



**WINTERVILLE TOWN COUNCIL AGENDA
MONDAY, JANUARY 9, 2023 - 7:00 PM
WINTERVILLE TOWN HALL ASSEMBLY ROOM**

- I. **CALL TO ORDER.**
- II. **INVOCATION:** Pastor Alton Wooten, Good Hope Free Will Baptist Church.
- III. **PLEDGE OF ALLEGIANCE.**
- IV. **WELCOME.**
- V. **APPROVAL OF AGENDA.**
- VI. **DISCUSSION OF VACANT COUNCIL SEAT.**
- VII. **PROCLAMATIONS:**
 1. Human Trafficking and Awareness Prevention Month.
- VIII. **PUBLIC HEARINGS:**
 1. Southbrook PUD – Rezoning Request.
- IX. **PUBLIC COMMENT:** *The Public Comment period of thirty minutes provides an opportunity for residents to comment on any item included in the agenda or to address the Town Council on any other matter related to the Town of Winterville. For an item included in the Public Hearing section of the agenda, residents should address the Council at the time the Mayor invites public comment on the item. No public comment may be made to the Council during the meeting, except during the Public Comment period or as part of a Public Hearing. Individual speakers are limited to a maximum of three minutes, and no more than three speakers may address the Council on a single matter. The Town Council may elect to take no action on the matter addressed by a speaker, may schedule the matter for further consideration at a future Council meeting, or may refer the matter to Town staff for disposition. Copies of the Town Public Comment Policy are available in the rear of the Assembly Room.*
- X. **CONSENT AGENDA:** *The following items are considered routine in nature and will not be discussed by the Town Council unless a Councilman or citizen requests that an item be removed from the Consent Agenda for further discussion. The Mayor may allow citizens to address an item or ask questions.*
 1. Approval of the following set of Council Meeting Minutes:
 - December 12, 2022 Regular Meeting Minutes.
 2. Release and Refund of Taxes.
 3. Schedule Public Hearing on the proposed Subdivision Ordinance Amendments for February 13, 2023.
 4. Schedule Public Hearing on the proposed System Development Fees for February 13, 2023.
 5. Reorganization of Positions.

XI. OLD BUSINESS:

1. Parking Project Update.

XII. NEW BUSINESS:

1. Request to Hold a Parade – Shriners.
2. Selection of Engineering Firm for Railroad Street Stormwater Project.
3. NCLM Legislative Goals and Voting Delegate.

XIII. OTHER AGENDA ITEMS:

XIV. ITEMS FOR FUTURE AGENDAS/FUTURE WORK SESSIONS:

XV. QUARTERLY REPORTS FROM DEPARTMENT HEADS.

XVI. ANNOUNCEMENTS:

- Pitt Community College’s 2023 MLK Scholarship Tribute Breakfast: Thursday, January 12, 2023 @9:00 am - Goess Student Center, 169 Bulldog Run, Winterville, NC 28590.
- Martin Luther King Day: Monday, January 16, 2023 – Town Offices Closed.
- Planning and Zoning Board Meeting: Tuesday, January 17, 2023 @ 7:00 pm - Town Hall Assembly Room.
- Board of Adjustment Meeting: Tuesday, January 17, 2023 @ 8:00 pm - Town Hall Assembly Room.
- Town Council Vision Setting Meeting: Monday, January 23, 2023 @ 6:00 pm - Town Hall Assembly Room.
- Recreation Advisory Board: Tuesday, January 24, 2023 @ 6:30 pm – Operation Center.
- Human Relations Board Meeting: Thursday, January 26, 2023 @ 7:00 – Executive Conference Room.
- Regular Town Council Meeting: Monday, February 13, 2023 @ 7:00 pm- Town Hall Assembly Room.
- Town and State Dinner 2023: Wednesday, February 22, 2023 @ 5:00 pm – Raleigh Convention Center.
- CityVision 2023: Tuesday, April 25, 2023 - Thursday, April 27, 2023 - Embassy Suites, Concord, NC.

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

XVIII. 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) 756-2221 ext. 2344 at least forty-eight (48) hours prior to the meeting. (Americans with Disabilities Act (ADA) 1991.)



PROCLAMATION

HUMAN TRAFFICKING AWARENESS AND PREVENTION MONTH, JANUARY 2023

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 and adults into labor or sex trafficking; and,

WHEREAS, sex buyers are the reason that children and adults are being groomed and recruited by traffickers into the exploitative sex industry; and,

WHEREAS, our community must hold accountable those people who purchase sex and those people who look the other way; 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, 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 by holding the sex buyers and traffickers accountable.

NOW, THEREFORE, I, Richard E. Hines, Mayor of the Town of Winterville hereby proclaim January 2023 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 9th day of January 2023.

Richard E. Hines, Mayor

Attest:

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Public Hearings

Meeting Date: January 9, 2023

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Southbrook PUD – Rezoning Request.

Action Requested: Hold Public Hearing to Consider the Rezoning Request.

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

Prepared By: Bryan Jones, Planning Director

Date: 12/28/2022

ABSTRACT ROUTING:

TC: 1/5/2023

TM: 1/5/2023

Final: tlp - 1/5/2023

Supporting Documentation

Applicant: The Coley Group c/o Scott Moore.

Location: Church Street Ext. and Laurie Ellis Road.

Parcel Number: 15006, 11636, 11638, 82094 and 82096.

Site Data: 245.43 acres.

Current Zoning District: AR.

Proposed Zoning District: R-6 PUD, MR PUD.

- ❖ Proposed Zoning Districts: Conditional District PUD – R-6 PUD, MR PUD
- ❖ The applicant hosted two Community Meetings on October 20, 2022.
- ❖ Notification was posted on the site on October 28, 2022.
- ❖ Planning and Zoning Board unanimously recommended **approval** on November 21, 2022.
- ❖ Town Council scheduled the Public Hearing for January 9, 2023 at the December 12, 2022 meeting.
- ❖ Adjacent property owners were mailed notification of the Public Hearing on December 21, 2022.
- ❖ Notice of the Public Hearing was published in the Daily Reflector on December 28, 2022 and January 4, 2023.

Budgetary Impact: TBD.

Recommendation: Staff recommends Council approve the Rezoning Request.



**REZONING APPLICATION
TOWN OF WINTERVILLE**

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

Staff Use Only
Appl. # _____

OWNERSHIP INFORMATION:

Applicant: Scott Moore

Address: 4350 Lassiter at North Hills Ave Ste 256 Raleigh, NC 27609

Phone #: 704 995 2507 | Scott@bpropnc.com

Owner: _____

Address: _____

Phone #: _____

PROPERTY INFORMATION

Parcel #: 15006, 11636, 11634, 82096, 82094 Area (square feet or acres): 245 ac. (±)

Current Land Use: Vacant - Wooded ; Farm Land

Location of Property: Church Street Ext ; Laurie Ellis Rd.

ZONING REQUEST

Existing Zoning: AR Requested Zoning: PUD (R-6-CO ; M-R-CO)

Reason for zoning change: Create a Planned Unit Development using a cluster land use design that will provide a max 2.5 units per acre consisting of 75% single family homes and no more than 25% townhomes

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, Scott Moore (Agent), 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 9 / 19 / 2022. (Tentatively)

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 [Signature] Date 7/6/22

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, Gordon Merklein, being the Owner of the property described herein, do hereby authorize Scott Moore as agent for the purpose of this application.

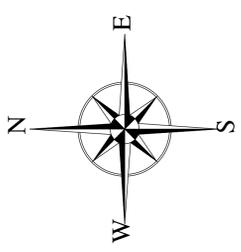
Signature [Signature] Date 7/13/22

Sworn to and subscribed before me, this 13th day of July, 2022.



[Signature]
Notary Public

My Commission Expires: October 28, 2022



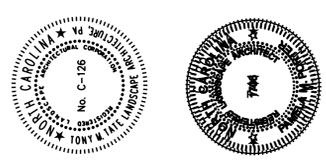
SITE DATA:

ADDRESS: Multiple (see chart below)
PIN: Multiple (see chart below)
ACRES: Total: 245.43 AC. (10,690,931 SF)
CURRENT ZONING: AR & RR (Agricultural and Rural Residential)
CURRENT LAND USE: VACANT
PROPOSED LAND USE: Single Family Detached & Single Family Attached Homes
WATERSHED: Neuse River Buffer Area

WETLAND: 1,430,578 SF; 32.8 AC (13.4%)
RECREATION: 212,086 SF; 4.87 AC (2%)
OTHER OPS: 1,906,185 SF; 43.76 AC (17.8%)
TOTAL OPEN SPACE: 3,547,090 SF; 81.43 AC (33.2%)
TOTAL OPEN SPACE (Outside of Wetlands): 2,118,322 SF; 48.63 AC (19.8%)

Parcel No	ParcelAddress	OwnerName	OwnerAddress	MapBlockLot	Zoning	Acres	PinNum	PhysicalAddress
82094	BASILIN	CHAPEL HILL FOUNDATION	REAL EST 300 SOUTH BUILDING CN1000	4674-12-86-6631.000	AR	9.12	4674866631	0 BASILIN
15006	3075 CHURCH STREET EX	CHAPEL HILL FOUNDATION	REAL EST 300 SOUTH BUILDING CN1000	4674-00-63-4629.000	AR	189.72	4674634629	3075 CHURCH STREET EX
11636	CHURCH STREET EX	CHAPEL HILL FOUNDATION	REAL EST 300 SOUTH BUILDING CN1000	4674-00-54-5722.000	AR	19.19	4674545722	0 CHURCH STREET EX
11638	REEDY BRANCH RD	CHAPEL HILL FOUNDATION	REAL EST 300 SOUTH BUILDING CN1000	4674-00-53-9211.000	AR	7.4	4674539211	0 REEDY BRANCH RD
82096	LAURIE ELLIS RD	CHAPEL HILL FOUNDATION	REAL EST 300 SOUTH BUILDING CN1000	4674-00-85-7557.000	RR	20	4674857557	0 LAURIE ELLIS RD

PRELIMINARY AND CONCEPTUAL DESIGN
 All preliminary and conceptual design sketches are subject to field verification of items including but not limited to: topographic and soil conditions, existing utilities, regulated stream buffers, wetlands and floodplain delineations. These items are verified during future design development phase of the project.



CHAPEL HILL FOUNDATION REAL ESTATE HOLDINGS, INC.

LEGAL DESCRIPTION

TAX PARCEL #15006:

The following property acquired by A. Donald Stallings by Deed from Roy C. Mills and wife dated May 5, 2005, recorded in Book 1906, Page 113, Pitt County Registry:

PARCEL 1:

BEING all of the lands (EXCEPTING Tract "A" containing 25.2 acres and Tract "B" containing 2.25 acres and Tract "C" containing 2.06 acres and Tract "D" containing 7.2 acres) as shown and described on that certain "MAP FOR RECORD FOUNTAIN W. CARROLL," dated March 23, 1966, and prepared by R. J. Strickland, R.S., which said map is recorded in Map Book 15 at page 21, Pitt County Registry, reference to which is hereby made for a more accurate description.

The lands herein described and conveyed contain 138.74 acres after excepting Tracts "A", "B", "C" and "D" as hereinabove excepted and specified. Being the identical property conveyed by Mary Frances Albritton Carroll (widow) to Roy Mills and wife, Jean Mills by deed dated January 17, 1968, recorded in Book M37, Page 440, Pitt County Registry.

PARCEL 2:

First Tract. That certain tract or parcel of land situate, lying and being in Winterville Township, Pitt County, North Carolina, and located 408 feet eastwardly from the "First Tract" described in the deed from R. M. Abbott et ux to Lucy Abbott Hunsucker, dated March 21, 1962, and recorded in Book O-33 at page 355 of the Pitt County Registry, and connected with said "First Tract" herein referred to by a path as shown on the map recorded in Map Book 10 at page 137 in the Office of the Register of Deeds of Pitt County, to which map reference is hereby made, and beginning at a point in the center of the path 408 eastwardly, when measured along the center of the path, from the "First Tract" herein referred to, and running thence North 26 deg. 15 min. East, 100 feet; thence North 52 deg. East, 134 feet; thence S. 36 deg. East, 181 feet; thence S. 9 deg. 45 min. West, 300 feet; thence North 84 deg. 15 min. West, 218 feet; thence North 19 deg. 30 min. West, 147 feet; thence North 29 deg. 15 min. East, 121 feet to the point of the beginning, and containing 2.25 acres, more or less, and being the "Second Tract" described in the deed recorded in Book O-33 at page 355 of said Registry and hereinabove referred to.

Second Tract. That certain tract or parcel of land situate, lying and being in Winterville Township, Pitt County, North Carolina, bounded on the north, east and south by the lands of Roy Mills, and on the west by a ditch and the lands of Lucy Abbott Hunsucker on the west side of said ditch, and beginning at the northeast corner of the 25.2-acre tract of land described as "First Tract" in the deed from R. M. Abbott et al, to Lucy Abbott Hunsucker, recorded in Book O-33 at page 355 of the Pitt County Registry, in Roy Mills' line, and running thence South 11 deg. West, with Roy Mills' line, 312 feet; thence North 86 deg. 15 min. West, 112 feet, more or less, to the center line of a ditch; thence northwardly, with the center line of said ditch, 315 feet, more or less, to the line of Roy Mills; thence with his line, South 79 deg. 30 min. East, 90 feet, more or less, to the point of beginning and containing $\frac{3}{4}$ of an acre, more or less, and being the easternmost portion of the 25.2 acre tract of land described in the deed recorded in Book O-33 at page 355 of the Pitt County Registry.

The above 2 parcels being the identical property conveyed by deed from Wayland L. Hunsucker and wife, Lucy Abbott Hunsucker, to Roy Mills and wife, Jean Mills, dated January 4, 1973, recorded in Book L41, Page 179, Pitt County Registry.

PARCEL 3:

Tract 1:

Containing 23.99 acres, more or less and being Tract No. 1 on map entitled Property of A. D. McLawhorn, Jr. and W. L. Hunsucker dated January 30, 1970 and recorded in Map Book 20, Page 2, Pitt County Registry.

Tract 2:

Containing 23.99 acres, more or less, and being Tract No. 2 on map entitled Property of A. D. McLawhorn, Jr. and W. L. Hunsucker dated January 30, 1970 and recorded in Map Book 20, Page 2, Pitt County Registry.

Being the identical property conveyed by deed from Martin Taylor McLawhorn and Katie Marie Farkus to Roy C. Mills and wife, Jean I. Mills dated September 14, 2002, recorded in Book 1364, Page 644, Pitt County Registry.

TAX PARCELS (#11636 and #11638):

The following property acquired by A. Donald Stallings by Deed from Wayland A. Hunsucker et al dated January 20, 2006, recorded in Book 2056, Page 377, Pitt County Registry and by Quitclaim Deed from Elizabeth Abbott Bridgers et al dated April 30, 2010, recorded at Book 2769, Page 148, Pitt County Registry:

Lying and being in Winterville Township, Pitt County, North Carolina and more

particularly described as follows:

Tax Parcel #11636; Tract 1: Being all of Tract 1 consisting of 19.801 acres of land as the same appears on that map entitled "Survey for A. Donald Stallings" dated September 8, 2005, revised December 29, 2005, prepared by Baldwin and Associates and recorded in Map Book 64, Page 185, of the Pitt County Public Registry.

Tax Parcel #11638; Tract 2: Being all of Tract 2 consisting of 7.513 acres of land as the same appears on that map entitled "Survey for A. Donald Stallings" dated September 8, 2005, revised December 29, 2005, prepared by Baldwin and Associates and recorded in Map Book 64, Page 185, of the Pitt County Public Registry.

TAX PARCEL #82094:

The following property acquired by A. Donald Stallings by Deed from Margaret M. Nemtuda et al dated March 14, 2014, recorded in Book 3219, Page 288, Pitt County Registry and by Quitclaim Deed and Release from Wayland A. Hunsucker et al dated May 6, 2014, recorded at Book 3219, Page 314, Pitt County Registry:

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

Being all of Tract 1 consisting of 9.12 acres of land as the same appears on that map entitled "Survey for A. Donald Stallings" dated January 9, 2014, prepared by Bjerkeset Land Surveying and recorded in Map Book 77, Page 97, of the Pitt County Public Registry.

TAX PARCEL #82096:

The following property acquired by A. Donald Stallings by Deed from Wayland A. Hunsucker et al dated April 1, 2014, recorded in Book 3219, Page 295, Pitt County Registry:

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

Being all of Tract 2 consisting of 20.00 acres of land as the same appears on that map entitled "Survey for A. Donald Stallings" dated January 9, 2014, prepared by

Bjerkeset Land Surveying and recorded in Map Book 77, Page 97, of the Pitt County Public Registry.

TOGETHER WITH, without warranty, all right, title and interest of Grantor in and to the parcels described as Tracts 1, 2 and 3 on that map entitled "Survey for A. Donald Stallings" dated January 9, 2014, prepared by Bjerkeset Land Surveying and recorded in Map Book 77, Page 97, of the Pitt County Public Registry.



Town of Winterville
Plan Unit Development
For
Southbrook

Applicant:

Southbrooknc, LLC

4350 Lassiter at North Hills Ave, Ste 256

Raleigh, NC 27609

October 20, 2022

Project Development Team:

Project Manager – Southbrooknc, LLC

4350 Lassiter at North Hills Ave, Ste 256 Raleigh, NC 27609

Contact: Scott Moore

scott@thecoleygroup.com

1. Definitions and Construction Terms

Conceptual Plan. The Conceptual Plan is a plan that generally identifies the land use patterns, conceptual design, and density for the development of the Southbrook Property and is attached as Appendix 1. The Conceptual Plan serves as the zoning map for the development, is a condition of this planned density residential rezoning application, and, along with this document, serves to form the Development Plan for the proposed development.

Developer. The Developer of this project is Southbrooknc, LLC and/or assigns.

Development Plan. This rezoning application with the Conceptual Plan constitutes the Development Plan.

Home Owners Association (HOA). The HOA is a non-profit corporation for the purposes, among other things, of owning and managing the privately owned common areas and providing governance of the development as a homeowner's association.

Open Space. "Open space" refers to areas of the development that allow for light, air, wildlife habitat, stormwater control, and scenic and recreation use. Also included are areas designed to enhance the privacy or general appearance of the development. Open space shall be owned and maintained by the HOA.

Planned Unit Development (PUD). This zoning designation is established to allow for design flexibility of development and is intended to encourage efficient use of the land and public services and to promote high quality design that will provide a variety of dwelling types as well as support services and open space for the residents of the development. These regulations are intended to permit integration with adjacent residential uses and to promote compatibility with existing and emerging patterns of development.

Town. "Town" refers to the Town of Winterville.

Zoning Ordinance. The Zoning Ordinance for the Town of Winterville. Any term not defined in this document will be as defined in the Zoning Ordinance.

2. Development Plan

The plan will meet the Town's Zoning Ordinance (latest edition) and all standards and policies (latest edition) except as noted otherwise.

The maximum number of units proposed is 612 residential homes (with a maximum of 154 Single Family Attached Homes) on the 245-acre subject property. The Conceptual Subdivision Layout shows the general layout of the proposed development with anticipated use areas and how they mingle throughout the development, connected by open spaces and sidewalks along public roads. The Development Plan also shows the general area of Stormwater Control Devices and Recreational Areas. As the plan is further developed, the actual locations of the proposed stormwater devices, residential product types and locations may vary to conform to the Construction Plans.

The proposed rezoning request is beneficial to the Town because it provides a greater tax base. By concentrating more homes on a smaller footprint, we are maximizing the protection of trees and environmentally sensitive areas which is useful to the future residents by concentrating excess open space, that would normally be included in each lot, into larger preservation areas within the subdivision. This gives the new home buyer a smaller lot with less maintenance and also provides a larger area for recreation for all to enjoy. This also results in less long-term infrastructure maintenance for the Town for the same tax base revenue.

Assuming the Town Council finds this rezoning application favorable, the Construction Drawings will provide a much higher level of technical data and detail appropriate for review by the Town, NCDOT, and other agencies having jurisdiction.

The guidelines and zoning regulations for the development and the agreed upon conditions are included in the Development Plan. To account for both technological innovations and unforeseen marketplace changes, this Development Plan is intended to incorporate flexibility concerning design and development.

Should the Developer want to make changes to the Development Plan, the Planning Director can approve specific minor revisions or changes that represent less intensive uses. An example of one such modification is changing the type of residential use that results in a decrease in density. The approval of the Planning Director is an administrative approval only and all other changes to this Development Plan will constitute a rezoning and require City Council approval.

3. Compliance with Town of Winterville’s Comprehensive Land Use Plan

The site referenced in this Development Plan is located on both the south side of Laurie Ellis Road and east of Church Street in Winterville. The proposed property contains approximately 245 acres and includes the areas associated with the following Parcel Identification Numbers: 15006, 11636, 11638, 82096, 82094.

