitted between the hours of 9:00 p.m. and 7:00 a.m. on any day;~~

~~(E) The creation of unreasonably loud, disturbing noise adjacent to any school, educational facility, church or court during normal operating hours, or within 150 feet of any hospital, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of the institutions, provided conspicuous signs are displayed indicating that the area is a school, educational facility, church, court or hospital area;~~

(G) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district is strictly prohibited on Sunday, except in the case of urgent necessity in the interest of public safety, and then only with a permit given by an appropriate town official, which permit may be renewed for a period of three days or less while the emergency exists;

(H) The use of any loud, boisterous or raucous language or shouting that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity;

(I) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of the device for an unreasonable period of time that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.

§ 96.04 Motor Vehicle Noise

It shall be unlawful for any person to drive, operate, move, or permit to be driven, operated, or

moved, a motor vehicle or combination of vehicles at any time in such a manner that the sound level of the vehicle, or amplified sound from the vehicle, exceeds the levels set forth in this chapter.

It shall be unlawful to play any radio, tape player, compact disc player or other sound making device or instrument from within the motor vehicle so that the sound is plainly audible 100 feet away from the vehicle and violates the measurement for (public space) as set forth in Table 1.

Mufflers. It shall be unlawful for any person to operate or cause the operation of a motor vehicle unless the exhaust system is free from defects, which affect sound reduction.

- No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle.
- It shall be unlawful for any person to modify the exhaust system of a motor vehicle by the installation of a muffler cut-out or bypass, and no person shall operate a motor vehicle which has been so modified.

§ 96.05 Exceptions

The following are exempt from the provisions of set forth in this chapter.

- (1) Activities permitted by law for which a specific license or permit has been granted by the city, state or federal government; including, but not limited to, noise generated by and necessary for the conduct of public festivals, parades, special events, and celebrations of recognized federal, state and local holidays.
- (2) Sound emanating from scheduled outdoor athletic events.
- (3) Any bell or chime from any building clock, school, or church;
- (4) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency, provided that burglar alarms not terminating within 30 minutes after the responsible person has been notified shall be unlawful;
- (5) Noise created as a result of or relating to an emergency;
- (6) Warning devices required by OSHA or any local, county, state, or federal safety regulations;
- (7) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration;
- (8) Noise resulting from the provision of sanitation services;
- (9) The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district Monday through Saturday;
- (10) All noises coming from motor vehicles properly equipped with the manufacturer's standard mufflers and noise reducing equipment;

- (11) Noise from lawful fireworks and noise-makers on holidays;
- (12) Lawn mowers and agricultural equipment used between the daylight hours of 7:00 a.m. and 8:00 p.m. when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and operating properly;
- (13) Sound amplification equipment used in conjunction with a telecommunications system on business properties to notify employees of that business of incoming phone calls, providing that this system be used only between the hours of 7:00 a.m. and 8:00 p.m. and that any speakers attached to the system be oriented toward the interior of the property;
- (14) Sound emanating from regularly scheduled, outdoor athletic events held by the recreation department;
- (15) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit has been granted by the town in accordance with this chapter;
- (16) Warning devices used by trains traveling through the town for safety precautions;
- (17) Noises resulting from the provision of government services;

- (18) Construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued or construction operations not requiring permits; providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition; and Construction operations from 7:00 a.m. until 9:00 p.m. on weekdays, 8:00 a.m. until 9:00 p.m. on Saturdays and Sundays, for which building permits have been issued or construction operations not requiring permits; providing all equipment is operated in accordance with the manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition; and

- (19) Construction operations from 7:00 a.m. until 9:00 p.m. on weekdays, 8:00 a.m. until 9:00 p.m. on Saturdays and Sundays, for which building permits have been issued or construction operations not requiring permits; providing all equipment is operated in accordance with the manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition.

- (20) Emergency work made necessary to restore property to a safe condition; emergency work required to protect persons or property from danger or potential danger; or work by private or public utilities when restoring utility service.

- (21) Any street construction activity performed by, or on behalf of, a government agency on streets, provided that all equipment is operated in accordance with the manufacturer's specifications and is equipped with all legally required noise-reducing devices in proper operating condition. Blasting and pile driving on street projects are exempted under this exception only to the extent that they are carried on between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday.
- (22) Unamplified and amplified sound at festivals, street fairs, or events conducted, sponsored or sanctioned by the Town of Winterville.
- (23) Unamplified and amplified sound at community concerts, movies or other activities conducted, sponsored or sanctioned by the Town of Winterville.
- (24) Practice sessions or performances by marching bands.

§ 96.06 Determinations

- In determining whether a noise is unreasonably loud, disturbing and unnecessary, the following factors incident to such noise are to be considered:
- The time of day.
- The proximity to residential structures, whether the noise is recurrent, intermittent or constant.
- The volume and intensity in accordance with the measuring guidelines outlined in Table 1 of this chapter.
- Whether the noise has been enhanced in volume or range by any type of electronic or mechanical means.
- The character and zoning of the area.
- Whether the noise is related to the normal operation of a business or other labor activity.
- Whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

§ 96.07 Permits

- Who may apply? A person or group of persons may produce or cause to be produced sound in excess of the limits set in 96.02 only if a "permit to exceed" has been obtained. With a permit granted pursuant to this section, a person or group may exceed the maximum sound levels as long as the hours and scope of the permit are followed, and the noise is not un-reasonable shall as set out in § 96.03.
- Application for permit. Any person or group of persons desiring a "permit to exceed"

shall apply as provided in this section and shall provide all information required. All applications for a “permit to exceed” shall be submitted to the Chief of Police or his designee at least seventy-two (72) hours prior to the scheduled event; failure to comply with this requirement shall be grounds for denying the permit.

