



**WINTERVILLE TOWN COUNCIL AGENDA
MONDAY, FEBRUARY 13, 2023 - 7:00 PM
WINTERVILLE TOWN HALL ASSEMBLY ROOM**

- I. CALL TO ORDER.**
- II. INVOCATION:** Elder Melvin Tilley, Th.D., Mt. Zion FWB Church, Pinetown-Yeatesville Community.
- III. PLEDGE OF ALLEGIANCE.**
- IV. WELCOME.**
- V. APPROVAL OF AGENDA.**
- VI. INSTALLATION AND OATH OF OFFICE OF NEWLY APPOINTED TOWN OFFICIAL:**
 1. Councilwoman Brandy Harrell – to be sworn in by the Honorable Elizabeth Heath, Chief District Court Judge, 8th Judicial District.
- VII. RECOGNITION OF EMPLOYEES:**
 1. Brandon Echard, Electric Line Technician – 3rd Class, Electric Department.
 2. Seth Garris, Utility Pump Maintenance Mechanic, Public Works Department.
- VIII. PRESENTATIONS:**
 1. Don Rhodes, Chair and Dr. Ethan Lenker, Superintendent – Pitt Council Schools.
- IX. PROCLAMATIONS:**
 1. Black History Month.
- X. PUBLIC HEARINGS:**
 1. Subdivision Ordinance Amendments.
 2. System Development Fees.
- XI. 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.*
 1. Brandy Daniels.

XII. 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 sets of Council Meeting Minutes:
 - January 9, 2023 Regular Meeting Minutes.
2. Fee and Rate Schedule.
3. ARP Policies.
4. Budget Amendment 2022-2023-5.
5. Gray Point Motors Rezoning – Schedule Public Hearing – March 13, 2023.
6. Waterford Crossing Rezoning – Schedule Public Hearing – March 13, 2023.

XIII. OLD BUSINESS:

1. Contract Amendment for Pump Station Redesign with Rivers and Associates.
2. Contract Amendment for General Services with Wooten Company.
3. Electric Rate Discussion.
4. Discussion of Town Council Rules of Procedure.

XIV. NEW BUSINESS.

XV. OTHER AGENDA ITEMS.

XVI. ITEMS FOR FUTURE AGENDAS/FUTURE WORK SESSIONS:

XVII. ANNOUNCEMENTS:

1. Planning and Zoning Board Meeting: Monday, February 20, 2023 @ 7:00 pm - Town Hall Assembly Room.
2. Board of Adjustment Meeting: Tuesday, February 21, 2023 @ 7:00 pm - Town Hall Assembly Room.
3. Human Relations Board Meeting: Thursday, February 23, 2023 @ 7:00 – Executive Conference Room.
4. Recreation Advisory Board: Tuesday, February 28, 2023 @ 6:30 pm – Operation Center.
5. Town Manager Agenda Review Meeting, Thursday, March 9, 2023 @ 4:00 pm – Town Hall Executive Conference Room.
6. Regular Town Council Meeting: Monday, March 13, 2023 @ 7:00 pm.

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

XIX. 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.)*

**NORTH CAROLINA
PITT COUNTY
TOWN OF WINTERVILLE**

OATH OF OFFICE

I, Brandy Harrell, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Town Councilwoman, so help me God.

Brandy Harrell
Town Councilwoman

The Honorable Elizabeth Heath
Chief District Court Judge
8th Judicial District

February 13, 2023
Date



PROCLAMATION BLACK HISTORY MONTH

WHEREAS, much of the Town of Winterville's honor, strength and stature can be attributed to the diversity of cultures and traditions that are celebrated by the residents of this great region; and

WHEREAS, February has been designated as Black History Month in which we pause to reflect on the contributions of the African American community, and we recognize this year's Black History Month theme of "Black Health and Wellness"; and

WHEREAS, African Americans have played significant roles in the history of North Carolina State's economic, cultural, spiritual and political development while working tirelessly to maintain and promote their culture and history; and

WHEREAS, as a result of their determination, hard work, intelligence and perseverance, African Americans have worked tirelessly to maintain and promote a valuable and lasting contribution to the Town of Winterville, our state, and nation achieving exceptional success in all aspects of society including business, education, politics, economy, culture, science, arts, and history; and

WHEREAS, this observance affords special opportunity to become more knowledgeable about black heritage, and to honor the many black leaders who have contributed to the progress of our nation and community; and

WHEREAS, such knowledge can strengthen the insight of all our citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers of equality for minority groups, and the continuing struggle against racial discrimination and poverty; and

WHEREAS, we join with all Americans in celebrating our diverse heritage and culture and continuing our efforts to protect democracy for all people, and recognizing the vital achievements of our local African American residents; and

NOW, THEREFORE, BE IT RESOLVED, that I do hereby proclaim the month of February 2023 as Black History Month and express special commendation to the dedicated volunteers who have labored so diligently to make this observance a reality in our community.

IN WITNESS WHEREOF, I do set my hand, and cause the seal of Winterville to be affixed this 13th day of February 2023.

Richard E. Hines, Mayor

Attest:

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Public Hearings

Meeting Date: February 13, 2023

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Subdivision Ordinance Amendments.

Action Requested: Hold the Public Hearing; Approval of the proposed Subdivision Ordinance Amendments.

Attachment: Notice of Public Hearing, Subdivision Ordinance Amendments Summary, and Draft Subdivision Ordinance (with markups).

Prepared By: Bryan Jones, Planning Director

Date: 2/1/2023

ABSTRACT ROUTING:

TC: 2/6/2023

TM: 2/8/2023

Final: tlp - 2/8/2023

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.
-
- ❖ Planning and Zoning Board unanimously recommended approval on January 17, 2023.
 - ❖ Notification of the Public Hearing was published in the Daily Reflector on February 1 and February 8.

Budgetary Impact: TBD.

Recommendation: Hold the Public Hearing; Staff recommends approval of the subdivision Ordinance Amendments.

**NOTICE OF PUBLIC HEARING
Town of Winterville**

NOTICE IS HEREBY GIVEN that the Winterville Town Council will meet on Monday, February 13, 2023 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, to hold a Public Hearing on the following:

The Town of Winterville is proposing the following amendments to the Subdivision Ordinance:

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

Copies of the Ordinance 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.

Notes to Publisher:

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

Subject: Winterville Public Hearing – Subdivision Ordinance Amendments.

Please place the above legal advertisement in the Daily Reflector on Wednesday, February 1, 2023 and Wednesday, February 8, 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, NCCMC
Town Clerk, Town of Winterville
2571 Railroad Street/PO Box 1459
Winterville, NC 28590
(252) 215-2344 – Phone / don.harvey@wintervillenc.com



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)

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)*

APPENDIX 1 – MAPPING STANDARDS

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 |

APPENDIX II – MINIMUM PUBLIC STREET DESIGN STANDARDS

***See Town of Winterville Standard Specifications and Details (Design Manual) for full explanation of design specifications.**

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**



WINTERVILLE

A slice of the good life!

**CHAPTER 154
SUBDIVISION ORDINANCE OF THE
CODE OF ORDINANCES OF THE
TOWN OF WINTERVILLE, NORTH CAROLINA**

Originally adopted February 14, 2000

Incorporates amendments adopted up to date of printing.
Latest amendment adopted - 10-O-210, adopted March 8, 2010.

Printed January 2014

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List of Amendments to Subdivision Ordinance originally adopted February 14, 2000

Ordinance No: 01-66
Date of Adoption: March 12, 2001
Description: Amendment to Article III, Section 154.37
- adds requirement that underground electrical conduit be installed by subdivider

Ordinance No: 01-69
Date of Adoption: May 14, 2001
Description: Amendment to Article III, Section 154.35
- requires subdivider to provide sidewalks on one side of all new Streets

Ordinance No: 02-O-99
Date of Adoption: October 14, 2002
Description: - statement added to paragraph that right-of-way encroachment permits are required for installation of utilities on Town rights-of-way

Ordinance No: 03-O-27
Date of Adoption: October 13, 2003
Description: Amendment to Article III, Section 154.47
- revises requirements for fire hydrants

Ordinance No: 04-O-74
Date of Adoption: May 10, 2004
Description: Amendment to Article III, Sections 154.41 & 154.42
- requires installation of street name signs and traffic control signs by Subdivider

Ordinance No: 04-O-75
Date of Adoption: May 10, 2004
Description: Amendment to Article II, Section 154.13
- authorizes staff approval of final plats for division of single-family Attached

Ordinance No: 06-O-211
Date of Adoption: March 13, 2006
Description: Amendment to Article V, Section 154.49
- guarantee of improvements may be letter of credit or surety bond (cash no longer accepted)

Ordinance No: 06-O-242
Date of Adoption: October 9, 2006
Description: Changed recreation required dedication from 800 sq. ft. to 1,200 sq. ft.

Ordinance No: 07-O-259
Date of Adoption: March 12, 2007
Description: Subdivision lots on thoroughfares may not individual driveway connections to the thoroughfare, must access from internal street

Ordinance No: 08-O-002
Date of Adoption: January 14, 2008
Description: Amendment to Article II, Section 154.17
- Homeowners Association required for common areas and facilities;
Amendment to Article III, Section 154.33
- buffer with berm required for double-fronting lots

Ordinance No: 08-O-104
Date of Adoption: December 8, 2008
Description: Amendment to Section D of Appendix I
- removed “*Must be recorded within thirty (30) days of this date*” from the Certificate of Final Approval

Ordinance No: 10-O-210
Date of Adoption: March 8, 2010
Description: All occurrences of the words “Board of Aldermen” replaced with the words “Town Council” in accordance with Town of Winterville Charter amendment changing the name of the governing body from “Board of Aldermen” to “Town Council”

Ordinance No: 22-O-???

Date of Adoption: ????

Description: Referenced NC GS 160D (Section 154.02 and Section 154.59).
Amendment to Section 154.13 – Approval Authority for Minor Subdivisions;
Amendment to Section 154.16 – Final Plats for Minor Subdivision submittal and approval requirements;
Amendment to Section 154.17 – Effects of Approvals-Prerequisites (process for acceptance of physical improvements);
Amendment to Section 154.21 – Connectivity and Appropriateness to Adjoining Property and Land Uses (number of access requirements based on number of lots);
Amendment to Article V – Guarantee of Required Improvements; Warranty Against Defects (remove financial guarantee language);
Amendment to Section 154.53 – Warranty Against Defects (remove financial guarantee language).

AN ORDINANCE AMENDING
THE CODE OF ORDINANCES
OF THE TOWN OF WINTERVILLE

BE IT ORDAINED by the Town Council of the Town of Winterville, North Carolina, that the Code of Ordinances of the Town of Winterville, is hereby amended by rewriting Chapter 154, Subdivision Regulations, in its entirety to read as follows:

Chapter 154; Subdivision Regulations

ARTICLE I GENERAL PROVISIONS

Section 154.01 **Title**

This Ordinance shall be known as the Subdivision Regulations of the Town of Winterville, North Carolina. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

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, 0-52-02149900, adopted 02/14/2000)*

Section 154.03 **Jurisdiction**

These regulations shall govern all Subdivisions of land within the Territorial Jurisdiction of the Town of Winterville as now or hereafter established. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.04 **Purpose**

The purpose of this Ordinance is to establish procedures and standards for the development and Subdivision of real property within the Corporate Limits and Extraterritorial Jurisdiction of the Town of Winterville, NC, in an effort to protect the public health, safety, and general welfare and to:

- A) Promote orderly growth and development;
- B) Provide for suitable residential and nonresidential Subdivisions with adequate Streets and utilities and appropriate building sites;
- C) Provide for distribution of population and traffic in a manner which shall avoid congestion and overcrowding;
- D) Provide for the coordination of streets within Subdivisions with existing or planned Streets and with other public facilities;

- E) Provide for the Dedication or Reservation of rights-of-way or Easements for Street and utility purposes;
- F) Provide for the Dedication or Reservation of adequate spaces for open space, public lands and buildings;
- G) Protect and enhance environmental quality;
- H) Provide for the Dedication or provision of facilities for adequate storm drainage;
- I) Provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

(2000 Subdivision Ordinance, O-52-02149900, adopted 02/14/2000)

Section 154.05 **Subdivision Defined**

For the purpose of this Ordinance “Subdivision” shall mean all divisions of a tract or parcel of land into two or more Lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the Dedication of a new Street or a change in the existing Streets; but the following shall not be included within this definition nor be subject to the regulations of this Ordinance; provided, however, that any document or plat to be recorded pursuant to any such exclusion shall bear the notion “Exempt pursuant to Sec. 154.5 of the Town of Winterville Subdivision Ordinance” and the signature of the Subdivision Administrator or his designated agent before being presented for certification by the Review Officer:

- (1) The combination or recombination of portions of previously subdivided and recorded Lots where the total number of Lots is not increased and the resultant Lots are equal to or exceed the standards of this Ordinance;
- (2) The division of land into parcels greater than ten (10) acres where no Street right-of-way Dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of Streets;
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three Lots, where no Street right-of-way Dedication is involved and where the resultant Lots are equal to or exceed the standards of this Ordinance; and
- (5) The division of land into burial plots where no Street right-of-way Dedication is involved; And,
- (6) The division of land by will. (Note: Although the division of land by will is exempt from the requirements of this Ordinance, the resultant lots may

not be eligible for a zoning compliance certificate/building permit if the lots do not meet the standards and requirements of the Zoning Ordinance).

(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)

Section 154.06 **Compliance**

From and after the adoption of this Ordinance, no real property lying within the Jurisdiction of this Ordinance shall be Subdivided except in conformance with all applicable provisions of this Ordinance. In addition, after the effective date of this Ordinance, no plat for Subdivision of land within the Jurisdiction of this Ordinance shall be certified for recording by the Review Officer, nor shall the Clerk of Superior Court order the recording of a plat until it has been submitted and approved in accordance with the provisions of this Ordinance. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.07 **Subdivision Administrator**

This Ordinance shall be administered by the Subdivision Administrator who shall be appointed by the Town Council. The Subdivision Administrator shall administer and enforce the provisions of this Ordinance and have such other specific powers and duties as are set forth in this Ordinance. The Subdivision Administrator may designate agents to act on his behalf. The Subdivision Administrator shall have the right to enter property at reasonable hours for the purpose of making inspections. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.08 **Coordination of Plans**

All plans, plats and supporting documents to be submitted in connection with the procedures set forth in this Ordinance shall be submitted first to the Subdivision Administrator. The Subdivision Administrator shall develop and maintain a set of standards to serve as a basis for the type, size, graphic media, number of copies, information to be shown and other such matters in regard to the maps and documents required to be submitted in the administration of this Ordinance. Such standards may also include standards for Street, storm drainage and utility Construction Plans. A listing of such standards may be appended to this Ordinance and are presumed to be necessary to satisfy the requirements of this Ordinance. However, it is recognized that each development is unique, and therefore, the Subdivision Administrator may exercise flexible judgment in requiring less or more information and submittals according to the needs of the particular case. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.09 **Administrative Fee**

The Town Council shall set a fee schedule for the administration of this Ordinance. The Subdivision Administrator shall be responsible for collecting such fees. All fees relating to recording of documents shall be borne directly by the Subdivider. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.10 **General Definitions**

Unless specifically defined in this Section, words used in this Subdivision Ordinance shall have their respective customary dictionary definitions. For the purpose of these regulations certain words, terms or phrases used herein are interpreted and defined as follows:

Words used in the present tense shall include the future tense.
Words used in the singular shall include the plural and words used in the plural shall include the singular.

The words “shall” and “will” always indicate MANDATORY.

The words “should” and “may” always indicate OPTIONAL.

The word “Lot” includes the words “plot”, “tract” and/or “parcel”.

The word “building” includes the word “structure”.

The word “person” includes a “firm, association, organization, partnership, trust, company, corporation and/or individual”.

The word “use” includes the terms “arranged”, “designed” and/or “intended” for use, activity and/or purpose.

Town Council – The Town Council of the Town of Winterville, North Carolina

Dedication – A gift, by the owner, of a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

Easement – A grant of one or more of the property rights by the property owner of a portion of land for a specified purpose and use by the public, a corporation or other entities.

Lot – A separate and distinct unit of land described by either a metes and bounds description and/or subdivision plat of record and/or probated will. Lot includes a portion of a subdivision or any other parcel of land, intended as a unit for transfer or ownership or for development or both.

Corner Lot – A lot abutting two (2) or more streets at their intersection.

Through Lot – A lot abutting two (2) streets that do not intersect at the corner of

the lot.

Planning Board – The Planning Board of the Town of Winterville, North Carolina.

Reservation – An obligation, shown on a plat or site plan, to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication or conveyance.

Reserve Strip – A strip of land (usually only a few feet wide) owned privately, and set aside around a development in order to prevent access to adjacent property by way of development streets.

Street – A public right-of-way for vehicular travel which has been constructed and then dedicated to and accepted by the Town of Winterville or the North Carolina Department of Transportation for public use or which has been otherwise obtained by such agencies for such use or which is proposed to be constructed and then dedicated to and accepted by such agencies as a public right-of-way for vehicular traffic for public use pursuant to this Ordinance. Street classification are as follows:

Major Thoroughfare Street – Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

Minor Thoroughfare Street – Minor thoroughfares collect traffic from collector, subcollector, and local streets and carry it to the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

Local Street – A street whose primary function is to provide access to abutting properties.

Cul-de-sac Street – A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

Street, Half – A proposed vehicular travelway intended to be developed by constructing one-half of a required width of a street with the remainder to be provided at some future date.

Street, Marginal Access – A local street parallel and adjacent to a major thoroughfare and which provides access to abutting properties and protection from through traffic.

Street, Private – A vehicular travelway not accepted as a public street.

Street Right-Of-Way – A strip of land occupied or intended to be occupied by a travelway for vehicles and also available, with the consent of the appropriate government agency, for installation and maintenance of sidewalks, traffic control devices, traffic

signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

Subdivider – A person engaged in the act of subdividing land.

Thoroughfare Plan – A plan, adopted by the Town Council, and as may from time to time be amended, for the development of existing and proposed major streets that will adequately serve the future travel needs of the area in an efficient and cost-effective manner. *(2000 Subdivision Ordinance, D-52-02149900, adopted 02/14/2000)*

ARTICLE II SUBDIVISION REVIEW PROCEDURE

Section 154.11 Approval Levels

The Subdivision review procedure shall consist of two levels of required approval:

- Preliminary Plan (followed by required Construction Plans); and,
- Final Plat

Preliminary Plan approval shall be a prerequisite to Final Plat approval except for minor Subdivisions where Preliminary Plan approval is not required.

Prior to Preliminary Plan application, the Subdivider may submit to the Subdivision Administrator a sketch plan showing the concept of the proposed subdivision. The Subdivider may at that time discuss the proposed Subdivision with the Subdivision Administrator and become familiar with the Subdivision Regulations. This procedure does not require formal application or fee. The Subdivision Administrator may, at his option, present any sketch plan to the Planning Board for review. Approval of Construction Plans are the responsibility of the Subdivision Administrator and his agents. Construction Plans are not required to be submitted as part of the Preliminary Plan approval. It is the responsibility of the Subdivider to ensure that the Preliminary Plan design is feasible for public facility services. The Subdivision Administrator may require, however, the submittal for review and approval of all or part of Subdivision Construction Plans in order for the Planning Board/Town Council to ascertain the feasibility of serving all or part of a proposed Subdivision.

Approved Construction Plans are a prerequisite to receive permission to proceed with construction of subdivision improvements and for final plat approval. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.12 Subdivision Types

The subdivision review procedure shall consist of two types of Subdivisions:

Major Subdivisions and Minor Subdivisions

Major Subdivisions are those Subdivisions which involve more than five (5) lots or more than ten (10) acres, those Subdivisions which involve the Dedication of new Street segments (but not simply widening), those Subdivisions where special developments are involved as permitted by the Zoning Ordinance, and those Subdivisions that involve Dedication or Reservation of land for open space, school sites and other public purposes. All other Subdivisions shall be considered to be Minor Subdivisions. *(2000 Subdivision Ordinance, 0-52-02149900, 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 154.14 **Plan and Plat Requirements**

Plans and plats and supporting documents and material for the levels of Subdivision approval shall be submitted in the form as provided for in the standards for such submittals contained in the Appendix of this Ordinance. The Subdivision Administrator may refuse to accept the submission of any plans, plats or supporting documents which in

his opinion do not meet the standards for such submittals as contained in the Subdivision Administrator's Mapping Standards and this Ordinance. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.15 **Plan Submittal and Review Periods – Preliminary Plans**

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

Preliminary Plans – Major Subdivisions

Preliminary Plans 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 Preliminary Plan within ninety (90) days of its first consideration. The recommendation shall be in writing and/or drawn form and dated.

Preliminary Plans 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 Plan and the recommendation of the Planning Board, the Town Council may take whatever action it deems appropriate. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

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.

Final Plats – Major Subdivisions

Final plats for Major 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 dawn form and dated.

Final Plats for Major 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. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.17 Effects of Approvals – Prerequisites

Preliminary Plan approval shall constitute tentative approval of the Final Plat if the Final Plat is in substantive agreement with the Preliminary Plan and shall entitle the Subdivider to proceed to prepare Street, storm drainage and utility Construction Plans, if applicable, and/or to proceed to prepare the Final Plat. Approval of Construction Plans shall entitle the Subdivider to proceed with construction of Subdivision improvements for the Preliminary Plan and no construction, including grading, shall proceed without such approval. In addition, the Subdivision Administrator may require as a prerequisite to Preliminary Plan approval, the submittal for review and approval of all or part of Subdivision Construction Plans in order to ascertain the feasibility of all or part of a proposed Subdivision.

If a Final Plat of all or part of the area shown on a Preliminary Plan is not recorded in the office of the Register of Deeds within twelve (12) months between the recording of sections, the Subdivision Administrator may require the re-submittal of the unrecorded

portion as a Preliminary Plan.

Final Plat approval shall entitle the subdivider to submit the Final Plat for recording by the Subdivision Administrator. No final Plat shall be regarded as finally approved until such Plat shall be recorded. No final Plat shall be approved for recording until all required Subdivision improvements have been installed and approved or until the subdivider supplies an appropriate guarantee of Installation as provided for in this Ordinance.

In addition, no Final Plat shall be approved for recording unless such plat is in substantial agreement, as determined by the Town Council, with the approved Preliminary Plan.

Final Plats not in substantial agreement shall be resubmitted as Preliminary Plans as provided herein.

After the Final Plat is recorded, Lots as shown on the Plat may be sold or otherwise conveyed by reference to the Plat. Building Permits may be authorized to be issued and Certificates of Occupancy may be issued provided all improvements, including individual building connections, have been installed and inspected and approved by the Subdivision Administrator.

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.

In addition, land designated on an approved and recorded Final Plat as public open space and similar public purposes shall be considered to be offered for Dedication until the Town has by resolution accepted such Dedication and such land is deeded to the Town. Until such Dedication has been accepted, land so offered may be used for open space purposes by its owner or his designees and the Town shall be held harmless of any liability involving such land. Land so offered for Dedication shall not be used for any purpose inconsistent with the proposed public use without the express approval of the Town Council. *(2000 Subdivision Ordinance, 0- 52-02149900, adopted 02/14/2000)*

Final Plat Homeowner's Association Required Documentation

For any subdivision which contains common areas or facilities which are not being dedicated to the Town of Winterville, a Homeowners' Association for the subdivision must be established and the Homeowners' Association must have legal authority to maintain and exercise control over the common areas and facilities and to compel contributions from the owners of the lots within the subdivision to cover the expense of maintaining, repairing, or improving the common areas and facilities. The

documentation required must be recorded and referenced on the final plat. The documentation required is the following:

- A. Articles of Incorporation for a Homeowners' Association for the subdivision are required to be filed with the North Carolina Department of the Secretary of State.
- B. Declaration of Covenants, Conditions, and Restrictions for the Homeowners' Association are required to be filed in the Pitt County Registry with the Declarant being the owner of the property being subdivided.
- C. The Declaration must include the following provisions:
 - 1) Declarant will convey to the Homeowners' Association the common areas and facilities within the subdivision prior to the sale of the first lot;
 - 2) The owner of each lot within the subdivision is subject to assessments imposed by the Homeowners' Association to cover the expense of the maintenance, repair, or improvement of the common areas and facilities;
 - 3) The assessments are to be a lien on the lot which may be foreclosed upon by the Homeowners' Association.

(08-D-002 adopted 01/14/2008)

ARTICLE III DESIGN STANDARDS

Section 154.18 General

All proposed subdivisions subject to these regulations shall comply with the design standards of this Article and shall be so planned as to facilitate the most advantageous development of the entire community. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.19 Incorporation of Other Town Ordinances, Policies, and Plans

All proposed subdivision plans shall incorporate the land development requirements and provisions of all Town Ordinances, Policies and Plans as now or hereafter established or amended the same as if each were fully contained within these regulations. No subdivision plan may be approved which fails to incorporate such requirements and provisions or which is not consistent with such Ordinances, policies, and plans. Ordinances, policies, and plans include, but are not limited to, the Zoning Ordinance, the Flood Damage Prevention Ordinance, the Storm Water Drainage Ordinance, the Thoroughfare Plan and any Conditions of Approval imposed through any approval process. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.20 Appropriate to Physical Conditions

The general design of the subdivision shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients. Subdivision plans shall be drawn in consideration of the suitability of the land and its capability to support and maintain the proposed development. Due consideration shall be given to such factors as topography, soil conditions, flood damage prevention, erosion control, wetland preservation, storm water management, solar energy, tree preservation, noise and pollution control, habitat for endangered species, areas of historical, archeological or architectural significance, and land use relationships in addition to other factors including those prescribed by these regulations. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.21 Connectivity and Appropriateness to Adjoining Property and Land Uses

The subdivision shall be designed in relationship to adjoining property and land uses. Except where the Town Council determines that a different scheme is more appropriate, the proposed street system shall extend existing and projected streets at no less than the required minimum width for the classification of the street and shall be in conformance with the following criteria:

1) **Conformance With Thoroughfare Plan**

The location and design of streets shall be in conformance with the Thoroughfare Plan.

2) Street Classification

All streets within and adjoining the subdivision shall be classified according to function by the Town Council. Each street segment shall be classified in accordance with the Schedule of Street Classifications contained in the Appendix of these regulations and as defined herein. The classification of a street segment shall determine the cross-section and design standard to which that street segment shall be designed and constructed. Street design standards for each street classification are shown in the appendix.