The site falls under the Town of Winterville’s jurisdiction for planning and land use control. According to Town’s Comprehensive Land Use Plan from 2019, the site is shown as medium to high on the Residential Land Use Suitability Map as part of the community assessment. Our proposal shall meet the guidelines of the Healthy Neighborhoods and Environment section by “Developing in a way that alleviates impacts to the natural environment including, flood sensitive areas, trees and valuable natural resources”. We are also proposing to adhere to the “Connectivity and Mobility section by creating safe connections between neighborhoods, destinations and services. We will utilize existing public street connections with adjacent communities and also provide stub connections to adjacent lands for future connectivity. Our plan shall adhere to the Future Land Use Map as we will provide a “Suburban Residential” community with 2.5 units per acre with smaller lot sizes that will meet standards for open space and amenities.

4. Common Areas

Common Areas may include, but are not limited to, open spaces and shared amenities like butterfly gardens, dog parks, playgrounds, pool, structures, walking trails, etc. Every lot owner will have the right of ingress and egress, use, and enjoyment in and to the Common Areas, subject to the rules and regulations of the HOA, which rights are appurtenant to and pass with title to every lot.

5. Residential Restrictions

The agents and employees of the Developer and the HOA will have the right to enter onto any lots in the development to control certain actions or activities on such lots. These actions include, but are not limited to, the following:

- A. On and off-street parking on common areas and lots,
- B. Erection of signage,
- C. Solicitation by property owners and non-property owners,
- D. Access by non-property owners,
- E. Construction or placement of temporary structures,
- F. Construction of accessory buildings,
- G. Maintenance of lots (both pre- and post-construction), and
- H. Erection of decorative poles for street or non-regulatory signs within public rights of way if Town approval is granted for the same. These are the responsibility of the HOA to install, repair, and replace at no cost to the Town.

More specific guidelines concerning these actions/activities may be adopted by the Developer and/or the HOA. Subsequently, the Developer and/or the HOA will have the right to enforce these actions/activities in accordance with Town rules, regulations, and ordinances.

6. Dimensional Standards

For each subdivided lot, the dimensions of the lot, yard, and setback will be determined by the Developer as stated in Article VII. Table of Area, Yard, Height Requirements; Section 7.1 Dimensional Requirements as shown in Appendix 2.

7. Regulation of Open Space

The regulation of Open Space within the development will be done by the Developer and the HOA. As such, the Developer and/or the HOA may implement policies regarding towing, parking, access, signage, and trespassing within the development.

8. Driveways/Roadway Access and Sidewalks

Concrete will be used to surface all residential driveways. Utility drives, maintenance areas, drives to temporary structures, access drives to public utility services, and other similar drives can use alternative surface options as approved by the Town's Public Works and Fire departments. Sidewalks in the development will be installed at as per the approved street cross sections generally 5' wide and on one side of the street with the exception of cul-de-sacs.

9. Building & Aesthetics for Single Family Detached Homes

Town ordinances will be met during construction of the development. The HOA will retain authority over the aesthetic aspects of construction such as architectural style elements, appearance, and color through its architectural control mechanisms. All single-family homes will have the following:

1. All homes will have a minimum of 1800 heated square feet.
2. Dimensional architectural roof shingle.
3. 6" min. roof overhang on all sides.
4. All homes will include a 2-car garage.
5. The same elevation is not allowed to be built (1) side by side, (2) across the street, or (3) diagonally from one another.
6. Garage doors will be decorative and/or contain windows.

10. Building & Aesthetics for Single Family Attached Homes

The HOA will retain authority over the aesthetic aspects of construction such as architectural style elements, appearance, and color through its architectural control mechanisms. All single family attached homes will have the following:

- 1. All homes will have a minimum of 1600 heated square feet.
- 2. Dimensional architectural roof shingle.
- 3. 8” min. roof overhang on all sides.

11. Signs (Non-Regulatory)

Entrance signage must be on a parcel that is owned by the HOA or within a signage easement on an owner’s property.

The Developer and the HOA will control all applications, permitting, erection and maintenance of all non-regulatory signs within the development. The Town shall permit and inspect all signs that relate to all local, state, and federal building codes.

For all signs (including those that are temporary in nature) erected in public rights-of-way or in view of publicly maintained access, the Developer and the HOA will abide by all sign regulations and limitations as set in the Zoning Ordinance.

12. District Regulations

The Developer and the HOA will encourage efficient use of the land and public services and promote high quality design that provides a variety of dwelling types along with adequate support services and open space for the residents of the development. The district regulations are intended to allow for innovative development that is integrated with proposed adjacent uses and compatible with existing patterns of development.

13. Developer and HOA Requirements

The Developer and the HOA will meet the following requirements:

- A. The Developer and the HOA agree to be responsible for the maintenance and perpetual existence of common areas.
- B. When individual lots that are not a part of an approved and platted subdivision are to be sold, a new subdivision construction and final plat shall be submitted to and approved by the Town and recorded in Pitt County Register of Deeds prior to the sale of lots and granting of any building permit.
- C. The Developer or the HOA must authorize the subdivision or recombination of property prior to the required approval by Town staff.
- D. No building permit for any structure within the development shall be issued until all required improvements are completed or bonded in accordance with the approved construction plans and conditionally accepted by the Public Works Department.
- E. The maximum allowable density shall not exceed 2.5 units per gross acre based on the

total acres in the development.

- F. Land additions to the development may be made in increments of any size and will be subject to this Development Plan.
- G. A variety of dwelling unit styles will be proposed for the development and support uses with adherence to the minimum residential lot areas per Article VII. Table of Area, Yard, Height Requirements; Section 7.1 Dimensional Requirements as shown in Appendix 2.
- H. Setback from public rights-of-way: Any building that is erected, reconstructed, or moved shall be setback a minimum of 20 feet (required by code) from the right-of-way line.
- I. Height Requirements. Maximum building height shall not exceed the heights as stated on the Article VII. Table of Area, Yard, Height Requirements; Section 7.1 Dimensional Requirements.
- J. Open Space Requirement. The proposed overall open space for the project will be no less than 20% of the total project area. The open space will be controlled by the HOA and will be generally located as shown on the Conceptual Subdivision Layout. Within the open space, there will be play areas, stormwater control devices, wooded areas, and grass.

14. **Rights-of-Way Width, Street Design, and Improvements Requirements**

Streets shall be designed in accordance with Section 4 of the Town's Standards Specifications and Details with the following exception: Typical Street cross sections shall follow the detail shown in Appendix 3.

The Town may allow the construction of private streets and/or parking areas within future phases of the community as appropriate for the type of use, structure and development created. The Developer shall designate any such private streets and/or parking areas as Common Open Space to be owned and maintained by the HOA, with full easement rights of access, ingress and egress, thus granted to all owners of lots within the development.

Roadway improvements (turn lanes) on Laurie Ellis Road or Church Street may be required in conjunction with subdivision street access and would be the responsibility of the Developer.

15. **Subdivision Improvements**

The Developer will meet the following requirements:

- A. Curbs and Gutters. Concrete curbs and gutters shall be installed on all public streets within the development to meet all requirements of the Town of Winterville.
- B. Electric Utility Lines. All public electric utility lines will be installed in accordance with the Town's policy for electric service. Electric lines will be installed underground in easements or rights-of-way outside of curb lines where practical.
- C. Natural Gas Utilities. All public natural gas utility lines within the development will be installed in accordance with the Town's policy for Natural Gas Service. Natural gas service lines shall be installed underground in easements or rights-of-way outside of curb lines where practical.
- D. Special Exceptions for Design Waivers. If at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Public Works Department that unforeseen conditions make it necessary to modify

the location or design of such required improvements as were approved in the Development Plan, the Public Works Department may authorize such modifications, provided these modifications are within the spirit and intent of the Town Council approval and do not substantially alter the function of any improvements required by the conceptual master plan.

- E. Solid Waste Improvements. All residential lots will utilize roll out carts. No specific solid waste improvements are anticipated.
- F. Street Trees. The developer desires to provide a streetscape that contains street trees along the public street right of ways within a designated 7' planting strip. Street trees measuring 8' in height and 1.5" in caliper will be provided along the public street rights-of-way at a rate of one per 40' while accommodating driveways. These trees shall adhere to the Town's approved list of street trees. The HOA and/or homeowner will be completely responsible for the health and well-being of the trees. Maintenance of these trees will be specified within the HOA Community Regulations.
- G. Storm Drainage. All stormwater infrastructure shall be designed and constructed to meet all requirements of the Town of Winterville.
- H. Erosion Control. All erosion control measures shall be designed and constructed to meet all requirements of the Town of Winterville.

16. **Approval Processes**

Rezoning & Preliminary Plat Approval and Revision Process shall adhere to the following:

- A. The Developer will submit a PUD & Rezoning Plan which indicates the design and development pattern for the community. The PUD & Rezoning Plan will be reviewed by the Planning Board, and voted on by the Town Council. Once approved, these two documents will constitute the official master plan for the development.
- B. The Planning Director and the Public Works Director shall have the authority to approve minor deviations to the PUD and Rezoning Plan provided said deviations remain consistent with the spirit and intent of the approvals.
- C. Major deviations and changes to the PUD and Rezoning Plan will require City Council approval. Changes resulting in less intensive density, minor open space shifts, or minor road revisions shall not be considered major deviations.
- D. After approval of the PUD & Rezoning plan, The Developer will submit a Preliminary Plat which will indicate the lot layout within the approved development pattern for the community. The Preliminary Plat will be reviewed by the Planning Board, and voted on by the Town Council.

Construction Drawing Approval and Revision Processes:

- A. Upon approval of the Preliminary Plat, the developer will engage the town and all applicable review agents for Construction Drawing approvals (including but not limited to all planning, engineering and Town/NCDOT reviews).

- B. Upon receipt of Construction Drawing approvals, the Developer may schedule all pre-construction meetings and then begin construction on the required improvements. The Town and all applicable review agents will issue approval letters acknowledging that all required permits have been issued.
- C. The Planning Director and the Public Works Director shall have the authority to administratively approve all minor deviations to the Construction Drawings provided said deviations remain consistent with the spirit and intent of the approved Rezoning and Preliminary Plat.

Final Plat Approval Process:

- A. Upon completion and approval of the required improvements by the State and/or Public Works Department, the developer will submit a Final Plat to the Town and applicable review agents for approval. The Final Plat will conform to the Town's Subdivision Ordinance and approved Construction Drawings.
- B. Once the Final Plat is approved, it will be recorded in the Pitt County Register of Deeds.

Building Permit & Certificate of Occupancy Issuance:

- A. No building permit will be issued to any owner/builder in the Development until the section in which the lot is located has been final platted and meets all the requirements of the approved construction drawings, including the acceptable construction of the Town's roadways.
- B. No Certificate of Occupancy shall be issued until all the required provisions of the Construction Drawings, and applicable local, state and federal regulations are met, except that, provided all other improvements have been completed or bonded and approved by the Town. All bonded improvements shall be completed as approved by the Public Works Department.

17. Project Phasing and Future Property Annexation:

A project of this size requires phased construction. The entrance location(s) and utilities will determine the direction of phasing for this project and all future phases. The Town and Developer recognize that adjacent properties can be included and annexed within this PUD by Southbrooknc, LLC or related entities. The PUD as shown contains more than the allowable open space per the ordinance. The developer reserves the right to annex future properties with the ability to utilize and apply this open space to those properties. This project and any future annexed properties will altogether have no less than 25% open space.

Notes:

- Appendix 1 Conceptual Plan
- Appendix 2 Dimensional Standards Chart
- Appendix 3 Street Cross Sections

Appendix 1 – Conceptual Plan



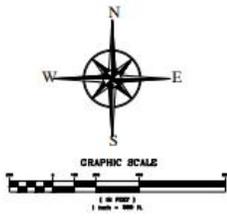
SITE DATA:

ADDRESS: Multiple (see chart below)
 PIN: Multiple (see chart below)
 ACRES: Total: 245.43 AC. (10,690,931 SF)
 CURRENT ZONING: AR & RR (Agricultural and Rural Residential)
 VACANT
 CURRENT LAND USE: Single Family Detached & Single Family Attached Homes
 WATERSHED: Neuse River Buffer Area

WETLAND: 1,430,578 SF; 32.8 AC (13.4%)
 RECREATION: 212,088 SF; 4.87 AC (2%)
 OTHER OPS: 1,906,185 SF; 43.76 AC (17.8%)
 TOTAL OPEN SPACE: 3,547,090 SF; 81.43 AC (33.2%)
 TOTAL OPEN SPACE (Outside of Wetlands): 2,118,322 SF; 48.63 AC (19.8%)

LEGEND:

- OPEN SPACE
- SCM (STORM WATER CONTROL MEASURE)
- SINGLE FAMILY DETACHED HOMES
- SINGLE FAMILY ATTACHED HOMES



PRELIMINARY AND CONCEPTUAL DESIGN
 All preliminary and conceptual design sketches are subject to field verification of items including but not limited to: topographic and soil conditions, existing utilities, regulated stream buffers, wetlands and floodplain delineations. These items are verified during future design development phase of the project.

Parcel No	ParcelAddress	OwnerName	OwnerAddress	MapBlockLot	Zoning	Acres	PinNum	PhysicalAddress
82094	BASEL LN	CHAPEL HILL FOUNDATION REAL EST 300 SOUTH BUILDING CN1000	4674.12-86-6631.000	AR	9.12	4674866631	0	BASEL LN
13006	3075 CHURCH STREET EX	CHAPEL HILL FOUNDATION REAL EST 300 SOUTH BUILDING CN1000	4674.00-43-4629.000	AR	185.72	4674634629	3075 CHURCH STREET EX	
13636	CHURCH STREET EX	CHAPEL HILL FOUNDATION REAL EST 300 SOUTH BUILDING CN1000	4674.00-54-5722.000	AR	39.19	4674545722	0	CHURCH STREET EX
13638	KEEDY BRANCH RD	CHAPEL HILL FOUNDATION REAL EST 300 SOUTH BUILDING CN1000	4674.00-53-9211.000	AR	7.4	4674539211	0	KEEDY BRANCH RD
82096	LAURIE ELLIS RD	CHAPEL HILL FOUNDATION REAL EST 300 SOUTH BUILDING CN1000	4674.00-85-7517.000	RR	20	4674857517	0	LAURIE ELLIS RD

Appendix 2 - Dimensional Standards Chart

ARTICLE VII. TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS

Section 7.1 Dimensional Requirements

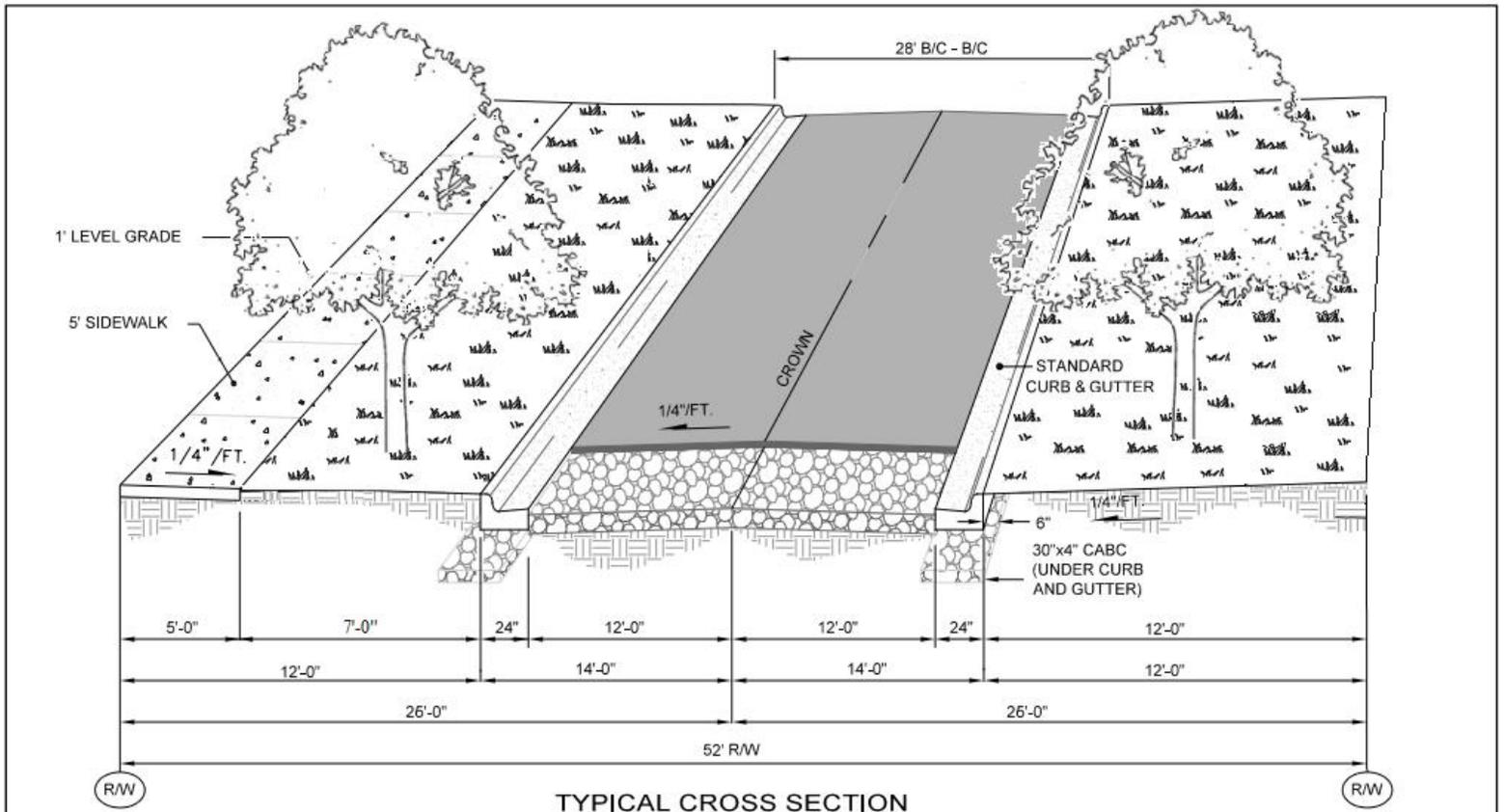
Each use shall as a minimum conform to the dimensional requirements of the district in which it is located. In some cases, a specific use may be required to meet the Special Requirements as set forth in Section 6.5.

	Districts	MINIMUM LOT SIZE (See Notes)		MINIMUM YARD REQUIREMENTS (See Notes)			Maximum height (in feet)
		Lot Area Square Feet	Lot Width (in feet) (1)	Front yard setback (in feet)	Side yard (in feet)	Rear yard (in feet)	
R-6	Single-family	6,000	50	20	5	20	35
M-R	Single-family attached	2,000	20	20	5	20	35

NOTES:

- (1) Lot Width shall be measured at the minimum front yard setback line, provided that lot width for residential lots may be measured at the actual building setback which shall not be less than the minimum and shall not be more than two (2) times the minimum. In addition, frontage on the public street shall conform with Section 3.3 (See definition of lot width).

Appendix 3 - Street Cross Section



TYPICAL CROSS SECTION
"STANDARD RESIDENTIAL STREET"
(CURB & GUTTER)

NOTES:

1. PAVEMENT DESIGN TO BE ACCORDING TO PROCEDURE DESCRIBED IN THE MANUAL.
2. MAY ONLY BE USED IN CASES WHERE PROJECTED TRAFFIC VOLUMES WILL NOT EXCEED 1500 ADT .

	TOWN OF WINTERVILLE	STD. NO. ST-2	SCALE N.T.S	REVISIONS			
	PUBLIC WORKS DEPARTMENT	2571 Railroad St. Winterville, NC 28590	SHEET	DATE	NO	DATE	COMMENT
	STANDARD RESIDENTIAL STREET (CURB & GUTTER)		1 OF 2	5-31-19			



2571 Railroad Street
PO Box 1459
Winterville, NC 28590

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

**Town Council
Rezoning Request
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Winterville Town Council will meet on Monday, January 9, 2023 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, in order to hold a public hearing on the following request:

The Coley Group has submitted a rezoning application to rezone Parcels 15006, 11636, 11638, 82094 and 82096 (245.43 Acres) as shown on the attached map from Agricultural Residential (AR) to Conditional District Planned Unit Development (R6 PUD, MR PUD). The purpose of Planned Unit Development is to produce a higher quality development than would otherwise be permitted by specifically identifying the location of buildings, uses, architectural design, etc.

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.