- Action by Chief of Police. The Chief of Police or designee shall act upon all requests for permits. In considering and acting on all requests for permits pursuant to this chapter, the Chief of Police or designee shall consider, but shall not be limited to, the following in issuing or denying such permit: The timeliness of the application; the nature of the requested activity; previous experience with the applicant; the time of the event; other activities in the vicinity of the location proposed; the frequency of the application; the cultural or social benefits of the proposed activity; the effect of the activity on any residential area of the city and, previous violations, if any, of the applicant. Permits granted in a residential area shall not exceed more than four (4) permits to exceed per calendar year.
- Permitting for *Outdoor Music Venues*. For purposes of this section, outdoor music venue is defined as a **commercial** property where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls and a roof. Outdoor music venues operate in an established permanent outdoor area that offers privately owned outdoor seating and music as a **routine** part of their business. The Chief of Police may issue permits for such venues for a one-year period and must be annually renewed within 30 days of expiring or a late renewal fee of \$50.00 will be due in addition to the yearly permit application fee. The permit fee shall be a non-refundable \$200.00 fee for the administrative and other associated costs.
- ~~In assessing “other activities in the vicinity” and the frequency of applications in the vicinity, the Chief of Police or designee shall not issue more than two (2) permits per month within a one thousand foot radius of each other, or issue permits for events on consecutive weekends (Friday and Saturday) within a one thousand foot radius of each other. In considering or acting upon a request for a “permit to exceed” requested by a group, the Chief of Police or designee shall limit permits granted at any specific location to no more than four (4) “permits to exceed” per year.~~
- Fee for permit. Every application for a one time permit to exceed shall require a \$20.00 administrative fee. The permit shall not be unreasonably withheld and may contain appropriate conditions, including maximum decibel levels, designed to minimize the disruptive impact. Permits for the activities significantly for religious or political purposes shall be granted, subject only to reasonable time, place and manner restrictions. Permits issued under this section may specify that the permission granted will continue for a stated period or until revoked after actual notice. Persons shall not be held in violation of this chapter when acting in conformity with permit conditions, but any permit may be revoked if it is determined that the authorized activity has exceeded the scope of the permit or resulted in generation of unreasonably loud, disturbing sound levels measured by officers and exceed the permitted levels.

- In the event an application is denied, a permit is approved with conditions unacceptable to the applicant, or a permit is revoked, the applicant or permit holder shall be entitled to a prompt, informal hearing with the Town Manager or his or her designee, upon submission of a written request. Any person aggrieved by a matter regulated by this ordinance may submit to the governing body written comments, including requests for appropriate relief.
- That no permitted event may last more than four (4) hours in duration on a single day.
- That no event may extend beyond 11:00 p.m.

§ 96.08 ENFORCEMENT AND PENALTIES

Where there is a violation of any provision of this chapter, the town, at its discretion, may take one or more of the following enforcement actions.

(A) A Police officer may issue a citation subjecting the violator to a \$50 civil penalty, which may provide for a \$15 delinquency charge if the penalty is not paid within 20 days of issuance, and which penalty and delinquency charge may be recovered by the town in a civil action. Further, each day's continuing violation shall be a separate and distinct offense.

(B) A misdemeanor warrant may be issued in accordance with G.S. § 160A-175 either immediately or upon the issuance of a citation and the violator's failure to pay the civil penalty.

(C) A civil action seeking a penalty of \$100 per day of violation plus injunctive relief and order of abatement may be directed toward any person creating or allowing the creation of any unlawful noise, including the owner or person otherwise having legal or actual control of the premises from which it emanates.

(1992 Code, § 96.05) (Ord. 01-O-22, passed 10-8-2001)

§ 96.09 APPEALS PROCEDURE

An appeal from the issuance of a citation pursuant to §96.99 (A) may be taken by a person aggrieved thereby. The appeal must be taken within ten days from the date of issuance of the citation on the party in interest. An aggrieved party must give notice of appeal by mailing or hand-delivering a written statement to the Town Manager which states some grounds for appeal. Upon receipt of the notice of appeal, the Town Manager shall fix a reasonable time for the hearing of the appeal, shall give due notice to all parties in interest, and shall render a decision within a reasonable time. Any party may appear in person or by agent or attorney and present evidence. The Town Manager may reverse, affirm, or modify the issuance of the citation. The Town Manager will render a written decision within five days of the hearing, and the written decision will be promptly served on the aggrieved party by mailing or hand-delivery of same. All decisions of the Town Manager are final. Any decision of the Town Manager may be appealed to the appropriate court of general jurisdiction after all appeals have been taken

pursuant to this section within 15 days of the service of the decision of the Town Manager on the aggrieved party.