3) Connection to Adjoining Property

Proposed streets shall be extended to the boundary of the subdivision for connection to existing streets on the boundary of adjoining property or for future connection. Cul-de-sacs shall not be used to avoid connection with an existing street, to avoid the extension of a thoroughfare or collector street, or to avoid connection to adjoining property. In general, cul-de-sacs shall not be used to provide access to development on the boundary of the development. Cul-de-sacs shall not exceed 800 feet in length unless necessitated by topography or property accessibility and specifically approved by the Town Council. Measurement shall be from the point where the centerline of the deadend street intersects with the centerline of a general circulation street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac extends from another cul-de-sac, the end of each cul-de-sac shall be no more than 800 feet from a general circulation street as measured by the centerline of the streets.

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) Any residential subdivision of greater than 30 lots shall include at least two separate and constructed access points.

(b) Residential subdivisions of 300 or more lots shall provide at least three separate and constructed access points.

(c) 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.

(d) 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.

(e) 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.

(f) Multi-family residential developments. Multi-family projects having more than 100 dwelling units shall provide at least two separate and constructed access points. Required access points shall be constructed prior to issuance of the first certificate of occupancy for the phase in which they are located.

(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)

Section 154.22 **Reserve Strips, Half Streets and Private Streets**

Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property (except those required by the Town Council to prevent access to thoroughfares) and half-streets shall not be permitted under any condition. Private streets shall only be permitted in cases where the Zoning Ordinance permits such streets. In no case shall a private street serve more than five (5) platted lots unless permitted as a modification under Section 154.58. In any case private streets shall meet the standards of Section 154.37.5. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.23 **Intersections**

Streets shall be designed so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than sixty (60) degrees. Streets crossing natural areas or streams shall cross at or near to right angles as possible within limits of topographic conditions. Offset intersections are to be avoided. A minimum intersection offset of two-hundred (200) feet shall be maintained. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.24 **Restriction of Access**

Where a subdivision abuts or contains an existing or proposed thoroughfare, the Town Council may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate separation of through and local traffic.

Residential Subdivisions Lots located on a Major or Minor Thoroughfare shall have driveway access from an internal street and shall not have individual driveway connections to the Thoroughfare unless necessitated by topography or property accessibility and only when specifically approved by the Town Council.

For the purposes of this Section, Major and Minor Thoroughfares are defined as follows:

- a. All State Highways and State Roads within the Town of Winterville and the Extraterritorial Jurisdiction of the Town of Winterville.
- b. Any street so designated by the Greenville Urban Area Metropolitan Planning Organization Thoroughfare Plan within the Town of Winterville or its Extraterritorial Jurisdiction.

(07-0-259, adopted 02/12/2007)

Section 154.25 **Storm Drainage in Streets**

All streets must be so designed as to provide for the discharge of surface water from the right-of-way of all streets. Street drainage facilities shall be designed in accordance with the Storm Water Drainage Ordinance and the Town's standard for street

construction. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.26 **Storm Drainage Not in Streets**

Storm drainage systems and facilities shall be designed in accordance with the requirements of the Storm Water Drainage Ordinance. The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements and dedicated areas required for the construction and maintenance of the drainage system. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.27 **Street Names**

Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of suffix street, avenue, boulevard, driveway, place, or court. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.28 **Utility Easements**

To provide for electric, telephone and gas service, community antenna television distribution systems, water and sewer lines and other such facilities within the subdivision, appropriate utility easements not less than twenty (20) feet shall be provided on the final plat. The locations of such easements shall be based upon the approved construction plans. All subdivision plats shall have a note stating that all lot lines shall be subject to a ten (10) foot utility easement centered on the lot line. All utilities shall be placed underground. The subdivider shall be responsible for incorporating the design of all utilities and services into the easement and construction design. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.29 **Subdivision Entrance Markers and Landscaped Medians**

The Town Council may permit subdivision entrance markers and landscaped medians within the public right-of-way, or an easement set aside for such purposes, subject to the following conditions and any additional conditions the Town Council may find to be appropriate in the individual circumstance.

- 1) The Town will not be responsible for maintenance.
- 2) An entity responsible for maintenance shall be created.
- 3) No such improvements shall interfere with sight distance or with normal maintenance requirements or otherwise pose a hazard to vehicular or pedestrian traffic.
- 4) In the event of loss, damage or lack of maintenance, the Town may remove all improvement and maintain the area in accordance with Town standards.
- 5) NCDOT must approve any such developments in streets to be maintained by NCDOT.

(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)

Section 154.30

Construction in Public Right-of-Way and Easements

The design and construction of any facilities whether required or provided, within public right-of-way and easements shall be in accordance with Town design and construction standards. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.31

Park, Recreation and Open Space Land

A. General Purposes: All residential subdivisions shall entail provisions for the adequate satisfaction of park, recreation and open space needs of persons expected to reside in the development through dedication of land. The subdivider may, as an alternative, elect to pay a fee in lieu of land dedication. *(2000 Subdivision Ordinance, 0-52- 02149900, adopted 02/14/2000)*

B. Standards for dedication: One thousand two hundred (1,200) square feet shall be dedicated for each dwelling unit to be situated on any lot shown on the preliminary plat, or where a preliminary plat is not required, shown on the final plat. This shall include single-family, two-family, multifamily, and manufactured homes. Land dedicated for recreation, park or open space development shall substantially meet the following criteria:

Unity. The dedicated land shall form a single parcel, except where The Town Council determines that two (2) parcels or more would be In the public interest and in such case the Town Council may require That such parcels be connected by a dedicated strip of land at least thirty (30) feet in width.

Location. The dedicated land shall be located so as to reasonably Serve the park, recreation and open space needs of the development for Which the dedication is made.

Usability. At least one-half (1/2) of the total land dedicated shall be Located outside areas of special flood hazard, including the one hundred Year flood plain, and at least seventy five (75) percent of the total land dedicated shall be outside of wetland dedication sufficient engineering data and/or detail shall be indicated to insure compliance with this section.

Shape. The shape of the area proposed for dedication shall be suitable for recreation purposes as determined by the Town Council.

Access. Public access to the dedicated land shall be provided either by adjoining street frontage or public easement at least thirty (30) feet in width.

Conformance with standards. The area dedicated shall conform to the minimum subdivision regulations and zoning standards for the district in which located and shall be of adequate dimension to constitute a building site of like design and characteristics as other lots within the common development.

Plans. Municipal and county plans, particularly any park and open space plans, shall be considered when evaluating proposals for dedication.

(06-D-242, adopted 10/09/2006)

C. Private park and recreation dedication. Land that is set aside for private recreation or community open space, so long as such area meets the above criteria, will be accepted as fulfilling the requirements of this section in whole or in part. Full credit will be given for this acreage in determining the total amount that is to be dedicated. Such recreation or open space area is to be privately owned and maintained by all future residents of the subdivision, and shall be held by a homeowners' association or recreation association for the specific use of all residents of that subdivision. All such dedications shall be recorded on the final plat; maintenance shall be adequately provided for by written argument. Use of private recreation and open space areas is restricted to park and recreation purposes. Where private park and recreation space is to be used to satisfy the requirements of this Section, the documents creating the Homeowner's Association and setting up the dedication of land for such park and recreation dedication shall provide that in specific defined instances of failure to develop and maintain such areas to meet the intent of this Section that the Town Council at their election may assume ownership of the land on behalf of the Town.

D. Payments in Lieu of Dedication

1. Any person developing and/or subdividing property subject to this section, and upon approval of the Town Council, may make a payment in lieu of any required dedication of public recreational space.

2. Such payment in lieu of dedication shall be the product of the current assessed market value of the land to be subdivided (as established in subsection 3 below) multiplied by the number of acres to be dedicated.

3. The current assessed market value of the gross land area of the development or subdivision at the time of submission of the required plan and/or plat shall be used to determine the land value. The current assessed market value shall be the appropriate value as determined by and maintained on file in the Pitt County Tax Supervisor's Office. The average value per gross acres shall be calculated from this total tax value and applied to the required recreational land area in order to determine the land value.

E. Option Required. Where the minimum amount of land required for dedication does not either individually, or when combined with other dedicated land jointly, meet the criteria set forth under subsection B above, the developer shall exercise the payment in lieu of dedication options set forth herein.

F. Procedures.

1. The developer/subdivider shall indicate on the preliminary plat, or where a preliminary plat is not required on the final plat, whether land dedication or a fee in lieu thereof is proposed. If land dedication is desired, the area (s) to be dedicated shall be indicated on the plat.
2. a. Land dedicated to meet requirements shall be shown on the final plat submitted for approval. Where the payment in lieu of dedication option is used, or where a combination of payment and dedication is used, such payment shall be deposited with the Town prior to the recording of the final plat.

b. Where a subdivision is to be recorded in phases, acreage and/or fees sufficient to, at least, meet the requirements for those lots in the phase under final plat consideration shall be dedicated and/or deposited as provided herein.

G. Authority to sell. The Town Council shall have authority to sell land dedicated pursuant to this section with the proceeds of such sale used only for the acquisition, expansion or improvement of recreation, park, or open space sites.

H. Land Acceptance. The Town Council shall have the authority to accept or reject land dedications made as a requirement of this section. At the developer's request, the Town Council may accept a land dedication located elsewhere in the Town's jurisdiction in lieu of land dedication at the site of the proposed development.

(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)

Section 154.32 **Blocks**

- A. Blocks shall be laid out with special consideration given to the type of land use proposed within the block.
- B. Blocks shall not exceed twelve hundred (1200) feet in length nor shall they be less than four hundred (400) feet in length.
- C. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.

(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)

Section 154.33 **Lots (Building Sites)**

The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision, for the type development contemplated. It is the intent of these

regulations that lot size, shape and orientation shall be controlled by the provisions of the Zoning Ordinance and types of development permitted by that Ordinance. Every lot shall have sufficient area, dimensions and shape to permit a principal building to be constructed thereon in conformance with the applicable provisions of the Zoning Ordinance. Such building area shall lie at or be elevated to at least one (1) foot above the one-hundred (100) year flood elevation as provided for in the Flood Damage Prevention Ordinance. Lots shall be designed so as to provide positive drainage away from building sites and individual lots shall be coordinated with the general storm drainage plan for the Subdivision. Storm drains carrying water from street right of way shall be placed along lot lines where practical and shall extend for a minimum of thirty-five (35) feet back of the building lines. Lots boundaries shall be made to coincide with natural and pre-existing man-made drainage ways to the extent practical to avoid the creation of lots that can be built upon only by altering such drainage ways. Lots shall be arranged with due consideration given to not disturbing wetlands and other such natural features. Side lines of lots should be at or near right angles or radial to street lines. Public street access and frontage shall meet the requirements set forth in the Zoning Ordinance. Parcels created through the subdivision process which are not intended for building purposes shall be so designated and perpetually bound as “not-buildable” unless subsequently released through the development process. Double frontage lots shall be avoided except where required to restrict access as set forth in Section 154.24. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Double Frontage Lots

For the purposes of this section:

“Corner Lot” is defined as a lot adjacent to or abutting on two streets at their intersection; “Interior Lot” is defined as any lot other than a corner lot; and “Double Frontage Lot” is defined as an “interior lot” having frontage on two streets.

Where any residential subdivision creates double frontage lots a buffer easement shall be dedicated and a berm with vegetative screening shall be installed along the rear line of such double frontage lots parallel to the adjacent abutting street frontage in accordance with the following standards:

- 1) The buffer easement shall be a minimum of twenty (20) feet in width;
- 2) The easement shall be designated as a “Buffer and Non-access Easement”;
- 3) The buffer easement shall be dedicated to a Homeowners’ Association established in accordance with the requirements of Article II, Section 154.17 of this ordinance;
- 3) An earthen berm a minimum of three (3) feet in height shall be installed on the buffer easement;
- 4) The earthen berm shall have a maximum slope of 3:1;
- 5) Evergreen shrubs at least three (3) feet tall when planted shall be installed on the earthen berm at a minimum rate of twenty-five (25) shrubs per one hundred (100) feet.

6) The buffer requirements of this section shall also be applicable to any corner lot which abuts a Major or Minor Thoroughfare subject to driveway access restrictions, as per Article III, Section 154.54 of this ordinance, with respect to the abutting thoroughfare.

The intent of this section shall be to provide a complete year round opaque visual barrier between double frontage lots and the street rights-of-way abutting the rear of such lots. Qualified vegetation shall therefore be spaced to accomplish this end. No horizontal plane as viewed perpendicular from the property line, may be void of vegetation within five (5) years of planting for a height of at least eight (8) feet.

(08-0-002 adopted 01/14/2008)

Section 154.34 **Water and Sewer**

All subdivisions shall be designed to provide Town water and sewer or meet Health Department requirements for on-site systems. Water and sewer system shall be designed in accordance with Town standards. The Subdivider shall be responsible for obtaining all necessary permits and approvals. (See Section 154.38 and 154.39) for water and sewer system extension requirements and Section 154.47 for fire hydrant requirements.)

Section 154.35 **Sidewalks**

Sidewalks shall be provided by the subdivider in accordance with the following:

- 1) Sidewalks shall be provided with public street extensions pursuant to Section 154.37.
- 2) The location of proposed sidewalks required pursuant to this section shall be in accordance with Town standards.
- 3) Sidewalks shall be provided along both sides of all minor and major thoroughfares as shown on the Thoroughfare Plan.
- 4) Sidewalks shall be provided along one side of all local streets.
- 5) Sidewalks shall be provided along one side of cul-de-sac streets with the sidewalk terminating where the cul-de-sac turnaround begins.
- 6) The arrangement of sidewalks in new subdivision shall make provision of the continuation of existing sidewalks in adjoining areas.

(01-69, adopted 05/14/2001)

Section 154.36 **Connection to State Streets**

An approved permit is required to connect to any existing state system street.

North Carolina General Statutes 136-102.6 “Compliance of Subdivision Streets with Minimum Standards of the Board of Transportation Required of Developers” requires that new public streets outside the Town limits and changes to existing streets inside the

Town limits that are the responsibility of NCDOT be in accordance with the Minimum Right-of-Way and Construction Standards established by the Board of Transportation for acceptance on the State highway system. It is the intent of these standards and requirements, as set forth, to complement and not to conflict with the requirements of NCDOT as stated in NCGS 136-102.6. In all cases the most restrictive limitation or requirement or the requirement causing the highest standard of improvement shall govern. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

ARTICLE IV REQUIRED IMPROVEMENTS

Section 154.36 **General**

All required improvements set forth in this section shall be installed or constructed by the Subdivider at no cost to the Town except as may otherwise be specifically provided. Required improvements under this section shall not be installed or constructed until required construction plans have been approved by the Subdivision Administrator and an order to proceed has been issued. The Town may, in order to serve future development, require the developer to install certain oversized improvements and/or to increase such improvements to a size and/or extent beyond that necessary for the needs created by the subdivider. In such cases, the Town shall enter into an agreement to reimburse the developer for the over sizing and/or extension based upon rates as agreed to by the Town.

Subdivisions may be designated to be constructed and platted in phases. Provided, however, the Town Council may not approve a phasing plan when in its opinion such phasing will not provide for adequate public facilities to support any such phase or phases independent of the overall development plan. In approving phases the Town Council may require that additional streets, water and sewer facilities or other required public facilities be constructed as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase or phases independent of any future development. *(2000 Subdivision Ordinance, 0-52-02149900, adapted 02/14/2000)*

Section 154.37 **Street Improvements**

All proposed streets shall be graded to the full width of the right-of-way and improved with a pavement width and standard curb and gutter and storm drainage section as required for the particular classification of a street. All grading, pavement and curb and gutter shall be designed and installed in accordance with Town standards and the approved construction plan. Where bridges are required, such shall be installed to fit the cross-section of the street classification. In addition, street paving and curb and gutter and storm drainage, in accordance with the above conditions, shall be installed in the following situations:

- 1) Any existing street segment that has not been accepted for maintenance by either the Town or the North Carolina Department of Transportation, and that is to serve as the required frontage for one or more lots created pursuant to these regulations, shall be improved and dedicated to the public, as provided for above, in such a way that the street segment meets the standards of these regulations for the particular classification of street, including right-of-way width. Such street segment shall be directly connected to the existing public street system by way of at least one public street accepted for maintenance by either the Town or the North Carolina Department of Transportation. No subdivision shall be permitted on any street that is an "island" not connected directly to the public street system.

- 2) Where a subdivision fronts on any existing street segment maintained by either the Town or the North Carolina Department of Transportation and the street does not meet the minimum standards of these regulations for the classification of street, the subdivider shall improve the portion of the street adjoining the subdivision to meet the minimum standards including construction and width. When the subdivision adjoins only one side of an existing street, one-half of the minimum right-of-way shall be provided, measured from the centerline of the street.
- 3) The Town Council may require pavement and widening or pavement and widening and curb and gutter and storm drainage for turning lanes along any street that forms a significant entrance to a proposed development where in the opinion of the Town Council such improvements are necessary in order to provide for safe vehicular movement into and out of the proposed subdivision.
- 4) Where a street is stubbed into adjoining property for future extension and such street serves as the frontage for one or more lots which are not corner lots, the Town Council may require the pavement of a temporary turn-around in a form similar to a cul-de-sac on such street where in the Town Council's opinion such turn-around is necessary for the public convenience, safety and service.
- 5) Private streets where permitted shall be constructed to NC Department of Transportation standards for paved residential streets in a fifty (50) foot right-of-way. Curb and gutter is not required. Private streets where provided shall be subject to an Owner's Association agreement that provides for assessment for maintenance. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Electrical Conduit

Underground electrical conduit of the size and type specified by the Winterville Electric Department shall be installed by the subdivider in new streets in areas served by underground electric service. The location of these underground electrical conduits shall be shown in the proposed construction drawings. *(01-66, adopted 03/12/2001)*

Section 154.38 Drinking Water Improvements

Any Subdivision which has public water system lines available shall be required to extend the public water system throughout the subdivision to each lot located therein. All required water line extensions shall include appropriate valves, hydrants, taps and service to the property line of each lot as required by the standards of the Town.

For subdivisions within or partially within the Town, the term "available" shall mean that there is an existing water line of adequate size and water flow and/or pressure either crossing the subdivision property or immediately available from an adjacent public right-of-way or the Town indicates its commitment to extend such a water line to the property line of the subdivision at no cost to the subdivider.

For subdivisions located entirely outside the boundaries of the Town but within the jurisdiction of this Ordinance, the term “available” shall mean that there is an existing water line of adequate sign and water flow and/or pressure within the distances shown on the Table below of the outside boundary line of the subdivision or the Town indicates its commitment to extend such a water line within the distances shown on the Table below of the property line of the subdivision at no cost to the subdivider and there are no legal or topographic problems which prevent the subdivider from connecting onto and extending the existing system to the subdivision. In the event there are phases to the subdivision or else the subdivision is a part of a larger tract of land owned or under the control of the subdivider, then, and in that event, public water service shall be deemed to be available if an existing or proposed public water system line extends or will be extended within the distances shown on the Table below to the larger tract of land.

In the event the Town elects not to extend a water line of sufficient size, flow and/or pressure, to the subdivision (if in the Town) or within the distance shown on the Table below of the subdivision boundary (if outside the Town) because of topographic features, legal obstacles, or financial reasons, then, the subdivider shall not be required to extend water lines to each lot nor provide water service to the subdivision.

In any case where a public drinking water system and/or supply system intended to serve more than two (2) lots is proposed to be installed in a subdivision as part of the plan approval process, such system shall be considered to be a “Required Improvement” within the context of this Section regardless of whether such a system is an extension of the Town system or not and such system shall be required to be installed by the Subdivider. This requirement includes both facilities within the Subdivision and off-site facilities which are essential to providing the service to the property.

| <u>Available Water System Lines</u> | |
|--|-----------------|
| Water is available if the subdivision contains the Number of lots listed in column one and public lines are Within the distance shown in column two. | |
| LOTS | DISTANCE |
| 2-10 | 200 feet |
| 11-20 | 300 feet |
| 21-50 | 600 feet |
| 51-100 | 1000 feet |
| 101+ | 1500 feet |

(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)

Section 154.39 **Sanitary Sewage Improvements**

Any Subdivision which has public sewer system lines available shall be required to extend the public sewer system throughout the subdivision to each lot located therein. All required sewer line extensions shall include appropriate manholes, lift stations pumps, clean outs, taps and service to the property line of each lot as required by the standards of the Town.

For subdivisions within or partially within the Town, the term “available” shall mean that there is an existing sewer line of adequate size and flow either crossing the subdivision property or immediately available from an adjacent public right-of-way or the Town indicates its commitment to extend such a sewer line to the property line of the subdivision at no cost to the subdivider.

For subdivisions located entirely outside the boundaries of the Town, but within the jurisdiction of the Ordinance the term “available” shall mean that there is an existing sewer line of adequate size and flow within the distances shown on the Table below of the outside boundary line of the subdivision or the Town indicates its commitment to extend such a sewer line to within the distances shown on the Table below of the property line of the subdivision at no cost to the subdivider and there are no legal or topographic problems which prevent the subdivider from connection onto and extending the existing system to the subdivision. In the event there are phases to the subdivision or else the subdivision is a part of a larger tract of land owned or under the control of the subdivider, then, and in that event, public sewer service shall be deemed to be available if an existing or proposed public sewer system line extends or will be extended to within the distance shown on the Table below of the larger tract of land.

In the event the Town elects not to extend a sewer line of sufficient size and flow, to the subdivision (if in the Town) or within the distance shown on the Table below of the subdivision boundary (if outside the Town) because of topographic features, legal obstacles, or financial reasons, then, the subdivider shall not be required to extend sewer lines to each lot nor provide sewer service to the subdivision.

In any case where a sanitary sewerage system and/or treatment system intended to serve more than two (2) lots is proposed to be installed in a subdivision as part of the plan approval process, such system shall be considered to be a “Required Improvement” within the context of this Section regardless of whether such system is an extension of the Town system or not and such system shall be installed by the subdivider. This requirement includes both facilities within the subdivision and off-site facilities which are essential to providing the service to the property.

| <u>Available Sewer System Lines</u> | |
|--|-----------------|
| Sewer is available if the subdivision contains the Number of lots listed in column one and public lines are Within the distance shown in column two. | |
| LOTS | DISTANCE |
| 2-10 | 200 feet |
| 11-20 | 300 feet |
| 21-50 | 600 feet |
| 51-100 | 1000 feet |
| 101+ | 1500 feet |

(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)

Section 154.40 **Sidewalks**

Any sidewalks required by preliminary subdivision approval shall be constructed to Town standards. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.41 **Street Name Signs**

Street name signs which meet Town of Winterville specifications shall be installed at the expense of the subdivider, or their installation guaranteed, prior to final plat approval. *(04-0-74, adopted 05/10/2004)*

Section 154.42 **Traffic Control Signs, Signals, and Markings**

Traffic control signs which meet Town of Winterville specifications shall be installed at the expense of the subdivider, or their installation guaranteed, prior to final plat approval. The number, type, and locations for placement of traffic control signs shall be as determined by the Town of Winterville. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.43 **Street Lights**

The Town will install street lights at appropriate locations inside the Town in accordance with Town standards and specifications. Where different light standards are proposed the subdivider shall enter into an agreement with the Town. Outside the Town the subdivider shall install underground wiring for street lights and may install lights at the subdivider's cost. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.44 **Storm Drainage Not in Public Streets**

The subdivider shall install such storm drainage facilities to handle storm drainage not in public streets as required by the Storm Water Drainage Ordinance and as shown on the approved Construction Plan. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.45 **Park, Recreation and Open Space Dedication**

See Article III, Section 154.31 *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.46 **Monuments and Markers**

The developer shall install such property monuments and markers as are required by law and the standards of practice for land surveying in North Carolina. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.47 **Fire Hydrants**

Residential areas and subdivisions (single family and/or duplex) shall require fire hydrants located such that each structure or portion thereof will be within five hundred feet (500') of a hydrant.

Multi-family residency areas and subdivisions (apartments, townhouses, condominiums, etc.) shall require fire hydrants located such that each structure or portion thereof will be within five hundred feet (500') of a hydrant.

Non-residential areas and subdivisions shall require fire hydrants to be located such that each structure or portion thereof will be within five hundred feet (500') of a hydrant.

The above determination shall be made via vehicle access routes, (roadways, fire lanes, etc.) and by hose placement from the firefighting equipment in lieu of linear measurements. Fire hydrants shall be located at the right-of-way and the hydrant shall be located as not to exceed nine hundred feet (900') between fire hydrants in residential areas and six hundred feet (600') in non-residential areas. When practical hydrants shall be located at street intersections, with intermediate hydrants between intersections, and at entrance drives to the property. A fire hydrant shall be installed at the entrance of all new residential and non-residential developments and at all new subdivisions on the same side of a thoroughfare as the residential or non-residential development and/or subdivision. Any existing residential or non-residential development or subdivision which is expanded shall have a fire hydrant installed at the entrance to the residential or non-residential area and/or subdivision if a fire hydrant is no already in place at the entrance on the same side of the thoroughfare as the development.

It is preferable that fire hydrants be located at the front of structures. When possible, fire hydrants shall be located a minimum of fifty feet (50') from any structure.

In proposed subdivisions, where all structures have not been constructed, hydrant spacing shall be measured along the street right-of-way with spacing provided as shown. Each phase of a project shall be designed and constructed to provide the minimum number of hydrants necessary to conform with the requirements upon completion of each phase.

Dead-end water mains shall be provided with a fire hydrant, except for cul-de-sacs. Water mains serving standard fire hydrants (see Section 7.4.1.1 and DWG No. W-4 and W-5 of the Town Manual for the Design and Construction of Water and Sewer Systems) shall be six inch (6") diameter minimum. Dead-end water mains at the end of cul-de-sacs will not normally have a standard fire hydrant but shall have a two inch (2") post hydrant (see Section 7.4.2.2 and DWG No. W-9 and W-10 of the Town Manual for the Design and Construction of Water and Sewer Systems) which shall not qualify as a fire hydrant for fire fighting purposes.

The determination of distance shall be made via vehicle access routes (roadways, fire lanes, etc.) and by hose placement from the firefighting equipment located adjacent to the fire hydrant in lieu of direct measurements. The distances specified are meant to reflect the actual length of fire hose which would be laid by the fire department to reach the structure in the event of a fire at or in that structure. Distances shall be measured beginning at the point of the structure farthest from the hydrant, thence along an UNOBSTRUCTED PATHWAY to a point in the centerline of the street to a point opposite the hydrant.

UNOBSTRUCTED PATHWAY means a route which may be taken by firemen in laying fire hose. The UNOBSTRUCTED PATHWAY shall be, and remain, free of trees and shrubs, walls, fences, walls, structures, or other obstacles to the passage of firefighters, hose and equipment for a width of ten feet (10') and a minimum vertical distance of thirteen feet six inches (13'6") and shall not be through, under, or over any portion of any structure, ditch or waterway.

The developer of any new subdivision, project, or development, whether it be single or multiple, or whether residential or commercial, is responsible for funding and installing the required fire hydrant(s) and water main(s) to comply with these requirements.