Citizens are encouraged to attend the hearing. Citizens may also view the hearing on the Winterville website at www.wintervillenc.com/videos . If for any reason you have difficulty accessing the Town's video page, please go to the Town's YouTube channel at: www.youtube.com/channel/UChejtVcuiD9O3_zzTrrBj4g .

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.

DAVID A. EVANS, JR.
ANNE EVANS BREWER
PO BOX 2548
GREENVILLE, NC 27835

TARRUS CARR
TOMEKA CARR
3004 CASSENA DR
WINTERVILLE, NC 28590

JOSEPH WELLS
KAITLYN WELS
324 HOLLY GROE DRIVE
WINTERVILLE, NC 28590

HANE ABULEDEH
2201 REMINGTON CT, UNIT A
GREENVILLE, NC 27834

BOBBY JEFFERSON
DENISE JEFFERSON
527 JIMMIES CREEK DRI
NEW BERN, NC 28562

YULIYA GORBACHOVA
DOYLE MANESS
31112 STREAMSIDE LN
WINTERVILLE, NC 28590

JOHN DEMOTTS
HANNAH EDSON
3101 STREAMSIDE LN
WINTERVILLE, NC 28590

EVERCOR CONTRACTING
4105 CORNWALL CT
GREENVILLE, NC 27834

LAUREN JONES
CHRISTOPHER JONES
386 HOLLY GROE DRIVE
WINTERVILLE, NC 28590

BRIAN MCDANIEL
KRYSTAL MCDANIEL
370 HOLLY GROE DRIVE
WINTERVILLE, NC 28590

KENNETH SMITH PROPERTIES
1588 NC 102 E
AYDEN, NC 28513

CHRISTOPHER TAGGART
OLIVIA TAGGART
336 HOLLY GROE DRIVE
WINTERVILLE, NC 28590

SONJA VEROIN
MARK VEROIN
318 HOLLY GROVE DR
WINTERVILLE, NC 28590

ANNIE ALLEN MAE LIFE
ESTATE
3107 CHURCH ST EXT.
WINTERVILLE, NC 28590

JAMI MOSS
JAMES BEST
3124 STREAMSIDE LN
WINTERVILLE, NC 28590

KENNETH WILSON
JULIE WILSON
3106 STREAMSIDE LN
WINTERVILLE, NC 28590

ROMAN PAWLAK
JIN S KANG
3105 STREAMSIDE LN
WINTERVILLE, NC 28590

RACHEL P ELISE PROPERTY
343 WINDING MEADOW LN
WINTERVILLE NC 28590

SARAH EMOLYN HARRIS
382 HOLLY GROE DRIVE
WINTERVILLE, NC 28590

MARTY BAKER
HEATHER BAKER
364 HOLLY GROE DRIVE
WINTERVILLE, NC 28590

BROOKSTONE HOMEOWNERS
ASSOCIATION OF PITT CONTY
3345 BRIDGE ROAD
STE #924
SUFFOLK, VA 23455

ERICA THOMAS
330 HOLLY GROE DRIVE
WINTERVILLE, NC 28590

MCLOY COTTEN
GLENA COTTEN
312 HOLLY GROE DRIVE
WINTERVILLE, NC 28590

ROBERT TUGWELL
SUSAN TUGWELL
2436 TRELIS CT
RALEIGH, NC 27604

WILLARD JOYNER
LOTTIE JOYNER
3118 STREAMSIDE LN
WINTERVILLE, NC 28590

RILEY DAVIS
KAYLA DAVIS
3100 STREAMSIDE LN
WINTERVILLE, NC 28590

PATRICIA PARKER
TIARA PARKER
3109 STREAMSIDE LN
WINTERVILLE, NC 28590

CF KL ASSETS 2021-2 LLC
875 N MICHIGAN AVE, STE 3218
CHICAGO, IL 60611

LAUREN WICKS
JOSHUA PATE
376 HOLLY GROE DRIVE
WINTERVILLE, NC 28590

JERRY MATKINS
BARKSDALE MATKINS
3007 CASSENA DRIVE
WINTERVILLE, NC 28590

CAVINESS AND CATES
BUILDING AND DEV. CO.
639 EXECUTIVE PL
STE 400
FAYETTEVILLE, NC 28305

SCOTT GRABOSKI
MYRA GRABOSKI
1520 WIMBLEDON DR APT 207
GREENVILLE, NC 27858

WAYLAND A. HUNSUCKER
PO BOX 1896
WINTERVILLE, NC 28590

CHARLES VERNON WHITE
3024 CHURCH STREET EXT
WINTERVILLE, NC 28590

ATYIYA PROPERTIES, LLC
1101 EVANS ST
GREENVILLE, NC 27858

LAURIE ELLIS HOWARD, JR
TRUST
1036 MADISON AVE
SAN DIEGO, CA 92116

AMANDA M. WILEY
PO BOX 3592
GREENVILLE, NC 27835

THE COLEY GROUP
C/O SCOTT MOORE
4350 LASSITER AT NORTH
HILLS, SUITE 256
RALEIGH, NC 27609

DAVID SOPRANO
MARLENE SOPRANO
505 NORBERRY DRIVE
WINTERVILLE, NC 28590

LAMONT DANIELS
526 NORBERRY DRIVE
WINTERVILLE, NC 28590

IRENE LEAHY
416 HOLLY GROE DRIVE
WINTERVILLE, NC 28590

THOMAS HEATH
KAYLA HEATH
400 HOLLY GROE DRIVE
WINTERVILLE, NC 28590

LOREN BARTZ
JUSTIN WATTS
2996 FOX GLOVE DR
WINTERVILLE, NC 28590

WLH DEVELOPMENT LLC
237 CHURCHHILL DRIVE
GREENVILLE, NC 27858

HAPPY TRAIL FARMS LLC
PO BOX 1863
GREENVILLE, NC 27835

LORRAINE R RUCKER
4433 NORRIS STORE ROAD
AYDEN, NC 28513

LEWIS O. TRIPP
JOE S. TRIPP
2509 RIVERTOWNE PKWY
MT PLEASANT, SC 29466

MARK C. SMITH
LISA A. SMITH
447 LAURIE ELLIS ROAD
WINTERVILLE, NC 28590

GARY ALTHOFF
LINDA ALTHOFF
509 NORBERRY DRIVE
WINTERVILLE, NC 28590

STEVEN JONES
DONNA JONES
532 NORBERRY DRIVE
WINTERVILLE, NC 28590

ERICA WELLS
MARKUS WELLS
408 HOLLY GROE DRIVE
WINTERVILLE, NC 28590

HOLLY GROVE HOA INC
106 REGENCY BLVD
GREENVILLE, NC 27834

PITT COUNTY SHRINE CLUB
PO BOX 1845
WINTERVILLE, NC 28590

PATRICIA MERIZIO
200 PRANCER DRIVE
BEAUFORT, NC 28516

ROBYN BOND
9099 MAIL SERVICE CENTER
ACP 143
NC CENTRALIZED MAILING NC 276

ROBERT L. EDWARDS
417 AVALON ROAD
WINSTON SALEM, NC 27104

WAYLAND A HUNSUCKER
SUE ELLEN BRIDGERS
PO BOX 1896
WINTERVILLE, NC 28590

COOPER ISLAND
DEVELOPMENT, LLC
PO BOX 606
GREENVILLE, NC 27835

WILL KUHN HOMES, LLC
4226 DUNHAGAN ROAD
GREENVILLE, NC 27858

JOESEPH WHALEY
JOAN WHALEY
538 NORBERRY DRIVE
WINTERVILLE, NC 28590

WILLIAM MOORE
CATHY COX
546 NORBERRY DRIVE
WINTERVILLE, NC 28590

HENRY CAYTON JR
JACQUELYN CAYTON
563 NORBERRY DRIVE
WINTERVILLE, NC 28590

TRACY MONTGOMERY
543 NORBERRY DRIVE
WINTERVILLE, NC 28590

BENJAMIN HARDY
BARBARA BOWEN
525 NORBERRY DRIVE
WINTERVILLE, NC 28590

SHANNON DANIELS
PAULA TYRE
2807 OAKWOOD DRIVE
WINTERVILLE, NC 28590

MONICA RICKS
2827 OAKWOOD DRIVE
WINTERVILLE, NC 28590

CAROL GATES
2845 OAKWOOD DRIVE
WINTERVILLE, NC 28590

YVONNE ARTIS
2861 OAKWOOD DRIVE
WINTERVILLE, NC 28590

TIMOTHY BUHLIG
LAURA BUHLIG
2887 OAKWOOD DRIVE
WINTERVILLE, NC 28590

TEMIAS GAVIN
JALYSA GAVIN
2905 OAKWOOD DRIVE
WINTERVILLE, NC 28590

JAIMME MARIE GAFF
552 NORBERRY DRIVE
WINTERVILLE, NC 28590

JOHN HEANEY JR.
KARYN HAEANEY
557 NORBERRY DRIVE
WINTERVILLE, NC 28590

WILLIAM BLOWE
537 NORBERRY DRIVE
WINTERVILLE, NC 28590

RICHARD PADO
MARGARET PADO
519 NORBERRY DRIVE
WINTERVILLE, NC 28590

MARK MATURO
MARGARET TOMAINO
2813 OAKWOOD DRIVE
WINTERVILLE, NC 28590

JASMINE GUISADO
2831 OAKWOOD DRIVE
WINTERVILLE, NC 28590

JAMES ROACH
TERESA ROACH
2851 OAKWOOD DRIVE
WINTERVILLE, NC 28590

TAYLOR S JOHNSON
JAMIE JOHNSON
2865 OAKWOOD DRIVE
WINTERVILLE, NC 28590

CHERYL GILL
2893 OAKWOOD DRIVE
WINTERVILLE, NC 28590

QUNICIA NOBLES
2909 OAKWOOD DRIVE
WINTERVILLE, NC 28590

JAMES NEYLAND
CLEMENCIA NEYLAND
2804 STAMFORD CT
WINTERVILLE, NC 28590

MICHAEL CHAMBLEE
DORETHA CHAMBLEE
549 NORBERRY DRIVE
WINTERVILLE, NC 28590

PAUL GARRETT KILLIAN
531 NORBERRY DRIVE
WINTERVILLE, NC 28590

JOESEPH PALMER
DEVONNE PALMER
513 NORBERRY DRIVE
WINTERVILLE, NC 28590

MAURICE SMITH SR.
NORKINA SMITH
2819 OAKWOOD DRIVE
WINTERVILLE, NC 28590

ADDISON TAYLOR
2839 OAKWOOD DR
WINTERVILLE, NC 28590

ROBERT BROCK
FRANKIE BROCK
2857 OAKWOOD DRIVE
WINTERVILLE, NC 28590

JAVON BRUMSEY
DARNESHA BRUMSEY
2873 OAKWOOD DRIVE
WINTERVILLE, NC 28590

HUEY SWINDELL
JOANN SWINDELL
2899 OAKWOOD DRIVE
WINTERVILLE, NC 28590

COURTNEY JAHSDOFER
2915 OAKWOOD DRIVE
WINTERVILLE, NC 28590

THOMAS ALLEN
TONYA ALLEN
2927 OAKWOOD DRIVE
WINTERVILLE, NC 28590

KEITH RICHARDS
NICHOLE RICHARDS
2943 OAKWOOD DRIVE
WINTERVILLE, NC 28590

RODNEY MCNEILL
GERAL MCNEILL
2908 VERBENA WAY
WINTERVILLE, NC 28590

RUSSELL CLIFTON
RANDI CLIFTON
2969 CALLA LILLY LN
WINTERVILLE, NC 28590

LILIANA MENDEZ
2966 CALLA LILLY LN
WINTERVILLE, NC 28590

KENDRICK HENDERSON
ASHLEY HUNER
3000 FOX GLOVE DR
WINTERVILLE, NC 28590

RANDY GARRIS
BRENDA GARRIS
2931 OAKWOOD DRIVE
WINTERVILLE, NC 28590

NATHANIEL BRYAN
2905 VERBENA WAY
WINTERVILLE, NC 28590

DONNA BLACKWELL
2904 VERBENA WAY
WINTERVILLE, NC 28590

EUGENE NICHOLS JR.
MARY NICHOLS
2971 CALLA LILLY LN
WINTERVILLE, NC 28590

WILLIE COOPER JR.
CAMILLE COOPER
2999 FOX GLOVE DR
WINTERVILLE, NC 28590

MELLON DOWNS HOA INC
3107 EVANS STREET, STE B
GREENVILLE, NC 27834

ERICA MCDONALD
TIMOTHY MCDONALD
2909 VERBENA WAY
WINTERVILLE, NC 28590

KENETH LAWS
KENASHA LAWS
2967 CALLA LILLY LN
WINTERVILLE, NC 28590

ANDREW GLINIAC
RACHEL GLINIAC
2968 CALLA LILLY LN
WINTERVILLE, NC 28590

BRIAN WATERWALL
3001 FOX GLOVE DR
WINTERVILLE, NC 28590

**NOTICE OF PUBLIC HEARING
Town of Winterville**

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The Coley Group has submitted a rezoning application to rezone Parcels 15006, 11636, 11638, 82094 and 82096 (245.43 Acres) from Agricultural Residential (AR) to Conditional District Planned Unit Development (R6 PUD, MR PUD). The purpose of a Planned Unit Development is to produce a higher quality development than would otherwise be permitted by specifically identifying the location of buildings, uses, architectural design, etc.

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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.

Notes to Publisher:

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

Subject: Winterville Public Hearing – Southbrook PUD Rezoning.

Please place the above legal advertisement in the Daily Reflector on Wednesday, December 28, 2022 and Wednesday, January 4, 2023. Should you have any questions please contact me.

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

Thanks,

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



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

GENERAL INFORMATION

APPLICANT	The Coley Group c/o Scott Moore
HEARING TYPE	Rezoning Request
REQUEST	Conditional District – R-6 PUD / MR PUD
CONDITIONS	Planned Unit Development – Unified Development Plan
LOCATION	Church Street Ext. / Laurie Ellis Road
PARCEL ID NUMBER(S)	15006, 11636, 11638, 82096, 82094
PUBLIC NOTIFICATION	Two (2) Community Meetings were held on October 20, 2022 at Winterville Town Hall. Adjacent property owners were mailed notification of the rezoning request on November 2, 2022. Notification was posted on site on October 28, 2022. 106 properties were mailed notification.
TRACT SIZE	245 +/- acres
TOPOGRAPHY	Flat
VEGETATION	Agricultural/Wooded

SITE DATA

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

ADJACENT PROPERTY	ZONING	ADJACENT LAND USE
N	R-12.5, R-10	Single Family Residential
W	R-10, GB	Agricultural, Commercial
E	AR	Agricultural, Wooded
S	R-15, R-10, AR	Single Family Residential, Agricultural

ZONING DISTRICT STANDARDS

DISTRICT SUMMARIES	EXISTING	REQUESTED
ZONING DISTRICT DESIGNATION	AR	R-6 PUD; MR PUD
MAX DENSITY	2 per acre	2.5 per acre
TYPICAL USES	AR - Low-density residential and agricultural uses; where urban development is expected.	(R-6 PUD) Medium Density; single-family residential. (MR PUD) Medium Density; single family attached residential.



SPECIAL INFORMATION

OVERLAY DISTRICT	N/A
ENVIRONMENTAL / SOILS	Potential wetlands
FLOODPLAIN	N/A
STREAMS	Southeast Drainage Lateral SC-35A, Tributary of off Swift Creek
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	Laurie Ellis Road – NCDOT Road Church Street Ext – NCDOT Road
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)	Laurie Ellis Rd– 2200 Church Street Ext - 180
TRIP GENERATION	N/A
SIDEWALKS	Required.
TRAFFIC IMPACT STUDY (TIS)	TBD
STREET CONNECTIVITY	Per site plan, the development will connect to three (3) existing stub streets and provide seven (7) additional stub streets to surrounding properties.
OTHER	N/A



IMPACT ANALYSIS

Land Use Compatibility

The proposed PUD zoning districts would allow land uses that are compatible with the general character of the area. The adjacent properties are zoned likewise and would provide a smooth transition from one district to another.

Town of Winterville Comprehensive Land Use Plan Policies

The Future Land Use Map designates this property as a Suburban Residential character area. The requested **PUD** zoning districts are consistent with this character area as defined by the future land use designation and will be within the density requirements (proposed 2.5 units per acre – Suburban Residential allows 1-3 units per acre.)

Comprehensive Land Use Plans - Recommendations & Implementation

Suburban Residential - General Character:

1. Larger lot, single family detached residential. Generally around 3 dwelling units per acre, with smaller lots occasionally if minimum standards for open space and amenities are exceeded.

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

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

- Identified as Suburban Residential Character Area.

Strategy 1.3: Encourage a logical progression of development and extension of utilities and discourage leap-frog development.

- The proposed development is located adjacent to existing subdivisions and would not be considered a leap-frog development.

Policy 5: Maintain and improve neighborhood character:

Strategy 5.2: Encourage open space and amenities in new development.

- The proposed development would provide ample open space and community amenities.

(Economic Development) Policy 3: Reinforce the Town's identity as a family-friendly community.

Strategy 3.1: Support rezonings to residential used in the Suburban



Residential areas identified on the Future Land Use Map.

- Property identified as Suburban Residential Character Area.

(Infrastructure & Mobility) Policy 2: Coordinate connectivity, street and sidewalk standards.

Strategy 2.2: Require or incentivize the connection of stub streets to adjacent properties to allow for future connection of local or collector streets.

- Per the site development plan, the proposed development will provide seven (7) stub streets for future connection with adjacent properties, in addition to connecting with three (3) existing stub streets in Holly Grove and Melon Downs.

Strategy 2.4: Require sidewalks in new developments.

- The proposed street section will include sidewalks and street trees.

(Parks & Natural Resources) Policy 6: Encourage quality open space.

Conservation subdivision design that includes open space and amenities should be encouraged in Suburban Residential areas.

- The requested PUD design does just that, it will be a Conservation Subdivision Design that will focus on preserving the areas of environmental concern in permanent open space and provide quality open space areas and amenities within the community.

STAFF ANALYSIS AND RECOMMENDATION

Community Outreach

The applicant hosted two Community Meetings at Winterville Town Hall on October 20, 2022 to provide information and receive feedback from the surrounding property owners and community leaders.

Staff Analysis

The 245.43-acre property is currently vacant. The property North of the request is zoned R-12.5 and is a single-family residential subdivision consisting of 62 lots (Holly Grove); R-10 single-family residential subdivision consisting of 97 lots (Laurie Meadows); r-12.5 single-family residential subdivision consisting of 86 lots (Mellon Downs). West (across Church Street Ext) of the request is zoned R-10 and GB with existing commercial uses. South of the request is zoned R-15, R-10 and AR and consist of a single-family residential subdivision consisting of 33 existing lots and 49 additional lots approved (Brookstone). East of the property is zoned AR and is partially wooded/agricultural.

The PUD Zoning District rezoning request is consistent with the intent and purpose of the Zoning Ordinance, the Future Land Use Plan and is compatible with the existing development and trends in the surrounding area. The proposed PUD zoning district falls within the density



recommendations provided within the Suburban Residential character area.

Staff Recommendation

Staff recommends **approval** of the rezoning request for the 245.43 acres from AR to Conditional District PUD Zoning District (R- PUD and MR PUD).

Planning and Zoning Board unanimously recommended **approval** on November 21, 2022.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: January 9, 2023

Presenter: Donald Harvey, Town Clerk

Item to be Considered

Subject: Council Meeting Minutes.

Action Requested: Approval of Minutes.

Attachment: Draft Minutes of the Council meeting listed below.

Prepared By: Donald Harvey, Town Clerk

Date: 12/28/2022

ABSTRACT ROUTING:

TC: 1/3/2023

TM: 1/5/2023

Final: tlp - 1/5/2023

Supporting Documentation

Approval of the following set of Council Meeting Minutes:

- December 12, 2022 Regular Meeting Minutes.

Budgetary Impact: NA.

Recommendation: Staff recommends Council approve the Minutes.



**WINTERVILLE TOWN COUNCIL
MONDAY, DECEMBER 12, 2022 – 7:00 PM
REGULAR MEETING MINUTES**

The Winterville Town Council met in a Regular Meeting on the above date at 7:00 PM in the Town Hall Assembly Room, with Mayor Richard E. Hines presiding. The following were present:

Richard E. Hines, Mayor
Tony P. Moore, Councilman
Johnny Moye, Councilman
Paul A. Rice, Councilman
Veronica W. Roberson, Councilwoman
Keen Lassiter, Town Attorney
Terri L. Parker, Town Manager
Anthony Bowers, Assistant Town Manager
Ryan Willhite, Police Chief
David Moore, Fire Chief
Cliff McGuffin, Public Works Director
Robert Sutton, Electric Director
Jessica Manning, Finance Director
Evan Johnston, Building Inspector/Code Enforcement Officer
Bryan Jones, Planning Director
Donald Harvey, Town Clerk

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

INVOCATION: Councilwoman Roberson gave the Invocation.