§ 96.10 EFFECTIVE DATE

This chapter is effective upon adoption.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: January 10, 2022

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: WLH Development – Rezoning Request (Parcel 77831).

Action Requested: Schedule the Public Hearing on Rezoning for February 14, 2022.

Attachment: Rezoning Application, Rezoning Map, Legal Description, Notification to Adjacent Property Owners, Staff Report.

Prepared By: Bryan Jones, Planning Director

Date: 12/29/2021

ABSTRACT ROUTING:

TC: 1/4/2022

TM: 1/5/2022

Final: tlp - 1/5/2022

Supporting Documentation

Applicant: WLH Development, LLC.

Location: Church Street Ext north of its intersection with Park Road.

Parcel Number: 77831.

Site Data: 19.62 acres.

Current Zoning District: AR.

Proposed Zoning District: R-10.

- ❖ Proposed Zoning Districts: R-10.
- ❖ Adjacent property owners were mailed notification of the rezoning request on December 6, 2021.
- ❖ Notification was posted on the site on December 1, 2021.
- ❖ Planning and Zoning Board unanimously recommended approval of the rezoning request on December 20, 2021.

Budgetary Impact: TBD.

Recommendation: Schedule Public Hearing on the Rezoning Request for February 14, 2022.



**REZONING APPLICATION
TOWN OF WINTERVILLE**

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

Staff Use Only Appl. # _____
--

OWNERSHIP INFORMATION:

Applicant: Lynn Evans

Address: 237 Churchhill Drive, Greenville, NC 27858

Phone #: 252-916-0643

Owner: WLH Development, LLC, Lynn Evans, Registered Agent

Address: 237 Churchhill Drive, Greenville, NC 27858

Phone #: 252-916-0643

PROPERTY INFORMATION

Parcel #: 77831 Area (square feet or acres): 19.62 acres

Current Land Use: Farm land

Location of Property: 3252 Church Street Extension

ZONING REQUEST

Existing Zoning: AR Requested Zoning: R10

Reason for zoning change: To allow development of a subdivision for construction of single family residences with a minimum lot size will be 10,000 square feet .

This application shall be accompanied by the following items:

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

OWNER/AGENT STATEMENT

I, Lynn W. Evans, 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 December/20/2021.

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


Signature

11/29/21
Date

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

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

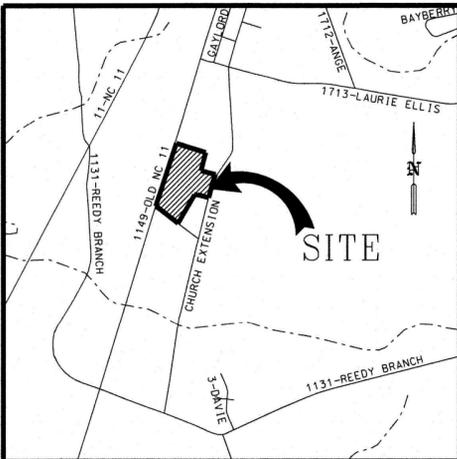
Signature

Date

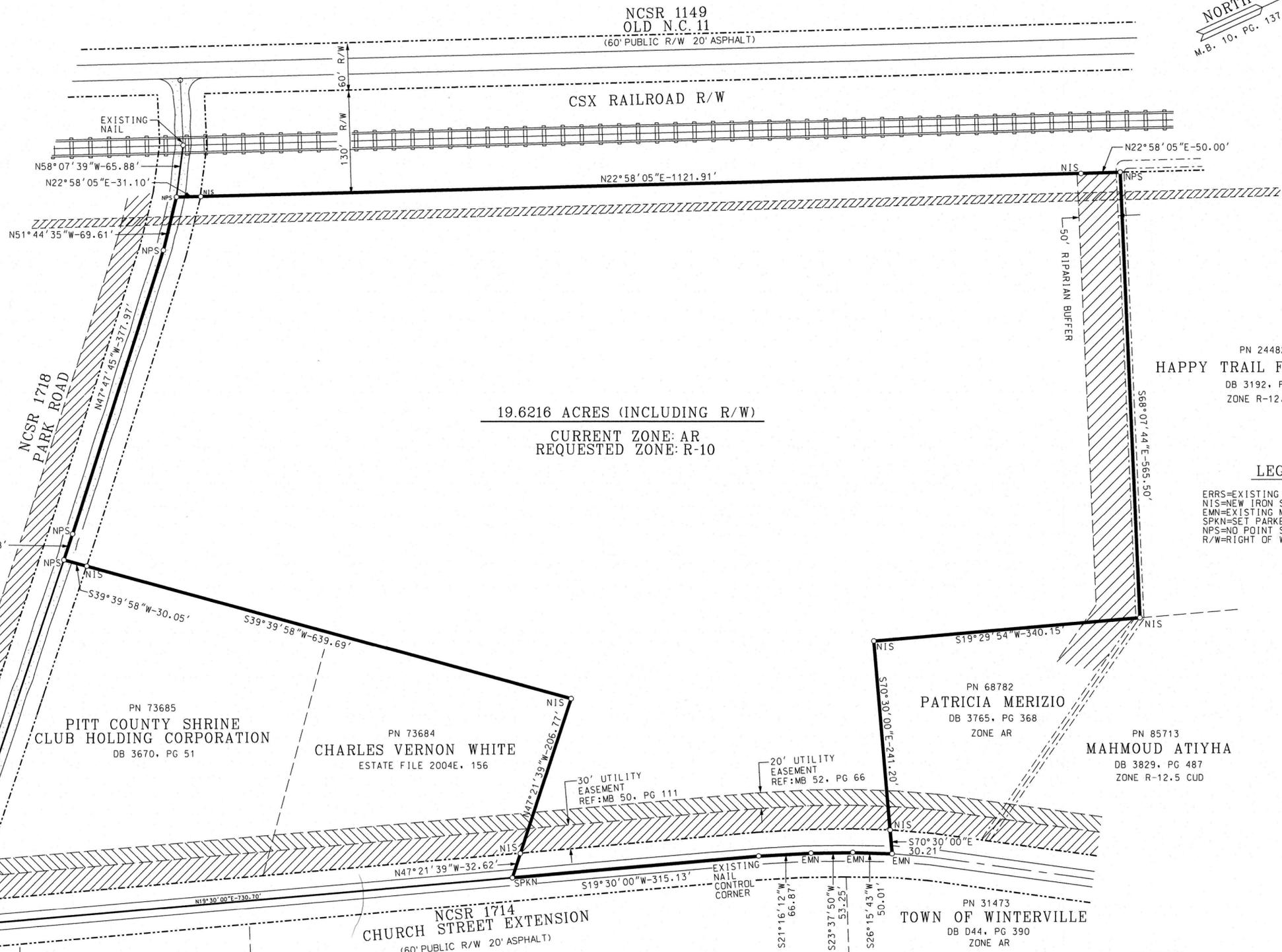
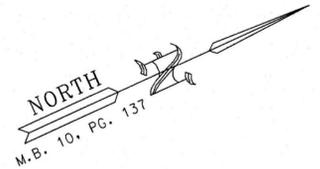
Sworn to and subscribed before me, this _____ day of _____, 20____.