Plans for development shall be reviewed by the Town of Winterville Fire Chief or his designated representative. The Fire Chief is the final staff authority as to location of fire hydrants and may require more stringent hydrant locations and or separation specifications than as required herein. *(03-0-27, adopted 10/13/2003)*

Section 154.48 Other Utilities and Services

Electric power, telephone, cable television, natural gas lines and other utilities which are proposed to be installed in the development and which are required to be shown on construction plans are not "Required Improvements" within the context of this Article. Since the installation of such improvements are by agreement between the subdivider and the appropriate utility company, the execution of such agreements between the subdivider

and the utility companies are deemed to satisfy the construction and installation requirements of these regulations as long as they are installed on Town right-of-way or easements in accordance with Town standards and ordinances for such installations. Right-of-way Encroachment Permits are required. *(02-0-99, adopted 10/14/2002)*

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, D-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-D-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, D-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, 0-52-02149900, 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, 0-52-02149900, 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, 0-52-02149900, 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, 0-52-02149900, adapted 02/14/2000)*

ARTICLE VI LEGAL PROVISIONS

Section 154.54 Interpretation, Purpose, Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any Easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction or imposes higher standards than those required by other ordinances, rules, regulations, or by Easements, covenants, or agreements the provisions of this Ordinance shall govern so that, in all cases, the most restrictive limitation or requirement, or the requirement causing the highest standard of improvement, shall govern. Provided, however, in any case where the Zoning Ordinance specifically permits a development type not otherwise provided for in this Ordinance, the Zoning Ordinance shall prevail. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.55 Repeal and Reenactment of Existing Subdivision Regulations

The rewriting of this Ordinance in part carries forth by reenactment some of the provisions of the existing Subdivision Regulations of the Town of Winterville and is not intended to repeal but rather reenact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the Subdivision Regulations which are not reenacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of the Subdivision Regulations in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing Regulations, prosecutions for which have not been instituted, may be filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have been instituted or prosecuted. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.56 Effect Upon Outstanding Preliminary Plats

Nothing herein contained shall require any change in any Preliminary Plat which has received approval by the Town of Winterville prior to the time of the adoption of this Ordinance provided that such Preliminary Plat has been prosecuted to completion and a Final Plat recorded in the Office of the Register of Deeds within twelve (12) months after the time of the adoption of this Ordinance. If the Final Plat of all or part of the area shown on any previously approved Preliminary Plat is not recorded in the Office of the Register of Deeds within twelve (12) months after the time of the adoption of this Ordinance, such non-recorded area shall be subject to all the provisions of this Ordinance.

After the effective date of this Ordinance, any Final Plat to be recorded based upon any outstanding Preliminary Plat shall follow the Final Plat approval procedures of this Ordinance including the Guarantee of Installation provisions.

In addition, nothing herein contained shall require any change in any Final Plat which has received approval by the Town of Winterville prior to the time of the adoption of this Ordinance provided that such Final Plat is prosecuted to completion in accordance with the terms of approval. In the event of default or failure of the Subdivider to perform in accordance with the conditions as approved, the Town of Winterville may, at its option, take lawful action pursuant to the Subdivision Ordinance in existence at the time of the Final Plat approval or this Ordinance. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.57 **Effect Upon New Territory Added to Jurisdiction**

At any time when new territory is added to the Jurisdiction of this Ordinance, such new territory shall immediately become subject to the provisions of this Ordinance. Any proposed Subdivision or any Subdivision in progress within such new territory shall proceed only in accordance with the following:

- 1) Any Subdivision for which a Final Plat has been recorded in the Register of Deeds Office pursuant to the approval of another local government, but which is subject to an outstanding guarantee to such local government for the installation of Subdivision improvements, shall remain under the Subdivision control of such local government until such time as such Subdivision shall have been prosecuted to completion. Provided, however, the Town may not accept the Dedication of any Street or Street improvements unless such Street and Street improvements meet the standards of this Ordinance and the Town's Policy for Acceptance of Streets for use and maintenance by the Town.

- 2) All other Subdivisions shall meet all of the requirements of this Ordinance and it shall be the responsibility of the Subdivider of any proposed Subdivision or Subdivision in progress to receive approval as provided for in this Ordinance before proceeding with any development. The Subdivider shall arrange a conference with the Subdivision Administrator who shall determine the level and type of approval required and provide the Subdivider with an approval track with the particular case. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.58 **Modifications**

The Town Council may modify the requirements of this Ordinance where, in the Council's opinion, equal or better performance will result. In modifying any standard or requirement the evaluation shall be made with regard to the overall performance in carrying out the purpose of this Ordinance. In granting Modifications, the Town Council may require such conditions as will secure, insofar as practicable, the objectives or requirements modified. In no case however, shall the Town Council, acting pursuant to

this Section, modify the terms or requirements of the Zoning Ordinance or the Flood Damage Prevention Ordinance. Violation of any condition shall constitute a violation of this Ordinance. A Modification granted as part of a plan approval shall have the same duration as the plan approval. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

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)*

Section 154.60 **No Liability**

Acceptance of Dedication of lands or facilities located within the Jurisdiction of this Ordinance but outside the Town limits shall not place on the Town any duty to open, operate, repair or maintain any street, utility line, or other land or facility and the Town shall in no event be held to answer in any civil action proceeding for failure to open, repair or maintain any Street located outside its corporate limits. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.61 **Violation: Penalties and Remedies**

After the effective date of this Ordinance, no Subdivision Plat or land within the Jurisdiction of this Ordinance shall be filed or recorded until it shall have been submitted to and approved by the appropriate approval authority.

The Review Officer shall not certify for recording a Plat of Subdivision of land subject to this Ordinance that has not been approved in accordance with this Ordinance nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the provisions of this Ordinance.

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land within the Jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a Subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds shall subject the violators to the penalties and remedies set forth in this Ordinance. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from such penalties and remedies.

Violations of this Ordinance shall constitute either a misdemeanor, with a fine not exceeding fifty (50) Dollars or imprisonment not exceeding thirty (30) days, or, at the election of the Town, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to the Town within fifteen days of the issuance of the citation, may be recovered by the Town in a civil citation in the nature of debt. Said civil penalties shall be in the amount of \$50.00 (fifty dollars) for each violation and each day any single violation continues shall be a separate violation.

In addition to the civil penalties set out above, any provisions of this Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the Town for equitable relief that there is an adequate remedy at law.

In addition to the civil penalties set out above, any provision of this Ordinance that makes unlawful a condition existing upon or made use of real property may be enforced by injunction and order of abatement by General Court of Justice. When a violation of such provisions occurs, the Town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

An order of abatement may direct that buildings or other structures on the property may be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that abandoned or junked vehicles be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of the Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

The provision of this Ordinance may be enforced by one, all or a combination of the remedies authorized and prescribed by this section.

Upon determination of a violation of any section of this Ordinance, the penalty for which is a civil penalty, the Subdivision Administrator shall cause a warning citation to be issued to the violator. Such citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated.

An appeal from a warning citation shall be taken within ten (10) days from the date of said warning citation and the Board of Adjustment, in considering such appeal, shall, notwithstanding other powers as may be granted, have power only in the manner of administrative review and interpretation where it is alleged that the Enforcement Officer has made an error in the application of the Ordinance, in the factual situation as it relates to the application of the Ordinance, or both.

Where the Subdivision Administrator determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or Consent Agreement, the Subdivision Administrator may amend the warning citation to provide for additional time. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees.

Upon failure of the violator to obey the warning citation a civil citation shall be issued by the Subdivision Administrator and either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the Town or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to pay the civil assessment within fifteen days of the date of the citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

If the violator fails to respond to a citation within fifteen days of its issuance, and pay the penalty prescribed therein, the Town may institute a civil citation in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law. (2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)

Section 154.62 **Validity**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. *(2000 Subdivision Ordinance, 0-52-02149900, adopted 02/14/2000)*

Section 154.63 **Effective Date**

This Ordinance shall become effective upon its adoption by the Town Council of the Town of Winterville, North Carolina.

ADOPTED this the 14th day of February, 2000, by the Town Council of the Town of Winterville, North Carolina.

APPENDIX I
MAPPING STANDARDS
Town of Winterville
Subdivision Ordinance

The following are the Standards of Maps to be submitted as part of the subdivision process. These standards are intended to be general and the subdivider may be required to file fewer or more maps or provide less or more information depending upon the circumstances of the particular case.

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 |

- All maps should be drawn to scale. The scale shall be not less than 1"=200'. Construction plans shall be at a scale of not less than 1"=50'. Prints may be blue-line or blackline and map size shall be a minimum of 11"X17" and a maximum of 24" X 36", except that Final Plats shall not exceed an outside dimension of 18" X 24".** The Final Plat prints and mylar for Town file shall be copies of the Final Plat as presented for recording. ~~If larger than 8 1/2 by 11 the reproducible may be in the form of a sepia.~~

* Must be certified by Subdivider's Engineer.
** Consult Pitt County Review Officer for Record Map requirements.

B. CONSTRUCTION PLANS

- Plan and Profile showing Streets with complete design showing all horizontal curve data, vertical curve data, superelevation, etc. and DOT approvals such as driveway permits, DOT streets, etc.
- Storm drainage design and calculations with size, material, grade, length and cover on all pipes, and size, type and location of all catch basins.
- Location of all flood boundaries and temporary and permanent erosion control methods and proposed fill.
- Utility System plan and profile to show size, material, cover, and grade on all mains; size, depth and type of all manholes, location of all hydrants and cleanouts, location of all services and meter boxes, and location of Easements.

5. Distribution systems of electric, telephone, natural gas, cable antenna television and other services in right-of-way.
6. A copy of the approved State Erosion Control Plan and approval letter prior to beginning construction.

C. MAP INFORMATION

| <u>Information</u> | <u>Preliminary Plan</u> | <u>Final Plat</u> |
|---|-------------------------|-------------------|
| Title Block containing: | | |
| Name of Development | X | X |
| Name of map or Plan (sketch Plan, preliminary plan, etc.) | X | X |
| Owner's name with address and daytime Phone # | X | X |
| Location (including address, city, township City & state) | X | X |
| Date(s) map(s) prepared or revised | X | X |
| Scale of drawing in feet per inch (drawing shall not be at scale of not less than 1" equal to 200') | X | X |
| Bar Graph Scale | X | X |
| Name, address, & telephone # of preparer of map | | |
| Developer's name, address, and daytime phone number (if different from owner's) | X | X |
| Zoning district(s) within the property & adjacent properties | X | X |
| Existing land use within the property & adjacent properties | X | X |
| Plat book or deed book references | X | X |

| <u>Information</u> | <u>Preliminary Plan</u> | <u>Final Plat</u> |
|--|-----------------------------|-------------------|
| Names of adjoining property owners (or sub-Divisions or developments of record with plat Book and/or deed book reference) | X | X |
| Tax Map, block & parcel(s) # | X | X |
| Vicinity map showing location of site relative To surrounding area typically drawn in upper right hand corner, at a scale of 1" = 2000' | X | X |
| Corporate limits, City limits, and other Jurisdiction lines, if any, on the | X | X |
| North arrow & orientation (North arrow shall be oriented towards top of map where practicable) | X | X |
| Boundaries of the tract to be subdivided or developed: | | |
| distinctly and accurately represented and showing all distances; show bearings and distances and curve data on outside boundaries and street centerlines on preliminary with street centerline tied to | X | X |
| tie at least one corner to NC grid and provide grid coordinates where at least one of two control monuments needed are within 2000' feet of the boundary or tie to nearest street intersections. | | X |
| showing locations of intersecting boundary lines of adjoining properties | X | X |
| Location and descriptions of all monuments, Markers and control corners | | X |
| Existing property lines on tract to be sub- divided. If existing property lines are to be changed, label as "old property lines" and show as dashed lines | X | X |

| <u>Information</u> | <u>Preliminary Plan</u> | <u>Final Plat</u> |
|--|-------------------------|-------------------|
| Dimensions, location and use of all existing buildings; distances between buildings measured at the closest point; distance from buildings to closest property lines; buildings to remain on final. | X | X |
| The name and location of any property or building on the National Register of Historic Places or locally designated historic Property | X | X |
| Railroad lines and rights-of-way | X | X |
| Water courses, ponds, lakes or streams | X | X |
| Marshes, swamps and other wetlands Areas to be dedicated or reserved for the public or a local jurisdiction | X | X |
| Areas designated as common area or open Space under control of an Owners Assoc. | X | X |
| Existing and proposed topography of tract and 100 feet beyond property showing existing contour intervals of no greater than 5 feet (2 feet where available) and labeling at least two contours per map and all others at 10 foot intervals from sea level | X | X |
| Proposed lot lines & dimensions; show bearings and distances on final | X | X |
| Square footage of all proposed lots under One (1) acre in size; smallest lot indicated | X | X |
| Acreage for all lots over one acre | X | X |

| <u>Information</u> | <u>Preliminary Plan</u> | <u>Final Plat</u> |
|--|-------------------------|-------------------|
| Site calculations including: | | |
| acreage in total tract | X | X |
| acreage in public greenways and other open space | X | X |
| total number of lots proposed | X | X |
| linear feet in streets | X | X |
| area in newly dedicated right-of-way | X | X |
| Lots sequenced or numbered consecutively | X | X |
| Street data illustrating: | | |
| R/W Lines | X | X |
| Total R/W width dimension | X | X |
| R/W width dimension from centerline of existing public streets | X | X |
| Cul-de-sac R/W radius from centerpoint | X | X |
| Existing and proposed streets showing: | | |
| Pavement or curb lines | X | |
| Pavement width dimensions | | |
| (face-to-face) (or EP to EP) | X | X |
| Cul-de-sac pavement radius from centerpoint | X | |
| Existing & proposed street names | X | X |
| Location, dimension & type of all easements | | |
| (Existing and proposed) | X | X |

| <u>Information</u> | Preliminary <u>Plan</u> | Final <u>Plat</u> |
|---|----------------------------|----------------------|
| <u>Utility Layout Plan</u> showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the following types of utility lines: (not to substitute for constructions plans) | | |
| sanitary sewer | X | |
| water distribution | X | |
| storm sewer | X | |
| natural gas, electric, cable TV | X | |
| plan for providing water and sewer service graphic or narrative form | X | |

D. CERTIFICATIONS, NOTES AND APPROVAL BLOCKS

The following Certificates, Notes and Approval Blocks shall appear on the appropriate plans and plats in substantially the following formats:

Preliminary Plan-Major:

Planning Board
I hereby certify that this Preliminary Plan was recommended for approval by the Planning Board of the Town of Winterville on the _____ day of _____ 20_____.

Chairman, Planning Board

Town Council
I hereby certify that this Preliminary that this Preliminary was approved by the Town Council of the Town of Winterville on the _____ day of _____ 20_____,

Mayor

Final Plat:

Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book , page____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book____page____; that the ratio of precision as calculated is 1:____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____, A.D.,20 ____

Seal or Stamp

Surveyor

Registration #

(maximum allowable error: 1:10,000)

Review Officer Certificate

State of North Carolina
County of Pitt

I, _____, review Officer of Pitt County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) owner(s) of the property shown and described herein, that the property is within the Subdivision Jurisdiction of the Town of Winterville and that I (we) hereby adopt this plan of subdivision with my (our) free consent and hereby establish all lots and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

Owner(s)

Planning Board

I hereby certify that this Final Plat was recommended for approval by the Planning Board of the Town of Winterville on the _____ day of _____ 20____.

Chairman, Planning Board

Certificate of Final Approval

Approved for recording by the Town Council of the Town of Winterville, N.C. on this the _____ day of _____, 20____ pursuant to authority of Section 154.13 on the Subdivision Regulations.

Mayor

NCDOT Construction Standards Certification

Department of Transportation
Division of Highways
Proposed Subdivision Road
Construction Standards Certificate

Approved: _____
District Engineer

Date: _____

Onsite Water and/or Sewer Note
(where appropriate)

Note: (ALL the LOTS) or (LOTS # _____) as shown on this Plat are proposed to be served with on-site water and/or sewer systems. The lots as shown meet the minimum size prescribed by the Pitt County Health Department for such system(s). However, the recording of this Plat does not guarantee that any such lots will meet the requirements for the approval by the Health Department for such on-site system(s).

Engineer/Survey or License or Registration #

**APPENDIX II MINIMUM PUBLIC STREET
DESIGN STANDARDS**

| CLASSIFICATION | ROW (ft) | PAVEMENT WIDTH (ft) |
|---|---------------------|--------------------------------|
| MAJOR THOROUGHFARE | 90-100 | 65-69 |
| MINOR THOROUGHFARE | 68-60 | 49-61 |
| LOCAL STREET | 60 | 35 |
| CUL-DE-SAC | 60 | 35 |
| CUL-DE-SAC TURNAROUND DIAMETER | 120 | 100 |

* Dimensions in this column are from back-of-curb to back-of-curb.

* See Town of Winterville Standard Specifications and Details (Design Manual) for full explanation of design specifications.

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

Special Flood Hazard Area Note
(word to represent actual situation)

Note: (Part of) this property (does not) lie in a Special Flood Hazard Area

Reference: Floodway Panel # _____

Date: _____ (of Panel)

(If part of the property is in a Special Flood Hazard Area it shall be shown graphically on the Plat.)



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Public Hearings

Meeting Date: February 13, 2023

Presenter: Anthony Bowers, Assistant Town Manager

Item to be Considered

Subject: System Development Fees – Public Hearing.

Action Requested: Adopt fees at 50% of calculated maximum.

Attachment: Fee schedule of recommended System Development Fee.

Prepared By: Anthony Bowers, Assistant Town Manager

Date: 1/31/2023

ABSTRACT ROUTING:

TC: 2/6/2023

TM: 2/8/2023

Final: tlp - 2/8/2023

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 which is limited to \$4,033 for water and sewer improvements for the Town of Winterville. 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 price range as our neighbors.

We were 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 20th, 2022, and it is also advertised on January 17th, 2023. We have only received one call with a couple of questions from Landon Weaver with Bill Clark Homes.

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

Budgetary Impact: This will depend on the number of water and sewer taps.

Recommendation: Hold the public hearing and staff recommends Council adopt the new SDF Fee schedule.

**NOTICE OF PUBLIC HEARING
Town of Winterville**

NOTICE IS HEREBY GIVEN that the Winterville Town Council will meet on Monday, February 13, 2023 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, to hold a Public Hearing on the following:

The Town of Winterville is proposing the following, Introduction of System Development Fees:

- Section 161A-200 – Authority: Public Water and Sewer System Development Fee Act;
- Section 162A-203 – Approval Authority: adopt a system development fee for water and sewer service only in accordance with conditions and limitations;
- Section 162A-205 – system development fee shall be calculated based on a written analysis, which may constitute or be included in a capital improvements plan;
- Section 162A-207 – Minimum requirements – a system development fee shall not exceed the calculated based on the system development fee analysis;
- Section 162A-209 – Adoption and periodic review;
- Section 162A-211 – Use and administration of revenue;
- Section 162A-213 – Time for collection of system development fees.

Copies of the Water and Sewer System Development Fee Analysis are on file at the Assistant Town Managers Office in the Town Hall and are available for public inspection by contacting anthony.bowers@wintervillenc.com or at (252) 756-2221.

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.

Notes to Publisher:

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

Subject: Winterville Public Hearing – Public Water and Sewer System Development Fee

Please place the above legal advertisement in the Daily Reflector on Wednesday, February 1, 2023 and Wednesday, February 8, 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, NCCMC
Town Clerk, Town of Winterville
2571 Railroad Street/PO Box 1459
Winterville, NC 28590
(252) 215-2344 – Phone / don.harvey@wintervillenc.com

Table 1. Maximum Allowable System Development Fees

| Meter Size, inches | Equivalent Ratio | Water Capacity Cost, \$/gallon | Sewer Capacity Cost, \$/gallon | Total Capacity Cost, \$/gallon | Total Capacity Cost, \$/connection ¹ |
|--------------------|------------------|--------------------------------|--------------------------------|--------------------------------|---|
| 5/8 | 1.0 | \$4.01 | \$8.02 | \$12.03 | \$4,330 |
| 3/4 | 1.5 | | | | \$6,490 |
| 1 | 2.5 | | | | \$10,820 |
| 1-1/2 | 5.0 | | | | \$21,650 |
| 2 | 8.0 | | | | \$34,640 |
| 3 | 16.0 | | | | \$69,290 |
| 4 | 25.0 | | | | \$108,270 |
| 6 | 50.0 | | | | \$216,540 |
| 8 | 80.0 | | | | \$346,460 |
| 10 | 115.0 | | | | \$498,040 |
| 12 | 215.0 | | | | \$931,120 |

¹ Based on 360-GPD use for a 5/8" residential connection.

For a 360-GPD residential (5/8" meter size) connection, the maximum allowable combined water and sewer SDF would be \$4,330. The unit cost takes into account \$3.6 million in accumulated depreciation for the existing infrastructure assets of \$15.0 million, for a net total cost of \$11.4 million eligible to recuperate from SDFs. The unit cost also accounts for the \$13.5 million in future infrastructure that may be recuperated from SDFs.

Commercial, institutional, and industrial connections, which require larger water meters, may be charged higher SDFs based on American Water Works Association (AWWA) – prescribed equivalent ratios or other approved rate adjustment factors. **Table 1** also shows SDFs for meters ranging in size from 1- to 12-inch. This analysis allows policymakers to make an informed decision when allocating system capacity costs between existing and new customers. It is expected that, at the rates listed in **Table 1**, water SDFs will generate \$2.0 million and sewer SDFs will generate \$4.7 million for a total of \$6.7 million over a five-year planning horizon, to support necessary water and sewer infrastructure rehabilitation and expansion. The rates listed in **Table 1** represent the maximum rate supported by the SDF analysis. The Town can elect to assess lower rates at the Town’s discretion. As required by the legislation, the Town of Winterville will need to re-evaluate this analysis and proposed SDFs at a minimum every five years and make necessary fee adjustments.



**Town of Winterville
System Development Fee
As of 2/13/2023**

| Meter Size, inches | Equivalent Ratio | Total Max | Water Max | Sewer Max | Water Recommended 50% of Maximum | Sewer Recommended 50% of Maximum | Combined Total |
|-----------------------|---------------------|---------------|---------------|---------------|--|---|----------------|
| 5/8 | 1 | \$ 4,330.00 | \$ 1,443.33 | \$ 2,886.67 | \$ 721.67 | \$ 1,443.33 | \$ 2,165.00 |
| 3/4 | 1.5 | \$ 6,490.00 | \$ 2,163.33 | \$ 4,326.67 | \$ 1,081.67 | \$ 2,163.33 | \$ 3,245.00 |
| 1 | 2.5 | \$ 10,820.00 | \$ 3,606.67 | \$ 7,213.33 | \$ 1,803.33 | \$ 3,606.67 | \$ 5,410.00 |
| 1-1/2 | 5 | \$ 21,650.00 | \$ 7,216.67 | \$ 14,433.33 | \$ 3,608.33 | \$ 7,216.67 | \$ 10,825.00 |
| 2 | 8 | \$ 34,640.00 | \$ 11,546.67 | \$ 23,093.33 | \$ 5,773.33 | \$ 11,546.67 | \$ 17,320.00 |
| 3 | 16 | \$ 69,290.00 | \$ 23,096.67 | \$ 46,193.33 | \$ 11,548.33 | \$ 23,096.67 | \$ 34,645.00 |
| 4 | 25 | \$ 108,270.00 | \$ 36,090.00 | \$ 72,180.00 | \$ 18,045.00 | \$ 36,090.00 | \$ 54,135.00 |
| 6 | 50 | \$ 216,540.00 | \$ 72,180.00 | \$ 144,360.00 | \$ 36,090.00 | \$ 72,180.00 | \$ 108,270.00 |
| 8 | 80 | \$ 346,460.00 | \$ 115,486.67 | \$ 230,973.33 | \$ 57,743.33 | \$ 115,486.67 | \$ 173,230.00 |
| 10 | 115 | \$ 498,040.00 | \$ 166,013.33 | \$ 332,026.67 | \$ 83,006.67 | \$ 166,013.33 | \$ 249,020.00 |
| 12 | 215 | \$ 931,120.00 | \$ 310,373.33 | \$ 620,746.67 | \$ 155,186.67 | \$ 310,373.33 | \$ 465,560.00 |



TOWN OF WINTERVILLE PUBLIC COMMENT APPLICATION

Name of Applicant: Brandy Daniels

Date: 01/11/2023

Address: 2945 Fox Glove Drive

Phone: 252-413-9249

Town Council Meeting Date Requesting to Provide Comment: February 13th

Description of the item(s) to be presented to the Town Council Members. Please be specific.

Vacant council seat

Name(s) of Speaker(s):

(1) Brandy Daniels

(2) _____

(3) _____

My signature below acknowledges that I have read the Town of Winterville Public Comment Policy. I agree that as applicant, the speaker(s) named above shall adhere to the Public Comment Policy of the Town of Winterville.



Signature

Print

Save

Submit



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: February 13, 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: 2/1/2023

ABSTRACT ROUTING:

TC: 2/6/2023

TM: 2/8/2023

Final: tlp - 2/8/2023

Supporting Documentation

Approval of the following set of Council Meeting Minutes:

- January 9, 2023 Regular Meeting Minutes.

Budgetary Impact: NA.

Recommendation: Staff recommends Council approve the Minutes.



**WINTERVILLE TOWN COUNCIL
MONDAY, JANUARY 9, 2023 - 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
Johnny Moye, Mayor Pro Tem
Tony P. Moore, Councilman
Paul A. Rice, Councilman
Veronica W. Roberson, Councilwoman
Keen Lassiter, Town Attorney
Terri L. Parker, Town Manager
Anthony Bowers, Assistant Town Manager
Ryan Willhite, Police Chief
David Moore, Fire Chief
Todd Bess, Public Works Superintendent
Robert Sutton, Electric Director
Jessica Manning, Finance Director
Evan Johnston, Building Inspector/Code Enforcement Officer
Evan Johnston, Parks and Recreation Director
Bryan Jones, Planning Director
Donald Harvey, Town Clerk

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

INVOCATION: Pastor Alton Wooten, Good Hope Free Will Baptist Church 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 noted the amendment to the Agenda.

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

DISCUSSION OF VACANT COUNCIL SEAT:

Mayor Hines noted the arrival of a letter late from Levi Smith, making the total nine. Mayor Hines noted having a special called meeting to make the determination on the vacant seat, a working session would help to make it fair. Mayor Pro Tem Moye noted to only accept applicants arriving on time.

Motion made by Mayor Pro Tem Moye and seconded by Councilwoman Roberson to accept the eight (8) applications received by the deadline. Motion carried, 3-1, Councilman Rice opposed.

Mayor Hines mentioned that not everyone has a computer.