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

WELCOME: Mayor Hines welcomed the public.

APPROVAL OF AGENDA: Manager Parker requested an amendment to the Agenda to include additional items.

Motion made by Councilman Moye and seconded by Councilwoman Roberson to approve the amended agenda. Motion carried unanimously, 4-0.

RECOGNITION OF EMPLOYEES:

1. Kaleb Pait, Parks Maintenance Worker, Parks and Recreation Department.

RESIGNATION OF MARK C. SMITH, PITT COUNTY COMMISSIONER:

Mr. Smith was recognized for his years of service to the Town Council.

APPOINTMENT OF VACANT COUNCIL SEAT:

Motion made by Councilman Moore and seconded by Councilman Rice to solicit Letters of Interest to fill the unexpired term of the Vacant Council Seat by Thursday, January 5, 2023.

Councilwoman Roberson noted that we have rules and procedures and should follow them. Councilman Moyer said we have a policy and should go with the next highest. Councilman Moore said people voted for Mr. Smith and open up for others to get the best candidate. Mayor Hines said policy is if we have an election the year of the vacancy, there was not an election this year, it was a County election. Councilwoman Roberson asked what the language for the election. Town Manager Parker passed out the policy for review. Councilwoman Roberson said use the policy for a fair procedure to follow. Councilman Moore spelled out times that it was not followed. Councilman Moyer said it is a short term, go by the policy and go to next highest votes. Mayor Hines noted vote numbers from previous Town election.

Councilman Moore and Councilman Rice voted in favor of the motion. Councilman Moyer and Councilwoman Roberson opposed. Mayor Hines broke the tie voting in favor of soliciting Letters of Interest. Motion carried.

APPOINTMENT OF MAYOR PRO-TEM:

Councilman Moore nominated Councilman Moyer as Mayor Pro Tem. No additional names were nominated. Vote carried unanimously, 4-0 naming Councilman Moyer, Mayor Pro Tem.

PRESENTATIONS:

1. 2021-2022 FY Audit, Michael Jordan, CRI LLC of Goldsboro.

Town of Winterville
Annual Comprehensive Financial Report
June 30, 2022



General Fund

- Unassigned fund balance and as a percentage of general fund expenditures:
 - 2022 \$10,797,410 – 118.44%
 - 2021 \$9,379,125 – 103.96%
 - 2020 \$7,102,605 – 67.78%
 - 2019 \$5,337,796 – 56.01%
 - 2018 \$5,428,585 – 59.76%
 - 2017 \$5,913,768 – 83.08%
 - 2016 \$5,214,955 – 75.67%
 - 2015 \$5,413,814 – 84.38%
 - 2014 \$4,236,207 – 63.71%
 - 2013 \$3,289,582 – 56.53%

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General Fund

- Total fund balance and as a percentage of general fund expenditures:
 - 2022 \$13,442,007 – 147.45%
 - 2021 \$11,480,689 – 127.26%
 - 2020 \$8,831,936 – 84.28%
 - 2019 \$9,494,676 – 99.63%
 - 2018 \$9,033,638 – 99.45%
 - 2017 \$8,537,687 – 119.95%
 - 2016 \$7,893,731 – 114.54%
 - 2015 \$7,342,441 – 114.44%
 - 2014 \$6,266,010 – 94.24%
 - 2013 \$5,353,514 – 91.99%

- Includes non-spendable, restricted, committed, assigned, unassigned

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Governmental Funds [General Fund]

- Revenues:
 - 2022 \$10,427,179
 - 2021 \$9,849,130
 - 2020 \$9,310,390
 - 2019 \$8,423,925
 - 2018 \$7,939,025
 - 2017 \$7,482,114
 - 2016 \$7,220,120
 - 2015 \$7,066,950
 - 2014 \$6,816,537
 - 2013 \$6,454,118

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General Fund Budgetary Data

- 2022 Budgeted vs. Actual Revenues
 - \$10,707,935 vs. \$10,427,179
- 2021 Budgeted vs. Actual Revenues
 - \$9,731,115 vs. \$9,849,130
- 2020 Budgeted vs. Actual Revenues
 - \$8,962,888 vs. \$9,310,390
- 2019 Budgeted vs. Actual Revenues
 - \$8,433,208 vs. \$8,423,925
- 2018 Budgeted vs. Actual Revenues
 - \$7,650,584 vs. \$7,939,025
- 2017 Budgeted vs. Actual Revenues
 - \$7,326,837 vs. \$7,482,114
- 2016 Budgeted vs. Actual Revenues
 - \$7,157,779 vs. \$7,220,120
- 2015 Budgeted vs. Actual Revenues
 - \$6,599,544 vs. \$7,066,950

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General Fund Budgetary Data

- 2022 Budgeted vs. Actual Expenditures
 - \$13,727,560 vs. \$9,115,861
- 2021 Budgeted vs. Actual Expenditures
 - \$12,765,992 vs. \$9,021,452
- 2020 Budgeted vs. Actual Expenditures
 - \$13,240,284 vs. \$10,478,881
- 2019 Budgeted vs. Actual Expenditures
 - \$13,848,030 vs. \$9,529,204
- 2018 Budgeted vs. Actual Expenditures
 - \$11,572,701 vs. \$7,812,619
- 2017 Budgeted vs. Actual Expenditures
 - \$8,603,869 vs. \$7,117,437
- 2016 Budgeted vs. Actual Expenditures
 - \$8,232,171 vs. \$6,891,432
- 2015 Budgeted vs. Actual Expenditures
 - \$7,586,472 vs. \$6,416,230

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Proprietary Fund Net Position

- Water Fund:
 - 2022 Unrestricted \$1,970,271
 - 2021 Unrestricted \$1,885,083
 - 2020 Unrestricted \$1,807,462
 - 2019 Unrestricted \$1,249,180
 - 2018 Unrestricted \$1,380,010
 - 2017 Unrestricted \$1,571,623
 - 2016 Unrestricted \$1,550,091
- Electric Fund:
 - 2022 Unrestricted \$7,725,400
 - 2021 Unrestricted \$8,260,599
 - 2020 Unrestricted \$7,424,873
 - 2019 Unrestricted \$7,159,927
 - 2018 Unrestricted \$7,143,123
 - 2017 Unrestricted \$6,554,801
 - 2016 Unrestricted \$5,934,482

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Proprietary Fund Net Position

- Sewer Fund:
 - 2022 Unrestricted \$(467,175)
 - 2021 Unrestricted \$698,113
 - 2020 Unrestricted \$637,928
 - 2019 Unrestricted \$318,986
 - 2018 Unrestricted \$981,214
 - 2017 Unrestricted \$920,453
 - 2016 Unrestricted \$830,223
- Stormwater Fund:
 - 2022 Unrestricted \$1,130,028
 - 2021 Unrestricted \$893,095
 - 2020 Unrestricted \$591,515
 - 2019 Unrestricted \$350,246
 - 2018 Unrestricted \$213,325
 - 2017 Unrestricted \$113,303
 - 2016 Unrestricted \$160,195

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Cash Balances & Investments

- Governmental Funds:
 - Unrestricted
 - 2022 \$12,020,878
 - 2021 \$10,598,752
 - 2020 \$10,798,865
 - 2019 \$8,226,380
 - 2018 \$11,768,236
 - 2017 \$7,113,798
 - 2016 \$6,396,794
 - 2015 \$5,946,334
- Proprietary Funds:
 - Unrestricted
 - 2022 \$8,504,778
 - 2021 \$10,437,654
 - 2020 \$6,109,383
 - 2019 \$7,500,358
 - 2018 \$4,400,749
 - 2017 \$7,725,958
 - 2016 \$7,343,054
 - 2015 \$5,946,334

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Powell Bill Fund

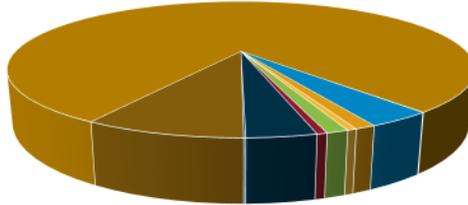
- 2022:
 - Cash balance \$488,809
 - State Distribution \$310,097
- 2021:
 - Cash balance \$203,036
 - State Distribution \$248,179
- 2020:
 - Cash balance \$241,969
 - State Distribution \$258,124
- 2019:
 - Cash balance \$379,837
 - State Distribution \$257,450
- 2018:
 - Cash balance \$964,355
 - State Distribution \$259,072
- 2017:
 - Cash balance \$808,216
 - State Distribution \$260,092
- 2016:
 - Cash balance \$1,076,372
 - State Distribution \$264,282

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Fund Balance – General Fund

Town of Winterville, North Carolina
Fund Balance - General Fund



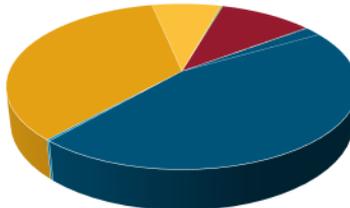
- Inventories - \$7,913
- Public Safety - \$151,851
- Recreation - \$159,782
- Assigned FBA 2022 - \$507,102
- Reserve by State Statute - \$1,170,085
- Streets Powell Bill - \$488,809
- Committed Housing - \$69,305
- Committed OPEB - \$75,000
- Note Receivable Grifton - \$14,750
- Unassigned - \$10,797,410

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General Fund Revenues

Town of Winterville, North Carolina
General Fund Revenues



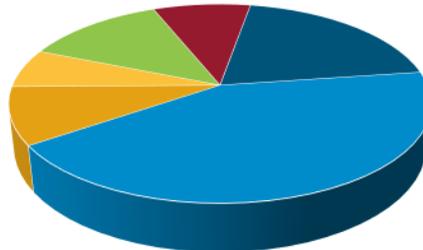
- Ad valorem taxes - \$4,673,299
- Unrestricted intergovernmental - \$3,646,217
- Permits and fees - \$23,275
- Investment earnings - \$14,519
- Other taxes and licenses - \$26,535
- Restricted intergovernmental - \$787,449
- Sales and services - \$1,068,969
- Miscellaneous - \$186,916

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General Fund Expenditures

Town of Winterville, North Carolina
General Fund Expenditures



- General Government \$1,824,276
- Transportation \$849,303
- Cultural and Recreation \$1,164,448
- Public Safety \$3,888,564
- Environmental Protection \$578,678
- Debt Service \$810,592

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TODAY'S PRESENTER

Michael C. Jordan, CPA, Partner
 Goldsboro
 919-751-8297
 mjordan@cricpa.com

Text CRI to 66866 to receive CRI News and Alerts. CARR, RIGGS & INGRAM, LLC

Councilman Moore asked how we compare statewide. Mr. Overton said 1 year and 2 months of savings, better than most, outstanding. LGC calculation 134%. Electric because of gas increase down.

Motion made by Councilman Moye and seconded by Councilman Rice to accept the 2021-2022 FY Audit. Motion carried unanimously, 4-0.

2. System Development Fees. Assistant Town Manager Bowers, introduced Gary Hartong, PE and Genevieve Versteeg, PE of The Wooten Company who gave the following presentation:

12/5/2022

System Development Fees
 Town of Winterville, NC
 December 12, 2022



Genevieve Versteeg, PE
 Gary Hartong, PE

Wooten

1

Presentation Overview

1. What are (and aren't) System Development Fees (SDFs)?
2. What are the 3 methodologies?
3. How are fees calculated?
4. What are projected revenues?
5. Questions

2

1

OVERVIEW OF SYSTEM DEVELOPMENT FEES

3

System Development Fees

- Allows local governments to charge developers for connection to major arterial, system-wide water and sewer utilities
 - Cover existing assets with adequate capacity to serve new development.
 - Cover new assets needed to expand or upgrade system to serve new development.
- 3 fee calculation methods prescribed in AWWA Manual M1 Chapter VII.2

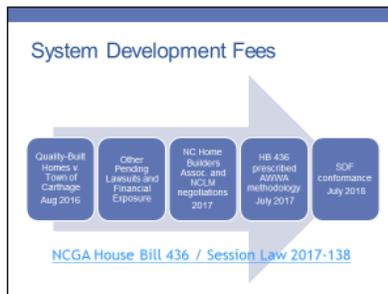
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2

System Development Fees

<p><u>SDFs ARE NOT:</u></p> <ul style="list-style-type: none"> • Impact Fees • Capacity Fees • Availability Fees • Tap Fees • Contractual Fees • User Charges 	<p><u>SDFs MUST:</u></p> <ul style="list-style-type: none"> • Recover costs for providing the same level of service to new customers. • Demonstrate direct, reasonable connection to the improvements. • Cover 5- to 10-year analysis period, then be reviewed and adjusted.
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5



6

3

DOCUMENTATION NEEDS

7



8

4

THE 3 METHODOLOGIES

9

Buy-In (Equity) Cost Method

Overview	Owner's Existing Assets
<ul style="list-style-type: none"> Based on the replacement value of the asset. Each customer buys into a portion of the remaining cost of the total capacity. Appropriate for slow-growing areas or 'oversized' utilities. Cost burden shared by existing and new development. 	<ul style="list-style-type: none"> Previous water supply & treatment plant upgrades Previous elevated tanks & transmission lines Previous large booster pump stations Previous wastewater treatment plant & upgrades Previous large pump stations & outfall lines Existing Debt Service

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Incremental Cost Method

Overview

- Based on the estimated value of the new asset.
- Each customer buys into a portion of the incremental cost of providing expanded capacity.
- Appropriate for fast-growing areas or 'undersized' utilities.
- Cost burden covered by new development.

Owner's Planned (CIP) Assets

- New water supply sources
- Water transmission and sewer outfall improvements
- New wastewater discharge locations
- New large pump stations & force mains
- WTP or WWTP expansions

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Combined Cost Method

For situations where existing utilities have remaining service life which are useful to both existing and new development, but new development also requires utility systems expansions or upgrades.

For Winterville...

The **Combined Cost Method** is appropriate to cover costs of previous water and sewer system improvements and forthcoming capital improvements projects that will serve new growth in the service area.

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Buy-In Method

- Depreciate each eligible existing asset per Town schedule
- Determine total net cost for each asset and divide by capacity => \$/gal
- Determine project eligibility
- Sum individual net costs => Total Buy-in SDF

Asset	Capacity (gpd)	Net Cost (\$)	Net Cost (\$/gal)
8" Water Main	100,000	1,000,000	10.00
10" Water Main	200,000	2,000,000	10.00
Elevated Storage Tank	1,000,000	10,000,000	10.00
10'-15' Gravity Sewer	100,000	1,000,000	10.00
Pump Station	100,000	1,000,000	10.00
Wastewater Treatment Plant	1,000,000	10,000,000	10.00

Water Assets

- 8" & 10" Water Mains
- Elevated Storage Tank Improvements
- Net Total Cost = \$1.9 M
- SDF = \$0.70/gal**

Wastewater Assets

- 10'-15' Gravity Sewers
- 3 pump stations
- Net Total Cost = \$4.7 M
- SDF = \$5.36/gal**

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Incremental Method

- Use only 5-year Town CIP projects
- Divide project cost by additional gallon capacity => \$/gal
- Determine project eligibility
- Sum individual net costs => Total Incremental SDF

Project	Capacity (gpd)	Net Cost (\$)	Net Cost (\$/gal)
Water Project 1	100,000	1,000,000	10.00
Water Project 2	200,000	2,000,000	10.00
Water Project 3	300,000	3,000,000	10.00
Water Project 4	400,000	4,000,000	10.00
Water Project 5	500,000	5,000,000	10.00
Water Project 6	600,000	6,000,000	10.00
Water Project 7	700,000	7,000,000	10.00
Water Project 8	800,000	8,000,000	10.00
Water Project 9	900,000	9,000,000	10.00
Water Project 10	1,000,000	10,000,000	10.00
Water Project 11	1,100,000	11,000,000	10.00
Water Project 12	1,200,000	12,000,000	10.00
Water Project 13	1,300,000	13,000,000	10.00
Water Project 14	1,400,000	14,000,000	10.00
Water Project 15	1,500,000	15,000,000	10.00
Water Project 16	1,600,000	16,000,000	10.00
Water Project 17	1,700,000	17,000,000	10.00
Water Project 18	1,800,000	18,000,000	10.00
Water Project 19	1,900,000	19,000,000	10.00
Water Project 20	2,000,000	20,000,000	10.00
Water Project 21	2,100,000	21,000,000	10.00
Water Project 22	2,200,000	22,000,000	10.00
Water Project 23	2,300,000	23,000,000	10.00
Water Project 24	2,400,000	24,000,000	10.00
Water Project 25	2,500,000	25,000,000	10.00
Water Project 26	2,600,000	26,000,000	10.00
Water Project 27	2,700,000	27,000,000	10.00
Water Project 28	2,800,000	28,000,000	10.00
Water Project 29	2,900,000	29,000,000	10.00
Water Project 30	3,000,000	30,000,000	10.00
Water Project 31	3,100,000	31,000,000	10.00
Water Project 32	3,200,000	32,000,000	10.00
Water Project 33	3,300,000	33,000,000	10.00
Water Project 34	3,400,000	34,000,000	10.00
Water Project 35	3,500,000	35,000,000	10.00
Water Project 36	3,600,000	36,000,000	10.00
Water Project 37	3,700,000	37,000,000	10.00
Water Project 38	3,800,000	38,000,000	10.00
Water Project 39	3,900,000	39,000,000	10.00
Water Project 40	4,000,000	40,000,000	10.00
Water Project 41	4,100,000	41,000,000	10.00
Water Project 42	4,200,000	42,000,000	10.00
Water Project 43	4,300,000	43,000,000	10.00
Water Project 44	4,400,000	44,000,000	10.00
Water Project 45	4,500,000	45,000,000	10.00
Water Project 46	4,600,000	46,000,000	10.00
Water Project 47	4,700,000	47,000,000	10.00
Water Project 48	4,800,000	48,000,000	10.00
Water Project 49	4,900,000	49,000,000	10.00
Water Project 50	5,000,000	50,000,000	10.00
Water Project 51	5,100,000	51,000,000	10.00
Water Project 52	5,200,000	52,000,000	10.00
Water Project 53	5,300,000	53,000,000	10.00
Water Project 54	5,400,000	54,000,000	10.00
Water Project 55	5,500,000	55,000,000	10.00
Water Project 56	5,600,000	56,000,000	10.00
Water Project 57	5,700,000	57,000,000	10.00
Water Project 58	5,800,000	58,000,000	10.00
Water Project 59	5,900,000	59,000,000	10.00
Water Project 60	6,000,000	60,000,000	10.00
Water Project 61	6,100,000	61,000,000	10.00
Water Project 62	6,200,000	62,000,000	10.00
Water Project 63	6,300,000	63,000,000	10.00
Water Project 64	6,400,000	64,000,000	10.00
Water Project 65	6,500,000	65,000,000	10.00
Water Project 66	6,600,000	66,000,000	10.00
Water Project 67	6,700,000	67,000,000	10.00
Water Project 68	6,800,000	68,000,000	10.00
Water Project 69	6,900,000	69,000,000	10.00
Water Project 70	7,000,000	70,000,000	10.00
Water Project 71	7,100,000	71,000,000	10.00
Water Project 72	7,200,000	72,000,000	10.00
Water Project 73	7,300,000	73,000,000	10.00
Water Project 74	7,400,000	74,000,000	10.00
Water Project 75	7,500,000	75,000,000	10.00
Water Project 76	7,600,000	76,000,000	10.00
Water Project 77	7,700,000	77,000,000	10.00
Water Project 78	7,800,000	78,000,000	10.00
Water Project 79	7,900,000	79,000,000	10.00
Water Project 80	8,000,000	80,000,000	10.00
Water Project 81	8,100,000	81,000,000	10.00
Water Project 82	8,200,000	82,000,000	10.00
Water Project 83	8,300,000	83,000,000	10.00
Water Project 84	8,400,000	84,000,000	10.00
Water Project 85	8,500,000	85,000,000	10.00
Water Project 86	8,600,000	86,000,000	10.00
Water Project 87	8,700,000	87,000,000	10.00
Water Project 88	8,800,000	88,000,000	10.00
Water Project 89	8,900,000	89,000,000	10.00
Water Project 90	9,000,000	90,000,000	10.00
Water Project 91	9,100,000	91,000,000	10.00
Water Project 92	9,200,000	92,000,000	10.00
Water Project 93	9,300,000	93,000,000	10.00
Water Project 94	9,400,000	94,000,000	10.00
Water Project 95	9,500,000	95,000,000	10.00
Water Project 96	9,600,000	96,000,000	10.00
Water Project 97	9,700,000	97,000,000	10.00
Water Project 98	9,800,000	98,000,000	10.00
Water Project 99	9,900,000	99,000,000	10.00
Water Project 100	10,000,000	100,000,000	10.00

Water Projects

- 8 of 18 projects eligible
- Net Total Cost = \$10.1 M
- Min. 25% statute credit
- SDF = \$3.31/gal**

Wastewater Projects

- 4 of 7 projects eligible
- Net Total Cost = \$7.3 M
- Min. 25% statute credit
- SDF = \$2.66/gal**

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Example SDF Calculation for Chapman Lift Station Expansion (from Incremental SDF Table)

Unit Charge = $\frac{\text{Net Total Cost} \times \% \text{ Min. Credit} \times \% \text{ SDF Eligible}}{\text{Unit Design Capacity}}$

Chapman LS Expansion = $\frac{(\$1,750,000 - \$0) \times (1 - 25\%) \times 28\%}{1,872,000 \text{ GPD}}$

= \$0.20 / gallon

May include construction, technical services and engineering (owner cost)

Must discount grants or other outside funding from total cost.