Notary Public

My Commission Expires:



VICINITY MAP



19.6216 ACRES (INCLUDING R/W)
 CURRENT ZONE: AR
 REQUESTED ZONE: R-10

PN 70857
 SUZANNE BREWER
 HARMON, ETALS
 DB 1979, PG 672
 ZONE AR

PN 24482
 HAPPY TRAIL FARMS, LLC
 DB 3192, PG 406
 ZONE R-12.5 CUD

LEGEND
 ERRS=EXISTING RAILROAD SPIKE
 NIS=NEW IRON STAKE
 EMN=EXISTING MAGNETIC NAIL
 SPKN=SET PARKER KALON NAIL
 NPS=NO POINT SET
 R/W=RIGHT OF WAY

PN 68221
 BOBBY F. JR. & WF
 DENISE JEFFERSON
 DB 1710, PG 544
 ZONE AR

PN 73685
 PITT COUNTY SHRINE
 CLUB HOLDING CORPORATION
 DB 3670, PG 51

PN 73684
 CHARLES VERNON WHITE
 ESTATE FILE 2004E. 156

PN 68782
 PATRICIA MERIZIO
 DB 3765, PG 368
 ZONE AR

PN 85713
 MAHMOUD ATIYHA
 DB 3829, PG 487
 ZONE R-12.5 CUD

PN 53593
 ROBERT & SUSAN
 TUGWELL
 DB 523, PG 732

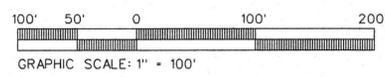
PN 47393
 JEFFERY H. &
 GREGORY T. ALLEN
 DB 3480, PG 50
 ZONE AR

PN 11636
 CHAPEL HILL FOUNDATION
 REAL ESTATE HOLDINGS, INC
 DB 3448, PG 378
 ZONE AR

PN 31473
 TOWN OF WINTERVILLE
 DB D44, PG 390
 ZONE AR

PN 77831 REV 1 11/29/21

THIS MAP IS EXEMPT FROM GS 47-30 REQUIREMENTS PER GS 47-30 (j) WHICH STATES:
 "THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BOUNDARY PLATS OF STATE LINES, COUNTY LINES, AREAS ANNEXED BY MUNICIPALITIES, NOR TO PLATS OF MUNICIPAL BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED".



Deborah T. Boyette 11-29-21
 PROFESSIONAL LAND SURVEYOR L-4146

PROJECT NO. P1313-002
 DRAWING NO. 001

REZONING MAP FOR WLH DEVELOPMENT, LLC REFERENCE: BEING THE PROPERTY RECORDED IN DEED BOOK 1979, PAGE 672 OF THE PITT COUNTY REGISTRY WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA	
OWNER: WLH DEVELOPMENT, LLC ADDRESS: 237 CHURCHILL DRIVE GREENVILLE, NC 27858 PHONE: 916-0643	SURVEYED: N/A DRAWN: DTB/LHJ APPROVED: DTB DATE: 11/24/2021 SCALE: 1" = 100' SHEET 1 OF 1
 STROUD ENGINEERING, P.A. 107B COMMERCE ST. GREENVILLE, NC (252) 756-9352 LICENSE NO. C-0647	