Motion made by Councilman Moore and seconded by Councilman Rice to appoint Lisa Smith to the vacant Council seat.

Mayor Pro Tem Moye noted to submit all names. Councilwoman Roberson said to follow rules and procedures used for last vacancy. Mayor Pro Tem Moye noted that they were followed for Councilman Rice. The energy put forth by the candidates and the policy is fair and the term will require an election this fall. Mayor Hines said the policy was followed because it was an election year; this time the election was out of Town. Mayor Hines said we solicited letters to get to this point. Councilman Moore said policy was not followed with some previous situations, candidate received 16% of votes versus a husband and wife that shared information; learn from the past Mayor Pro Tem Moye said do we decide on most qualified or a percentage; policy is good. Councilwoman Roberson said everyone that ran had an interest, rules are made for fairness, helps democracy going in the right way. Mayor Hines said all that submitted; thank you for participating.

Councilman Moore and Councilman Rice voted in favor of appointing Lisa Smith to the vacant Council seat; Mayor Pro Tem Moye and Councilwoman Roberson opposed; vote 2-2. Mayor Hines opposed, the motion failed, 2-3.

Motion made by Mayor Pro Tem Moye and seconded by Councilwoman Roberson to appoint Shantell Hawkins to the vacant Council seat. Mayor Pro Tem Moye and Councilwoman Roberson voted in favor; Councilman Moore and Councilman Rice opposed; vote 2-2. Mayor Hines opposed, the motion failed, 2-3.

Motion made by Councilman Moore and seconded by Councilman Rice to hold a Special Meeting on Monday, January 23, 2023 at 5 pm to discuss the vacant Council seat.

Mayor Pro Tem Moye asked can we have a closed session. Town Attorney Lassiter said discussion must be in open session.

Councilman Moore, Councilman Rice, and Councilwoman Roberson voted in favor of holding a Special Meeting on Monday, January 23, 2023 at 5 pm to discuss the vacant Council seat; Mayor Pro Tem Moye opposed. Motion carried 3-1.

PROCLAMATIONS: Town Clerk Harvey read the Proclamation.

Human Trafficking and Awareness Prevention Month.



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

PUBLIC HEARINGS:

Southbrook PUD – Rezoning Request - Planning Director Jones gave the following presentation:

Town Council – January 9, 2023

**REZONING REQUEST
SOUTHBROOK PUD
PARCELS 15006, 11636, 11638,
82096 and 82094**

Presenter:
Bryan Jones,
Planning Director



Southbrook PUD – Rezoning Request

- Applicant: The Coley Group (Scott Moore)
- Location: Church Street Ext and Laurie Ellis Road
- Parcel Numbers: 15006, 11636, 11638, 82096, 82094
- Site Data: 245.43 acres
- Current Zoning District: AR
- Proposed Zoning District: Conditional District PUD (R-6 PUD, MR PUD)



Planned Unit Developments (PUD)

- A PUD is a similar process to a rezoning. Think of each PUD as a customized zoning district that specifically identifies the location of buildings, uses, architectural design, open spaces, etc. PUD's allow an alternative design for a community in exchange for creativity in development.
- The design of a PUD is governed by a site specific development plan to control the layout of the development and the design of all components of the community.



Planned Unit Developments (PUD)

- The PUD process permits the design of conservation/cluster subdivisions which allow cluster development in exchange for permanently preserved open space on the site. This design ensures the protection of the environmentally sensitive features such as streams and riparian areas, ponds, and wetlands. Communities can limit the density to what is permitted under conventional zoning or may choose to offer a density bonus allowing additional density than would otherwise be allowed.



Planned Unit Developments (PUD)

Application for PUD shall be approved only if the following findings area made:

- a. That application of planned unit development requirements to the property will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;
- b. That application of planned unit development requirements to the property will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive design;
- c. The application of planned unit development requirements to the property will produce a development functioning as a cohesive, unified project; and
- d. That application of planned unit development requirements to the property will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town.



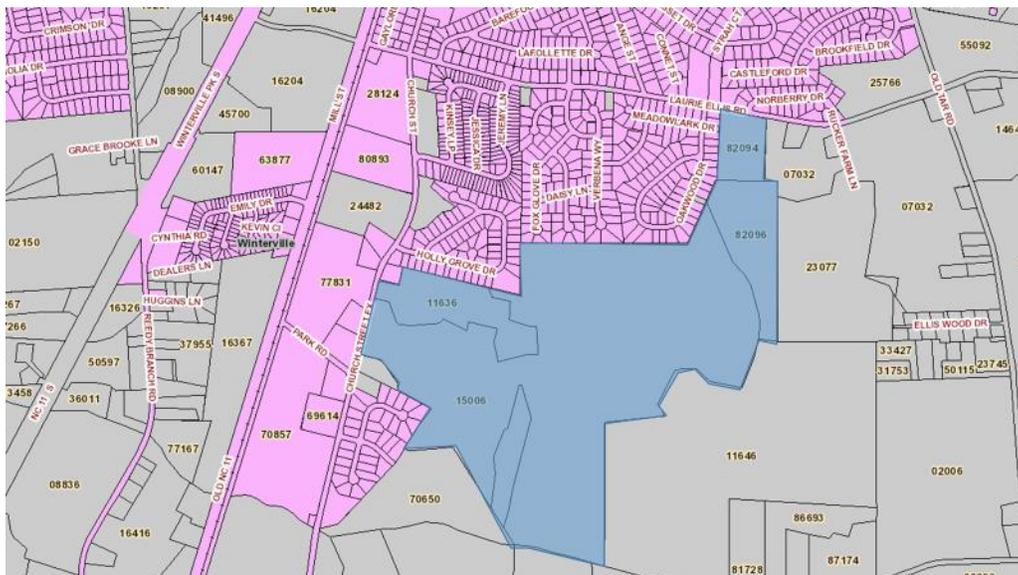
Planned Unit Developments (PUD)

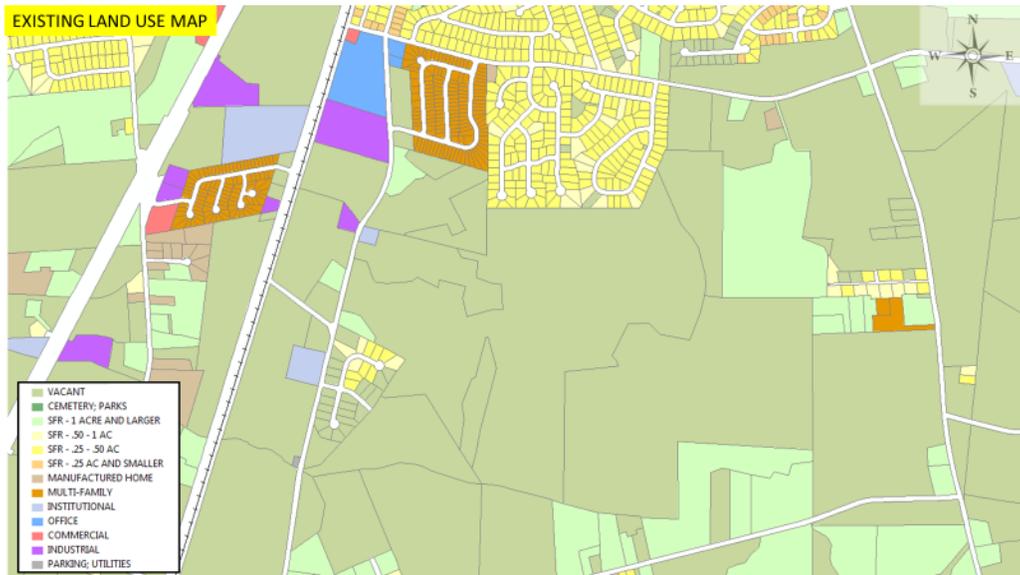
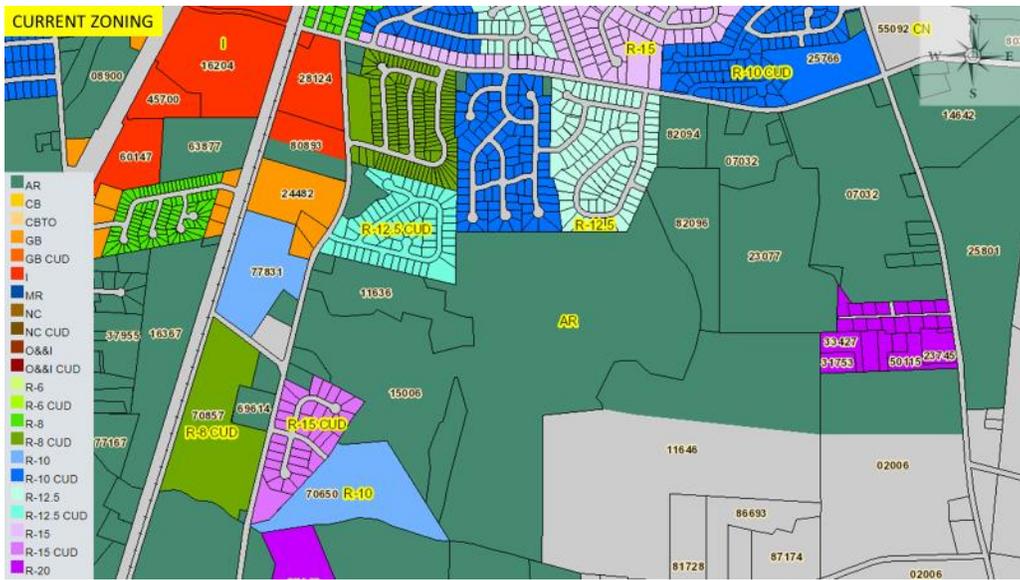
Environmentally Sensitive Areas: One of the principal purposes of the PUD procedure is to protect environmentally sensitive areas through the use of innovative arrangement of buildings and spaces. It is the intent of the PUD process that significant consideration in planning and design of PUD's shall be given to the following elements such as but not limited to:

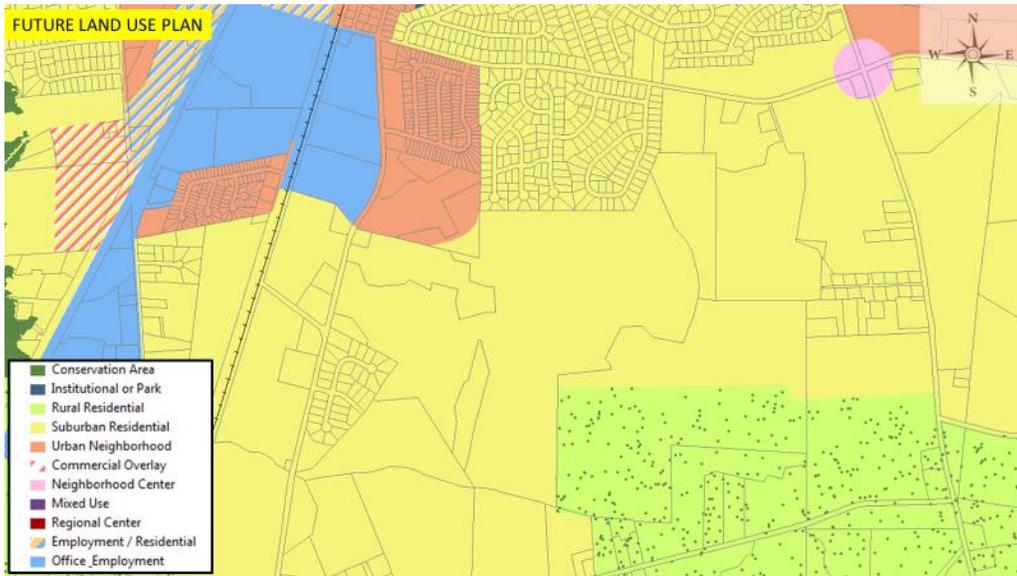
- Floodplains, wetlands, stormwater management, streams, etc.



- Notification was posted on the site on October 28, 2022.
- The applicant hosted two Community Meetings on October 20, 2022.
- Planning and Zoning Board unanimously recommended **approval** of the rezoning request on November 21, 2022.
- 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.







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.

Town of
WINTERVILLE
A slice of the good life!

Southbrook PUD – Rezoning Request

 **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.



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.

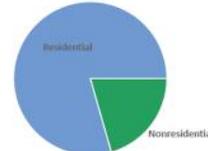
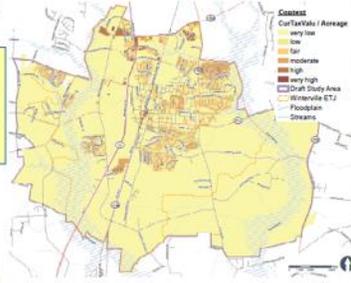
Strategies

- 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.



Residential properties make up the bulk of the tax base (nearly 80%).

Policy 5: Maintain and improve neighborhood character.

Strategies

5.1: Identify, measure, and codify the character of the places that make Winterville unique.

- Design guidelines or standards that reinforce architectural vernacular styles and/or define streetscape, planting or open space design criteria can help make the built environment in Winterville unique and distinct.

5.2: Encourage open space and amenities in new development.

- Review open space, recreation, and fee-in-lieu standards for new subdivisions to ensure that the recreational needs of new residents are met.
- Update Zoning Ordinance to require minimum amounts of open space in new residential developments, particularly those in Suburban Residential and Urban Neighborhood areas with gross densities exceeding 2 dwelling units/acre.
- Consider adopting an incentive for the provision of additional open space, over the minimum.
- Update Zoning Ordinance to encourage connectivity between open space areas.
- Update PUD option to specify open space requirements.

Policy 6: Support higher density housing options in strategic locations.

Strategies

6.1: Encourage housing options in locations within walking distance of commercial and mixed use areas.

- Allow for higher density housing near places of work, shopping and as a transitional use between non-residential uses and lower density housing.
- Update land development regulations to encourage development that has a mix of uses and housing types in appropriate zoning districts.
- Consider smaller lot detached and small-scale attached residential housing in Urban Neighborhood, Employment / Residential, Neighborhood Center and Mixed Use Center areas identified on the Future Land Use Map.
- Allow multifamily development within and near commercial and mixed use areas, including in Employment / Residential, Neighborhood, Regional and Mixed Use Centers.

6.2: Require that higher density developments, townhomes and apartments meet design criteria that emphasizes architectural detail, quality materials, streetscape standards, amenities and open space, landscaping and street trees to improve design and reduce impacts.



Open space in the form of greens, packet parks, sports fields and greenways can serve as amenities in new developments, function as gathering places for the community and help to reduce the burden on public parks and facilities. Passive open space, in the form of natural areas can help buffer existing development and natural resources from new development. Standards for open space in Winterville could be increased for new development. In the meantime the conditional zoning process could be utilized to ensure new development fits well near existing residential neighborhoods.

Economic Development

Organizing Goals:

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

especially along Winterville Parkway and other appropriate areas.

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.

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

- All new development should connect to or stub-out to adjacent parcels (even vacant parcels), providing cross access at regular intervals.
- Current regulations require connections to adjacent properties but could be improved by:
 - Specifying that stub streets should connect to adjoining properties at logical points (i.e. not undevelopable floodplain or wetland areas).
 - Requiring at least two road connections if a subdivision has over 30 lots for emergency access purposes.
 - Implementing an incentive that provides a one (1) lot density bonus for the provision of additional stub-outs, over and above established minimums, if designed appropriately.
- When connecting subdivisions with streets is not possible due to environmental constraints or adjacent incompatible uses (such as an industrial area with truck traffic) or lacks public support, connecting subdivisions via a sidewalk or path should be explored.
- If a stub-out street ends at a creek or water body, require fee-in-lieu for half of the

bridge or culvert construction so that the project can be completed when the adjacent parcel develops.

- Require cross access between adjacent nonresidential parcels where streets do not exist.
- 2.3: Discourage cul-de-sacs and dead end streets wherever possible.**
- An overabundance of subdivisions using cul-de-sacs can cause additional delay and hinder emergency access.

2.4: Require sidewalks in new developments.

- See Character Area Descriptions for recommendations for location and width.



Cul-de-sac roads are a predominant development pattern in Winterville. Consider retrofitting more walkways through these cul-de-sacs, constructing new sidewalks, and requiring more connectivity through street connections and connector paths for new development. These steps can improve safety for biking and walking and provide more options for golf carts, scooters, and new mobility devices.

Policy 3: Consider retrofitting walkways and connector paths to connect neighborhoods and points of interest.

3.1: Where existing right of way exists and connections are possible consider a road extension or a pedestrian walkway to connect these neighborhoods.

- One opportunity is the south-end of Franklin Drive and the north-end of Winston Drive.

width of 30 feet wide wherever shown on the greenway master plan.

Policy 6: Encourage quality open space.

Strategies

6.1: Review and enhance open space requirements for residential development.

- New subdivisions should be required to set aside usable open space, not just floodplain and wetlands.

6.2: Provide incentives for more open space and amenities in new neighborhoods. Incentives could include:

- Lot size reductions, increased density allowances and/or reduction in recreation fees could be considered.

6.3: Review and revise recreation dedication and fee-in-lieu as needed to ensure that new growth mitigates its impact on recreational resources.

6.4: Incentivize tree preservation and water quality protection in site design.

- Incentives, such as credit toward open space requirements, can sometimes work better than requirements. Preserving stands of mature trees should be prioritized over single tree saves.
- Stormwater facilities with naturalized design could count toward open space.
- Stormwater devices should be built to mimic pre-development conditions.

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

The below graphics illustrate two alternatives for designing a residential subdivision. Each design includes the same number of lots and homes. The graphic on the left illustrates a Conservation Subdivision Design alternative that reserves more land as open space and amenities in exchange for more flexibility in lot size. Studies have shown that parks and open space in new subdivisions can result in higher property values. The current zoning code in Winterville results in conventional design with limited open space. Allowing smaller lots if minimum open space requirements are exceeded could help preserve unique natural features and result in higher property values.



Conservation Subdivision Design
Lots: ~130
Open Space: ~40%



Conventional Subdivision Design
Lots: ~130
Open Space: ~13%

Town of WINTERVILLE

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Southbrook PUD – Rezoning Request

Staff Recommendation:

- The Conditional District PUD 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.
- 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.
- The Planning and Zoning Board unanimously recommended **approval** of the Rezoning Request on November 21, 2022.
- Staff recommends **approval** of the request to rezone 245.43 acres from AR to Conditional District PUD (R-6 PUD, MR PUD).



REZONING PROCESS:

- Planning and Zoning Board unanimously recommended approval on November 21, 2022.
- The Public Hearing was scheduled at the December 12, 2022 Town Council Meeting.
- Town Council will now hold a public hearing regarding this request.



Councilwoman Roberson asked if there would be a pipeline issue. Planning Director Jones said Piedmont Gas requires buffers.

Scott Moore with The Coley Group gave the following presentation:



**Southbrook
Rezoning Plan**

245 Acre Site
2.5 Unit per Acre

Density
612 Total Units
459 Single Family Detached
153 Single Family Attached

Open Space
81.43 Total Acres (33.2%)
48.63 Usable Acres (19.8%)

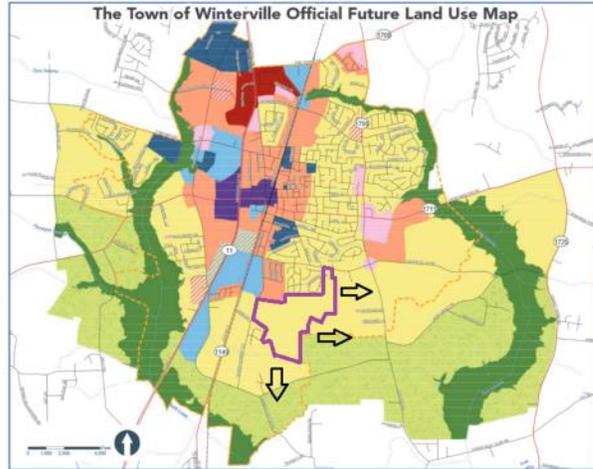
Proposed Rezoning
R-6-CD PUD (For Detached)
MR – CD PUD (For Attached)

FUTURE LAND USE MAP

Future Land Use is the community's vision for their future, and will help guide town leadership in deciding rezoning requests.

The Future Land Use character areas were created and established for the Winterville study area. These character areas describe the intended land use pattern and are meant to guide rezonings and the design of future development.

The study area is larger than the Town's Extrajurisdictional Jurisdiction (E.J.) because it represents areas with potential to be served together with sewer due to topography.



Town of Winterville

Comprehensive Land Use Plan | 44

Winterville Comprehensive Land Use Plan

This Property and our proposal will set the stage for future development to the Southern & Southeastern Portions of Winterville

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

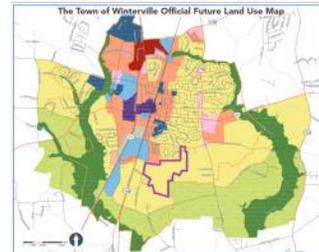
Large office buildings, manufacturing, distribution, and light- to medium-industrial uses, storage and flex uses, along with associated offices and supporting commercial uses.

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.

Winterville Comprehensive Land Use Plan

This Property and our proposal is located in the Suburban Residential Area



Adopted: 10/14/2019

Land Use & Character | 45

width of 30 feet wide wherever shown on the greenway master plan.

Policy 6: Encourage quality open space.

Strategies

6.1: Review and enhance open space requirements for residential development.

- New subdivisions should be required to set aside usable open space, not just floodplain and wetlands.

6.2: Provide incentives for more open space and amenities in new neighborhoods. Incentives could include:

- Lot size reductions, increased density allowances and/or reduction in recreation fees could be considered.

6.3: Review and revise recreation dedication and fee-in-lieu as needed to ensure that new growth mitigates its impact on recreational resources.

6.4: Incentivize tree preservation and water quality protection in site design.

- Incentives, such as credit toward open space requirements, can sometimes work better than requirements. Preserving stands of mature trees should be prioritized over single tree saves.
- Stormwater facilities with naturalized design could count toward open space.
- Stormwater devices should be built to mimic pre-development conditions.



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

The below graphics illustrate two alternatives for designing a residential subdivision. Each design includes the same number of lots and homes. The graphic on the left illustrates a Conservation Subdivision Design alternative that reserves more land as open space and amenities in exchange for more flexibility in lot size. Studies have shown that parks and open space in new subdivisions can result in higher property values. The current zoning code in Winterville results in conventional design with limited open space. Allowing smaller lots if minimum open space requirements are exceeded could help preserve unique natural features and result in higher property values.



Conservation Subdivision Design
Lots: ~130
Open Space: ~40%



Conventional Subdivision Design
Lots: ~130
Open Space: ~13%

Adopted: 10/14/2019

Recommendations & Implementation | 77

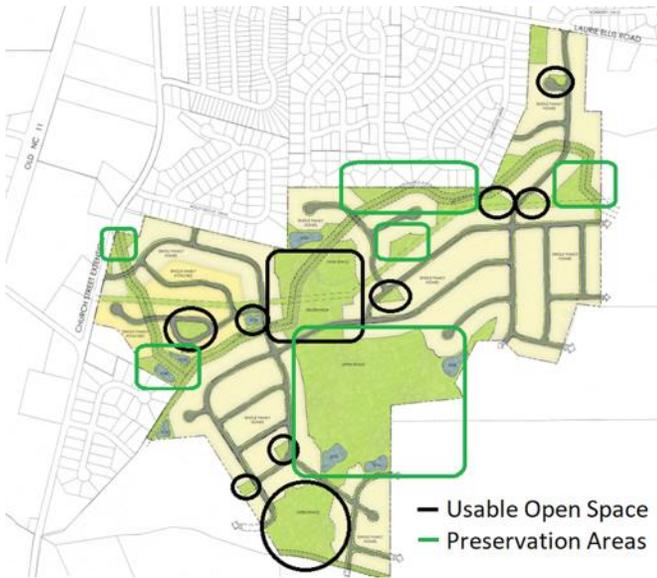
Winterville Comprehensive Land Use Plan

Our Proposal is pursuing a Conservation Subdivision Design

Open Space Strategies are encouraged in Suburban Residential areas

Incentives include Lot Size Reductions with increases in Open Space, Amenities & Tree Save

Stormwater Facilities will be built throughout the community to address on site water quality



Southbrook Open Space

245 Acre Site

Ordinance Open Space Requirement

1,200 sq/ft for each unit.
 $612 \times 1,200 = 734,400$ sq/ft
 $734,400 / 43,560 = 16.86$ Total Acres
 (6.8% of the site)

Usability & Location are Key Elements
 75% Outside of Wetland – 12.64 Acres

Proposed

81.43 Total Acres (33.2% of the site)
 48.63 AC are Usable (19.8% of the site)

- 4.87 AC Central Recreation Area
- 43.76 AC of Other Open Space

* 4.8x More than the Required Total
 * 3.8x More than the Required Usable

5



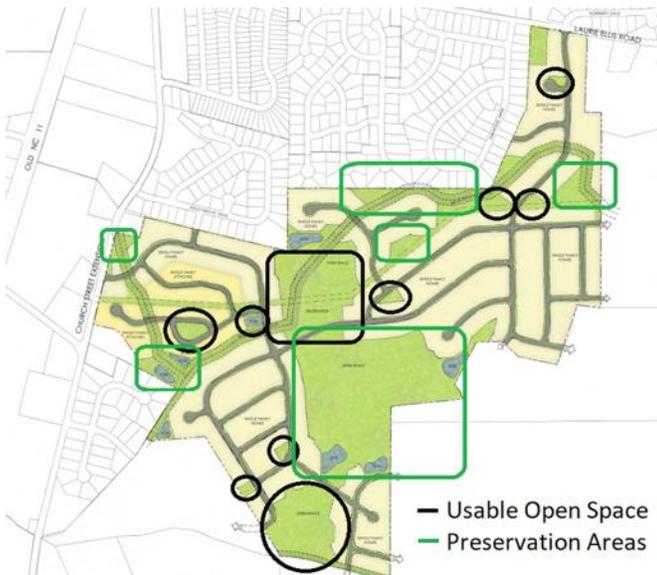
Southbrook

Lot Layout & Grouping

Pockets of Home Development Surrounded by Open Space Areas as per the Land Use Plan.

Single Family Attached will be internal to the community and surrounded by Single Family Detached Homes and/or Buffers.