NEXT STEPS

1. Sum all water/sewer unit charges to calculate \$/gallon capacity.
2. Apply equivalent ratio to the unit charge for different size customers.

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Maximum Allowable Calculated SDFs by Gallon

Combined Cost Method

Meter Size	Equivalent Ratio	Water	Sewer	Total
5/8	1.0	\$4.01	\$8.02	\$12.03
3/4	1.5	\$6.02	\$12.03	\$18.05
1	2.5	\$10.03	\$20.05	\$30.08
1-1/2	5.0	\$20.05	\$40.10	\$60.15
2	8.0	\$32.08	\$64.16	\$96.24
3 compound	16.0	\$64.16	\$128.32	\$192.48
4 compound	25.0	\$100.25	\$200.50	\$300.75
6 compound	50.0	\$200.50	\$401.00	\$601.50
8 compound	80.0	\$320.80	\$641.60	\$962.40
10 compound	115.0	\$461.15	\$922.30	\$1,383.45
12 compound	215.0	\$862.15	\$1,724.30	\$2,586.45

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Maximum Allowable Calculated SDFs by Customer

Combined Cost Method

Meter Size	Equivalent Ratio	Water	Sewer	Total
5/8 (36" GPD connection)	1.0	\$1,444	\$2,887	\$4,330
3/4	1.5	\$2,165	\$4,331	\$6,496
1	2.5	\$3,609	\$7,218	\$10,826
1-1/2	5.0	\$7,218	\$14,436	\$21,654
2	8.0	\$11,549	\$23,098	\$34,647
3	16.0	\$23,098	\$46,195	\$69,293
4	25.0	\$36,090	\$72,180	\$108,270
6	50.0	\$72,180	\$144,360	\$216,540
8	80.0	\$115,488	\$230,976	\$346,464
10	115.0	\$166,014	\$332,028	\$498,042
12	215.0	\$310,374	\$620,748	\$931,122

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REVENUE FORECASTING

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9

Customer Growth Projection

- Per historical US Census data, Winterville experienced annual residential growth rate of 2.8% - 3.0%.
 - Current water customers = 4,352 accounts
 - Current sewer customers = 4,033 accounts
- Winterville is surrounded by other water and sewer service providers (Bell Arthur, Greenville Utilities, etc.)
- Used the 19 proposed developments in near future to estimate near-term annual growth rates for water and sewer connections.

19

Customer Growth Projection

Annual Growth Rates

Connection Type	Water	Sewer
Residential	3.80%	4.80%
Commercial	0.50%	1.00%
Institutional	1.90%	4.50%

- Future revenue projected for the above listed growth rates
- Future revenue = # of new accounts x SDF \$/meter

20

10

SDF Maximum Revenue Projections

Category	Revenue
Combined Water	\$2,095,922
Combined Sewer	\$4,763,664

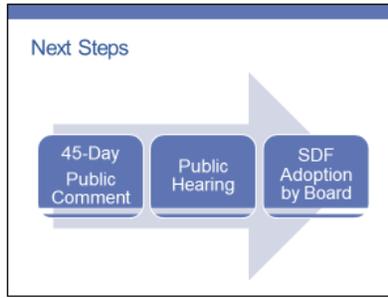
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Conclusions

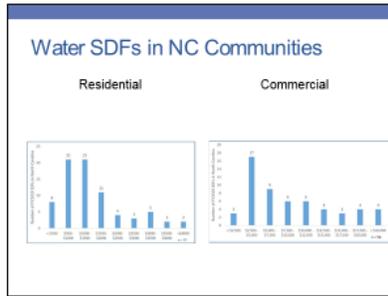
- Winterville may consider implementing SDFs using Combined Cost Methodology to collect fees for necessary rehabilitation plus expansion/extension.
- Water and Sewer SDFs have been calculated to reflect existing assets with remaining capacity plus certain forthcoming capital improvements costs.
- Maximum-allowable Water SDFs will generate approximately \$2.0 million over 5 years.
- Maximum-allowable Sewer SDFs will generate approximately \$4.7 million over 5 years.

22

11

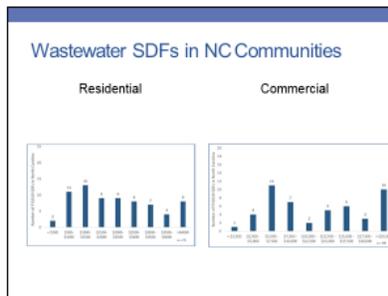


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Questions

Genevieve Versteeg, PE
Gary Hartong, PE

26

13

Gary Hartong noted the next steps are a legal advertisement, post report, accept comments for 45 days, make any revisions needed, a public hearing, and then adoption. Assistant Town Manager Bowers noted that this is a complicated and regulated process.

Motion made by Councilman Moore and seconded by Councilman Rice to accept the System Development Fees Report and begin steps of the process. Motion carried unanimously, 4-0.

PUBLIC HEARINGS:

1. Rezoning Request - Parcels 67224, 68790, and 70655. **(Tabled from November 14, 2022 Meeting).**

Planning Director Jones gave the following presentation:



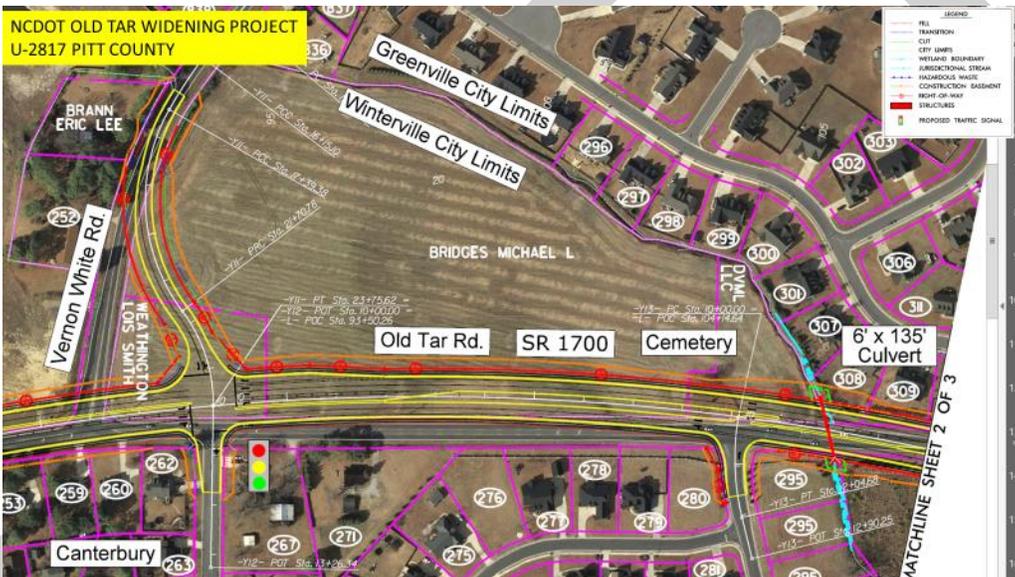
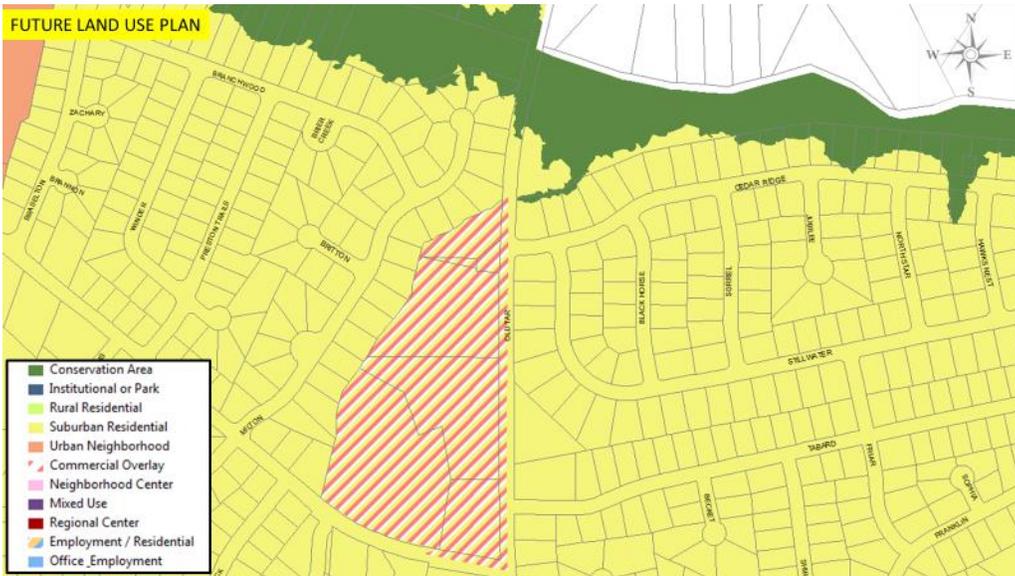
REZONING REQUEST
PARCELS 67224, 68790, 70655

Presenter:
Bryan Jones,
Planning Director



- Applicant: The Overton Group
- Location: Intersection of Old Tar Road and Vernon White Road.
- Parcel Numbers: 67224, 68790, 70655
- Site Data: 13.94 acres
- Current Zoning District: R-15
- Proposed Zoning District: General Business (GB)







FUTURE LAND USE CHARACTER AREAS

- Conservation**
 The 100-year floodplain is regulated in order to prevent loss during floods. These areas are appropriate for outdoor recreation, agriculture / silviculture, and are otherwise predominantly unsuitable for development. This area also includes cemeteries.
- Rural Residential**
 Very low density, single family detached residential on very large lots in a rural setting. Generally less than 1 dwelling per acre, and almost always without sewer service. Industrial agricultural operations are still active in these locations.
- Suburban Residential**
 Primarily the large lot, single family detached residential, that many people love about the town's housing stock. Generally 2-3 dwelling units per acre, larger lots, with front- and side-loaded garages. Smaller lot sizes occasionally if minimum standards for open space and amenities are exceeded.
- Urban Neighborhood**
 Primarily medium-sized lots with single family detached residential and occasionally smaller-scale, context-sensitive patio homes and attached residential permitted if design criteria are met. Generally 3-8 dwellings per acre. Some small-scale services, restaurants, or offices encouraged at select locations with good access.
- Commercial Overlay**
 Potential for small-scale commercial that is sensitive to existing residential development if good transportation access is possible.
- Neighborhood Center**
 Context-appropriate commercial, retail, services, professional offices, and occasionally residential located at key locations and crossroads that serve the general neighborhood around them. Small-lot residential or patio homes and/or attached residential could be part of land use mix.
- Mixed Use Center**
 Mix of commercial, retail, restaurants, and service-oriented businesses, with a variety of residential options, including multi-family, townhomes, and upper-story residential. Offices also potentially on upper floors. Walkable places with a pedestrian-focused "downtown" feel.
- Regional Center**
 High- to medium-intensity commercial, retail and lodging uses that act as regional activity centers, with offices and residential potentially mixed in. Primarily auto-oriented destinations with national or regional businesses.
- Employment / Residential**
 These areas could include office buildings, storage and flex uses, supporting commercial uses and/or medium to high-intensity residential uses.
- Office & Employment**
 Large office buildings, manufacturing, distribution, and light-to medium-industrial uses, storage and flex uses, along with associated offices and supporting commercial uses.
- Institution or Park**
 Community schools, the Pitt Community College campus, town parks, and open space areas form a fabric that knits the community together. New institutional, civic, and open space uses are potentially allowed in any future land use category.

RECOMMENDATIONS & IMPLEMENTATION

Land Use

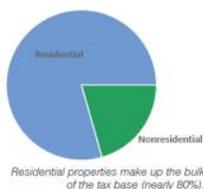
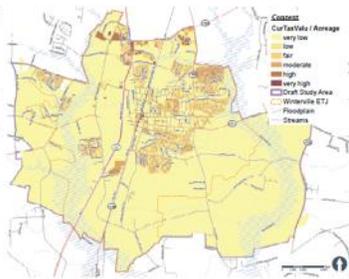
- Organizing Goals:**
- | | |
|--|--|
| Primary Goals: | Supporting Goals: |
| <ul style="list-style-type: none"> • Strengthen and Diversify the Economy • Safe, Healthy Neighborhoods and Environment • Activate Downtown | <ul style="list-style-type: none"> • Create a Town-wide Identity • Connectivity and Mobility |

- Policies and Strategies**
- Policy 1: Encourage a balanced tax base while managing growth.**
- Strategies**
- 1.1: Utilize the Future Land Use Map and character areas when considering land use decisions (i.e. development approvals and rezoning decisions) and infrastructure improvement priorities.
- 1.2: Encourage non-residential growth in the form of retail, restaurants, professional offices and industrial development

in areas designated as such on the Future Land Use Map.

1.3: Encourage a logical progression of development and extension of utilities and discourage leap-frog development.

- "Leap-frog development" is a term used for development that occurs far away from existing utilities in an area that is separated from existing development by undeveloped properties.
- The future land use map presents a view of the future many years from the current, and each rezoning should be considered on its own merits. It may be necessary to deny rezoning requests if they are premature or do not fit well with surrounding uses, even if the Future Land Use Map supports the rezoning.



Economic Development

especially along Winterville Parkway and other appropriate areas.

Organizing Goals:

- | | |
|--|---|
| <p>Primary Goals:</p> <ul style="list-style-type: none"> Strengthen and Diversify the Economy Create a Town-wide Identity | <p>Supporting Goals:</p> <ul style="list-style-type: none"> Activate Downtown |
|--|---|

Policies and Strategies

Policy 1: Continue to implement previous plans.

Strategies

- 1.1: Continue to implement relevant recommendations from the adopted economic development plan.
 - Update the Economic Development Strategy periodically (typically every 5-6 years).
- 1.2: Continue to market the assets and opportunities of Winterville as stated in the adopted economic development plan.
- 1.3: Emphasize retail, office, light industrial and other commercial development

Policy 2: Improve self-sufficiency and reduce retail leakage.

Strategies

- 2.1: Support Winterville's transformation from a 'bedroom community' to a 'neighboring community' of Greenville.
 - The Economic Development Task Force recommended that Winterville grow into its own vibrant community with its own commercial and employment sectors. This will help the Town become a self-sufficient community that recaptures retail leakage from nearby Greenville.
- 2.2: Discourage rezonings to residential zoning districts in high visibility corners with good access and parcels within Office & Employment future land use areas.

Policy 3: Reinforce the Town's identity as a family-friendly community.

Strategies

- 3.1: Support rezonings to residential uses in the Suburban Residential and Urban Neighborhood areas identified on the future land use map.
- 3.2: Continue to support and promote



The majority of Winterville's residential growth has been and will likely be in the form of single family detached residential subdivisions.



Encouraging commercial development on sites with good transportation access will help balance the tax base and create a more self-sufficient community.

RECOMMENDATIONS & IMPLEMENTATION

family friendly events including the Christmas Parade and Tree Lighting, the Watermelon Festival, Summer Movie and Concert Series and other events.

Policy 4: Respond to recent and planned transportation improvements.

Strategies

- 4.1: Encourage new commercial development at key intersections along Forlines Road and Fire Tower Road Extension.
 - Capitalize on opportunities that will arise due to the Southwest Bypass and planned extension of Fire Tower Road.
- 4.2: Encourage new commercial and industrial businesses to locate along the Laurie Ellis Extension.

Policy 5: Promote retirement-focused living.

Strategies

- 5.1: Continue participation in the N.C. Department of Commerce's Certified Retirement Community Program.
- 5.2: Remove barriers to and consider incentives for senior-friendly housing types in downtown and other appropriate locations.
- 5.3: Recruit developers for individual-owned patio homes and life care facilities

ties to broaden market offerings to appeal to the retirement age demographic.

5.4: Encourage alternative forms of transportation that are senior-friendly.

- Improve pedestrian facilities.
- Improve connections to transit service.
- Encourage bicycle and golf cart usage:
 - Provide bicycle and golf cart parking at town owned facilities.
 - Consider incentives for bicycle and golf cart parking downtown.

Policy 6: Focus on business recruitment, expansion and retention.

Strategies

- 6.1: Recruit new national and local businesses to Regional Center future land use areas.
- 6.2: Encourage and support local businesses, especially in expansion efforts.
- 6.3: Coordinate with Pitt Community College for expansions or other infrastructure needs.
 - This might include facilities to support the college, such as hotels, better road connections or intersection realignments, pedestrian connections, etc.
- 6.4: Coordinate with Pitt County and neighboring community economic development efforts.



The number of Winterville residents age 45 to 75 grew by 35% between 2010 and 2016. Lower maintenance patio homes and pocket neighborhoods may appeal to this demographic. Current zoning regulations could be modified to encourage this type of housing near downtown and in other appropriate locations.

Pocket Neighborhoods

Langley, Washington adopted a new Cottage Housing Development option that allows for double the density of detached homes in some zones if homes front a green-space and meet other design criteria. The image above is from a 'pocket neighborhood' in Langley.

Town of WINTERVILLE

A slice of the good life!

Staff Recommendation:

- The General Business (GB) District rezoning request is consistent with the intent and purpose of the Zoning Ordinance, Future Land Use Plan and is compatible with the future development and trends in the surrounding area. The Old Tar Widening Project and realignment of Vernon White Road with Tabard Road makes this a desirable location for a commercial use. The stream feature between the subject property and the residential subdivision to the west will provide an added buffer (natural woody vegetation 50' buffer).
- Planning Staff finds the request is reasonable and in the public interest because the proposed zoning district is compatible with surrounding land uses and the future land use plan.
- Staff recommends approval of the request to rezone 13.94 acres from R-15 to General Business (GB).



Parcels 67224, 68790, 70655 – Rezoning Request

REZONING PROCESS:

- Planning and Zoning Board recommended denial of the request on September 19, 2022.
- The Public Hearing was scheduled at the October 10, 2022 Town Council Meeting.
- The Public Hearing was tabled at the November 14, 2022 Town Council Meeting.
- Town Council will now hold a Public Hearing regarding this request.



Councilman Moye asked if NCDOT has determined amount to be taken. Planning Director Jones said do not know at this time amount to be taken.

Planning Director Jones read names submitting written comments. In favor: Duane Holder, and Steve Harrell. Opposed: Gabriel DiMartino, Dan and Bonnie Rogers, and Cindy Christian.

Mayor Hines declared the public hearing open, asked if anyone would like to speak in opposition of the rezoning request.

The following spoke in opposition to the rezoning request: Marvin Arnold, Steve Nugen, Diane Weathington, John Stallings, Carl Albert, Marciea Pinder, Desiree Dupree, Doug Boyd, and Torico Griffin.

Mayor Hines asked if anyone would like to speak in favor of the rezoning request.

The following spoke in favor of the rezoning request: Shavonne Brumsey, Phylicia Bridgers, Erika Nobles, Jesse Chadwick, Byron Evans with the Overton Group, and Michael Bridgers, owner.

Mayor Hines declared the public hearing closed.

Mayor Hines asked are traffic improvements determined by NCDOT. Planning Director Jones said yes. Mayor Hines asked are there lighting requirements. Planning Director Jones said yes, they will be included in the plans stage. Mayor Hines asked are there buffer requirements. Planning Director Jones said year round buffering. Councilman Moore asked can NCDOT change their mind. Planning Director Jones said not sure. Mayor Hines said NCDOT process is working. Councilman Rice asked are there lighting requirements. Planning Director Jones said at the plan review process time. Councilwoman Roberson asked what Planning and Zoning Board reason was to deny. Planning Director Jones said NCDOT project.

Motion made by Councilman Moore and seconded by Councilman Moye to deny the rezoning request for parcels 67224, 68790, and 70655.