LEGAL DESCRIPTION
FOR
WLH DEVELOPMENT, LLC
(TAX PARCEL 77831
INCLUDING RIGHTS OF WAY)

Lying and being in Winterville Township, Pitt County, North Carolina, and being bounded on the south by the center of NCSR 1718 Park Road, on the west by the eastern right of way of CSX Railroad, on the north by Happy Trail Farms, LLC (Deed Book 3192, Page 406), Mahmoud Atiyha (Deed Book 3829, Page 487) and Patricia Merizio (Deed Book 3765, Page 368), and on the east by the center of NCSR 1714 Church Street Extension, by Charles V. White (Deed Book 554, Page 448) and by Pitt County Shrine Club Holding Corporation (Deed Book 3670, Page 51) all of the Pitt County Registry, and being more particularly described as follows:

Beginning at an existing railroad spike found in the centerline intersection of Park Road and Church Street Extension, thence along the center of Park Road N 47-00-10 W, 491.80' to a point, the True Point Of Beginning, thence from the True Point of Beginning the following calls along the center of Park Road:

thence N 47^00'10" W 34.68' feet, to a point,
thence N 47^47'45" W 377.97 feet, to a point,
thence N 51^44'35" W 69.61 feet, to a point, thence leaving the center of Park Road and following the eastern right of way of CSX Railroad
N 22^58'05" E 31.10 feet, to a point
thence N 22^58'05" E 1121.91 feet, to a point
thence N 22^58'05" E 50.00 feet, to a point in the line of Happy Trail Farms, LLC, and also being a point in the center of a ditch, thence along the center of the ditch S 68^07'44" E 565.50 feet, to the common corner of Mahmoud Atiyha and Patricia Merizio, thence along the Merizio line S 19^29'54" W 340.15 feet, to a point, thence S 70^30'00" E 241.20 feet, to a new iron stake,

thence S 70^30'00" E 30.21 feet, to an existing magnetic nail found in the center of Church Street Extension, thence along the center of Church Street Extension the following calls:

thence S 26^15'43" W 50.01 feet, to an existing magnetic nail,
thence S 23^37'50" W 53.25 feet, to an existing magnetic nail,
thence S 21^16'12" W 66.87 feet, to an existing nail,
thence S 19^30'00" W 315.13 feet, to a point, thence leaving the center of Church Street Extension N 47^21'39" W 32.62 feet, to a new iron stake set in the right of way of Church Street Extension, thence along the northern line of Charles V. White N 47^21'39" W 206.77 feet, to a new iron stake, thence S 39^39'58" W 639.69 feet, to a new iron stake set in the right of way of Park Road, the southwest corner of the Pitt County Shrine Club Holding Corporation, thence S 39^39'58" W 30.05 feet to a point in the center of Park Road, the True POINT OF BEGINNING; Containing 19.6216 acres, more or less, of which 0.6650 acre is within the right of way of Park Road and Church Street Extension.

Deborah T. Boyette 11-29-21
Deborah T. Boyette, PLS L-4146





2571 Railroad Street
PO Box 1459
Winterville, NC 28590

Phone (252)215-2358
Fax (252)756-3109
www.wintervillenc.com

**Planning and Zoning
Rezoning Request**

NOTICE IS HEREBY GIVEN that the Winterville Planning and Zoning Board will meet on Monday, December 20, 2021 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, in order to consider the following request:

WLH Development, LLC has submitted a rezoning application to rezone Parcel 77831 (19.6216 Acres) as shown on the attached map from Agricultural- Residential (AR) to R-10 Zoning District. The R-10 Residential District is a quiet, medium density neighborhood consisting of single-family residences along with limited home occupations and private and public community uses.

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

**The Town of Winterville will be keeping measures in place in an ongoing effort to mitigate the spread of COVID-19. 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.

WLH DEVELOPMENT, LLC
237 CHURCHILL DRIVE
GREENVILLE, NC 27858

PATRICIA MERIZIO
200 PRANCER DRIVE
BEAUFORT, NC 28516

BOBBY ALLEN LIFE ESTATE
ANNIE MAE ALLEN LIFE ESTATE
3107 CHURCH STREET EXT
WINTERVILLE NC 28590

SUZANNE BREWER HARMON
ETALS
PO BOX 2548
GREENVILLE NC 27836

JOYCE BYRUM MCLAWHORN
623 SECOND STREET
AYDEN, NC 28513

HAPPY TRAIL FARMS, LLC
PO BOX 1863
GREENVILLE, NC 27835

CHAPEL HILL FOUNDATION
REAL ESTATE HOLDINGS INC
300 SOUTH BUILDING
CN 1000
CHAPEL HILL, NC 27599

ROBERT TUGWELL
SUSAN TUGWELL
2436 TRELIS CT
RALEIGH, NC 27604

PITT CONTY SHRINE CLUB
HOLDING CORP
PO BOX 1845
WINTERVILLE, NC 28590

MAHMOUD ATIYHA
940 VAN GERT DRIVE
WINTERVILLE, NC 28590

DORIS SALMON NOBLES
455 DAVENPORT FARM RD
WINTERVILLE NC 28590

BOBBY JEFFERSON, JR
DENISE JEFFERSON
527 JIMMIES CREEK DR
NEW BERN, NC 28562

CHARLES VERNON WHITE
3024 CHURCH STREET EXT
WINTERVILLE, NC 28590



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

GENERAL INFORMATION

APPLICANT	WLH Development, LLC
HEARING TYPE	Rezoning Request
REQUEST	Agricultural-Residential (AR) to R-10
CONDITIONS	n/a
LOCATION	Intersection of Church Street Ext and Park Road
PARCEL ID NUMBER(S)	77831
PUBLIC NOTIFICATION	Adjacent property owners were mailed notification of the rezoning request on December 6, 2021. Notification was posted on site on December 1, 2021. 13 properties were mailed notification.
TRACT SIZE	19.62 acres
TOPOGRAPHY	Flat
VEGETATION	Cleared / Agricultural