6



Southbrook Open Space

245 Acre Site

Ordinance Open Space Requirement

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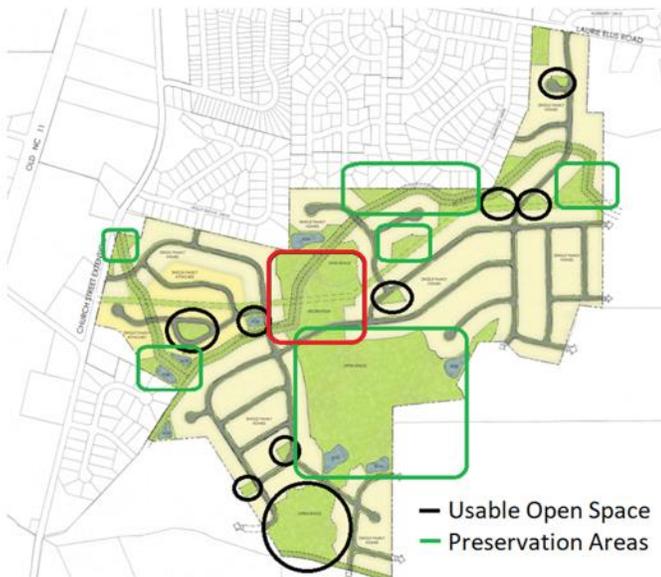
7



Sunset Bluffs
Fuquay Varina, NC

Open Space
Pocket Parks

8



Southbrook
Open Space

245 Acre Site

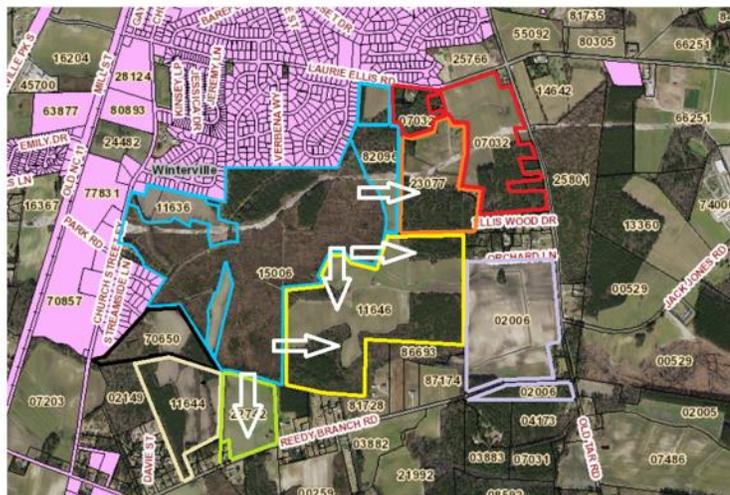
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9



Southbrook
Roadway Connectivity

Multiple Access Points on the Eastern & Southern Property Boundaries will provide for roadway interconnectivity within communities.

Access to Reedy Branch Road & Old Tar Road will be available through future development.

10



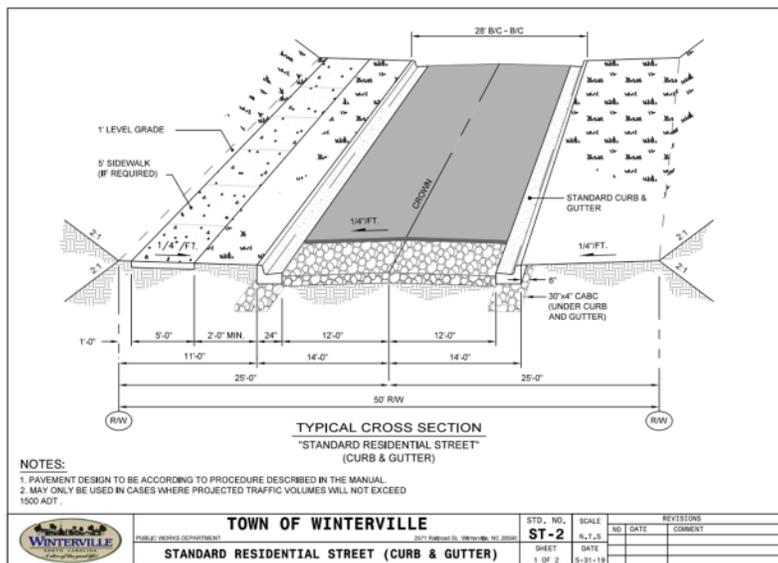
Southbrook Roadway Connectivity

2 New Community Entrances
(Laurie Ellis Road & Church Street Extension)

3 Existing Stub Street Connections- Brookstone, Holly Grove, Mellon Downs

7 Proposed Stub Street Connections to adjacent properties.

11

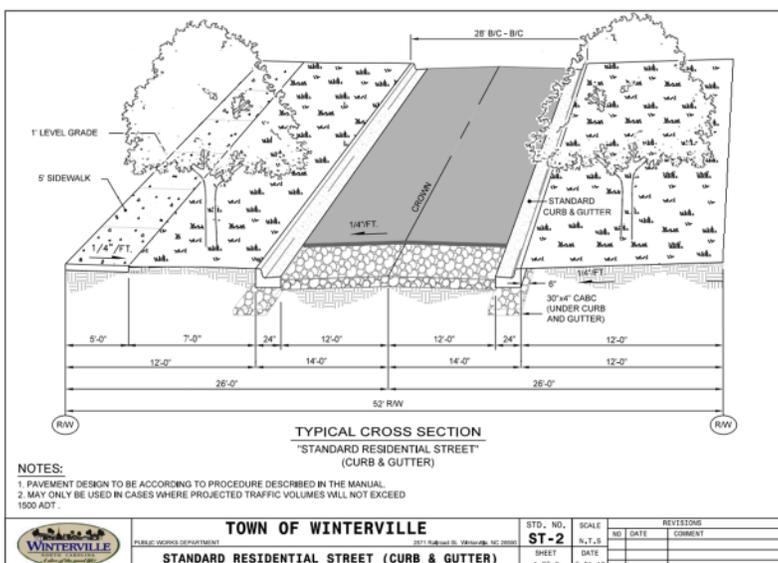


Southbrook Streetscape Design

This is the current Town of Winterville Standard Residential Street Cross Section with Curb & Gutter.

In order to enhance our streetscape design, our PUD contains slight modifications with increases to the planting strips only (as shown in the following slides).

12



Southbrook Streetscape Design

These modifications will allow for street trees to be planted within the planting strips 50' on center throughout the community.

This proposed streetscape can be found in Sunset Bluffs (one of our existing communities) in Fuquay Varina, NC

13



Sunset Bluffs
Fuquay Varina, NC

Streetscape
(Sidewalk will be on one
side of the street)



Sunset Bluffs
Fuquay Varina, NC

Streetscape
(Sidewalk will be on one
side of the street)



Sunset Bluffs
Fuquay Varina, NC

Rear Yard Viewing
Window



**Southbrook
Rezoning Plan**

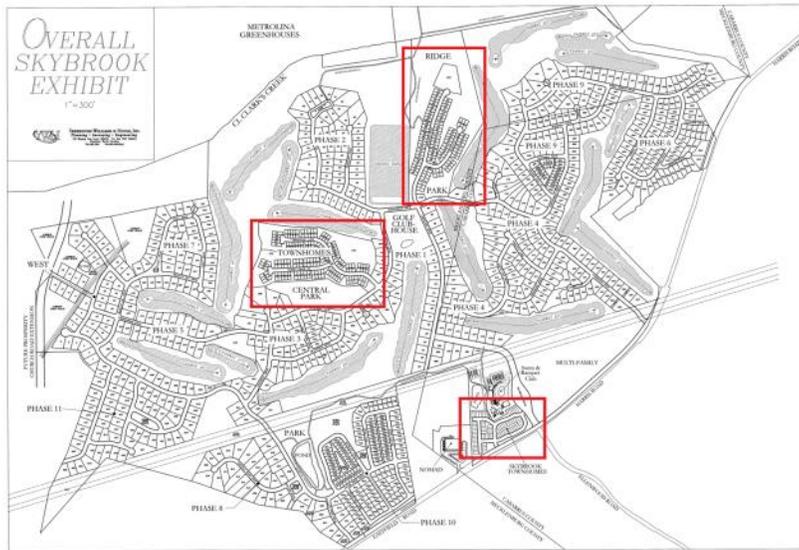
245 Acre Site
2.5 Unit per Acre

Density
612 Total Units
459 Single Family Detached
153 Single Family Attached

Open Space
81.43 Total Acres (33.2%)
48.63 Usable Acres (19.8%)

Proposed Rezoning
R-6-CD PUD (For Detached)
MR – CD PUD (For Attached)

17



**Skybrook
Huntersville, NC
Mecklenburg &
Cabarrus Counties**

Golf Course
Community

3 Single Family
Attached Phases
as a part of the
community

18



**Skybrook
Huntersville, NC
Mecklenburg &
Cabarrus Counties**

3 Single Family
Attached Phases





**Southbrook
Rezoning Plan**

245 Acre Site
2.5 Unit per Acre

Density
612 Total Units
459 Single Family Detached
153 Single Family Attached

Open Space
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48.63 Usable Acres (19.8%)

Proposed Rezoning
R-6-CD PUD (For Detached)
MR – CD PUD (For Attached)

20



**Sunset Oaks
Holly Springs, NC**

Open Space
Pocket Parks

22



**Skybrook
Huntersville, NC
Mecklenburg &
Cabarrus Counties**

Open Space
Recreation &
Greenway Trails

23

Southbrook Overview & Schedule

TOWN'S REZONING & PUD SCHEDULE

- 10/20/22- Community Input- Two Public Community Meetings (afternoon and evening).
- 11/21/22- Planning Board Meeting.
- 12/12/22- Town Council Meeting- Consent Agenda.
- 1/9/23- Town Council Meeting- Public Hearing & Final Action.

(If approved, we will move forward with the preliminary plat/sketch plan schedule below.)

TOWN'S PRELIMINARY PLAT/SKETCH PLAN SCHEDULE

- 1/17/23 - DRC Plan Submittal.
- 2/22/23- Community Input. One Public Community Meeting (Times TBD).
- 3/20/22- Planning Board Meeting.
- 4/10/23- Town Council Meeting- Public Hearing & Final Action.

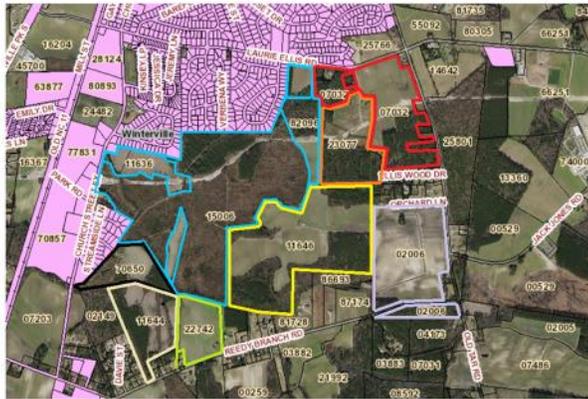
(If approved, we will move forward with the construction drawing plan schedule below.)

TOWN'S CONSTRUCTION DRAWING PLAN SCHEDULE

- 5/1/23- Construction Drawing Review Submittal.
- 5/1 – 9/1/23- 4 Month Review Process.
- 3/1/24 – 6/1/24- Possible Onsite Construction Start.
- 10/1/24- Possible Home Construction Starting.
- Projected 10 year development schedule from start to finish.

NOTE: Schedules are subject to change. Any delays will push back the reviews and meetings accordingly.

24



UNC Trust- 245 AC

- Lorraine Rucker (23077) - 40.76 AC
- Robert Edwards (11646) - 137.12 AC
- Lewis Tripp (22742) - 27 AC

Total Expansion - 204.88 AC
Total Overall - 449.88 AC

Future Considerations

- Abbott Hunsucker (11644) - 41.33 AC
- Laurie Ellis Howard Jr. Trustee (07032) - 70.43 AC
- Marjorie Boyd Dunn (02006) - 82.50 AC

Total Expansion - 194.26 AC
Total Overall - 644.14 AC

Southbrook & Adjacent Properties

25



26



Southbrook Water Quality

Our proposal will contain multiple Best Management Practices (BMP) & Storm Water Facilities to address run off and water quality on the site.

All facilities will be located in accordance with local and state ordinances.

27



Southbrook Water Quality

These are examples of existing (BMP) Sand Filters located in the Skybrook Subdivision (one of our existing communities).

All methods and practices will be finalized during preliminary plat and construction drawing reviews.

28



Sunset Oaks Holly Springs, NC

Single Family
Detached

29



Skybrook
Huntersville, NC
Mecklenburg &
Cabarrus Counties

Single Family
 Detached

30



Sunset Bluffs
Fuquay Varina, NC
Streetscape

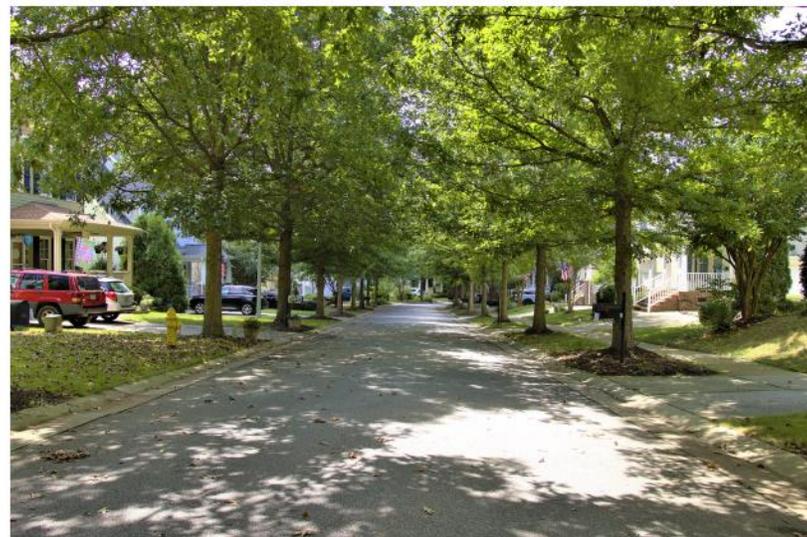
52' Right of Way
 28' B/C – B/C
 (Back of Curb)
 2- 12' Travel Lanes
 2 – 2' Curbs

7' Planting Strip &
 5' Sidewalk One Side

12' Planting Strip (on
 the opposite side)

Street Tree Maturity
 (Top of Left to Bottom
 Right in Pictures)

31



Sunset Oaks
Holly Springs, NC

Streetscape

32

The Coley Group



COLEY GROUP
RESIDENTIAL OF COMPASS

YOUR ONE-STOP-SHOP

Client-focused
and results-
driven

Partnered with Compass, we are able to offer you an exceptional one-stop shopping experience. As a luxury certified specialist, Gretchen has an additional level of understanding of what it takes to market, sell, negotiate and purchase high-end properties.



TOP 1%
Of Agents Nationwide



1,800+
Homes Sold



100%
Client Satisfaction

Licensed Real Estate Firm located in the North Hills Area of Raleigh, NC. This firm was established in 2000 and we have spent over 22 years in representing buyer and seller clients and working directly with builders and developers to create, and effectively market, master-planned communities and the homes within them.

Our Real Estate team has sold over 1,800+ homes in the Greater Raleigh area.

The Coley Group – 2021 - Present
Director of Land Acquisition and Entitlements

www.thecoleygroup.com

33



Bryan Properties

Bryan Properties was founded by D.R. Bryan in 1984. Developed over a dozen new neighborhoods, resulting in a total of over 5,000 single-family homes, 600 multi-family homes, and about 350,000 sq ft of commercial space.

One of the largest private residential developers in North Carolina over the last 30 years, our firm has built new neighborhoods primarily in the Charlotte, Research Triangle, and Triad metropolitan areas of North Carolina.

Bryan Properties 2006 – Present
Project Manager of the Skybrook Subdivision

Neighborhoods & Communities
www.skybrooknc.com
www.sunsetbluffsnc.com
www.southernvillage.com

(Southbrooknc, LLC is made of the same partners that are a part of Bryan Properties and The Coley Group.)

34

Section 6.5 Special Requirements to the Table of Permitted and Special Uses.

SR 8. Planned Unit Development.

2. Application for PUD shall be approved only if the following findings area made:

- The Property will produce a **development of equal or higher quality** than otherwise required by the strict application of district regulations that would otherwise govern;
- The Property will encourage **Innovative arrangement of buildings and open spaces** to provide efficient, attractive, flexible, and environmentally sensitive design;
- The property will produce a development functioning as a **cohesive, unified project**; and
- The property **will not substantially injure or damage** the use, value, and enjoyment of **surrounding property** nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town.

3. An approved PUD Conditional District and the approved verified development plan shall govern all uses and development activities in a PUD.

8. Development Standards: Development in a PUD shall be exempt from the minimum required lot width, front yard, side yard and rear yard requirements of the Schedule of District Regulations and from Section 3.2 and 3.3 relating to relationship of buildings to lots and access to streets provided that the following development standards are followed:

- Lot Size: No lot for a single-family detached dwelling shall be less than the minimum lot size for a single-family dwelling in the zoning district in which the PUD is located...and multi-family developments...are permitted subject to the Special Requirements for such developments.
- Vehicle Access: Area between structures shall be covered by easements where necessary for access and to provide for maintenance and utility service. Local streets shall be located and designed so that they do not encourage through access by traffic with origins and destinations outside of the development.
- Pedestrian Access: PUD's shall be designed and developed and uses so arranged to promote pedestrian access within the development.
- Non-Residential Areas: N/A- There are no non-residential areas as a part of this proposal.
- Boundary Treatment: The scale and setbacks of development in a PUD within one-hundred and fifty (150) feet of the perimeter of the PUD shall be in harmony with development on adjacent lands.
- Environmentally Sensitive Areas: Through innovative arrangement of buildings and spaces, we will protect environmentally sensitive areas.
- Unified Development Plan: The application for a PUD Conditional District rezoning shall be accompanied by a unified development plan in the form of a site specific development plan.
- Phased Dev't: A PUD may be developed in phases in the same manner as a subdivision subject to the phasing requirement for subdivisions.

35

Winterville Planned Unit Development (PUD)

Our proposal is a PUD Conditional District Rezoning which will include a site specific development plan and a guidebook which stipulates additional terms/conditions that shall govern all uses and development activities in accordance with the zoning ordinance.

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

Tomeka Carr spoke in opposition.

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

John Day spoke in favor.

Leigh Lawrence spoke in favor.

Will Coon spoke in favor.

Mayor Hines declared the public hearing closed.

Mayor Hines asked for any further discussion or any more questions. Hearing none what is Council's pleasure.

Motion made by Councilman Moore and seconded by Mayor Pro Tem Moye to approve the Southbrook PUD – Rezoning Request. Motion carried unanimously, 4-0.

PUBLIC COMMENT: None.

CONSENT AGENDA:

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.

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

OLD BUSINESS:

1. Parking Project Update:

Town Manager Parker noted that staff is meeting with the company doing the stripping and other markings.

NEW BUSINESS:

1. Request to Hold a Parade – Shriners.

Town Clerk Harvey commented on the request from the Shrine Club.

Mayor Pro Tem Moye asked if this is like the one held in New Bern. Bobby Padgett with the Shriners said yes. Town Manager Parker asked if this is a onetime event. Mr. Padgett said that is correct. Mayor Pro Tem Moye asked what will be needed from the Town. Mr. Padgett responded Police assistance.

Mayor Hines asked for any further discussion or any more questions. Hearing none what is Council's pleasure.

Motion made by Councilman Moore and seconded by Councilwoman Roberson to approve the Request for the Shrine Club to Hold a Parade on Saturday, May 20, 2023. Motion carried unanimously, 4-0.

2. Selection of Engineering Firm for Railroad Street Stormwater Project.

Assistant Town Manager Bowers said 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.

Motion made by Councilman Moore and seconded by Councilman Rice to approve the selection of The Wooten Company for the Railroad Street Stormwater Project. Motion carried unanimously, 4-0.

3. NCLM Legislative Goals and Voting Delegate.

Council briefly discussed the goals and asked Town Clerk Harvey to develop a poll and distribute to Council for them to complete.

Councilman Moore selected by acclamation to serve as the Voting Delegate for the Town.

OTHER AGENDA ITEMS:

1. Crosswalks along Cooper Street and Main Street. (Councilman Moore).

Planning Director Jones noted that NCDOT is addressing these locations. Assistant Town Manager Bowers noted that the Town would address locations as the paving program moves forward. Mayor Hines asked the status of the NC Zero and Vision Zero programs. Assistant Town Manager Bowers said a meeting is scheduled and additional information will be forthcoming.

2. Natural Gas Pricing. (Councilman Moore).

Electric Director Sutton noted that prices are volatile, prices are up and down and hesitant to change at this time. Assistant Town Manager Bowers noted budget amendments addressed this issue.

3. Potholes at C. D. Rouse. (Councilman Moore).

Town Attorney Lassiter said that this is not a town street, and is an on-going problem, however we cannot do anything.

ITEMS FOR FUTURE AGENDA/FUTURE WORK SESSIONS:

Councilwoman Roberson asked about repair to the Post Office doors. Councilman Moore suggested a letter to Representative Don Davis, the owner, and speak to the postmaster.

REPORTS FROM DEPARTMENT HEADS:

Planning Director Jones noted that development is brisk; Beacon Drive area will be getting a Lowes Foods.

Parks and Recreation Director Johnston said thanks to all for help with Christmas events and spring registrations on-going.

Building Inspector Johnston noted construction and inspections are wide open.

Ron Mills, Crew Leader reported on Aces for Autism, Christ Covenant, Main and 11, 125th Banners, and Christmas lights. Electric Director Sutton noted that hedging would have lost money, still waiting on transformers.

Finance Director Manning said applications are ready for energy assistance and the budget season will be starting soon.

Assistant Town Manager Bowers reported on Ange Street and Safer Routes to School grants applications. Mayor Pro Tem Moye asked about Mill Street sidewalks, and Noble Canal. Assistant Town Manager Bowers noted working to make priorities.

Police Chief Willhite gave an update on holiday events and noted we will have 3 graduates from BLET. Councilman Moore asked for a number of bicycle helmets needed and he will request.

Fire Chief Moore noted they will burn a house on Saturday. Councilman Moore asked about the Tripp's house.

Public Works Superintendent Bess reported on the Church Street Crossing project, Chapman Street closed for work, ramping up flushing program, street sweeper for leaves is progressing. Mayor Pro Tem Moye noted he had seen some work items.

ANNOUNCEMENTS: Town Clerk Harvey gave the following 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.

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

Attorney Lassiter: The Daughtridge Oil Lease was a 10 year lease, recommend a 5 year term.

Motion made by Councilman Moore and seconded by Councilman Rice to approve a 5-year term for the Daughtridge Oil lease. Motion carried unanimously, 4-0.

He noted that the Post Office is a lease; however, the Post Office may be responsible for door.

Mayor Pro Tem Moye: Happy New Year to all.

Councilman Rice: Noted we have good applicants for the vacant Council seat.

Councilwoman Roberson: Updated on the Library and need to have an applicant for the Library Board in March.

Councilman Moore:

Manager Parker: Looking forward to the new year.

Mayor Hines: Beginning his second year as Mayor; learned a lot; happy new year to all; and good applicants for vacant seat.

ADJOURN:

Motion made by Councilman Moore and seconded by Councilwoman Roberson to adjourn the meeting. Motion carried unanimously, 4-0. Meeting adjourned at 9:13 pm.

Adopted this the 13th day of February 2023.

Richard E. Hines, Mayor

ATTEST:

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: February 13, 2023

Presenter: Anthony Bowers, Assistant Town Manager

Item to be Considered

Subject: Update of the Current Utility Rate and Fee Schedule.

Action Requested: Approve the update.

Attachment: Rate Schedule and Fee Schedule.

Prepared By: Anthony Bowers, Assistant Town Manager

Date: 2/6/2023

ABSTRACT ROUTING:

TC: 2/7/2023

TM: 2/8/2023

Final: tlp - 2/8/2023

Supporting Documentation

This item addresses the need to update the rate and fee schedule.

The fee schedule includes the addition of the System Development Fees that was presented to the Council for the public hearing. This also removes the old Sewer Acreage Fee that will no longer be used.

There were also minor increases related to the cost of water meters, water and sewer taps and labor. The fee schedule has not seen an increase for these items in the last several years. It also includes language that clarifies when and how to apply the fees.

The utility rate schedule only has one change, and that is to reflect the actions of the Council when they adopted the power cost adjustment. We added Electric Schedule No 8. PCA for the Power Cost Adjustment that we have been using for the past several months.

Budgetary Impact: TBD.

Recommendation: Staff recommends Council approve the updates.

Town of Winterville Utility Rates



WINTERVILLE

A slice of the good life!

Effective Date
February 13th, 2023

As Certified by the
Assistant Town Manager
Anthony B. Bowers

**TOWN OF WINTERVILLE
Electrical Rate Schedule No. 1
Small General Service
SGS**

1. APPLICABILITY.

This schedule is applicable to the separately metered electric service to any customer with a monthly demand less than 30 kW and is not eligible for service under the ER rate through a single point of delivery at a standard service voltage for the Town. This schedule is not applicable for:

- 1) breakdown, standby or parallel operation service;
- 2) seasonal use of electricity;
- 3) where the contract capacity exceeds 30 kW; or
- 4) for residential service.

This rate applies to churches that provide weekday, secular instruction or operation. If a customer's demand exceeds 30 kW in any two (2) or more months in a 12-month period, the customer will be served under the Medium General Service Rate.

2. MONTHLY RATE.

- A. Facility Charge:\$34.50 per month

- B. Energy Charges:
For all months:
 First 3,000 kWh \$0.1153 per kWh
 All over 3,000 kWh \$0.1042 per kWh

3. EXTRA FACILITIES.

The charges under this rate cover the cost of the facilities required providing service at a standard voltage of/to the Town through one point of service. Any facilities requested by the customer in excess of the cost necessary to provide standard service may be subject to an extra facility charge.

4. SALES TAX.

North Carolina sales taxes in the amount of seven (7) percent will be added to the charges.

**TOWN OF WINTERVILLE
Electrical Rate Schedule No. 2
Medium General Service
MGS**

1. APPLICABILITY.

This schedule is applicable to the separately metered electric service to any customer with a monthly demand from 30 kW to 100 kW as measured by a 15-minute interval demand meter. This schedule is not applicable for:

- 1) breakdown, standby or parallel operation service;
- 2) seasonal use of electricity;
- 3) where the contract capacity exceeds 100 kVA; or
- 4) for residential service.

If a customer's demand exceeds 100 kW in any two (2) or more months in a 12-month period, the customer will be served under the Large General Service Rate.

2. MONTHLY RATE.

- A. Facility Charge:\$18.43 per month

- B. Demand Charges:
 - First 10 kW \$2.11 per kW
 - All over 10 kW \$5.83 per kW

- C. Energy Charges:
 - For all months:
 - First 3,000 kWh \$0.1153 per kWh
 - All over 3,000 kWh \$0.1042 per kWh

3. EXTRA FACILITIES.

The charges under this rate cover the cost of the facilities required providing service at a standard voltage of/to the Town through one point of service. Any facilities requested by the customer in excess of the cost necessary to provide standard service may be subject to an extra facility charge.