Councilwoman Roberson said the Owner has tried. Councilman Moore said he elected to listen. Mayor Hines said we do not always follow Planning and Zoning Board. Boards look at things differently, look at factors for the Town.

Councilman Moore and Councilman Moye voted to deny the rezoning request. Councilman Rice and Councilwoman Roberson voted against denying the rezoning request. Mayor Hines broke the tie, voting against denial. Motion to deny rezoning fails.

Motion made by Councilwoman Roberson and seconded by Councilman Rice to approve the rezoning request for parcels 67224, 68790, and 70655. Councilwoman Roberson and Councilman Rice voted in favor of the rezoning request. Councilman Moore and Councilman Moye voted against the rezoning request. Mayor Hines broke the tie voting to approve the rezoning request. Motion to approve rezoning carries.

PUBLIC COMMENT: None

CONSENT AGENDA:

Items included in the Consent Agenda:

1. Approval of the following sets of Council Meeting Minutes:
 - November 14, 2022 Regular Meeting Minutes.
2. Approval of 2023 calendars
 - Draft 2023 Regular Council Meeting Calendar; and
 - Draft 2023-2024 Budget Calendar.
3. Budget Amendment 2022-2023-4.
4. Schedule Public Hearing – Rezoning Request - Southbrook PUD for January 9. 2023.

Motion made by Councilman Moore and seconded by Councilwoman Roberson to approve the consent agenda. Motion carried unanimously, 4-0.

OLD BUSINESS:

1. Ange Street Sidewalk Extension Contract Award:

Assistant Town Manager Bowers presented the contract for the construction of sidewalks and pedestrian crossings on Ange Street from the intersections of Primrose, Barrell, and Windmill on the East side of Ange Street, and Blount and Division Street on the West side of Ange Street. The new sidewalk will extend mostly on the West side of Ange Street adjacent to the AG Cox Softball field. There will also be handicap accessible ramps installed at the crosswalks. Bids were solicited from eight local contractors with only one responding. Tripp Brothers Inc. of Ayden was the only bid. Staff recommends the contract be awarded to Tripp Brothers Inc. as they are a responsible bidder and have done quality work for the Town in the past. The bid was \$131,840.75 which was lower than the engineer's estimate.

Motion made by Councilman Moore and seconded by Councilwoman Roberson to approve the Ange Street Sidewalk Extension Contract with Tripp Brothers Inc. in the amount of \$131,840.75. Motion carried unanimously, 4-0.

2. Downtown Parking Project Update:

Town Manager Parker gave a short verbal update on the status of the Downtown Parking Project, including the directional change for Church Street (behind Town Hall). Staff will give presentation next month.

3. Approval for County Commissioner Mark Smith to Fulfill his term as a CMSD Board Member:

Motion made by Councilman Moore and seconded by Councilwoman Roberson to approve County Commissioner Mark Smith to fulfill his term as a CMSD Board Member. Motion carried unanimously, 4-0.

NEW BUSINESS:

1. Council Endorsement of Sheppard Library Proposal Regarding the Sheppard Library Board Composition.

Town Manager Parker noted that Greg Needham will be asking the Pitt County Commissioners and Greenville City Council for a change in the Bylaws as follows. The Sheppard Memorial Library Board of Trustees is proposing a change to the Trustee Bylaws, such that the Town of Winterville would be given the authority to appoint an additional Trustee to the Library Board. If the Winterville Town Council is in favor of this change, the proposal would be shared also with the Pitt County Commissioners and Greenville City Council for their approval of the change. If that approval is granted, the SML Board of Trustees would vote to amend the Bylaws to enact the change. Please note that the same proposal is being made to the Town of Bethel, as both the Blount Library in Bethel and the Winterville Library are longstanding members of the Sheppard Memorial Library system. Mr. Needham is requesting the endorsement of the Winterville Town Council to proceed with said Proposal.

Motion made by Councilman Moore and seconded by Councilwoman Roberson to approve the Endorsement of the Sheppard Library Proposal Regarding the Sheppard Library Board Composition. Motion carried unanimously, 4-0.

OTHER AGENDA ITEMS:

1. Rental Agreement with Daughtridge Gas on Old Hwy 11. (Councilman Moore).

Motion made by Councilman Moore and seconded by Councilman Rice to approve an increase to \$200 per month, starting February 1, 2023 for a 10 year term on the Rental Agreement with Daughtridge Gas on the Old Hwy 11 site. Motion carried unanimously, 4-0.

ITEMS FOR FUTURE AGENDA/FUTURE WORK SESSIONS:

Councilman Moore asked that Council meet to use surplus funds for projects. Councilwoman Roberson asked that the Green Lamp funds be presented at the next meeting. Assistant Town Manager Bowers explained the details that are in place for distribution of these and other funds. Councilman Moye asked about meeting on the housing funds. It was noted that the Vision Setting Meeting will be held Monday, January 23, 2023 at 6:00 pm in the Town Hall Assembly Room and these and other topics can be discussed at that time.

ANNOUNCEMENTS: Town Clerk Harvey gave the following announcements:

- Human Relations Board Meeting: Thursday, December 15, 2022 @ 7:00 pm - Town Hall Executive Conference Room.
- Shop with a Cop: Saturday, December 17, 2022.
- Planning and Zoning Board Meeting: Monday, December 19, 2022 @ 7:00 pm - Town Hall Assembly Room.
- Board of Adjustment Meeting: Tuesday, December 20, 2022 @ 7:00 pm - Town Hall Assembly Room.
- Christmas Holidays: Friday, December 23, 2022, Monday, December 26, 2022, and Tuesday, December 27, 2022 – Town Offices Closed.
- New Year's Day Holiday: Monday, January 2, 2023 – Town Offices Closed.
- Pitt County Legislative Breakfast Meeting: Friday, January 6, 2023 from 8:00 am - 9:00 am; Eastern Area Health Education Center, 2600 W. Arlington Blvd., Greenville, NC.
- Regular Town Council Meeting: Monday, January 9, 2023 @ 7:00 pm.

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

Attorney Lassiter: No report, Merry Christmas.

Councilman Moore: Remember the reason for the Season.

Councilman Moyer: Thanked staff for decorations and parade, Merry Christmas.

Councilman Rice: Merry Christmas

Councilwoman Roberson: Gave updates on Library and Human Relations Board.

Manager Parker: Merry Christmas.

Mayor Hines: Merry Christmas and welcome all who came to see our government in process.

ADJOURN:

Motion made by Councilman Moore and seconded by Councilwoman Roberson to adjourn the meeting. Motion carried unanimously, 4-0. Meeting adjourned at 9:45 pm.

Adopted this the 9th day of January 2023.

Richard E. Hines, Mayor

ATTEST:

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: January 9, 2023

Presenter: Jessica Manning, Finance Director

Item to be Considered

Subject: Release and Refund of Taxes.

Action Requested: Approve the release and refund of the taxes.

Attachment: Listing of owner's due releases and refunds.

Prepared By: Anthony Bowers, Assistant Town Manager

Date: 12/22/2022

ABSTRACT ROUTING:

TC: 12/28/2022

TM: 1/5/2023

Final: tlp - 1/5/2023

Supporting Documentation

In general, tax refunds do not have a budgetary impact on the Town due to the fact that payments have been received twice for the same property. The total refunds are in the amount of \$30,505.35 and the total amount of releases are \$2,643.43.

The Town Council has approved a resolution authorizing the Finance Officer to be able to approve the request for releases and refunds in amounts less than \$100.00 dollars.

Please see the attached information as submitted by the Tax collector.

Budgetary Impact: None, as we will not amend the budget due to this small amount of releases.

Recommendation: Staff recommends Council approve the releases and refunds.

**Town of Winterville
Tax Refunds and Releases
12/31/2022**

Real Property Tax Refunds

Name	Year	Parcel	Date	Amount	Reason
BOUCHE, SUSIE S	2022	54820	10/20/2022	\$511.76	CUST. OVERPYMT
NEWCOMB, LE ROY	2022	64609	11/04/2022	\$21.16	CUST. OVERPYMT
PERKOVICH, PAUL	2022	82968	11/09/2022	\$8.36	CUST. OVERPYMT
BELL, ANTHONY	2022	66095	11/09/2022	\$556.80	CUST. OVERPYMT
XIONG, YU	2022	74316	11/09/2022	\$4.00	CUST. OVERPYMT
NEYLAND, JAMES	2022	86165	11/09/2022	\$6.76	CUST. OVERPYMT
ROCKERMANN, CHRISTIAN	2022	69581	11/09/2022	\$3.02	CUST. OVERPYMT
BRESCIA, DIANE	2022	35316	11/09/2022	\$27.00	CUST. OVERPYMT
VENUTO, AMY	2022	44365	11/09/2022	\$26.30	CUST. OVERPYMT
JOHNSON, JOHN K	2022	82988	11/09/2022	\$696.18	MORT. CO OVERPYMT
LANIER, SARAH	2022	65888	11/09/2022	\$213.75	EXEMPTION REFUND
BRIXEY, SCOTT	2022	40189	11/09/2022	\$9.56	MORT. CO OVERPYMT
LICARI, ROBERT	2022	62873	11/09/2022	\$504.43	MORT. CO OVERPYMT
FORBES, DORIS J.	2022	35328	11/09/2022	\$558.40	MORT. CO OVERPYMT
BAGGETT, CRAIG A	2022	42088	11/09/2022	\$710.21	MORT. CO OVERPYMT
WILSSON, MARGARET G	2022	63851	11/08/2022	\$684.64	MORT. CO OVERPYMT
GOFF, MEAGHAN	2022	82966	11/08/2022	\$839.23	MORT. CO OVERPYMT
BENTON, SOPHIA NICOLE	2022	68265	11/08/2022	\$562.47	MORT. CO OVERPYMT
TUFTS, MERRILL	2022	20335	11/08/2022	\$161.02	MORT. CO OVERPYMT
CONDERY, KENNIFER	2022	87534	11/08/2022	\$531.81	MORT. CO OVERPYMT
BATES, SHUANA	2022	85584	11/08/2022	\$213.75	MORT. CO OVERPYMT
BATES, SHUANA	2022	85585	11/08/2022	\$200.00	MORT. CO OVERPYMT
RODGERS, RONELL M	2022	55165	11/08/2022	\$746.04	MORT. CO OVERPYMT
MAIOLO, ALDEN	2022	725	11/08/2022	\$525.77	MORT. CO OVERPYMT
MOHSEN, ADHAM	2022	66106	11/08/2022	\$715.33	MORT. CO OVERPYMT
DOCKERY, NANCY	2022	68638	11/08/2022	\$287.92	MORT. CO OVERPYMT
IGUOBADIA, JOY	2022	87020	11/08/2022	\$935.66	MORT. CO OVERPYMT
EPLEY, ADAM	2022	82338	11/07/2022	\$747.30	MORT. CO OVERPYMT
KNOX, JAMES K	2022	20881	11/07/2022	\$1,428.35	MORT. CO OVERPYMT

Real Property Tax Refunds - Continued

Name	Year	Parcel	Date	Amount	Reason
ROBERTS, JOYCE	2022	80749	11/07/2022	\$831.39	MORT. CO OVERPYMT
MOYER, ALLISON	2022	68291	11/07/2022	\$213.75	MORT. CO OVERPYMT
FLANAGAN, KAYLA	2022	43881	11/07/2022	\$657.36	MORT. CO OVERPYMT
LEONARD, CAROLINE	2022	54598	11/09/2022	\$812.30	MORT. CO OVERPYMT
EYSEEN, DANIEL	2022	68307	11/09/2022	\$730.61	MORT. CO OVERPYMT
MOORE, MARY	2022	80126	11/15/2022	\$1,070.21	MORT. CO OVERPYMT
MORTON, CHRISTOPHER	2022	85742	11/15/2022	\$791.36	MORT. CO OVERPYMT
GREEN, BOBBY JOE	2022	3564	12/06/2022	\$731.99	MORT. CO OVERPYMT
COX, SUSAN W	2022	63844	12/06/2022	\$481.58	MORT. CO OVERPYMT
TULLIO, HELDER L	2022	68649	12/06/2022	\$763.18	MORT. CO OVERPYMT
WALDT, GREGORY MARK	2022	82977	12/06/2022	\$864.82	MORT. CO OVERPYMT
PELLINGTON, MISTY M	2022	83165	12/09/2022	\$718.28	MORT. CO OVERPYMT
THOMAS, DANIEL ALLEN	2022	58286	12/07/2022	\$731.86	MORT. CO OVERPYMT
SAYDE, HAFEDH A	2022	60957	12/08/2022	\$843.23	MORT. CO OVERPYMT
BROWN, THOMAS	2022	63304	12/08/2022	\$886.27	MORT. CO OVERPYMT
CARSON, HERBERT S	2022	63533	12/08/2022	\$840.13	MORT. CO OVERPYMT
HARVILLE, PERN	2022	13002	12/06/2022	\$1,580.99	MORT. CO OVERPYMT
MAIER, KAYLEN	2022	28702	12/06/2022	\$1,391.78	MORT. CO OVERPYMT
BELFIELD, QUAD	2022	68623	12/06/2022	\$1,387.02	MORT. CO OVERPYMT
BROWN, COREY T	2022	68533	12/06/2022	\$820.25	MORT. CO OVERPYMT
HOPKINS, SHERLYN	2022	56038	12/15/2022	\$895.13	MORT. CO OVERPYMT
Total				\$30,480.47	

Personal Property Refunds

Name	Year	Account	Date	Refund	Reason
TETTERTON, ERIC TODD	2022	0001073189	12/08/2022	\$24.88	OUTSIDE CITY LIMIT
Total				\$24.88	

Real Property Releases

Name	Year	Parcel	Date	Released	Reason
POWELL, JONATHAN	2022	46549	10/20/2022	\$213.75	BOER EXEMPT
SIEMION, ROBERT	2022	83166	10/20/2022	\$213.75	BOER EXEMPT
TUFTS, MERRILL M	2022	20335	10/20/2022	\$213.75	BOER EXEMPT
BOUCHE, SUISE S.	2022	54820	10/20/2022	\$213.75	BOER EXEMPT
BELL, ANTHONY	2022	66095	10/20/2022	\$213.75	BOER EXEMPT
MORTON, CHRISTOPHER D.	2022	85742	11/15/2022	\$213.75	BOER EXEMPT
MOORE, MARY L	2022	80126	11/15/2022	\$430.60	BOER EXEMPT
HOPKINS, SHERLYN	2022	56038	12/15/2022	\$213.75	BOER EXEMPT
Total				\$1,926.85	

Personal Property Releases

Name	Year	Account	Date	Released	Reason
TROXELL, JOSHUA ALAN	2022	0001076784	08/22/2022	\$80.77	NOT IN CITY LIMITS
EDMUNDSEN, RONNIE LEE	2022	0001078481	08/22/2022	\$12.18	NOT IN CITY LIMITS
FOX, NEAL JOSEPH	2022	0001073479	08/22/2022	\$203.11	NOT IN CITY LIMITS
AVERY, FLOYD WAYNE	2022	0001079415	08/22/2022	\$132.92	NOT IN CITY LIMITS
COLE, MATTHEW SHAWN	2022	0001082812	08/23/2022	\$93.29	PROP SOLD
SULLIVAN, GEORGE EDWARD	2022	0001079249	08/26/2022	\$20.94	NOT IN CITY LIMITS
CARNEY, DORCAS MAYLAYAS	2022	0001078040	08/31/2022	\$2.77	NOT IN CITY LIMITS
HUBER JR, ODIA JOSEPH	2022	0001078869	09/01/2022	\$5.71	NOT IN CITY LIMITS
INMEDIATO, MICHAEL	2022	0001075010	09/01/2022	\$7.84	MH SOLD
MANSFIELD, THOMAS	2022	0001082492	09/01/2022	\$5.96	NOT IN CITY LIMITS
HINES, ELLIOT MOORE	2022	0000942050	09/20/2022	\$2.38	NOT IN CITY LIMITS
BRANTLEY JR, JERRY LENDO	2022	0001064811	10/25/2022	\$72.99	NOT IN CITY LIMITS
TETTERTON, ERIC TODD	2022	0001073189	12/08/2022	\$24.88	NOT IN CITY LIMITS
SMITH JR, LEVI CANNON	2022	0001078897	12/08/2022	\$50.84	NOT IN CITY LIMITS
				Total	\$716.58

Total Refunds	51	\$30,505.35
Total Releases	22	\$2,643.43

The Release (G.S. 105-381 or 382), Corrections (G.S. 105-325), or Refunds (G.S. 105-381 or 382) of tax bills outlined above are approved by The Town of Winterville Council.

Richard E. Hines, Mayor

January 9, 2023

Date Approved



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: January 9, 2023

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Subdivision Ordinance Amendments.

Action Requested: Schedule the Public Hearing for the proposed Subdivision Ordinance Amendments for February 13, 2023.

Attachment: Subdivision Ordinance Amendments Summary.

Prepared By: Bryan Jones, Planning Director

Date: 12/28/2022

ABSTRACT ROUTING:

TC: 1/3/2023

TM: 1/5/2023

Final: tlp - 1/5/2023

Supporting Documentation

Town of Winterville Subdivision Ordinance Amendments:

The proposed amendments to the Subdivision Ordinance will include the following:

- Amend Section 154.02 – Authority: update NC General Statute reference;
- Amend Section 154.13 – Approval Authority: propose minor subdivisions to be staff level approval;
- Amend Section 154.16 – Plat Submittal and Review Periods-Final Plats: propose changing requirements for minor subdivision final plat submittal requirements;
- Amend Section 154.17 – Effect of Approvals-Prerequisites: propose adding language to improve process of accepting physical improvements (i.e. public utilities, roads, etc.);
- Amend Section 154.21 – Connectivity and Appropriateness to Adjoining Property and Land Uses: adding language for required subdivision access points;
- Amend Article V – Guarantee of Required Improvements; Warranty Against Defects: amending language to require that all required improvements be installed prior to Final Plat approval;
- Amend Section 154.59 – Amendment: update NC General Statute reference;
- Amend Appendix 1 – Mapping Standards: improve formatting and update submittal requirements.

Budgetary Impact: TBD.

Recommendation: Staff recommends scheduling the Public Hearing for February 13, 2023.



SUBDIVISION ORDINANCE AMENDMENTS - SUMMARY

~~Text Removed~~ (red letter/strike through)

Text Added/Amended (bold/highlighted)

Section 154.02 **Authority**

This Ordinance is adopted under the authority and provisions of the General Statutes of North Carolina Chapter ~~160A, Article 19, Part 2~~ **160D, Article 8**, Subdivision Regulations. (2000 Subdivision Ordinance, O-52-02149900, adopted 02/14/2000)

Section 154.13 **Approval Authority**

The approval authority for the levels and types of Subdivision approval shall be as follows:

Preliminary Plans –

Major Subdivisions – Town Council on recommendation by the Planning Board

Minor Subdivisions – No preliminary submittal required

Final Plats –

Major Subdivisions – Town Council on recommendation by the Planning Board

~~Minor Subdivisions – Town Council on recommendation by the Planning Board~~

Minor Subdivisions and Single-Family Attached of no more than two attached units –

Final plats for **Minor Subdivision** or single-family attached of no more than two units, as defined by the Winterville Zoning Ordinance, may be approved for recording by the Subdivision Administrator subject to the following provisions:

- a. The final plat must meet all applicable requirements of the Zoning Ordinance, Subdivision Ordinance, and any other

applicable regulations;

- b. Final plats for approval by the Subdivision Administrator shall contain the following certificate:

“I certify that the subdivision plat shown hereon has been found to comply with all subdivision ordinance of Winterville, North Carolina, and is approved for recording by the Pitt County Register of Deeds.

Subdivision Administrator
_____, 20____”

- c. The Subdivision Administrator, at his discretion, may require any final plat for **Minor Subdivision** or single-family attached to be submitted for approval to the Planning and Zoning Board and to the Town Council. *(04-0-75, adopted 05/10/2004)*

Section 154.16

Plat Submittal and Review Periods – Final Plats

Plats, in the proper form, shall be submitted to the Subdivision Administrator according to the following schedule:

Final Plats – Minor Subdivisions

~~Final plats for Minor Subdivisions for recommendation by the Planning Board may be submitted at any time, provided, however in order to be eligible to be placed on an agenda of a Planning Board Meeting such submittal shall have been filed with the Subdivision Administrator at least twenty-one (21) days prior to that meeting. The Planning Board shall recommend approval, approval with conditions or denial of the Final Plat within ninety (90) days of its first consideration. The recommendation shall be in writing and/or drawn form and dated.~~

~~Final Plats for Minor Subdivisions for approval by the Town Council may be submitted at any time, provided, however in order to be placed on an agenda of a Town Council meeting, such submittal shall have been filed with the Subdivision Administrator at least fifteen (15) days prior to that meeting. Upon review of the Plat and the recommendation of the Planning Board, the Town Council may take whatever action it deems appropriate.~~

Final Plats for Minor Subdivisions for approval by the Subdivision Administrator may be submitted any time. However, if warranted by unusual impacts or conditions, the Subdivision Administrator may require any Final Plat for a Minor Subdivision be approved by Town Council on recommendation by the Planning Board. Upon receipt and compilation of reviewing agency requirements, comments, and recommendations, the Subdivision Administrator shall approve, or

disapprove the plat. Failure on the part of the Subdivision Administrator to act on the plat within forty-five (45) days of receipt of an acceptable plat shall constitute approval, except where the subdivider voluntarily withdraws the plat from consideration or requests that review be continued. Such requests shall be provided to the Subdivision Administrator in writing.