SITE DATA

EXISTING USE	Agricultural / Vacant
---------------------	-----------------------

ADJACENT PROPERTY	ZONING	ADJACENT LAND USE
N	GB	HVAC Business/Vacant
E	AR / R-12.5	Single Family/Wooded
W	AR	Railroad/Agricultural
S	R-8/OI	Shrine Club/Vacant

ZONING DISTRICT STANDARDS

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



SPECIAL INFORMATION

OVERLAY DISTRICT	N/A
ENVIRONMENTAL / SOILS	N/A
FLOODPLAIN	N/A
STREAMS	(50' Riparian Buffer along tributary off of Swift Creek) Stream feature located along northern 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

**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	Church Street Ext / Park Road– NCDOT Roads
SITE ACCESS	All access must be designed and constructed to meet the Town of Winterville / NCDOT standards.
TRAFFIC COUNTS (per NCDOT Annual Average Daily Traffic Map)	Church Street Ext- 180 Park Road – n/a
TRIP GENERATION	N/A
SIDEWALKS	Required.
TRAFFIC IMPACT STUDY (TIS)	TBD
STREET CONNECTIVITY	N/A
OTHER	N/A



IMPACT ANALYSIS

Land Use Compatibility

The proposed R-10, R-8, and R-6 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** zoning district is generally consistent with this character area as defined by the future land use designation.

Comprehensive Land Use Plans - Recommendations & Implementation

Suburban Residential - General Character:

- Low to medium density single family residential. 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.

STAFF ANALYSIS AND RECOMMENDATION

Community Outreach

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

Staff Analysis

The 19.62-acre property is currently being used for agriculture. The property North of the request is zoned GB and is vacant/agriculture. West of the request is zoned AR and is bordered by the railroad. South of the request is zoned R-8 and OI and is currently vacant with planned subdivision consisting of approximately 70 homes currently being reviewed. East (across Church Street Ext) of the request is zoned AR and R-12.5 and is single-family residential/wooded.

The R-10 District 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 proposed R-10 zoning district fall within the density recommendations provided within the Suburban Residential character area.

Planning and Zoning Board Recommendation

Planning and Zoning Board unanimously recommended **approval** of the rezoning request for the 19.62 acres from AR to R-10 on December 20, 2021.



Staff Recommendation

Staff recommends **approval** of the rezoning request for the 19.62 acres from AR to R-10.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: January 10, 2022

Presenter: Anthony Bowers, Finance Director

Item to be Considered

Subject: Budget Amendment 2021-2022-3

Action Requested: Approve the Budget Amendment.

Attachment: Budget Amendment 2021-2022-3.

Prepared By: Anthony Bowers, Finance Director

Date: 1/4/2022

ABSTRACT ROUTING:

TC: 1/4/2022

TM: 1/5/2022

Final: tlp - 1/5/2022

Supporting Documentation

This is the third budget amendment for the 2021-2022 Fiscal Year.

This amendment addresses the use of fund balance to cover two items.

The first item is to appropriate funds to cover the cost of purchasing land for a recreation facility. This will use \$155,000 of fund balance to cover the cost of the land. This does include a \$5,000 contingency to cover any transaction fees, recording fees and taxes that may be associated with the transaction.

The second item is for \$8,000 to cover a PO from last year's business. This was invoiced by the vendor after the fiscal year was closed. The funds were budgeted last year and were rolled into fund balance at the close of the year. This item will increase the contracted services line item for the department.

Budgetary Impact: The total budget amendment is \$163,000.

Recommendation: Approve the Budget Amendment.

BUDGET ORDINANCE AMENDMENT 2021-2022-3

BE IT ORDAINED by the Governing Board of the Town of Winterville, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2022:

SECTION 1. Revenues are to be changed as follows:

LINE ITEM DESCRIPTION			Fund	Increase	Decrease
Fund Balance Contribution	10	3831	General Fund	\$163,000	
Total				\$163,000	\$0

SECTION 2. Appropriations are to be changed as follows:

LINE ITEM DESCRIPTION		Department	Fund	Increase	Decrease
Capital Outlay		Public Buildings	General Fund	\$155,000	
Contracted Services		Fire	General Fund	\$8,000	
Total				\$163,000	\$0

Adopted the 10th day of January 2022.

Richard E. Hines, Mayor

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: January 10, 2022

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Brookstone, Phase 2 – Preliminary Plat.

Action Requested: Approval of Preliminary Plat.

Attachment: Preliminary Plat.