4. SALES TAX.

North Carolina sales taxes in the amount of seven (7) percent will be added to the charges.

TOWN OF WINTERVILLE
Electrical Rate Schedule No. 3
Large General Service
EI

1. APPLICABILITY.

This schedule is applicable to the separately metered electric service to any commercial, industrial or institutional facility with a monthly demanding excess of 100 kW but less than 750 kW at a single point of delivery at a standard service voltage for the Town. This schedule is not available for:

- 1) residential service; or
- 2) breakdown, standby or supplemental service, or for parallel operation with customers' generation, without a separate written agreement.

2. MONTHLY RATE.

- A. Facility Charge:\$345.00 per month
- B. kW Demand Charge:
..... \$250.00 per month plus:
.....\$11.26 per kW for all kW
- C. Energy Charges for all kWh:
..... \$0.0788 per kWh
- D. The minimum charge shall not be less than \$575 per month.

3. DETERMINATION OF KW DEMAND.

The kW of demand billed shall be the greater of the kW demand measured by the Town's meters during any 15-minute interval in the billing month or 80 percent of the contract demand.

4. POWER FACTOR ADJUSTMENT.

Power factor adjustment shall be \$0.25 for all reactive kilovolt-amperes (kVAR), leading or lagging, as registered by a demand meter suitable for measuring a 15-minute interval.

5. EXTRA FACILITIES.

The charges under this rate cover the cost of the facilities required providing service at a standard voltage of/to the Town through one point of service. Any facilities requested by the customer in excess of the cost necessary to provide standard service may be subject to an extra facility charge.

6. SALES TAX.

North Carolina sales taxes in the amount of seven (7) percent will be added to the charges.

**TOWN OF WINTERVILLE
Electrical Rate Schedule No. 4
Large General Service Temporary
EIT**

1. APPLICABILITY.

This schedule is applicable to the separately metered electric service of any commercial or Industrial facility. Only customers that are classified as an EI customer are eligible for this temporary rate. This rate allows the customer to have power for the purpose of showing the facility for potential future customers. This will allow for the property to be marketed in a more efficient manner. It is not intended to allow for maintenance of the facility. This rate is only available for 14 days.

2. RATE.

- A. Facility Charge:\$34.50 per month
- B. Energy Charges: For all months:
 - First 3,000 kWh: \$0.1153 per kWh
 - All over 3,000 kWh: \$0.1042 per kWh

3. KW DEMAND.

Demand charges will not be charged for this rate code.

4. SALES TAX.

North Carolina sales taxes in the amount of seven (7) percent will be added to the charges.

TOWN OF WINTERVILLE
Electrical Rate Schedule No. 5
Residential Service
ER

1. APPLICABILITY.

This schedule is applicable to the separately metered electric service to any customer for use in and about:

- (a) a single family residence, flat or apartment;
- (b) a Combination residence and farm; or
- (c) a private residence used as a boarding and/or rooming house with no more than one cooking installation, nor more than ten bedrooms.

This schedule is not applicable to

- (a) commercial or industrial use including hotels and trailer parks;
- (b) individual motors rated over 15 HP;
- (c) separately metered service to accessory building or equipment on residential property that are not themselves intended for residence; or
- (d) services to combine residential and nonresidential electric load where the residential load is less than 50 percent of the total service equipment.

2. MONTHLY RATE.

- A. Facility Charge:.....\$12.82 per month
- B. Energy Charges for all months:
 - First 800 kWh \$0.1151 per kWh
 - All over 800 kWh \$0.1074 per kWh

3. METER READING AND BILLING.

- A. Meters may be read in units of 10-kilowatt hours and bills render accordingly.
- B. The Town shall have the opinion of reading meters monthly or bimonthly. When the meter is read at other than monthly intervals, the Town may render an interim monthly bill based upon estimated kWh used during periods for which the meter was not read.
- C. When bills are calculated for a bimonthly period, the number of kWh are specified in each block of the Monthly Rate shall be multiplied by two (2) before the rates per kWh are applied to the usage for the bimonthly period. The minimum charge will also be multiplied by two (2) when bills are calculated bimonthly.

4. SALES TAX.

North Carolina sales taxes in the amount of seven (7) percent will be added to the charges.

TOWN OF WINTERVILLE
Electrical Rate Schedule No. 6
Neighborhood Entrance Sign Lighting Service
NESL

1. APPLICABILITY.

This schedule is applicable to the separately metered electric service to any customer for use in and about:

- (a) neighborhood residential entrance sign lighting (fixtures to be owned by neighborhood)

This schedule is not applicable to

- (a) a single family residence, flat or apartment;
- (b) a Combination residence and farm; or
- (c) a private residence used as a boarding and/or rooming house with no more than one cooking installation, nor more than ten bedrooms.
- (d) commercial or industrial use including hotels and trailer parks;
- (e) individual motors rated over 15 HP;
- (f) separately metered service to accessory building or equipment on residential property that are not themselves intended for residence; or
- (g) services to combine residential and nonresidential electric load where the residential load is less than 50 percent of the total service equipment.

2. MONTHLY RATE.

- A. Facility Charge:\$7.50 per month
- B. Energy Charges for all months:
 - First 800 kWh \$0.1151 per kWh
 - All over 800 kWh \$0.1074 per kWh

3. METER READING AND BILLING.

- A. Meters may be read in units of 10-kilowatt hours and bills render accordingly.
- B. The Town shall have the opinion of reading meters monthly or bimonthly. When the meter is read at other than monthly intervals, the Town may render an interim monthly bill based upon estimated kWh used during periods for which the meter was not read.
- C. When bills are calculated for a bimonthly period, the number of kWh are specified in each block of the Monthly Rate shall be multiplied by two (2) before the rates per kWh are applied to the usage for the bimonthly period. The minimum charge will also be multiplied by two (2) when bills are calculated bimonthly.

4. SALES TAX.

North Carolina sales taxes in the amount of seven (7) percent will be added to the charges.

TOWN OF WINTERVILLE
Electrical Rate Schedule No. 7
Outdoor Lighting
OL

1. APPLICABILITY.

This schedule is applicable to any customer for outdoor lighting service except where installations are prevented by any public authority having jurisdiction or are otherwise unlawful.

2. MONTHLY RATE.

A. Metallic Vapor Units (Mean Rating) per light

| | |
|------------------------------------|---------------------------------|
| 70W Sodium Vapor | \$14.50 |
| 100W Sodium Vapor | \$16.56 |
| 150W Sodium Vapor | \$17.96 |
| 250W Sodium Vapor | \$23.58 |
| 400W Sodium Vapor | \$35.79 |
| 1000W Sodium Vapor | \$57.94 |
| Wood Pole | \$2.00 |
| Underground Service<150 feet | \$85.00 |
| Underground Service>150 feet | \$85.00 plus \$ 3.00/ft >150 ft |

B. The applicable North Carolina sales tax will be added to all charges listed above, except billings to federal and state agencies.

3. TERMS AND CONDITIONS.

The complete installation is to be furnished, maintained and operated by the Town of Winterville and will remain the property of the town. The type of fixture and method of installation shall be in accordance with the Town's Standards.

TOWN OF WINTERVILLE
Electrical Rate Schedule No. 8
Power Cost Adjustment
PCA

1. APPLICABILITY.

This schedule is applicable to the separately metered electric service to any customer for use in association with the previous mentioned metered schedules.

This schedule is also applicable to any customer of Electricity and applies to all schedules including schedule 1,2,3,4,5,6 of this document

This rate is a flexible rate that can be adjusted to move as energy markets fluctuate. It will be used as needed to assist the Town with market increases of wholesale power cost. The rate will be approved by the Town Council and enacted upon their direction.

2. MONTHLY RATE.

- A. Energy Charges for all months:
All kWh \$0.05 per kWh
- B. The applicable North Carolina sales tax will be added to all charges listed above, except billings to federal and state agencies.

3. METER READING AND BILLING.

- A. Meters may be read in units of 10-kilowatt hours and bills render accordingly.
- B. The Town shall have the opinion of reading meters monthly or bimonthly. When the meter is read at other than monthly intervals, the Town may render an interim monthly bill based upon estimated kWh used during periods for which the meter was not read.
- C. When bills are calculated for a bimonthly period, the number of kWh are specified in each block of the Monthly Rate shall be multiplied by two (2) before the rates per kWh are applied to the usage for the bimonthly period. The minimum charge will also be multiplied by two (2) when bills are calculated bimonthly.

4. TERMS AND CONDITIONS.

The complete installation is to be furnished, maintained and operated by the Town of Winterville and will remain the property of the town. The type of fixture and method of installation shall be in accordance with the Town's Standards.

**TOWN OF WINTERVILLE
Water and Sewer
Rates**

Water:

Rate Code – W.I. (Water Inside):

First 3,000 Gallons @ \$22.40
Next..... 17,000 Gallons @ \$3.31 per 1000 Gallons
All Over 20,000 Gallons @ \$3.31 per 1000 Gallons

Rate Code- W.O. (Water Outside)

First 3,000 Gallons @ \$44.80
Next..... 17,000 Gallons @ \$6.62 per 1000 Gallons
All Over 20,000 Gallons @ \$6.62 per 1000 Gallons

Sewer:

Rate Code – S.I. (Sewer Inside)

First 3,000 Gallons @ \$34.33
Next 17,000 Gallons @ \$8.57 per 1000 Gallons
All Over 20,000 Gallons @ \$7.01 per 1000 Gallons

Rate Code – S.O. (Sewer Outside)

First 3,000 Gallons @ \$61.15
Next..... 17,000 Gallons @ \$17.14 per 1000 Gallons
All Over 20,000 Gallons @ \$14.02 per 1000 Gallons

TOWN OF WINTERVILLE
Stormwater
Rates

1. APPLICABILITY.

This schedule is applicable to any utility customer or lot owner for which there is an impervious surface in the Town of Winterville's city limits.

2. MONTHLY RATE.

Single Family Residents: A flat fee of \$4.00 per customer regardless of the amount of impervious surface on the resident's domain. The fee shall equate to one (1) ERU.

Commercial / Business: A fee of \$4.00 per unit will apply to commercial property for the amount of impervious surface area on the property. The fee will apply to each 2,000 square feet of impervious surface on the property.

ERU = (Equivalent Residential Unit) = 2,000 square feet of impervious area.

ERU's will be calculated by the Winterville Planning Department with any available resource such as aerial photos, plans and specifications, or any other reasonable method or tool deemed appropriate.

TOWN OF WINTERVILLE
Service Charge and Penalty
Rates

1. APPLICABILITY.

This schedule is applicable to all customers receiving utilities in the form of electric service, water service, and sewer service from the town.

2. MONTHLY RATE.

Service Charges – \$25.00 – The service charge is applied to all new utility accounts. This is applicable to all utilities offered by the town.

Late Fee – \$2.00 - The late fee is applied to all accounts that have a balance above \$0.00 as of the 15th of the month for cycle one and 30th of the month for cycle two. This is applied one day after the due date, which is on the 15th and 30th of each month.

Delinquent Fee - \$25.00 - The late penalty is applied to all accounts that have a balance above \$20.00 as of the 27th of the month for cycle one and 12th of the month for cycle two. This is one day after the past due date, which is on the 26th and the 11th of each month.

3. CALENDAR SITUATIONS.

In situations when the 15th/30th or the 26th/11th of the month fall on a weekend or holiday the customer will have the next business day to pay the bill without penalty.

Adopted this the 13th day of February 2023.

Richard E. Hines, Mayor

ATTEST:

Donald Harvey, Town Clerk

Town of Winterville Fee Schedule



WINTERVILLE

A slice of the good life!

Effective Date
February 13, 2023

As Certified by the
Assistant Town Manager
Anthony B. Bowers

| |
|---|
| Town of Winterville Fee Schedule Fiscal Year 2022-2023 |
|---|

BE IT ORDAINED by the Governing Board of the Town of Winterville, North Carolina that the following fees be enacted for the 2022-2023 fiscal year:

Utility Department:

Residential Utility Deposits:

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

Commercial Utility Deposits:

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

Service Charge:

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

Late Penalties: \$2.00

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

Water Access Fee:

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

| Meter Size | In Town | Out of Town |
|-------------|------------|-------------|
| 3/4" – 5/8" | \$500.00 | \$800.00 |
| 1" | \$800.00 | \$1,600.00 |
| 1 1/2" | \$1,250.00 | \$2,500.00 |
| 2" | \$2,500.00 | \$5,000.00 |

New Subdivisions where the developer installs the lines - \$250.00

Sewer Access Fee:

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

| In Town | Out of Town |
|----------|-------------|
| \$500.00 | \$1,000.00 |

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

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

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

System Development Fee:

| Meter Size, inches | Water Meter SDF | Sewer Meter SDF | Combined Total |
|--------------------|-----------------|-----------------|----------------|
| 5/8 | \$721.67 | \$1,443.33 | \$2,165.00 |
| 3/4 | \$1,081.67 | \$2,163.33 | \$3,245.00 |
| 1 | \$1,803.33 | \$3,606.67 | \$5,410.00 |
| 1-1/2 | \$3,608.33 | \$7,216.67 | \$10,825.00 |
| 2 | \$5,773.33 | \$11,546.67 | \$17,320.00 |
| 3 | \$11,548.33 | \$23,096.67 | \$34,645.00 |
| 4 | \$18,045.00 | \$36,090.00 | \$54,135.00 |
| 6 | \$36,090.00 | \$72,180.00 | \$108,270.00 |
| 8 | \$57,743.33 | \$115,486.67 | \$173,230.00 |
| 10 | \$83,006.67 | \$166,013.33 | \$249,020.00 |
| 12 | \$155,186.67 | \$310,373.33 | \$465,560.00 |

CMSD:

Residential

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

Commercial

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

Electric:

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

Electric Line Extension:

Overhead Construction cost of labor and materials plus 20%

Underground Construction cost of labor and materials plus 20%

Convert Overhead to Underground

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

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

Water:

Temporary Service
at Fire Hydrant\$100.00

Meter Cost..... \$225.00 5/8 inch meter
\$300.00 1 inch meter

Solid Waste Collection:

Residential Customer\$11.50 Per Container per month.

Non-Profit
Religious Organization\$11.50 Per Container per month.

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

General:

Cemetery Plots

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

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

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

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

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

Solicitation Permit \$10.00

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

Community Building Rental

| In Town | Out of Town |
|----------|-------------|
| \$125.00 | \$200.00 |

Refundable Deposit of \$100 required.

Operation Center Room Rental

| In Town | Out of Town |
|----------|-------------|
| \$125.00 | \$200.00 |

Refundable Deposit of \$100 required.

Police Department:

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

Planning and Zoning:

Site Development Plans (both residential and non-residential)

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

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

Zoning Ordinance Amendment Filing Fees

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

Subdivision Plat Review Fee/Filing Fee

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

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

Stormwater Review Fee \$1,000.00 per project.

Zoning Compliance Certificate Fee

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

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

Signs \$50.00

Conditional Use Permit Application Filing Fee \$500.00

Variance Application Filing Fee \$500.00

Zoning Appeal Filing Fee \$500.00

Copy of Zoning Ordinance \$30.00

Copy of Subdivision Ordinance \$20.00

Copies of Maps

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

Recreational Payment in Lieu of Dedication

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

Recreation:**2022-2023 Fee Structure for Facility Rentals****Facility Rentals**

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

Notes:

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

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

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

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

Program & Event Fee Structure

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

Sponsorship Fees

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

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

Fire Services Fees:

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

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

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

Building Inspections Department Permit Fees:

Building Permits

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

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

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

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

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

Modular Offices and Classrooms - \$200.00

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

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

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

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

Electrical Permits

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

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

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

Temporary Construction Service Poles - \$60.00

Swimming Pools - \$100.00

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

Mobile Homes - \$75.00

Electric Signs - \$50.00 per sign

Residential Generators - \$100.00

Commercial Generators - \$150.00

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

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

Mechanical Permits

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

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

Change outs - \$90.00 Unit

Ductwork Only – Adding or Replacing \$65.00

Refrigeration - \$50.00 Unit

Commercial Kitchen Hood Fans – \$100.00 Hood

Paint Spray Booths - \$100.00 Unit

Gas Logs / Fireplace – \$80.00 Unit

Gas Lines - Residential - \$50.00

Gas Lines - Commercial - \$80.00

Plumbing Permits

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

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

Service Water Line Only - \$40.00

Sewer Line Replacement - \$40.00

Irrigation Water Service - \$50.00

Manufactured Homes / On Frame Modular - \$60.00

Adopted this the 13th day of February 2023.

Richard E. Hines, Mayor

ATTEST:

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: February 13, 2023

Presenter: Jessica Manning, Finance Director

Item to be Considered

Subject: American Rescue Plan Act Required Policies.

Action Requested: Approve the ARPA Policies.

Attachment: Town of Winterville ARPA Uniform Guidance Policies.

Prepared By: Jessica Manning, Finance Director

Date: 2/8/2023

ABSTRACT ROUTING:

TC: 2/8/2023

TM: 2/8/2023

Final: tlp - 2/8/2023

Supporting Documentation

US Treasury issued the Final Rule of the Coronavirus State and Local Fiscal Recovery Fund program of the American Rescue Plan Act of 2021 (ARP/CSLFRF) in January 2022. Recipients of SLFRF funds are subject to the Uniform Guidance from the date of the award to the end of the period of performance on December 31, 2026.

The Uniform Guidance provisions require that the local government adopt and implement policies and procedures to ensure compliance with its requirement.

Mandated Uniform Guidance Policies for All Local Governments listed below:

- Eligible Use Policy
- Allowable Costs and Cost Principles Policy
- Nondiscrimination Policy
- Records Retention Policy
- Conflict of Interest Policy

Budgetary Impact: TBD.

Recommendation: Staff recommends Council approve the mandated policies.

**ELIGIBLE PROJECT POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY THE TOWN OF WINTERVILLE.**

WHEREAS the Town of Winterville], has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS US Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing](#); and

WHEREAS US Treasury has issued a [Compliance and Reporting Guidance v.2.1 \(November 15, 2021\)](#) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

WHEREAS the Compliance and Reporting Guidance states on page 6 that

Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

BE IT RESOLVED that the Town of Winterville hereby adopts and enacts the following Eligibility Determination Policy for ARP/CSLFRF funds.

Eligibility Determination Policy for American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds

This policy defines the permissible and prohibited uses of the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF) funds. It also outlines the procedures for determining how the Town of Winterville will spend its ARP/CSLFRF funds.

I. PERMISSIBLE USES OF ARP/CSLFRF FUNDING

US Treasury issued its [Final Rule](#) regarding use of ARPA funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its [Interim Final Rule](#) or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Local governments must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARPA funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

II. PROHIBITED USES OF ARPA FUNDING

The ARP/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);

2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires the Town of Winterville to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

The Town of Winterville and any of its contractors or subrecipients, may not expend any ARP/CSLFRF funds for these purposes.

III. PROCEDURES FOR PROJECT APPROVAL

The following are procedures for ARP/CSLFRF project approvals. All Town of Winterville employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding, must be made in writing and include all the following: Please see the Finance Department for Eligibility Worksheet form.
 - a. Brief description of the project
 - b. Identification of ARP/CSLFRF Expenditure Category (EC) (A list of ECs in in the Appendix to the [US Treasury Compliance and Reporting Guidance](#).)
 - c. Required justifications for applicable projects, according to the requirements in the Final Rule. Employees or any applicant seeking ARPA funding should review the [Final Rule](#) and [Final Rule Overview](#) prior to submitting a proposal.
 - d. Proposed budget, broken down by cost item, in accordance with the Town of Winterville's Allowable Cost Policy.
 - e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Requests for funding must be submitted to the Town Manager for approval. All requests will be reviewed by the Town Manager for ARP/CSLFRF compliance and by the Finance Director for allowable costs and other financial review.
3. No ARP/CSLFRF may be obligated or expended before final written approval by the Town Manager. Approved Budget Amendments will be required before approval.
4. If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal.

5. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the Town Manager and may require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to the Town Manager immediately.
6. The Finance Director must collect, and document required information for each EC, for purposes of completing the required Project and Expenditure reports.
7. The Finance Director must maintain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

Adopted this the 13th day of February 2023.

Mayor: _____
Richard E. Hines

Attest: _____
Town Clerk

POLICY FOR ALLOWABLE COSTS AND COST PRINCIPLES FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY NORTH CAROLINA LOCAL GOVERNMENTS

WHEREAS the Town of Winterville, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the [Assistance Listing](#); and

WHEREAS the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) provides, in relevant part:

Allowable Costs/Cost Principles. As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

[ARP/CSLFRF] Funds may be, but are not required to be, used along with other funding sources for a given project. Note that [ARP/CSLFRF] Funds may not be used for a non-Federal cost share or match where prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid.

Treasury's Interim Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

- a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the [ARP/CSLFRF] Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the [ARP/CSLFRF] program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the [ARP/CSLFRF] award such as the cost of facilities or administrative functions like a director's office. Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).
- b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of [ARP/CSLFRF] award funds; and

WHEREAS Subpart E of the UG dictates allowable costs and cost principles for expenditure of ARP/CSLFRF funds; and

WHEREAS Subpart E of the UG (specifically, 200.400) states that:

The application of these cost principles is based on the fundamental premises that:

- (a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.
- (b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.

- (c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.
- (d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the Federal award.
- (e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered.
- (f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.
- (g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award;

BE IT RESOLVED that the governing board of the Town of Winterville hereby adopts and enacts the following UG Allowable Costs and Cost Principles Policy for the expenditure of ARP/CSLFRF funds.

Town of Winterville Allowable Costs and Costs Principles Policy

I. ALLOWABLE COSTS AND COSTS PRINCIPLES POLICY OVERVIEW

[Title 2 U.S. Code of Federal Regulations Part 200](#), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart E, defines those items of cost that are allowable, and which are unallowable. The tests of allowability under these principles are: (a) the costs must be reasonable; (b) they must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); (c) they must be given consistent treatment through application of those generally accepted

accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to types or amounts of cost items. Unallowable items fall into two categories: expenses which are by their nature unallowable (e.g., alcohol), and unallowable activities (e.g., fund raising).

The Town of Winterville shall adhere to all applicable cost principles governing the use of federal grants. This policy addresses the proper classification of both direct and indirect charges to ARP/CSLFRF funded projects and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with The Town Manager, Assistant Town Manager, and the Finance Director, who are charged with the administration and financial oversight of the ARP/CSLFRF. Further, all local government employees and officials who are involved in obligating, administering, expending, or monitoring ARP/CSLFRF grant funded projects should be well versed with the categories of costs that are generally allowable and unallowable. Questions on the allowability of costs should be directed to The Town Manager, Assistant Town Manager, and the Finance Director. As questions on allowability of certain costs may require interpretation and judgment, local government personnel are encouraged to ask for assistance in making those determinations.

II. GENERAL COST ALLOWABILITY CRITERIA

All costs expended using ARP/CSLFRF funds must meet the following general criteria:

1. **Be necessary and reasonable for the proper and efficient performance and administration of the grant program.**

A cost must be *necessary* to achieve a project object. When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the grant project.
- Whether the cost is identified in the approved project budget or application.
- Whether the cost aligns with identified needs based on results and findings from a needs assessment.
- Whether the cost addresses project goals and objectives and is based on program data.

A cost is *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the Town of Winterville or the proper and efficient performance of the federal award.
 - The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the ARP/CSLFRF award.
 - Market prices for comparable goods or services for the geographic area.
 - Whether individuals concerned acted with prudence in the circumstances considering their responsibilities to Town of Winterville, its employees, the public at large, and the federal government.
 - Whether the Town of Winterville significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the ARP/CSLFRF award's cost.
- 2. Be allocable to the ARP/CSLFRF federal award.** A cost is allocable to the ARP/CSLFRF award if the goods or services involved are chargeable or assignable to the ARP/CSLFRF award in accordance with the relative benefit received. This means that the ARP/CSLFRF grant program derived a benefit in proportion to the funds charged to the program. *For example, if 50 percent of a local government program officer's salary is paid with grant funds, then the local government must document that the program officer spent at least 50 percent of his/her time on the grant program.*

If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized by the ARP/CSLFRF, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

- 3. Be authorized and not prohibited under state or local laws or regulations.**
- 4. Conform to any limitations or exclusions set forth in the principles, federal laws, ARP/CSLFRF award terms, and other governing regulations as to types or amounts of cost items.**
- 5. Be consistent with policies, regulations, and procedures that apply uniformly to both the ARP/CSLFRF federal award and other activities of the Town of Winterville.**
- 6. Be accorded consistent treatment.** A cost MAY NOT be assigned to a federal award as a direct cost and also be charged to a federal award as an indirect cost. And a cost must be treated consistently for both federal award and non-federal award expenditures.

- 7. Be determined in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in the UGG.**
- 8. Be net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to and received by the local government related to the federal award, they shall be credited to the ARP/CSLFRF award, either as a cost reduction or a cash refund, as appropriate and consistent with the award terms.
- 9. Be adequately documented.**

III. SELECTED ITEMS OF COST

The UGG examines the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR § 200.420-.475.

The Finance Director is responsible for determining cost allowability must be familiar with the Selected Items of Cost. The Town of Winterville must follow the applicable regulations when charging these specific expenditures to the ARP/CSLFRF grant. The Finance Director will check costs against the selected items of cost requirements to ensure the cost is allowable and that all process and documentation requirements are followed. In addition, State laws, the Town of Winterville regulations, and program-specific rules may deem a cost as unallowable, and The Finance Director must follow those non-federal rules as well.

Exhibit A identifies and summarizes the Selected Items of Cost.

IV. DIRECT AND INDIRECT COSTS

Allowable and allocable costs must be appropriately classified as direct or indirect charges. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

Direct costs are expenses that are specifically associated with a particular ARP/CSLFRF-eligible project and that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include salary and fringe benefits of personnel directly involved in undertaking an eligible project, equipment and supplies for the project, subcontracted service provider, or other materials consumed or expended in the performance of a grant-eligible project.

Indirect costs are (1) costs incurred for a common or joint purpose benefitting more than one ARP/CSLFRF-eligible project, and (2) not readily assignable to the project specifically benefited, without effort disproportionate to the results achieved. They are expenses that benefit more than one project or even more than one federal grant. Common examples of indirect costs

include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

For indirect costs, the Town of Winterville may charge a 10 percent de minimis rate of modified total direct costs (MTDC). According to UGG Section 200.68 MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance the subawards under the award). MTDC EXCLUDES equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.

V. SPECIAL PROVISIONS FOR STATE AND LOCAL GOVERNMENTS

There are some special provisions of the UG that apply only to states, local governments, and Indian Tribes.