**Notes: The Subdivision Administrator will review and approve minor subdivisions. Minor plat review is intended to be used for simple, straightforward, routine subdivisions. The Subdivision Administrator should have the option of requiring any plat to be considered by the Planning Board, regardless of its size, if something unusual arises.

Section 154.17 **Effects of Approvals – Prerequisites**

Approval and recording of the Final Plat shall constitute Dedication by the Subdivider of the right-of-way of each public Street and utility and drainage Easement shown on such plat. Such Dedication, however, does not constitute acceptance by the Town of such right-of-way, nor does it constitute acceptance for maintenance or for other purposes of the improvements within such rights-of-way and easements such as pavements, sidewalk, drainage facilities and other utility lines. Acceptance of physical improvements will be made by the Utility Directors, Town Engineer, and Town Manager once the required improvements have been installed and are found to be in accordance with approved plans and Town standards. Such right-of-way and improvements may be accepted by the Town Council by resolution upon completion by the Subdivider and inspection by the Subdivision Administrator, or his/her designated agents.

Section 154.21 **Connectivity and Appropriateness to Adjoining Property and Land Uses**

4) Required Subdivision Access Points

(1) When a residential subdivision borders on or contains a major thoroughfare, direct driveway access from lots within the subdivision onto the thoroughfare shall not be permitted.

(2) In order to accommodate emergency and service vehicles, the following standards shall apply:

(a) Unless restricted by areas of environmental concern, any residential subdivision of greater than 30 lots shall include at least two separate and constructed access points.

(b) Street stub-outs to adjacent undeveloped properties shall be provided as deemed appropriate. Stub-outs to adjacent undeveloped properties shall not count towards the minimum number of required access points. All stub-outs shall be constructed to the property line.

(c) Street connections shall be made to existing stub-outs on adjacent developed properties. These street connections may count towards the minimum number of required access points.

(d) All required access points outlined in this section shall be

constructed prior to plat recordation of the phase in which the access points are located.

ARTICLE V – GUARANTEE OF REQUIRED IMPROVEMENTS; WARRANTY AGAINST DEFECTS

Section 154.49 **Financial Guarantee in Lieu of Immediate Installation of Required Improvements for Approval**

~~In lieu of requiring the completion,~~ Installation and inspection of all or any part of the required improvements as described in this Ordinance **must be installed prior** to Final Plat approval, ~~the Town may approve a financial guarantee whereby the Subdivider shall agree to complete all required improvements. Once said financial guarantee is approved by the Town Council and the security required herein is provided, the Final Plat may be approved if all other requirements of this Ordinance are met. To secure this agreement, the Subdivider shall provide either of, or a combination of, the following Guarantees to cover the costs of the proposed improvements: (2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)~~

~~A) Financial Surety~~

~~The Subdivider shall provide an Irrevocable Letter of Credit or a Special Surety Bond to the Town of Winterville. The amount of guarantee shall be equal to not less than one hundred and twenty five percent (125%) of the estimated cost of installing all required improvements. The initial cost estimate shall be provided by the subdivider and certified by his engineer. The final cost estimate must be approved by the Town of Winterville prior to issuance of the financial surety. (06-0-211, adopted 03/13/2006)~~

B) Governmental Guarantee

In any case where a required improvement is to be provided by the State of North Carolina or any local government other than the Town, the Subdivider may provide, in lieu of the types of financial Guarantee as provided for above, a letter from the appropriate State or local government official Guaranteeing the installation of the improvement in the required manner and within the time allotted. Provided, however, in any case where the cost of such improvement exceeds ten thousand dollars (\$10,000) as determined by the Town, such governmental Guarantee shall be in form of an approved Project Budget Ordinance where local government is to be the provider and an equivalent document where the State is to be the provider. (2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)

~~Section 154.50~~ ~~Duration of Financial Guarantees~~

~~The duration of a financial Guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial Guarantee for improvements exceed eighteen (18) months unless extended by the Town Council.~~

~~All Subdivisions whose public improvements are not completed and accepted at least thirty days prior to the expiration of the financial Guarantee shall be considered to be in default, unless said Guarantee is extended with the consent of the Town Council to a future date certain not to exceed six (6) months. (2000 Subdivision Ordinance, O-52-02149900, adopted 02/14/2000)~~

~~Section 154.51 ——— Default~~

~~Upon default, meaning failure on the part of the Subdivider to complete the required improvements in a timely manner as specified in the financial agreement, the Town, may expend said funds as deemed necessary to complete all or any portion of the required improvements.~~

~~Default on a project does not release the Subdivider from liability/responsibility, financial or otherwise, for the completion of the improvements. (2000 Subdivision Ordinance, O-52-02149900, adopted 02/14/2000)~~

~~Section 154.52 ——— Release of Guarantee Security~~

~~The Town Council may release a portion or all of any security posted as the improvements are completed. Prior to such release the Subdivider shall provide the Subdivision Administrator with a set of ‘as built’ drawings certified by his Engineer. (2000 Subdivision Ordinance, O-52-02149900, adopted 02/14/2000)~~

Section 154.53 Warranty Against Defects

Prior to the approval of the Final Plat or acceptance by the Town of any improvements in any Subdivision, the Subdivider shall furnish to the Town a written warranty against defects which shall guarantee the material and workmanship for a period of not less than one year from the date of such acceptance. Such warranty shall be accompanied by a financial guarantee payable to the Town equal to at least ten percent (10%) of the cost of the installation of such improvements. ~~as determined by the Town Council. Such financial guarantee shall be in the form of financial guarantee as provided for in Section 154.49 of this Ordinance.~~ The cost estimate shall be provided by the subdivider and certified by his engineer and must be approved by the Town of Winterville.

Upon successful performance of the improvements, as determined by the Town Council, for the one-year period, the financial guarantee shall be returned to the Subdivider. Upon the failure of an improvement to perform within the generally accepted standards for the type improvement as determined by the Town Council, the Subdivider shall be notified and given a reasonable period of time to correct the defects. Should the Subdivider fail to act, fail to act in a timely manner, or otherwise fail to correct the defect(s), the Town Council shall find the Subdivider in default. ~~and proceed in the same manner as provided for in Section 154.51 of this Ordinance.~~ Upon default, meaning failure on the part of the Subdivider to complete the required improvements in a timely manner as specified in the financial agreement, the Town, may expend said funds as deemed necessary to complete all or any portion of the required improvements. ~~Default on a project does not release the Subdivider from liability/responsibility, financial or otherwise, for the completion of the improvements.. (2000 Subdivision Ordinance, O-52-02149900, adopted 02/14/2000)~~

**** Per UNC School of Government (Adam Lovelady):** “Local governments are not limited to performance guarantees. Other enforcement tools are also available to ensure compliance with

subdivision requirements. One option is to say no—to refuse final plat approval until all infrastructure is complete. That gives certainty of completion, but may hinder development and few jurisdictions use this option anymore. Another option is to issue approvals for phases such that all of the improvements for one phase must be complete before final plat approval for that particular phase. Additionally, cities and counties may withhold building permits, seek injunctive relief, or bring other actions to ensure compliance with the subdivision ordinance.”

<https://canons.sog.unc.edu/2014/02/subdivision-performance-guarantees/>

“To be clear, local ordinances may allow for performance guarantees, but local governments are not required to allow performance guarantees. The statutory standards and requirements apply if the local government chooses to allow for performance guarantees.”

<https://canons.sog.unc.edu/2015/09/subdivision-performance-guarantees-legislative-changes/>

Given the market and challenges of cash flow, David (developer) needs to complete the development in phases. *The local ordinance could require David (developer) to complete all improvement before a final plat is approved.* The ordinance also could allow for phased final plat approval—requiring the improvements of a particular phase to be completed before the final plat of that phase. Or, alternatively, the local ordinance could allow for final plat approval if David (developer) guarantees that he will complete the necessary improvements along with a financial assurance to back that guarantee. Many subdivision ordinances allow for these performance guarantees.

<https://canons.sog.unc.edu/2015/05/subdivision-performance-guarantees-a-little-more-clarity/>

Section 154.59 **Amendment**

The Town Council may from time to time amend the terms of this Ordinance after a public hearing has been held and notice given as required by North Carolina General Statutes ~~160A-364~~ 160D-601. However, any proposed Amendment shall be submitted to the Planning Board for review and recommendation prior to the Town Council action. The Planning Board shall have forty-five (45) days from the date such Amendment is first submitted for review to the Board to make its recommendation. If the Planning Board fails to make its recommendation within the specified time, it shall be deemed to have recommended in favor of the Amendment. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

A. NUMBER AND TYPE OF MAP TO BE SUBMITTED

		PLANNING BOARD/	
	INITIAL	TOWN COUNCIL	TOWN FILE
MAP	REVIEW	REVIEW	(as approved)

Preliminary Plan

Major ~~3 prints (1 reproducible)~~ ~~10 prints (1 reproducible)~~ ~~4 prints (1 reproducible)~~

Construction ~~4 prints (1 reproducible)~~ ~~1 set (as-built) mylar*~~
Plans

Final Plat ~~3 prints~~ ~~8 prints (1 reproducible)~~ 1 original, 2 rep.; A computer disk in
DXF file format

MAP CATEGORY	SUBMITTAL REQUIREMTNES
Preliminary Plat	10 prints, 1 digital
Construction Plans	10 prints, 1 digital
Final Plat	10 prints, 2 mylars, 1 digital
As-Builts	3 prints, 1 mylar, 1 digital

Register of Deeds Certificate

State of North Carolina, _____ Pitt _____ County

This instrument was presented for registration and recorded in Map Book _____, Page _____,
this _____ day of _____, 20 _____ at _____ a.m.

Register of Deeds

*Certificate no longer required by Register of Deeds



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: January 9, 2023

Presenter: Anthony Bowers, Assistant Town Manager

Item to be Considered

Subject: System Development Fees.

Action Requested: Schedule the Public Hearing for the proposed Subdivision Ordinance Amendments for February 13, 2023.

Attachment: Notice

Prepared By: Anthony Bowers, Assistant Town Manager

Date: 12/28/2022

ABSTRACT ROUTING:

TC: 1/3/2023

TM: 1/5/2023

Final: tlp - 1/5/2023

Supporting Documentation

At your December meeting, The Wooten Company presented the Town Council with the calculations for charging developers fees associated with the increase demand. The Wooten Company established the legal amount is limited to \$4,033 for water and sewer improvements. This is an increase, and staff is recommending that we adopt the fee at 50% of the allowable amount. You can find this on page 2 of the System Development Fee Analysis that you were provided. This will put the Town in the same prices range as our neighbors.

We are required to allow 45 days to pass from the presentation of the SDF Analysis before a rate can be adopted. We have advertised the in The Daily Reflector on December 20, 2022, and it is also scheduled to run on January 17, 2023 and are accepting questions and comments.

Once the public hearing is complete a vote can be taken to adopt the new system development fee.

Budgetary Impact: Adopting the fee will generate additional review for the water and sewer funds.

Recommendation: Staff recommends scheduling the Public Hearing for February 13, 2023.



**Town of Winterville
System Development Fees Analysis
Comment Period**

The Town of Winterville has been presented a Water and Sewer System Development Fee Analysis performed by The Wooten Company. The Analysis is available for review and comments until 5:00 pm on Tuesday February 5, 2023. Written public comments may be sent to Don Harvey, Town Clerk, Town of Winterville, 2571 Railroad Street, PO Box 1459, Winterville, NC 28590 or emailed to don.harvey@wintervillenc.com.

A water and sewer system development fee is a one-time charge paid by developers for the Town to recover a portion of the costs for design and construction water and sewer system infrastructure necessary to serve new customers with the same level of service as existing customers.

Notes to Publisher:

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

Subject: System Development Fees Analysis

Please place the above legal advertisement in the Daily Reflector on Tuesday, December 20, 2022 and Tuesday, January 17, 2023. Should you have any questions please contact me.

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

Thank you,

Donald Harvey, Town Clerk
Town of Winterville
2571 Railroad Street/PO Box 1459
Winterville, NC 28590
(252) 215-2344 – Phone
don.harvey@wintervillenc.com



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Old Business

Meeting Date: January 9, 2023

Presenter: Terri L. Parker, Town Manager

Item to be Considered

Subject: Reorganization of Positions.

Action Requested: Approval of Changes.

Attachment: N/A.

Prepared By: Terri L. Parker, Town Manager

Date: 1/5/2023

ABSTRACT ROUTING:

TC: 12/9/2022

TM: 1/5/2023

Final: tjp - 1/5/2023

Supporting Documentation

As the Town prepares to take over the entire costs of the SAFER Hiring Grant with the Winterville Fire-Rescue-EMS Department, I am requesting that we reclassify some positions to move forward with Phase 2 of the Department's Organizational Structure.

I am requesting that Council approve reclassifying the Recruitment/Retention Officer position to the position of Assistant Fire Chief. The Assistant Chief will retain many of the recruitment/retention duties. I am requesting the position to be placed as a Grade 23 (\$65,254 - \$97,883).

Secondly, I am requesting to reclassify four (4) Fire Engineer positions to the position of Fire Captain. These Captain positions would be considered the shift supervisors. I am requesting the positions be placed as a Grade 17 (\$48,695 - \$73,043).

Budgetary Impact: TBD.

Recommendation: Approve Requests.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Old Business

Meeting Date: January 9, 2023

Presenter: Terri L. Parker, Town Manager

Item to be Considered

Subject: Downtown Parking Update.

Action Requested: N/A.

Attachment: N/A.

Prepared By: Terri L. Parker, Town Manager

Date: 1/5/2023

ABSTRACT ROUTING:

TC: 1/5/2023

TM: 1/5/2023

Final: tlp - 1/5/2023

Supporting Documentation

The Town Manager will give a short verbal update on the status of the Downtown Parking Project, including the directional change for Church Street (behind Town Hall).

Budgetary Impact: TBD.

Recommendation: N/A.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: January 9, 2023

Presenter: Donald Harvey, Town Clerk

Item to be Considered

Subject: The Town of Winterville Code of Ordinance Chapter 97 requires person(s) wishing to engage in activities regulated by this ordinance to acquire a specific permit approved by the Chief of Police, or his designee. A permit granted under this section requires an administration fee of fifteen dollars (\$15.00).

Action Requested: Consider permission from Sudan Shriners to hold parade.

Attachment: None

Prepared By: Donald Harvey, Town Clerk

Date: 1/3/2023

ABSTRACT ROUTING:

TC: 1/4/2023

TM: 1/5/2023

Final: tlp - 1/5/2023

Supporting Documentation

The code of ordinance requires all organizations that wish to hold a parade submit information describing the route, responsible persons and their contact numbers. The Town Council must approve the issuance of the permit based on this and any other information they request. The Sudan Shriners is requesting to submit a parade application in the immediate future to the Chief of Police. The Organization's Chairperson and parade contact person is Robert B. Padget. The date of the parade is May 20, 2023 at 11:30 am. The lineup will begin at 10:00 am and will end at approximately 1:00 pm. The parade route is noted below.

Sudan Shriners Spring Ceremonial parade for the gathering of Shriners from eastern North Carolina to accept new members and show support of Shriners philanthropy efforts.

Saturday, May 20, 2023.

Lineup time starting 10:00 am.

Parade start time 11:30 am.

Estimated parade duration 1 hour (+/-).

40 Sudan Shrine parade units (this parade will be Shrine Units ONLY).

Route following same route as the Winterville Watermelon Festival parade, lineup around the intersection of Laurie Ellis Road and Church Street. Proceeding down Church Street to Main Street, turning right on Main Street to Ange Street, right on Ange Street to Cooper Street, right on Cooper Street immediate left continuing on Ange Street behind A.G. Cox Middle School, disbanding along Ange Street. Units needing breakdown will then return to the Church Street/Laurie Ellis Road area for loading.

They will request any needed NCDOT street closures.

Budgetary Impact: TBD..

Recommendation: Discussion and decision.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: January 9, 2023

Presenter: Anthony Bowers, Assistant Town Manager

Item to be Considered

Subject: Award of Contract to The Wooten Company - Task Order 40.

Action Requested: Approve award of contract with The Wooten Company.

Attachment: Task order 40 – Railroad St and Nobel Canal Stormwater improvements project, Bid Tabulation.

Prepared By: Anthony Bowers, Assistant Town Manager

Date: 1/5/2023

ABSTRACT ROUTING:

TC: 1/5/2023

TM: 1/5/2023

Final: tlp - 1/5/2023

Supporting Documentation

In an effort to move the Railroad Street drainage improvement project forward, staff formally advertised and Solicited Request for Qualification (RFQ) for engineering services.

The RFQ was advertised in The Daily Reflector on Wednesday November 30, 2022 and it was also posted on the Town's website.

We received three bids from qualified engineering firms. We had communication with 9 firms, but only three provided responses.

They were scored on the following criteria: Qualifications and Experience (50 Points), Project Approach (30 points), Completed Projects (20 Points).

The Wooten Company scored the highest among the submittals. The Wooten Company has considerable knowledge of the Town's stormwater infrastructure.

Based on the analysis, staff is recommending The Wooten Company be awarded the contract.

Budgetary Impact: Ceiling cost of \$838,100.

Recommendation: Staff recommends award of Contract to The Wooten Company.

This is **Task Order No. 40**
consisting of 3 pages.

Task Order No. 40 – Winterville: Nobel Canal Drainage Improvements

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

1. Specific Project Data
 - A. Title: **Winterville: Nobel Canal Drainage Improvements**
 - B. Description: Utilizing the recommendations and scope in the 2017 SEPI/ARK report (identified as Project Sections 1-5), Wooten will assist the Town with Engineering Design, permitting, bidding and negotiating, construction administration, and additional services, including geotechnical services, to improve the stormwater drainage utilities in and around Railroad Street within the Nobel Canal watershed. Wooten will also assist Owner with funding assistance and project scoping response to funding agencies.
 - C. Period of Completion: Engineering services will commence within 1 month of effective date of this Task Order. Engineering design will be completed within 8 months with additional services including permitting, bidding, etc. to follow.
2. Services of Engineer
 - Design Services
 - Bidding or Negotiating Services
 - Geotechnical Services
 - Construction and Commissioning Services
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. Payments to Engineer
 - A. Owner shall pay Engineer for services rendered as follows:

<i>Category of Services</i>	<i>Compensation Method</i>	<i>Estimate of Compensation for Services</i>
Funding/Scoping Assistance	Hourly Rate w/ Ceiling	\$17,500.00
Engineering Design and Permitting	Lump Sum	\$326,600.00
Bidding and Negotiating	Hourly Rate w/ Ceiling	\$15,000.00
Geotechnical and Testing Services	Cost x 1.10	\$60,000.00
Funding Administration	Hourly Rate w/ Ceiling	\$55,000.00
Construction Services	Hourly Rate w/ Ceiling	\$364,000.00
TOTAL		\$838,100.00

B. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.

C. Estimated ceiling fees will not be exceeded without written consent of the Owner.

6. Consultants: **Costs times a multiplier of 1.10**

7. Other Modifications to Agreement: **None**

8. Attachments: **Appendix 1: Standard Hourly Rate Schedule**

Appendix 2: Scope of Services

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.

The Effective Date of this Task Order is _____.