Prepared By: Bryan Jones, Planning Director

Date: 12/29/2021

ABSTRACT ROUTING:

TC: 1/4/2022

TM: 1/5/2022

Final: tlp - 1/5/2022

Supporting Documentation

Brookstone, Phase 2 – Preliminary Plat:

Location: Church Street Ext. north of its intersection with Reedy Branch Road.

Parcel Number: 70650.

Site Data: 50 Lots, 26.9928 Acres.

Zoning District: R-10.

Winterville Technical Review Committee reviewed the Preliminary Plat on December 7, 2021.

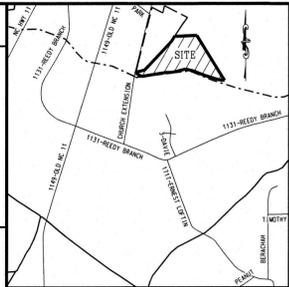
Planning and Zoning Board unanimously recommended approval on December 20, 2021.

Budgetary Impact: TBD.

Recommendation: Recommend Approval Preliminary Plat.

SITE DATA

TOTAL AREA.....26.9928 AC
 ZONING.....R-10
 PARCEL #.....70650
 TAX MAP.....4674.14
 TOTAL LOTS.....49
 LINEAL FEET IN STREETS.....2462 FT
 AREA IN R/W.....3.56 AC
 AREA IN OPEN SPACES,
 RECREATION, ETC.....7.63 AC
 AREA IN STORMWATER.....1.14 AC



VICINITY MAP
1" = 2000'

PLANNING BOARD

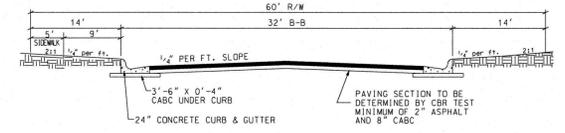
I HEREBY CERTIFY THAT THIS PRELIMINARY PLAN WAS RECOMMENDED FOR APPROVAL BY THE PLANNING BOARD TO THE TOWN OF WINTERVILLE ON THE DAY OF _____, 2021.

CHAIRMAN, PLANNING BOARD
 DATE: _____

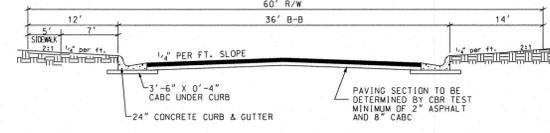
TOWN COUNCIL

I HEREBY CERTIFY THAT THIS PRELIMINARY PLAN WAS RECOMMENDED FOR APPROVAL BY THE TOWN COUNCIL OF THE TOWN OF WINTERVILLE ON THE DAY OF _____, 2021.

MAYOR
 DATE: _____

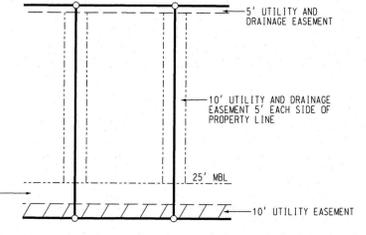


TYPICAL 32' B/B STREET SECTION WITH SIDEWALK
SCALE: NOT TO SCALE



TYPICAL 36' B/B STREET SECTION WITH SIDEWALK
SCALE: NOT TO SCALE

- NOTES:
- THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS PER FIRM MAP NO. 3720467400J, PANEL 4674 DATED 1/2/2004.
 - ALL RADIUS FOR CURBING AT STREET INTERSECTIONS TO BE 30' UNLESS OTHERWISE NOTED.
 - PROPERTY CORNERS AT STREET INTERSECTIONS SHALL BE ROUNDED WITH A MIN. OF 20' RADIUS.
 - THERE SHALL BE A 10' WIDE EASEMENT OVER ALL GAS LINES AS INSTALLED.
 - CONSTRUCTION PLANS SHALL BE APPROVED BY THE TOWN OF WINTERVILLE PRIOR TO THE CONSTRUCTION OF ANY STREETS INTENDED FOR PUBLIC DEDICATION AND/OR THE CONSTRUCTION OF WATER, SEWER, AND STORM DRAINAGE SYSTEMS.
 - ALL REQUIRED IMPROVEMENTS SHALL CONFORM TO THE TOWN OF WINTERVILLE MSDS.
 - HYDRAULIC ANALYSIS IS REQUIRED.
 - ALL LOTS SHALL EQUAL OR EXCEED MINIMUM DEVELOPMENT STANDARDS.
 - THE SMALLEST LOT IN PHASE 2 IS 10,500 SF. NO LOT IS OVER ONE ACRE.
 - FINAL STORM DRAIN PIPE SIZES AND SUPPORTING CALCULATIONS SHALL BE SUBMITTED WITH THE CONSTRUCTION PLANS.
 - EROSION CONTROL PLAN IS REQUIRED.
 - LOTS WITH BACKFILL WILL HAVE TO HAVE COMPACTION TEST PERFORMED AND RESULTS SUBMITTED TO THE BUILDING INSPECTIONS DEPARTMENT FOR APPROVED FOOTING INSPECTIONS OF STRUCTURES BUILT ON THESE PROPERTIES.
 - ALL LOTS SHALL HAVE A MINIMUM AREA @ 10,000 SF AS REQUIRED BY THE ZONING ORDINANCE.
 - ALL AREAS LABELED AS "COMMON AREA" ARE NON-BUILDABLE.
 - ALL CONSTRUCTION SHALL COMPLY WITH TOWN OF WINTERVILLE MANUAL STANDARD DESIGN AND DETAILS.