§ 200.444 General costs of government.

(a) For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in [§ 200.475](#)). Unallowable costs include:

- (1) Salaries and expenses of the Office of the Governor of a [state](#) or the chief executive of a [local government](#) or the chief executive of an [Indian tribe](#);
- (2) Salaries and other expenses of a [state](#) legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;
- (3) Costs of the judicial branch of a government;
- (4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in [§ 200.435](#)); and
- (5) **Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation.**

(b) For [Indian tribes](#) and Councils of Governments (COGs) (see definition for *Local government* in [§ 200.1](#) of this part), up to 50% of salaries and expenses directly attributable to managing and operating [Federal programs](#) by the chief executive and his or her staff can be included in the indirect cost calculation without documentation.

§ 200.416 COST ALLOCATION PLANS AND INDIRECT COST PROPOSALS.

(a) For states, local governments and Indian tribes, certain services, such as motor pools, computer centers, purchasing, accounting, etc., are provided to operating agencies on a centralized basis. Since Federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified

and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process.

(b) Individual operating agencies (governmental department or agency), normally charge Federal awards for indirect costs through an indirect cost rate. A separate indirect cost rate(s) proposal for each operating agency is usually necessary to claim indirect costs under Federal awards. Indirect costs include:

(1) The indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and

(2) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

(c) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices V, VI and VII to this part.

§ 200.417 INTERAGENCY SERVICE.

The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200.

VI. COST ALLOWABILITY REVIEW PROCESS

PREAPPROVAL COST ALLOWABILITY REVIEW

Before an ARP/CSLFRF-funded project is authorized, the Town Manager, Assistant Town Manager, and Finance Director must review the proposed cost items within an estimated project budget to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect expenses. This review will occur concurrently with the review of project eligibility and *before* obligating or expending any ARP/CSLFRF funds.

- Local government personnel must submit proposed ARP/CSLFRF projects to The Town Manager for review. In addition to other required information, all proposed project submissions must delineate estimated costs by cost item.
- Along with a general review of project eligibility and conformance with other governing board management directives, the Town Manager, Assistant Town Manager, and Finance Director must review estimated costs for specific allowable cost requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the US Treasury.

- If a proposed project includes a request for an unallowable cost, the Finance Director will return the proposal to the requesting party for review and, if practicable, resubmission with corrected cost items.
- Once a proposed project budget is pre-approved by the Town Manager, the local government personnel responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget.

POST-EXPENDITURE COST ALLOWABILITY REVIEW

Once an expenditure is incurred related to an eligible project, and an invoice or other demand for payment is submitted to the local government, the Finance Director must perform a second review to ensure that actual expenditures comprise allowable costs.

- All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the Finance Director will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.
- The Finance Director must review the individual cost items listed on the invoice or other demand for payment to determine their allowability and allocability.
- If all cost items are deemed allowable and properly allocable, the Finance Department must proceed through the local government's normal disbursement process.
- If any cost item is deemed unallowable, the Finance Director will notify the project management and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with ARP/CSLFRF funds. The Finance Director may in their discretion, and consistent with this policy, allow an invoice or other demand for payment to be resubmitted with a revised cost allocation. If the local government remains legally obligated by contract or otherwise to pay the disallowed cost item, it must identify other local government funds to cover the disbursement. The Town of Winterville's governing board must approve any allocation of other funds for this purpose.
- The Finance Director must retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.

VII. COST TRANSFERS

Any costs charged to the ARP/CSLFRF federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to federal UGG or other applicable guidelines.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding.

Adopted this the 13th day of February 2023.

Mayor: _____
Richard E. Hines

Attest: _____
Town Clerk

EXHIBIT A

| Selected Items of Cost | Uniform Guidance General Reference | Allowability |
|--|---------------------------------------|---|
| Advertising and public relations costs | 2 CFR § 200.421 | Allowable with restrictions |
| Advisory councils | 2 CFR § 200.422 | Allowable with restrictions |
| Alcoholic beverages | 2 CFR § 200.423 | Unallowable |
| Alumni/ae activities | 2 CFR § 200.424 | Not specifically addressed |
| Audit services | 2 CFR § 200.425 | Allowable with restrictions |
| Bad debts | 2 CFR § 200.426 | Unallowable |
| Bonding costs | 2 CFR § 200.427 | Allowable with restrictions |
| Collection of improper payments | 2 CFR § 200.428 | Allowable |
| Commencement and convocation costs | 2 CFR § 200.429 | Not specifically addressed |
| Compensation – personal services | 2 CFR § 200.430 | Allowable with restrictions; Special conditions apply (e.g., § 200.430(i)(5)) |
| Compensation – fringe benefits | 2 CFR § 200.431 | Allowable with restrictions |
| Conferences | 2 CFR § 200.432 | Allowable with restrictions |
| Contingency provisions | 2 CFR § 200.433 | Unallowable with exceptions |
| Contributions and donations | 2 CFR § 200.434 | Unallowable (made by non-federal entity); not reimbursable but value may be used as cost sharing or matching (made to non-federal entity) |

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| Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements | 2 CFR § 200.435 | Allowable with restrictions |
| Depreciation | 2 CFR § 200.436 | Allowable with qualifications |
| Employee health and welfare costs | 2 CFR § 200.437 | Allowable with restrictions |
| Entertainment costs | 2 CFR § 200.438 | Unallowable with exceptions |
| Equipment and other capital expenditures | 2 CFR § 200.439 | Allowability based on specific requirement |
| Exchange rates | 2 CFR § 200.440 | Allowable with restrictions |
| Fines, penalties, damages and other settlements | 2 CFR § 200.441 | Unallowable with exceptions |
| Fund raising and investment management costs | 2 CFR § 200.442 | Unallowable with exceptions |
| Gains and losses on disposition of depreciable assets | 2 CFR § 200.443 | Allowable with restrictions |
| General costs of government | 2 CFR § 200.444 | Unallowable with exceptions |
| Goods and services for personal use | 2 CFR § 200.445 | Unallowable (goods/services); allowable (housing) with restrictions |
| Idle facilities and idle capacity | 2 CFR § 200.446 | Idle facilities - unallowable with exceptions; Idle capacity - allowable with restrictions |
| Insurance and indemnification | 2 CFR § 200.447 | Allowable with restrictions |
| Intellectual property | 2 CFR § 200.448 | Allowable with restrictions |
| Interest | 2 CFR § 200.449 | Allowable with restrictions |
| Lobbying | 2 CFR § 200.450 | Unallowable |

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| Losses on other awards or contracts | 2 CFR § 200.451 | Unallowable (however, they are required to be included in the indirect cost rate base for allocation of indirect costs) |
| Maintenance and repair costs | 2 CFR § 200.452 | Allowable with restrictions |
| Materials and supplies costs, including costs of computing devices | 2 CFR § 200.453 | Allowable with restrictions |
| Memberships, subscriptions, and professional activity costs | 2 CFR § 200.454 | Allowable with restrictions; unallowable for lobbying organizations |
| Organization costs | 2 CFR § 200.455 | Unallowable except federal prior approval |
| Participant support costs | 2 CFR § 200.456 | Allowable with prior approval of the federal awarding agency |
| Plant and security costs | 2 CFR § 200.457 | Allowable; capital expenditures are subject to § 200.439 |
| Pre-award costs | 2 CFR § 200.458 | Allowable if consistent with other allowabilities and with prior approval of the federal awarding agency |
| Professional services costs | 2 CFR § 200.459 | Allowable with restrictions |
| Proposal costs | 2 CFR § 200.460 | Allowable with restrictions |
| Publication and printing costs | 2 CFR § 200.461 | Allowable with restrictions |
| Rearrangement and reconversion costs | 2 CFR § 200.462 | Allowable (ordinary and normal) |
| Recruiting costs | 2 CFR § 200.463 | Allowable with restrictions |
| Relocation costs of employees | 2 CFR § 200.464 | Allowable with restrictions |
| Rental costs of real property and equipment | 2 CFR § 200.465 | Allowable with restrictions |
| Scholarships and student aid costs | 2 CFR § 200.466 | Not specifically addressed |

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| Selling and marketing costs | 2 CFR § 200.467 | Unallowable with exceptions |
| Specialized service facilities | 2 CFR § 200.468 | Allowable with restrictions |
| Student activity costs | 2 CFR § 200.469 | Unallowable unless specifically provided for in the federal award |
| Taxes (including Value Added Tax) | 2 CFR § 200.470 | Allowable with restrictions |
| Termination costs | 2 CFR § 200.471 | Allowable with restrictions |
| Training and education costs | 2 CFR § 200.472 | Allowable for employee development |
| Transportation costs | 2 CFR § 200.473 | Allowable with restrictions |
| Travel costs | 2 CFR § 200.474 | Allowable with restrictions |
| Trustees | 2 CFR § 200.475 | Not specifically addressed |

Recitals

WHEREAS, the Town of Winterville has received an allocation of funds from the “Coronavirus State Fiscal Recovery Fund” or “Coronavirus Local Fiscal Recovery Fund” (together “CSLFRF funds”), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the “ARP/CSLFRF award”).

WHEREAS, CSLFRF funds are subject to the U.S. Department of Treasury (“Treasury”) regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

WHEREAS, pursuant to the ARP/CSLFRF Award Terms and Conditions, and as a condition of receiving CSLFRF funds, the Town of Winterville agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CSLFRF under the terms and conditions of the ARP/CSLFRF award, including, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

RESOLVED, That the governing board of the Town of Winterville hereby adopts and enacts the following nondiscrimination policy, which shall apply to the operations of any program, activity, or facility that is supported in whole, or in part, by expenditures CSLFRF pursuant to the ARP/CSLFRF award.

Nondiscrimination Policy Statement

It is the policy of the Town of Winterville to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by the Town of Winterville, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds ("CSLFRF"), which the Town of Winterville received from the U.S. Department of Treasury ("Treasury") pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the "ARP/CSLFRF award").

I. Governing Statutory & Regulatory Authorities

As required by the CSLFRF [Award Terms and Conditions](#), the Town of Winterville shall ensure that each "activity," "facility," or "program"¹ that is funded in whole, or in part, with CSLFRF and administered under the ARP/CSLFRF award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

¹ 22 C.F.R. § 22.3 defines "program" and "activity" as all operations of an entity, including local governments, that receive Federal financial assistance, and the departments, agencies, or special purpose districts of the local governments to which Federal financial assistance is distributed. "Federal financial assistance" includes, among other things, grants and loans of federal funds. "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

II. Discriminatory Practices Prohibited in the Administration of the ARP/CSLFRF Award

To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, the Town of Winterville shall prohibit, at a minimum, the following practices in its administration of CSLFRF pursuant to the ARP/CSLFRF award:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;
9. Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;
10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

III. Reporting & Enforcement

1. The Town of Winterville shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation,

arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Town of Winterville shall comply with information requests, on-site compliance reviews, and reporting requirements.

2. The Town of Winterville shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. The Town of Winterville shall inform the Treasury if it has received no complaints under Title VI.
3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.
4. Any person who believes that because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by the Town of Winterville in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence:

Terri L. Parker
Town Manager
2571 Railroad Street
Winterville, NC 28590

Adopted this the 13th day of February 2023.

Mayor: _____
Richard E. Hines

Attest: _____
Town Clerk

**Record Retention Policy: Documents Created or Maintained Pursuant to the
ARP/CSLFRF Award**

Retention of Records: The Coronavirus Local Fiscal Recovery Funds (“CSLFRF”) [Award Terms and Conditions](#) and the [Compliance and Reporting Guidance](#) set forth the U.S. Department of Treasury’s (“Treasury”) record retention requirements for the ARP/CSLFRF award.

It is the policy of the Town of Winterville to follow Treasury’s record retention requirements as it expends CSLFRF pursuant to the APR/CSLFRF award. Accordingly, the Town of Winterville agrees to the following:

- Retain all financial and programmatic records related to the use and expenditure of CSLFRF pursuant to the ARP/CSLFRF award for a period of five (5) years after all CLFRF funds have been expended or returned to Treasury, whichever is later.
- Retain records for real property and equipment acquired with CSLFRF for five years after final disposition.
- Ensure that the financial and programmatic records retained sufficiently evidence compliance with section 603(c) of the Social Security Act “ARPA,” Treasury’s regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- Allow the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of timely and unrestricted access to any records for the purpose of audits or other investigations.
- If any litigation, claim, or audit is started before the expiration of the 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.

Covered Records: For purposes of this policy, records are information, regardless of physical form or characteristics, that are created, received, or retained that evidence the Town of Winterville’s expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.

Records that shall be retained pursuant to this policy include, but are not limited to, the following:

- Financial statements and accounting records evidencing expenditures of CSLFRF for eligible projects, programs, or activities.
- Documentation of rational to support a particular expenditure of CSLFRF (e.g., expenditure constitutes a general government service);

- Documentation of administrative costs charged to the ARP/CSLFRF award;
- Procurement documents evidencing the significant history of a procurement, including, at a minimum, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract cost or price;
- Subaward agreements and documentation of subrecipient monitoring;
- Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.310-316 and 200.329;
- Personnel and payroll records for full-time and part-time employees compensated with CSLFRF, including time and effort reports; and
- Indirect cost rate proposals

Storage: Town of Winterville’s records must be stored in a safe, secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

Departmental Responsibilities: Any department or unit of the Town of Winterville, and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Failure to do so may subject the Town of Winterville to civil and/or criminal liability. Any employee who fails to comply with the record retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or termination.

The Finance Director is responsible for identifying the documents that the Town of Winterville must or should retain and arrange for the proper storage and retrieval of records. The Finance Director shall also ensure that all personnel subject to the terms of this policy are aware of the record retention requirements set forth herein.

Reporting Policy Violations: The Town of Winterville is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee’s supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the Town Manager. The Town of Winterville prohibits, any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of inappropriate conduct of any kind, pursuing any record destruction claim, or cooperating in related investigations.

Questions About the Policy: Any questions about this policy should be referred to Jessica Manning (252-756-2221 ext. 2351; jessica.manning@wintervillenc.com), who is in charge of administering, enforcing, and updating this policy.

Adopted this the 13th day of February 2023.

Mayor: _____
Richard E. Hines

Attest: _____
Town Clerk

CONFLICT OF INTEREST POLICY

**APPLICABLE TO CONTRACTS AND SUBAWARDS TO TOWN OF WINTERVILLE
SUPPORTED BY FEDERAL FINANCIAL ASSISTANCE**

* * * * *

I. Scope of Policy

- a. **Purpose of Policy.** This Conflict of Interest Policy (“*Policy*”) establishes conflict of interest standards that (1) apply when The Town of Winterville (“*Unit*”)¹ enters into a Contract (as defined in **Section II** hereof) or makes a Subaward (as defined in **Section II** hereof), and (2) meet or exceed the requirements of North Carolina law and 2 C.F.R. § 200.318(c).²
- b. **Application of Policy.** This Policy shall apply when the Unit (1) enters into a Contract to be funded, in part or in whole, by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies, or (2) makes any Subaward to be funded by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this Policy, such federal statute, regulation, or terms of the financial assistance agreement shall govern.³

II. Definitions

Capitalized terms used in this Policy shall have the meanings ascribed thereto in this **Section II**: Any capitalized term used in this Policy but not defined in this **Section II** shall have the meaning set forth in 2 C.F.R. § 200.1.

- a. “*COI Point of Contact*” means the individual identified in **Section III(a)** of this Policy.
- b. “*Contract*” means, for the purpose of Federal Financial Assistance, a legal instrument by which the Unit purchases property or services needed to carry out a program or project under a Federal award.
- c. “*Contractor*” means an entity or individual that receives a Contract.
- d. “*Covered Individual*” means a Public Officer, employee, or agent of the Unit.⁴
- e. “*Covered Nonprofit Organization*” means a nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes, excluding any board, entity, or other organization created by the State of North Carolina or any political subdivision of the State (including the Unit).

- f. “*Direct Benefit*” means, with respect to a Public Officer or employee of the Unit, or the spouse of any such Public Officer or employee, (i) having a ten percent (10%) ownership interest or other interest in a Contract or Subaward; (ii) deriving any income or commission directly from a Contract or Subaward; or (iii) acquiring property under a Contract or Subaward.
- g. “*Federal Financial Assistance*” means Federal financial assistance that the Unit receives or administers in the form of grants, cooperative agreements, non-cash contributions or donations of property (including donated surplus property), direct appropriations, food commodities, and other Federal financial assistance (except that the term does not include loans, loan guarantees, interest subsidies, or insurance).
- h. “*Governing Board*” means the Town of Winterville of the Unit.
- i. “*Immediate Family Member*” means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.⁵
- j. “*Involved in Making or Administering*” means (i) with respect to a Public Official or employee, (a) overseeing the performance of a Contract or Subaward or having authority to make decisions regarding a Contract or Subaward or to interpret a Contract or Subaward, or (b) participating in the development of specifications or terms or in the preparation or award of a Contract or Subaward, (ii) only with respect to a Public Official, being a member of a board, commission, or other body of which the Public Official is a member, taking action on the Contract or Subaward, whether or not the Public Official actually participates in that action.
- k. “*Pass-Through Entity*” means a non-Federal entity that provides a Subaward to a Subrecipient to carry out part of a Federal program.
- l. “*Public Officer*” means an individual who is elected or appointed to serve or represent the Unit (including, without limitation, any member of the Governing Board), other than an employee or independent contractor of the Unit.
- m. “*Recipient*” means an entity, usually but not limited to a non-Federal entity, that receives a Federal award directly from a Federal awarding agency. The term does not include Subrecipients or individuals that are beneficiaries of the award.
- n. “*Related Party*” means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

- o. “*Subaward*” means an award provided by a Pass-Through Entity to carry out part of a Federal award received by the Pass-Through Entity. It does not include payments to a contractor or payments to a contractor or payments to an individual that is a beneficiary of a Federal program.
- p. “*Subcontract*” means mean any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders, and changes and modifications to purchase orders.
- q. “*Subcontractor*” means an entity that receives a Subcontract.
- r. “*Subrecipient*” means an entity, usually but not limited to a non-Federal entity, that receives a subaward from a Pass-Through Entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.
- s. “*Unit*” has the meaning specified in Section I hereof.

III. COI Point of Contact.

- a. Appointment of COI Point of Contact. Terri Parker, an [employee] of the Unit, shall have primary responsibility for managing the disclosure and resolution of potential or actual conflicts of interest arising under this Policy. In the event that Terri Parker is unable to serve in such capacity, Anthony Bowers shall assume responsibility for managing the disclosure and resolution of conflicts of interest arising under this Policy. The individual with responsibility for managing the disclosure and resolution of potential or actual conflicts of interest under this Section III(a) shall be known as the “*COI Point of Contact*”.
- b. Distribution of Policy. The COI Point of Contact shall ensure that each Covered Individual receives a copy of this Policy.

IV. Conflict of Interest Standards in Contracts and Subawards

- a. North Carolina Law. North Carolina law restricts the behavior of Public Officials and employees of the Unit involved in contracting on behalf of the Unit. The Unit shall conduct the selection, award, and administration of Contracts and Subawards in accordance with the prohibitions imposed by the North Carolina General Statutes and restated in this Section III.
 - i. G.S. § 14-234(a)(1). A Public Officer or employee of the Unit Involved in Making or Administering a Contract or Subaward on behalf of the Unit shall not derive a Direct Benefit from such a Contract or Subaward.⁶
 - ii. G.S. § 14-234(a)(3). No Public Officer or employee of the Unit may solicit or receive any gift, favor, reward, service, or promise of reward, including but not

limited to a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a Contract or Subaward by the Unit.

- iii. G.S. § 14-234.3. If a member of the Governing Board of the Unit serves as a director, officer, or governing board member of a Covered Nonprofit Organization, such member shall not (1) deliberate or vote on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, (2) attempt to influence any other person who deliberates or votes on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, or (3) solicit or receive any gift, favor, reward, service, or promise of future employment, in exchange for recommending or attempting to influence the award of a Contract or Subaward to the Covered Nonprofit Organization.⁷
- iv. G.S. § 14-234.1. A Public Officer or employee of the Unit shall not, in contemplation of official action by the Public Officer or employee, or in reliance on information which was made known to the public official or employee and which has not been made public, (1) acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or other information, or (2) intentionally aid another in violating the provisions of this section.

b. Federal Standards.

- i. Prohibited Conflicts of Interest in Contracting. Without limiting any specific prohibition set forth in Section IV(a), a Covered Individual may not participate in the selection, award, or administration of a Contract or Subaward if such Covered Individual has a real or apparent conflict of interest.
 - 1. Real Conflict of Interest. A real conflict of interest shall exist when the Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward. Exhibit A attached hereto provides a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.
 - 2. Apparent Conflict of Interest. An apparent conflict of interest shall exist where a real conflict of interest may not exist under Section IV(b)(i)(1), but where a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the appearance that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.⁸

ii. Identification and Management of Conflicts of Interest.

1. Duty to Disclose and Disclosure Forms

- a. Each Covered Individual expected to be or actually involved in the selection, award, or administration of a Contract or Subaward has an ongoing duty to disclose to the COI Point of Contact potential real or apparent conflicts of interest arising under this Policy.
- b. Prior to the Unit's award of a Contract or Subaward, the COI Point of Contact shall advise Covered Individuals expected to be involved in the selection, award, or administration of the Contract or Subaward of such duty.
- c. If the value of a proposed Contract or Subaward exceeds \$250,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form contained in Exhibit C (for Contracts) and Exhibit E (for Subawards) from each Covered Individual and file such Conflict of Interest Disclosure Form in records of the Unit.⁹

2. Identification Prior to Award of Contract or Subaward.

- a. Prior to the Unit's award of a Contract or Subaward, the COI Point of Contact shall complete the appropriate Compliance Checklist contained in Exhibit B (for Contracts) and Exhibit D (for Subawards) attached hereto and file such Compliance Checklist in the records of the Unit.

3. Management Prior to Award of Contract or Subaward

- a. If, after completing the Compliance Checklist, the COI Point of Contact identifies a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the COI Point of Contact shall disclose such finding in writing to E. Keen Lassiter and to each member of the Governing Board. If the Governing Board desires to enter into the proposed Contract or Subaward despite the identification by the COI Point of Contact of a potential real or apparent conflict of interest, it may either:
 - i. accept the finding of the COI Point of Contact and direct the COI Point of Contact to obtain authorization to enter into the Contract or Subaward from (a) if Unit is a

Recipient of Federal Financial Assistance, the Federal awarding agency with appropriate mitigation measures, or (b) if Unit is a Subrecipient of Federal Financial Assistance, from the Pass-Through Entity that provided a Subaward to Unit; or

- ii. reject the finding of the COI Point of Contact and enter into the Contract or Subaward. In rejecting any finding of the COI Point of Contact, the Governing Board shall in writing document a justification supporting such rejection.¹⁰

- b. If the COI Point of Contact does not identify a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the Unit may enter into the Contract or Subaward in accordance with the Unit's purchasing or subaward policy.

4. Identification After Award of Contract or Subaward.

- a. If the COI Point of Contact discovers that a real or apparent conflict of interest has arisen after the Unit has entered into a Contract or Subaward, the COI Point of Contact shall, as soon as possible, disclose such finding to the Terri Parker, Town Manager and to each member of the Governing Board. Upon discovery of such a real or apparent conflict of interest, the Unit shall cease all payments under the relevant Contract or Subaward until the conflict of interest has been resolved.

5. Management After Award of Contract or Subaward.

- a. Following the receipt of such disclosure of a potential real or apparent conflict of interest pursuant to Section IV(b)(ii)(4) , the Governing Board may reject the finding of the COI Point of Contact by documenting in writing a justification supporting such rejection. If the Governing Board fails to reject the finding of the COI Point of Contact within 15 days of receipt, the COI Point of Contact shall:
 - i. if Unit is a Recipient of Federal Financial Assistance funding the Contract or Subaward, disclose the conflict to the Federal awarding agency providing such Federal Financial Assistance in accordance with 2 C.F.R. § 200.112 and/or applicable regulations of the agency, or

- ii. if Unit is a Subrecipient of Federal Financial Assistance, disclose the conflict to the Pass-Through Entity providing a Subaward to Unit in accordance with 2 C.F.R. § 200.112 and applicable regulations of the Federal awarding agency and the Pass-Through Entity.

V. **Oversight of Subrecipient's Conflict of Interest Standards**

- a. **Subrecipients of Unit Must Adopt Conflict of Interest Policy.** Prior to the Unit's execution of any Subaward for which the Unit serves as a Pass-Through Entity, the COI Point of Contact shall ensure that the proposed Subrecipient of Federal Financial Assistance has adopted a conflict of interest policy that satisfies the requirements of 2 C.F.R. § 200.318(c)(1), 2 C.F.R. § 200.318(c)(2), and all other applicable federal regulations.
- b. **Obligation to Disclose Subrecipient Conflicts of Interest.** The COI Point of Contact shall ensure that the legal agreement under which the Unit makes a Subaward to a Subrecipient shall require such Subrecipient to disclose to the COI Point of Contact any potential real or apparent conflicts of interest that the Subrecipient identifies. Upon receipt of such disclosure, the COI Point of Contact shall disclose such information to the Federal awarding agency that funded the Subaward in accordance with that agency's disclosure policy.

VI. **Gift Standards**

- a. **Federal Standard.** Subject to the exceptions set forth in Section VI(b), a Covered Individual may not solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.
- b. **Exception.** Notwithstanding Section VI(a), a Covered Individual may accept an unsolicited gift from a Contractor or Subcontractor of one or more types specified below if the gift has an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of all gifts received by the Covered Individual pursuant to this Section VI(b) does not exceed \$50 in a calendar year:¹¹
 - i. honorariums for participating in meetings;
 - ii. advertising items or souvenirs of nominal value; or
 - iii. meals furnished at banquets.
- c. **Internal Reporting.** A Covered Individual shall report any gift accepted under Section VI(b) to the COI Point of Contact. If required by regulation of a Federal awarding agency, the COI Point of Contact shall report such gifts to the Federal awarding agency or a Pass-Through Entity for which the Unit is a Subrecipient.

VII. Violations of Policy

- a. Disciplinary Actions for Covered Individuals. Any Covered Individual that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the Covered Individual or Related Party may be subject to disciplinary action, including, but not limited to, an employee’s termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure of a Public Official by the Governing Board, or termination of an agent’s contract with the Unit.

- b. Disciplinary Actions for Contractors and Subcontractors. The Unit shall terminate any Contract with a Contractor or Subcontractor that violates any provision of this Policy.

- c. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, the Unit shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant: (i) a member of Congress or a representative of a committee of Congress; (ii) an Inspector General; (iii) the Government Accountability Office; (iv) a Treasury or other federal agency employee responsible for grant oversight or management; (v) an authorized official of the Department of Justice or other law enforcement agency; (vi) a court or grand jury; or (vii) a management official or other employee of the Unit, a Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.