OWNER:

Town of Winterville, NC

By (Signature): _____

Typed Name: **Terri L. Parker**

Title: **Town Manager**

Date Signed: _____

ENGINEER:

**L.E. Wooten & Company dba
The Wooten Company**

By (Signature): _____

Typed Name: **W. Brian Johnson, PE**

Title: **Vice President**

Date Signed: _____

Engineer License or Firm's
Certificate No. **F-0115**
State of: **NC**

**DESIGNATED REPRESENTATIVE FOR
TASK ORDER:**

Typed Name: **Terri L. Parker**

Title: **Town Manager**

Address: **PO Box 1459
Winterville, NC 28590**

E-Mail
Address: **Terri.parker@wintervillenc.com**

Phone: **(252) 756-2221**

Fax: **(252) 321-8455**

**DESIGNATED REPRESENTATIVE FOR
TASK ORDER:**

Typed Name: **William A. Larsen, P.E.**

Title: **Project Manager**

Address: **301 W. 14th Street
Greenville, NC 27834**

E-Mail
Address: **wlarsen@thewootencompany.com**

Phone: **(252) 757-1096**

Fax: **(252) 757-3221**



SCHEDULE OF FEES
Hourly Rates for Wage Categories
7/1/2022

Wage Category	Hourly Billing Rate
Engineer I	\$ 120
Engineer II	\$ 147
Engineer III	\$ 184
Engineer IV	\$ 220
Engineer V	\$ 260
Architect I	\$ 104
Architect II	\$ 151
Designer I	\$ 87
Designer II	\$ 104
Designer III	\$ 128
Designer IV	\$ 159
Construction Admin I	\$ 120
Construction Admin II	\$ 168
Construction Admin III	\$ 229
Construction Observer / Resident Project Representative	\$ 114
Utility Coordinator II	\$ 134
Utility Coordinator III	\$ 171
Survey Technician I	\$ 54
Survey Technician II	\$ 70
Survey Technician III	\$ 91
Survey Technician IV	\$ 107
Survey Technician V	\$ 127
Surveyor II	\$ 118
Surveyor III	\$ 138
Surveyor IV	\$ 191
GIS Analyst II	\$ 89
GIS Analyst III	\$ 125
GIS Analyst IV	\$ 139
Community Development Coordinator	\$ 142
Funding Coordinator I	\$ 85
Funding Coordinator II	\$ 109
Funding Coordinator III	\$ 163
Project Assistant	\$ 85

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

Standard Hourly Rates apply only as specified in the original contract and are subject to annual review and adjustment. Future additions or amendments to the original contract may be subject to the rates in effect at the time of the modification.

APPENDIX 2
TO THE
ENGINEERING SERVICES AGREEMENT
BETWEEN
THE TOWN OF WINTERVILLE
AND
L.E. WOOTEN & COMPANY DBA THE WOOTEN COMPANY
FOR
SCOPE OF SERVICE
TO
NOBEL CANAL DRAINAGE IMPROVEMENTS

The following Attachment shall become a part of the Contract Agreement.

PROJECT INCLUDES

The project generally includes the replacement of deteriorated and undersized storm drainage pipe networks along East Railroad Street, West Railroad Street, installation of a new RCBC running north along West Railroad Street, replacement of an existing 72" Corrugated Metal Pipe between Mill Street and West Railroad Street, replacement of existing RCBC under Mill Street, streambank stabilization between Champman Street and Mill Street, and other miscellaneous features including drop inlets, asphalt patching, erosion control measures, etc.

FUNDING AND SCOPING ASSISTANCE

- (1) Hold an initial meeting with Owner to verify project scope and division of work between Owner and Engineer.
- (2) Gather data from Owner and NOAA sources regarding storm events, anticipated precipitation intensities, utility rate information, and copy of Water and Sewer Fund Audit and Budget.
- (3) Review system deficiencies and 3 possible alternatives to address them as follows:
 - a) Alt 1 -**No Action**
 - b) Alt 2 -**Rehabilitation**

c) Alt 3 -**Replacement**

- (4) Develop cost opinions of the alternatives and complete a present worth analysis.
- (5) Estimate 20-year future demands on the system.
- (6) Estimate affect cost will have on utility rates.
- (7) Develop a report summarizing the data and present results to Owner in a draft report and in one review meeting.
- (8) Make submission to NC Division of Water Infrastructure (NCDWI) or applicable funding agency and respond to comments.
- (9) Upon approval, provide Owner with three (3) hard copies and one (1) PDF file of the final report based on comments received in review meeting.

DESIGN SERVICES

- (10) Complete topographic survey of the right-of-ways with selected lines for improvement.
- (11) Provide "level C" Subsurface Utility Engineering (SUE) services for horizontal subsurface utility location data. This includes utility research, type of utility and Owner, surveying and gathering existing utility information within the project limits for the following: **Gas, Fiber Optic, Cable, Telephone, Water, and Sewer**. Telephone consultation with utility providers and one (1) field meeting are included.
- (12) Provide preliminary research of existing easements and rights-of-way in the project area utilizing GIS data, DOT and CSX provided information and obvious existing property corners and monuments. This does not constitute a property or right-of-way survey of the project area. Advise the Owner of installation easements and rights-of-way needed for project.
- (13) Hold such conferences with representatives of the Owner as may be necessary to obtain data for developing the design project. Project budget is based on up to **two (2)** meetings.
- (14) Prepare a design memorandum of the project and review with the Owner to establish standards to be used in design.

- (15) Consult with sub-consultant for geotechnical and testing related services.
- (16) Submit design drawings at the following stages for Owner review and approval: 60%, Permit and Quality Control Review 90%. Provide opinion of probable costs with 60% and 90% submittals.
- (17) Prepare and furnish contract plans and specifications as necessary for the proper construction of the project and prepare all documents necessary for the taking of bids and the letting of contracts for the proposed work. It is understood and agreed that the Engineer shall be permitted to insert in the Owner's construction contract documents, provisions for reimbursement for printing, binding, mailing, and other costs incidental to issuing of said contract plans, specifications, and documents.
- (18) Submit for approval of the plans and specifications proposed to the North Carolina Department of Environmental Quality, US Army Corps of Engineers, NCDOT, CSX including and other regulatory agencies as may be required for construction of the improvements.

BIDDING AND NEGOTIATION

- (19) Assist the Owner in the advertising for bids.
- (20) Furnish copies of the bidding documents as requested by the contractors, material suppliers, and other interested parties for bidding.
- (21) Prepare, as may be required, written addenda amending the bidding documents.
- (22) Assist the Owner in the receiving of bids, tabulate same for ready comparison, collect required data from Low Bidder and provide to Owner, and advise the Owner to the best of our ability as to proper and judicious award of contracts.
- (23) After award of contract(s), the Engineer will prepare the contract documents for execution by the contractor(s) and the Owner.

CONSTRUCTION CONTRACT ADMINISTRATION

- (24) Prior to the start of construction, the Engineer will assist the Owner in preparing an agenda and conducting a preconstruction conference.
- (25) Review and approve, for conformance with the design concept, any necessary shop and working drawings furnished by contractors. Furnish the Owner with a complete set of shop drawings upon completion of construction.
- (26) Interpret the intent of the drawings and specifications to protect the Owner against defects and deficiencies in construction on the part of the contractors. The Engineer will not, however, guarantee the performance by any contractor.
- (27) Establish baselines for locating the main components to be constructed. The contractor will be responsible for providing any day-to-day construction staking that may be required.
- (28) Provide general Engineering review of the work of the contractor as construction progresses and hold monthly progress conferences to ascertain that the contractor is conforming to the design concept and construction schedule. It is estimate construction activities will take fourteen (14) months from issuance of Notice-to-Proceed.
- (29) Cooperate and work closely with the Owner and appropriate regulatory agencies during construction.
- (30) Review the contractor's application for progress and final payment, and when approved, submit same to the Owner for payment.
- (31) As necessary, prepare change orders and make revisions to the contract documents for approval by the Owner and others on a timely basis.
- (32) Perform substantial and final completion walk-throughs with Owner and Contractor, complete construction contract closeout documentation and prepare final partial payment request for Owner to closeout project with the Contractor.
- (33) The Engineer will provide the Owner with one (1) set of prints and a cd containing the pdf copy of the record drawings. Such drawings will be based upon construction records

provided by the contractor during construction and reviewed by the construction observer.

CONSTRUCTION OBSERVATION

- (34) After award of the contract(s), the Engineer will provide **full-time** observation of the construction on the project during periods of significant construction work being performed and at other times will provide **periodic observation** of the work as appropriate to the state of construction. The Project Engineer will make visits to the job site periodically to observe the progress of the work and consult with the Owner and the observer. The Observer's services are based on the estimate of **fourteen (14)** months from the Notice to Proceed.
- (35) Engineer's observer shall observe materials and finished workmanship, check all layouts of work, keep the necessary or required records of inspection, review estimates for payment to contractors and make reports to the project Engineer, and provide liaison between the Engineer and the Owner.
- (36) Engineer will submit observation reports to the Owner on a regular basis.
- (37) Engineer will make a final observation of all construction and provide a written certification of final observation to the Owner and the required regulatory agencies.

ADDITIONAL SERVICES

In addition to the foregoing services being performed, the following services may be provided upon prior written authorization of the Owner.

- (38) Provide Levels "A" and "B" Subsurface Utility Engineering (SUE) services through the project corridor or critical areas within the corridor. Level "A" shall be paid by each excavation performed and Level "B" shall be paid by the linear foot surveyed. All Level "C" SUE services are provided as part of the Basic Services of the contract as stated under above in Section 1.A Design Services.

- (39) Prepare redesigns for the Owner after Final Plans and Specifications have been accepted by the Owner.
- (40) Appear before courts or boards on matters of litigation or hearings related to the project.
- (41) Design other additional utilities improvements not included in the original scope of services.
- (42) Conduct additional work or extended services during construction due to the fault of the Contractor or due to the overrun in time for construction.
- (43) Conduct as-built survey of newly constructed facilities. Prepare record drawings based on survey and construction records provided by the Contractor.
- (44) Provide Construction Staking services for the Contractor.

SERVICES PROVIDED BY THE OWNER

- (45) Designate a person to act as the Owner's representative with respect to the work to be performed under the agreement. Such person shall have complete authority to transmit instructions, receive information, interpret, and define the Owner policies.
- (46) Provide such legal accounting and insurance counseling services as may be required for the project and such auditing services as the Owner may require to ascertain how or for what purpose any contractor has used the monies paid to him under the construction contract.
- (47) Pay all permit and application fees required for the project approval and construction.
- (48) Assist the Engineer by placing at his disposal all available information pertinent to the projects as may be required by the Engineer.
- (49) Guarantee access to and make all provisions for the Engineer to enter upon public and private property as required to perform his services.
- (50) Examine all sketches, drawings, specifications, proposals, and other documents presented by the Engineer, obtaining advice of an attorney, insurance counselor, and other consultants as the Owner deems appropriate for such examination.

- (51) Provide frequent observation of the project to apprise the Engineer of specific matters relating to the project that would foster good relations among all parties involved as well as to allow work to progress in an orderly manner.
- (52) Give prompt written notice to the Engineer whenever the Owner observes or otherwise becomes aware of any defect in the project or changed circumstances.
- (53) Furnish the Engineer in a timely manner with copies of pertinent correspondence relating to the project which would not otherwise have been delivered to the Engineer.
- (54) Bear all cost of incidentals for the compliance with the requirements of this article and the foregoing article entitled "Additional services".
- (55) Provide E-verify affidavit document for Engineer's execution.

<http://www.nclm.org/SiteCollectionDocuments/E-Verify%20FAQs%20-%20Sept2013.pdf>

Town of Winterville

Bid Tabulation

Railroad St. and Nobel Canal Stormwater Improvements

RFQ for Engineering Services

Company Provided Notice	Requested Package	Submitted Qualification Package	Score
The Wooten Company	x	x	95.00
Rivers and Associates	x	x	90.00
MacConnell and Associates	x	x	75.00
Withers and Ravenel	N/A	N/A	N/A
Black and Vetch	N/A	N/A	N/A
SEPI	N/A	N/A	N/A
GeoSyntec	x	N/A	N/A
RK&K	x	N/A	N/A
Timmons Group	x	N/A	N/A



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: January 9, 2023

Presenter: Donald Harvey, Town Clerk

Item to be Considered

Subject: NCLM Legislative Goals and Voting Delegate.

Action Requested: Select Voting Delegate.

Attachment: Legislative Goals Statements and Voting Delegate Form.

Prepared By: Donald Harvey, Town Clerk

Date: 1/4/2023

ABSTRACT ROUTING:

TC: 1/4/2023

TM: 1/5/2023

Final: tlp - 1/5/2023

Supporting Documentation

The NCLM legislative goals development process is almost complete. All that remains is for member cities and towns to review the proposed goals and cast their votes - NCLM needs your help and participation in this last, and most important, step in the process.

Review and vote on the proposed goals so that cities and towns have a focused state and federal advocacy agenda for the 2023-2024 legislative biennium, which begins in January at the NC General Assembly.

Each municipality will cast a single vote by selecting 10 of the 16 proposed advocacy goals. To vote, your municipality must:

STEP 1: Designate a single Voting Delegate who will cast the municipality's vote by January 12, 2023. If your municipality has not yet designated its Voting Delegate, please do so using the form. Official voting instructions and the ballot will be sent directly to the Voting Delegate.

STEP 2: Review, discuss and determine which of the proposed legislative goals your municipality supports. Each municipality may select 10 of the 16 proposed goals.

STEP 3: Submit the online ballot by January 13, 2023. The Voting Delegate will receive voting instructions and the online ballot directly.

Establishing these advocacy goals with wide participation by all cities and towns allows NCLM to speak with confidence and sincerity as they pursue each with state and federal policymakers. It truly allows NCLM to live up to our motto, "Working as one, advancing all."

Budgetary Impact: NA.

Recommendation: Select 10 of 16 Advocacy Goals and Voting Delegate.

LEGISLATIVE GOAL STATEMENTS

RECOMMENDED BY THE NCLM BOARD OF DIRECTORS

The following goal statements are grouped by subject area but NOT listed in any priority order.

- Expand federal and state resources for affordable housing.
 - Housing affordability is a growing problem across North Carolina, affecting cities and towns of all sizes and people across different income levels.
 - Increasingly, the lack of affordable housing acts as a major impediment to business and workforce recruitment.
 - Ongoing state and federal revenue streams to address housing affordability are extremely limited, with much of the burden for solutions left with cities and towns

- Revitalize vacant and abandoned properties with enhanced legal tools and funding.
 - Abandoned and vacant properties, often the subject of so-called tangled titles, can affect the ability of communities to revitalize areas and improve economic conditions.
 - The abandoned properties, with enhanced legal tools to help heirs clear up title issues and sell properties at market rates, could help address local housing needs.
 - Many towns do not have the funding to adequately address abandoned properties.

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- Create an adequate and permanent funding stream for local infrastructure.
 - Infrastructure – including roads, water, sewer, stormwater, parks and beaches – are critical to economic development and job creation.
 - Many cities in the state are growing, creating a constant need for investment to keep pace with population growth; many cities and towns also have aging infrastructure that must be replaced.
 - Creating more permanent funding streams for local infrastructure, such as a dedicated tax source, would allow for better planning to meet needs.

- Allow municipalities to use local resources and capabilities to expand broadband access in their communities through innovative partnerships.
 - Slow and unreliable internet service threatens educational and professional opportunities, and the economic future of entire communities.
 - Municipalities own existing infrastructure – including dark fiber, towers and electric poles – that could be utilized in innovative partnerships and assist in making broadband service more affordable.
 - Failure to utilize local government assistance and assets will continue to create digital gaps that have real-world consequences for North Carolinians.

- Extend deadlines for completion of federal infrastructure projects.
 - Current deadlines for the allocation and expenditure of American Rescue Plan Act funding may make more complex infrastructure projects unrealistic.
 - High inflation and worker shortages are leading to higher project costs; extending ARPA and other funding deadlines will spread projects out and may help lower costs.
 - Cities and towns require flexible deadlines to get the best bang for their buck out of this funding.

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- Expand state transportation funding streams for construction and maintenance for municipal and state-owned secondary roads.
 - Current Powell Bill and other state funding is not adequate to address transportation needs, particularly as they affect municipal and state-owned secondary roads.
 - In many cities and towns, major commuting corridors are not receiving the level of investment needed to keep pace with traffic.
 - More investment is needed for these roads if existing residents are to embrace business and residential growth.

- Support integrated and multi-modal transportation solutions.
 - Today, cities and towns seek to make downtowns and other areas accessible to residents and visitors, whether traveling by foot, bike, car, mass transit and other means.
 - Making areas accessible in this manner requires integrated planning and funding with the state.
 - Only through recognizing the need for multi-modal transportation solutions can cities and towns maximize tourism and other economic opportunities, ensuring that local businesses thrive.

- Increase state funding for public transportation operations.
 - Road construction is not keeping pace with transportation needs in any many areas, and public transportation provides a means to reduce the burden of building roads.
 - Investment in public transportation can improve traffic safety, air quality and residents' accessibility to businesses and public services.
 - One of the biggest impediments to economic growth is traffic and commuting times, which can be alleviated through public transportation options.

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- Expand incentives and funding for local economic development.
 - Funding is simply inadequate in many cities and towns to encourage job growth.
 - State grants and incentives are often targeted in ways that fail to assist the areas in greatest need of job creation.
 - Maintaining or expanding funding for film tax credits, major industrial site development, downtown development and renewable energy tax credits helps cities and towns across the state.

- Expand incentives that encourage regionalization of water and sewer, as well as other municipal services, when appropriate.
 - A number of municipal water and sewer systems continue to financially struggle with deferred maintenance needs.
 - These challenges came about largely due to population and job losses in rural areas, leading to an erosion of taxpayer and ratepayer bases.
 - While legislators and municipalities have begun to address these issues with the creation of the Viable Utility Reserve and the use of ARPA funding, state estimates show needs still exceed expenditures by several billion dollars.

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- Enhance state systems and resources for local law enforcement officer recruitment, training, and retention.
 - Municipalities across the state are facing law enforcement staffing shortages, in many cases severe shortages.
 - State training resources are limited, and the cost of local law enforcement agencies to send recruits and existing officers to NC Justice Academy locations can be prohibitive.
 - Grant writing assistance is one of several options that might provide better access to the large volume of federal law enforcement grant funding that is available.
- Provide state assistance for yearly financial audits, ensuring that an adequate number of auditors is available.
 - Several dozen local governments have been placed on the state Unit Assistance List due to late audits.
 - Often these audits are late due to staffing shortages, changes in financial personnel and a growing shortage of private auditors willing to perform this work.
 - Addressing this challenge would lessen negative portrayals of local government financial controls.

- Revise state contracting laws to better protect public entities from the effects of inflation.
 - Labor and materials costs have been rising at a rapid rate, leaving municipalities with few options when project bids and costs exceed expectations.
 - Additional flexibility regarding the contracting process could assist municipalities in protecting taxpayers from inflation and escalating costs.
 - Without contracting law flexibility, projects can be delayed and costs can further increase.

 - Update annexation petition thresholds to make voluntary annexations easier to initiate.
 - Voluntary annexation by petition currently requires 100 percent consent from all property owners, a threshold that can be impossible to meet even if a majority of property owners can benefit by utilizing their property for business or residential purposes.
 - Lowering the threshold from 100 percent represents a middle ground that would still reflect the will of property owners but not handicap communities' ability to economically thrive.
 - The ability of a city or town to grow and reflect its urban footprint is vital to its financial health; city services are relied on by residents whether they live in or near municipal boundaries.

 - Provide authority to municipal water systems to recoup costs of clean-up from polluters.
 - Local municipal water systems are increasingly being looked to for the clean-up of PFAS and other “forever” chemicals found in surface waters.
 - State regulators plan to set surface water standards for these chemicals and propose Maximum Contaminant Levels for PFAS chemicals in drinking water.
 - To date, cities' only recourse to try to recoup the cost for utility ratepayers is through the courts.

 - Provide local revenue options beyond property tax.
 - Roughly 40 percent of municipal general fund revenue is generated by local property taxes.
 - Cities have little to no authority to raise significant revenue in other ways.
 - A lack of diverse, local tax options can affect economic growth, as well as cause large swings in revenue based on economic changes.
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2023-2024 Biennium Legislative Goals | Designate Your Municipality's Voting Delegate

The League's member-driven legislative goals development process coincides with the start of each new legislative biennium. During even-numbered years, members come together to submit their legislative goals and priorities. Over the last few months, the Legislative Policy Committee considered these ideas, then presented its recommendations to the Board of Directors at their December meeting. The Board refined the position further before sending them to the full League membership for a final vote. After the final voting period closes, cities and towns will have a focused advocacy agenda to pursue at the state and federal levels.

Designation of the Voting Delegate: Each Voting Delegate shall cast the single vote of the municipality for the Legislative Goals and Core Municipal Principles.

Deadline to Designate Voing Delegate: Thursday, January 12, 2023

Membership Voting Period: Thursday, December 15, 2022 - Friday, January 13, 2023

If you have questions, contact Derrick Applewhite | dapplewhite@nclm.org | 919-715-1229

VOTING DELEGATE INFORMATION

Name *

Title	First	Last
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Municipality *

Preferred Email - unique to voting delegate to receive ballot *

Cell Number *

Preferred Address *

PERSON COMPLETING FORM (if different from above)

Name

Email

Preferred Phone Number