TYPICAL LOT DETAIL
SCALE: NOT TO SCALE



Linwood E. Stroud 12-6-21
 LINWOOD E. STROUD, P.E.
 PARCEL NO. 70650

REVISIONS			
BY	NO.	DATE	DESCRIPTION
LHU	1	12/6/21	TOW COMMENTS
LHU	2	12/16/21	TOW COMMENTS

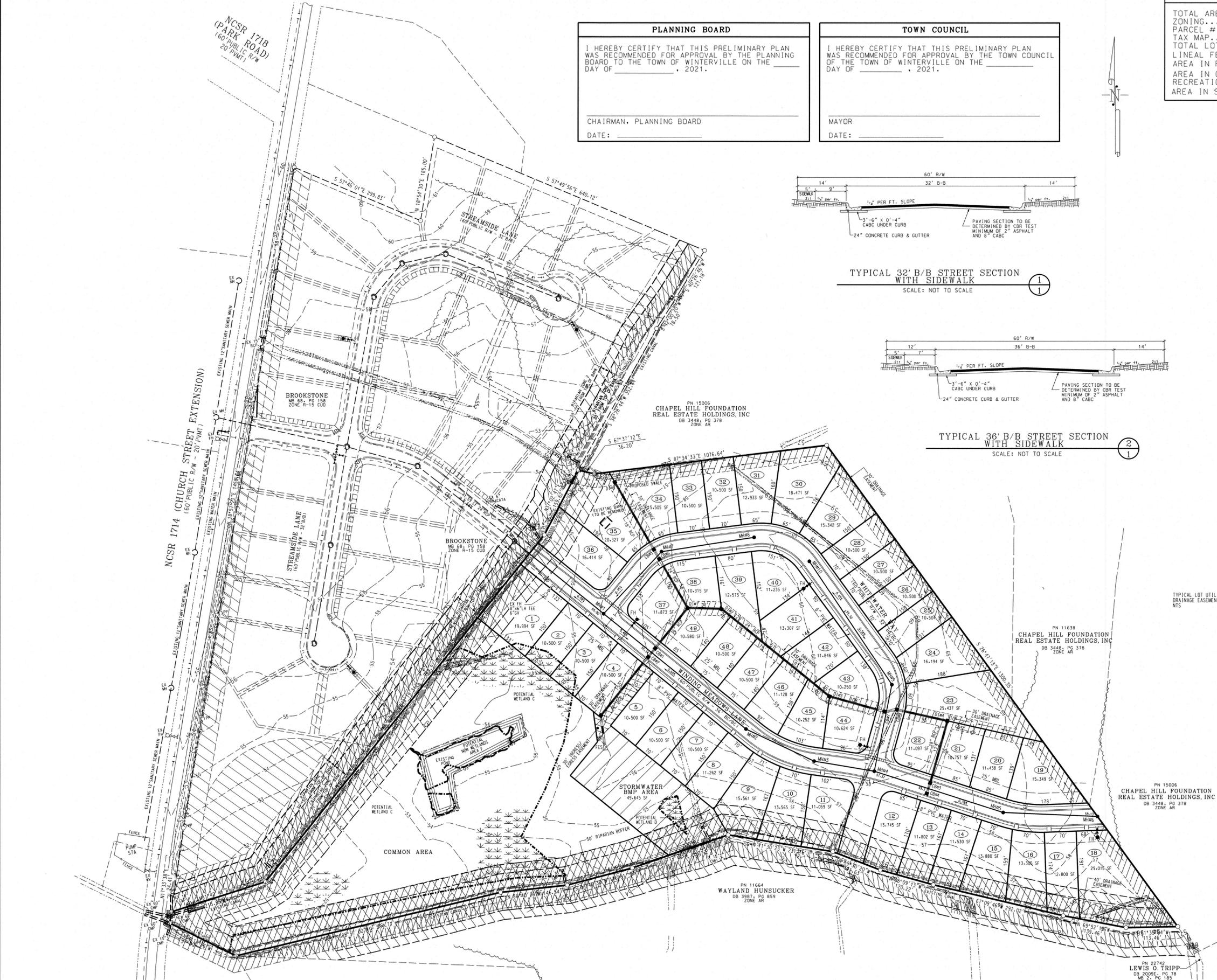
PRELIMINARY PLAT
BROOKSTONE SUBDIVISION PHASE 2
 WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

OWNER: KENNETH SMITH PROPERTIES, INC
 ADDRESS: 1588 NC 102 E AYDEN, NC 28513
 PHONE: _____

DESIGNED: LES
 DRAWN: LHJ
 APPROVED: LES

DATE: 11/18/21
 SCALE: 1" = 100'
 SHEET 1 OF 1

STROUD ENGINEERING, P.A.
 107-B COMMERCE STREET
 GREENVILLE, NORTH CAROLINA 27858
 (252) 756-9352



PROJECT NO.: P1722-002
 DRAWING NO.: 002