* * * * *

Adopted this the 13th day of February 2023.

Mayor: _____
Richard E. Hines

Attest: _____
Town Clerk

EXHIBIT A

Examples

| <i>Potential Examples of a “Financial or Other Interest” in a Firm or Organization Considered for a Contract or Subaward</i> | <i>Potential Examples of a “Tangible Personal Benefit” From a Firm or Organization Considered for a Contract or Subaward</i> |
|--|---|
| <p>Direct or indirect equity interest in a firm or organization considered for a Contract or Subaward, which may include:</p> <ul style="list-style-type: none"> - Stock in a corporation. - Membership interest in a limited liability company. - Partnership interest in a general or limited partnership. - Any right to control the firm or organization’s affairs. For example, a controlling equity interest in an entity that controls or has the right to control a firm considered for a contract. - Option to purchase any equity interest in a firm or organization. | <p>Opportunity to be employed by the firm considered for a contract, an affiliate of that firm, or any other firm with a relationship with the firm considered for a Contract.</p> <p>A position as a director or officer of the firm or organization, even if uncompensated.</p> |
| <p>Holder of any debt owed by a firm considered for a Contract or Subaward, which may include:</p> <ul style="list-style-type: none"> - Secured debt (e.g., debt backed by an asset of the firm (like a firm’s building or equipment)) - Unsecured debt (e.g., a promissory note evidencing a promise to repay a loan). <ul style="list-style-type: none"> o Holder of a judgment against the firm. | <p>A referral of business from a firm considered for a Contract or Subaward.</p> |
| <p>Supplier or contractor to a firm or organization considered for a Contract or Subaward.</p> | <p>Political or social influence (e.g., a promise of appointment to a local office or position on a public board or private board).</p> |

EXHIBIT B

COMPLIANCE CHECKLIST FOR OVERSIGHT OF CONTRACT CONFLICTS OF INTEREST

The Town of Winterville (“*Unit*”) has adopted a Conflict of Interest Policy (“*Policy*”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates Terri Parker as the “COI Point of Contact.” The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Contracts (as defined in Section II) and file the Checklist in the records of the Unit.

Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.
2. If the value of the proposed Contract exceeds \$250,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form from each Covered Individual.
3. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to Terri Parker, Town Manager and to each member of the Governing Board.

Definitions.

1. *Covered Individual.* Each person identified in Section 1 of this Checklist is a “Covered Individual” for purposes of this Compliance Checklist and the Policy.
2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

| | | |
|---|---|---|
| <p>Step 1</p> | <p>Identify the proposed Contract, counterparty, and the subject of the Contract.</p> | <p><u>Name of Contract:</u></p> <hr/> <p><u>Name of Counterparty</u></p> <hr/> <p><u>Subject of Contract:</u></p> <hr/> |
| <p>2</p> | <p>Identify all individuals involved in the selection, award, or administration of the Contract. These individuals are “Covered Individuals”. Ensure that each Covered Individual has been provided with a copy of the Conflict of Interest Policy.</p> | <p><u>Employees</u></p> <hr/> <p><u>Agents</u></p> <hr/> |
| <p>3</p> <p>Any identified interest in Step 3 is a potential “real” conflict of interest.</p> | <p>Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Contract. [If the estimated Contract amount exceeds \$250,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]</p> | <p><u>Employees</u></p> <hr/> <p><u>Agents</u></p> <hr/> |
| <p>4</p> <p>Any identified interest in Step 4 is a potential “real” conflict of interest.</p> | <p>Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Contract. If the estimated Contract amount exceeds \$250,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.</p> | <p><u>Employees – Related Party</u></p> <hr/> <p><u>Agents – Related Party</u></p> <hr/> |

| | | | | |
|---|---|---------------------------------------|--------------------------------|-----------------------------|
| <p>5</p> <p>Any identified interest in Step 5 is a potential “apparent” conflict of interest.</p> | <p>Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the <i>appearance</i> that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract? If yes, explain.</p> | <p><i>Public Officials</i></p> | <p><i>Employees</i></p> | <p><i>Agents</i></p> |
|---|---|---------------------------------------|--------------------------------|-----------------------------|

COI Point of Contact: _____

Signature of COI Point of Contact: _____

Date of Completion: _____

EXHIBIT C

**CONTRACT CONFLICT OF INTEREST DISCLOSURE FORM
FOR OFFICIALS, EMPLOYEES, AND AGENTS**

The Town of Winterville (“*Unit*”) has adopted a Conflict of Interest Policy (“*Policy*”) that governs the *Unit*’s expenditure of Federal Financial Assistance (as defined in Section II of the *Policy*). The *Policy* designates Terri Parker, Town Manager as the “COI Point of Contact.”

The COI Point of Contact has identified you as an official, employee, or agent of the *Unit* that may be involved in the selection, award, or administration of the following contract: _____ (the “*Contract*”). To safeguard the *Unit*’s expenditure of Federal Financial Assistance, the COI Point of Contact has requested that you identify any potential real or apparent conflicts of interest in the Firm considered for the award of a *Contract*. Using the Exhibit, A to the *Policy* as a guide, please answer the following questions:

1. Do you have a financial or other interest in a firm considered for this *Contract*?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

2. Will you receive any tangible personal benefit from a firm considered for this *Contract*?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

3. For purposes of Question 3(a) and 3(b), your “Immediate Family Members” include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

a. Do you have an Immediate Family Member with a financial or other interest in a firm considered for this *Contract*?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- b. Do you have an Immediate Family Member that will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

4. Do you have any other partner with a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

5. Will any other partner of yours receive any tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

6. Does your current or potential employer (other than the Unit) have a financial or other interest in a firm considered for this Contract or will such current or potential employer receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

7. Benefits to Employers

- a. Does a current or potential employer (other than the Unit) of any of your Immediate Family Members have a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- b. Will a current or potential employer (other than the Unit) of any of your Immediate Family Members receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

-
- c. Does a current or potential employer (other than the Unit) of any partner of yours have a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- d. Will a current or potential employer (other than the Unit) of any partner of yours receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

8. Does any existing situation or relationship create the *appearance* that you have a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

9. Does any existing situation or relationship create the *appearance* that any Immediate Family Member of yours has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

10. Does any existing situation or relationship create the *appearance* that your current or potential employer (other than the Unit) has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

11. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any of your Immediate Family Members has a financial or other

interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

12. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any other partner has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

* * * * *

Sign Name: _____

Print Name: _____

Name of Employer _____

Job Title: _____

Date of Completion: _____

* * * * *

EXHIBIT D

COMPLIANCE CHECKLIST FOR SUBAWARD OVERSIGHT

The Town of Winterville (“Unit”) has adopted a Conflict of Interest Policy (“Policy”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates Terri Parker, Town Manager as the “COI Point of Contact.” The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Subawards (as defined in Section II) and file the Checklist in the records of the Unit.

Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.
2. If the value of the proposed Subaward exceeds \$250,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form from each Covered Individual.
3. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to E. Keen Lassiter, and to each member of the Governing Board.

Definitions.

1. *Covered Individual.* Each person identified in Section 1 of this Checklist is a “Covered Individual” for purposes of this Compliance Checklist and the Policy.
2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

| | |
|---|--|
| Step | <p>1</p> <p>Identify the proposed Subaward, Subrecipient, and the subject of the Subaward.</p> <p><u>Name of Contract:</u></p> <p>_____</p> <p><u>Name of Counterparty</u></p> <p>_____</p> <p><u>Subject of Subaward:</u></p> <p>_____</p> |
| 2 | <p>Identify all individuals involved in the selection, award, or administration of the Subaward. These individuals are “Covered Individuals”. Ensure that each Covered Individual has been provided with a copy of the Conflict of Interest Policy.</p> <p><u>Public Officials</u></p> <p>_____</p> <p><u>Employees</u></p> <p>_____</p> <p><u>Agents</u></p> <p>_____</p> |
| 3 | <p>Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Subaward. [If the estimated Subaward amount exceeds \$100,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]</p> <p><u>Public Officials</u></p> <p>_____</p> <p><u>Employees</u></p> <p>_____</p> <p><u>Agents</u></p> <p>_____</p> |
| 4 | <p>Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Subaward. If the estimated Subaward amount exceeds \$100,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]</p> <p><u>Public Officials – Related Party</u></p> <p>_____</p> <p><u>Employees – Related Party</u></p> <p>_____</p> <p><u>Agents – Related Party</u></p> <p>_____</p> |
| <p>Any identified interest in Step 3 is a potential “real” conflict of interest.</p> <p>Any identified interest in Step 4 is a potential “real” conflict of interest.</p> | |

| | | | | |
|---|---|---------------------------------------|--------------------------------|-----------------------------|
| <p>5</p> <p>Any identified interest in Step 5 is a potential “apparent” conflict of interest.</p> | <p>Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the <i>appearance</i> that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Subaward? If yes, explain.</p> | <p><i>Public Officials</i></p> | <p><i>Employees</i></p> | <p><i>Agents</i></p> |
|---|---|---------------------------------------|--------------------------------|-----------------------------|

COI Point of Contact: _____

Signature of COI Point of Contact: _____

Date of Completion: _____

EXHIBIT E

SUBAWARD CONFLICT OF INTEREST DISCLOSURE FORM

FOR OFFICIALS, EMPLOYEES, AND AGENTS

The Town of Winterville (“*Unit*”) has adopted a Conflict of Interest Policy (“*Policy*”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates Terri Parker, Town Manager as the COI Point of Contact.

The COI Point of Contact has identified you as an official, employee, or agent of the Unit that may be involved in the selection, award, or administration of the following subaward: _____ (the “*Subaward*”). To safeguard the Unit’s expenditure of Federal Financial Assistance, the COI Point of Contact has requested that you identify any potential real or apparent conflicts of interest in the Firm considered for the award of a Subaward. Using the Exhibit A to the Policy as a guide, please answer the following questions:

1. Do you have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

2. Will you receive any tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

3. For purposes of Question 3(a) and 3(b), your “Immediate Family Members” include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

a. Do you have an Immediate Family Member with a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- b. Do you have an Immediate Family Member that will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

4. Do you have any other partner with a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

5. Will any other partner of yours receive any tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

6. Does your current or potential employer (other than the Unit) have a financial or other interest in a firm considered for this Subaward or will such current or potential employer receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

7. Benefits to Employers

- a. Does a current or potential employer (other than the Unit) of any of your Immediate Family Members have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- b. Will a current or potential employer (other than the Unit) of any of your Immediate Family Members receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

-
- c. Does a current or potential employer (other than the Unit) of any partner of yours have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- d. Will a current or potential employer (other than the Unit) of any partner of yours receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

8. Does any existing situation or relationship create the *appearance* that you have a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

9. Does any existing situation or relationship create the *appearance* that any Immediate Family Member of yours has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

10. Does any existing situation or relationship create the *appearance* that your current or potential employer (other than the Unit) has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

11. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any of your Immediate Family Members has a financial or other

interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

12. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any other partner has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

* * * * *

Sign Name: _____
Print Name: _____
Name of Employer _____
Job Title: _____
Date of Completion: _____

* * * * *



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: February 13, 2023

Presenter: Anthony Bowers, Assistant Town Manager

Item to be Considered

Subject: Budget Amendment 2022-2023-5.

Action Requested: Approval of the Budget Amendment.

Attachment: Budget Amendment 2022-2023-5.

Prepared By: Anthony Bowers, Assistant Town Manager

Date: 2/6/2023

ABSTRACT ROUTING:

TC: 2/7/2023

TM: 2/8/2023

Final: tlp - 2/8/2023

Supporting Documentation

This is the fifth budget amendment for the 2022-2023 Fiscal Year.

The first item addresses the need for additional funds to cover engineering cost associated with catching up on old projects and working with staff to address infrastructure needs related to new residential and commercial development.

The additional funds needed is \$20,000.

The second item addresses the need to amend the contract with Rivers and Associates for redesign of the 2020 sewer pump station project. The Town decided to remove two mechanical screens from the project saving the Town an estimated \$425,000. The cost of this item is \$28,700.

The third amendment addresses the need to cover the cost of the new water meters for areas such as, Aces for Autism and the multifamily development at Eleven and Main. The cost for these additional meters are \$37,500.

Budgetary Impact: The total budget amendment will receive increase budget in the amount of \$123,700.

Recommendation: Staff recommends Council approve the budget amendment.

BUDGET ORDINANCE AMENDMENT 2022-2023-5

BE IT ORDAINED by the Governing Board of the Town of Winterville, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2023:

SECTION 1. Revenues are to be changed as follows:

| LINE ITEM DESCRIPTION | Fund | Account | Increase | Decrease |
|---------------------------|------|---------|----------|----------|
| Fund Balance | 10 | 3831 | \$20,000 | |
| Engineering | 47 | 3811 | \$28,700 | |
| Contribution for metering | 60 | 3908 | \$37,500 | |
| Fund Balance | 61 | 3831 | \$18,750 | |
| Fund Balance | 62 | 3831 | \$18,750 | |
| | | | | |
| | | | | |

Total \$123,700 \$0

SECTION 2. Appropriations are to be changed as follows:

| LINE ITEM DESCRIPTION | Account | Department | Fund | Increase | Decrease |
|-------------------------------|----------|------------|------------------------------|----------|----------|
| Contribution to Metering | 61721000 | 9103 | Water | \$18,750 | |
| Contribution to Metering | 62732020 | 9103 | Sewer | \$18,750 | |
| Water Meters for New Accounts | 60711022 | 4306 | Metering | \$37,500 | |
| Engineering | 10411002 | 4235 | Public Works | \$20,000 | |
| Engineering | 47801000 | 4232 | 2020 Capital Project - SW PS | \$28,700 | |
| | | | | | |
| | | | | | |

Adopted the 13th day of February 2023. \$123,700 \$0

Mayor

Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: February 13, 2023

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Gray Point Motors – Rezoning Request.

Action Requested: Schedule a Public Hearing for March 13, 2023 for the Rezoning Request.

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

Prepared By: Bryan Jones, Planning Director

Date: 2/1/2023

ABSTRACT ROUTING:

TC: 2/6/2023

TM: 2/8/2023

Final: tlp - 2/8/2023

Supporting Documentation

Applicant: Linda Brock Best.

Location: Chapman Street at its intersection with Depot Street.

Parcel Numbers: 20628 and 28376.

Site Data: 3.17 acres.

Current Zoning District: MR-CD.

Proposed Zoning District: GB-CD.

- ❖ Proposed Zoning Districts: General Business with the condition “to be able to build a used car dealership with a mechanic shop.”
- ❖ Adjacent property owners were mailed notification of the rezoning request on December 2, 2022.
- ❖ Notification was posted on the site on December 2, 2022.
- ❖ Planning and Zoning Board voted 5-1 recommending denial of the rezoning request on January 17, 2023.

Budgetary Impact: TBD.

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



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

Staff Use Only
Appl. # _____

OWNERSHIP INFORMATION:

Applicant: Linda Brock Best
Address: 192 Hilltop Rd. Newport, NC 28570
Phone #: 252-723-4220
Owner: _____
Address: _____
Phone #: _____

PROPERTY INFORMATION

Parcel #: 20628 + 28376 Area (square feet or acres): 2.91 acres + .36 acres
Current Land Use: Open Field
Location of Property: 2576 Chapman St. Winterville, NC 28590

ZONING REQUEST

Existing Zoning: Multi-Family (MR) Requested Zoning: General Business (GB)
Reason for zoning change: To be able to build a used car dealership with a mechanic shop

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.

Situated in Winterville Township, Pitt County, North Carolina more particularly described as follows: Beginning at an iron in the western right-of-way line of Chapman Street, said iron being the northeast corner of the Barber property; and running thence North 83 deg. 46 min. West 497 feet to an iron, said iron being the northwest corner of the Hardee property and NC HWY 11 right of way; thence running North 11 deg. 45 min. East 713 feet along the NC HWY 11 right of way to an iron, and thence running South 83 deg. 46 min. East 477 feet to an iron, said iron being located in the western right-of-way line of Chapman Street, and thence along the western right-of-way of Chapman Street in a South 06 deg. 44' West 150 feet to an iron; and thence North 83 deg. 45 min. West 150 feet to an iron; and thence South 06 deg. 44 min. West 100 feet to an iron; and then South 83 deg. 46 min. East 150 feet to an iron, said iron being in the western right-of-way of Chapman Street, and thence along the western right-of-way of Chapman Street in a southerly direction 80 feet to an iron, the point of beginning.



2571 Railroad Street
PO Box 1459
Winterville, NC 28590

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

**Planning and Zoning
Rezoning Request**

NOTICE IS HEREBY GIVEN that the Winterville Planning and Zoning Board will meet on **TUESDAY, JANUARY 17, 2023** at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, in order to consider the following request:

Linda Brock Best c/o Baldwin Design Consultants has submitted a rezoning application to rezone Parcels 20628 and 28376 (3.27 Acres) as shown on the attached map from Multifamily Residential (MR-CD) to General Business (GB-CD). Per the application, the proposed conditional district is “to be able to build a used car dealership with a mechanic shop.”

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.

Clyn Willard Barber, Jr.
Edna Paramore Barber
2490 Red Forbes Road
Winterville NC 28590

R E Davenport Jr Family Ltd
Partnership
PO Box 66
Farmville, NC 27828

Soddy & Soddy Properties, LLC
5351 Reedy Branch Road
Winterville, NC 28590

Travis Oscar Hardee
Ellen Roebuck Hardee
5351 Reedy Branch Road
Winterville, NC 28590

Michael R. Weldin
Joyce H. Weldin
135 Depot Street
Winterville, NC 28590

Tracey Hardee Dickerson
Jamie Lynn Hardee Smith
4077 Blackjack Simpson Rd
Greenville, NC 27858

GKA, Inc
PO Box 611
Winterville, NC 28590

Linda Brock Best
David Earl Brock Heirs
134 Howard Blvd
Newport, NC 28570

E & S Homes, LLC
2579 Chapman Street
Winterville, NC 28590

Melinda Elizabeth Hines
121 Depot Street
Winterville, NC 28590

Jamie L. Keeter
Jean Anne Keeter
PO Box 14
Winterville, NC 28590

Harvey Lee Joyner Life Estate
Barbara Hines Joyner Life Estate
104 Depot Street
Winterville, NC 28590

Evelyn Jarvis Branch
PO Box 316
Winterville, NC 28590

Kenneth Ross
1711 Ross Lane
Greenville, NC 27834

Gateway Christian Center of
Greenville Inc.
PO Box 1329
Winterville, NC 28590

Walter Ashley Dail, Jr
Judith Rose Dail
PO Box 808
Winterville, NC 28590

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

GENERAL INFORMATION

| | |
|----------------------------|---|
| APPLICANT | Linda Brock Bes |
| HEARING TYPE | Rezoning Request |
| REQUEST | General Business (GB) – Conditional District |
| CONDITIONS | Used car dealership with a mechanic shop. |
| LOCATION | Chapman Street / Depot Street |
| PARCEL ID NUMBER(S) | 15006, 11636, 11638, 82096, 82094 |
| PUBLIC NOTIFICATION | Adjacent property owners were mailed notification of the rezoning request on December 2, 2022. Notification was posted on site on December 2, 2022. 16 properties were mailed notification. |
| TRACT SIZE | 3.17 +/- acres |
| TOPOGRAPHY | Flat |
| VEGETATION | Cleared |

SITE DATA

| | |
|---------------------|----------------|
| EXISTING USE | Vacant/ Wooded |
|---------------------|----------------|

| ADJACENT PROPERTY | ZONING | ADJACENT LAND USE |
|--------------------------|---------------|--|
| N | GB | Church |
| W | GB | Agricultural |
| E | R-6/CB | Single Family Residential, Commercial |
| S | R-6/GB | Single Family Residential, Commercial |

ZONING DISTRICT STANDARDS

| DISTRICT SUMMARIES | EXISTING | REQUESTED |
|-----------------------------|---|--|
| ZONING DISTRICT DESIGNATION | MR-CD | GB-CD |
| MAX DENSITY | TBD | TBD |
| TYPICAL USES | MR- High-density residential neighborhoods. | Accommodates business that serve the traveling public, require large amounts of land and are not oriented to the pedestrian shopper. |

SPECIAL INFORMATION

| | |
|------------------------|---|
| OVERLAY DISTRICT | N/A |
| ENVIRONMENTAL / SOILS | N/A |
| FLOODPLAIN | N/A |
| STREAMS | N/A |
| OTHER | If >1 acre is disturbed, site must meet Phase 2 stormwater requirements and provide Soil Erosion and Sedimentation Control Permit |
| SITE PLAN REQUIREMENTS | Site Plan / Construction 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 | Chapman Street – TOW Street Church Street Ext – TOW Street |
| 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) | N/A |
| TRIP GENERATION | N/A |
| SIDEWALKS | Required. |
| TRAFFIC IMPACT STUDY (TIS) | TBD |
| STREET CONNECTIVITY | N?A |
| OTHER | N/A |

IMPACT ANALYSIS

Land Use Compatibility

The proposed GB-CD (used car dealership with a mechanic shop) zoning districts would not allow land uses that are compatible with the general character of the area. The property is in a location that serves as the primary entrance to downtown and as a walkable neighborhood with small-scale businesses.

Town of Winterville Comprehensive Land Use Plan Policies

The Future Land Use Map designates this property as a Mixed Use Center character area. Mixed Use Centers allow flexibility to respond to market demands by emphasizing the form of development over use or intensity. These areas feel made for people and have just a little “hustle and bustle” with some small town hospitality mixed in. The requested **GB-CD** zoning district *is not* consistent with this character area as defined by the future land use designation.

Comprehensive Land Use Plans - Recommendations & Implementation

Mixed Use Center - General Character:

1. 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.

(Downtown) Policy 1: Live/work/play downtown:

Strategy 1.1: Allow people to live near downtown Winterville, by encouraging and allowing more dense residential development within walking distance to downtown.

- The Small Area Study included in the Comprehensive Land Use Plan shows this property as ideal for residential infill.

Strategy 1.3: Expand office and commercial uses on the edges of downtown where there is limited conflict with established residential areas.

- The Land Use Plan shows the ideal area for commercial development within the downtown area is along Main Street.

STAFF ANALYSIS AND RECOMMENDATION

Community Outreach

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

Staff Analysis

The 3.17-acre property is currently vacant. The property North of the request is zoned GB (Gateway Church); West (across Winterville Pkwy) of the request is zoned GB (vacant/agricultural). South of the request is zoned R-6 and GB (existing single family residential and commercial). East of the property is zoned R-6 and CB (existing single family residential and commercial).

While some light commercial use *may* be appropriate, the proposed use of a used car dealership with a mechanic shop is not consistent with the Comprehensive Land Use Plan. Therefore, the rezoning request is not consistent with the intent and purpose of the Zoning Ordinance, the Future Land Use Plan and is not compatible with the existing development and trends in the surrounding area.

Staff Recommendation

Staff recommends **denial** of the rezoning request for the 3.17 acres from MR-CD to GB-CD.

Planning and Zoning Board recommended **denial** (5-1) of the request on January 17, 2023.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: February 13, 2023

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Waterford Crossing – Rezoning Request.

Action Requested: Schedule a Public Hearing for March 13, 2023 for the Rezoning Request.

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

Prepared By: Bryan Jones, Planning Director

Date: 2/1/2023

ABSTRACT ROUTING:

TC: 2/6/2023

TM: 2/8/2023

Final: tlp - 2/8/2023

Supporting Documentation

Applicant: Rachel Tyre (ENC Home Solutions, LLC).

Location: Railroad Street at its intersection with Worthington Road and Vernon White Road

Parcel Number: 25765.

Site Data: 13.5 acres.

Current Zoning District: AR.

Proposed Zoning District: R-6-CD.

R-6 CD with the following conditions: All lots will be single-family residential; All lots will be a minimum of 7,000 SF; All homes will be a minimum of 1500 SF (Heated). The development will consist of vinyl exterior siding on all homes with some elevations consisting of brick or stone accents on the fronts. All homes will have garages; and all front yards will be sodded.

- ❖ Adjacent property owners were mailed notification of the rezoning request on January 3, 2023.
- ❖ Notification was posted on the site on December 30, 2022.
- ❖ Planning and Zoning Board voted 5-1 to recommend denial of the rezoning request on January 17, 2023

Budgetary Impact: TBD.

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



**REZONING APPLICATION
TOWN OF WINTERVILLE**

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

Staff Use Only
Appl. # _____

OWNERSHIP INFORMATION:

Applicant: Rachael Tyre

Address: 505-E Red Banks Rd., Greenville, NC 27858

Phone #: 252-758-4663

Owner: ENC Home Solutions, LLC

Address: 505-E Red Banks Rd., Greenville, NC 27858

Phone #: 252-758-4663

PROPERTY INFORMATION

Parcel #: 25765 Area (square feet or acres): 13.5 acres

Current Land Use: Agricultural

Location of Property: Vernon White Rd. & Railroad Street Extension

ZONING REQUEST

Existing Zoning: AR - Agricultural-Residential Requested Zoning: R-6 - CUD - Residential

Reason for zoning change: The requested residential zoning (R-6) will allow for a higher density urban residential development in close proximity to downtown Winterville in general conformance with the Land Use Plan. The requested zoning also matches the existing zoning located immediately to the south of the property. Please see the attached document for the proposed conditions.

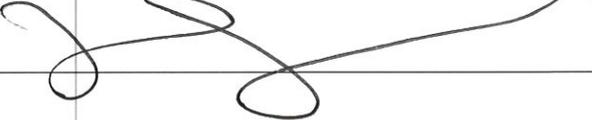
This application shall be accompanied by the following items:

- 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, Rachael Tyre, 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 01 / 22 / 2023.

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

Signature  Date 12/20/22

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

Signature _____ Date _____

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

Notary Public

My Commission Expires:

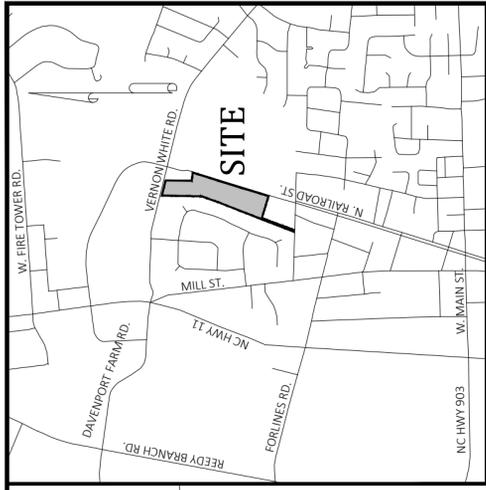
Waterford Crossing Rezoning

Proposed Conditions:

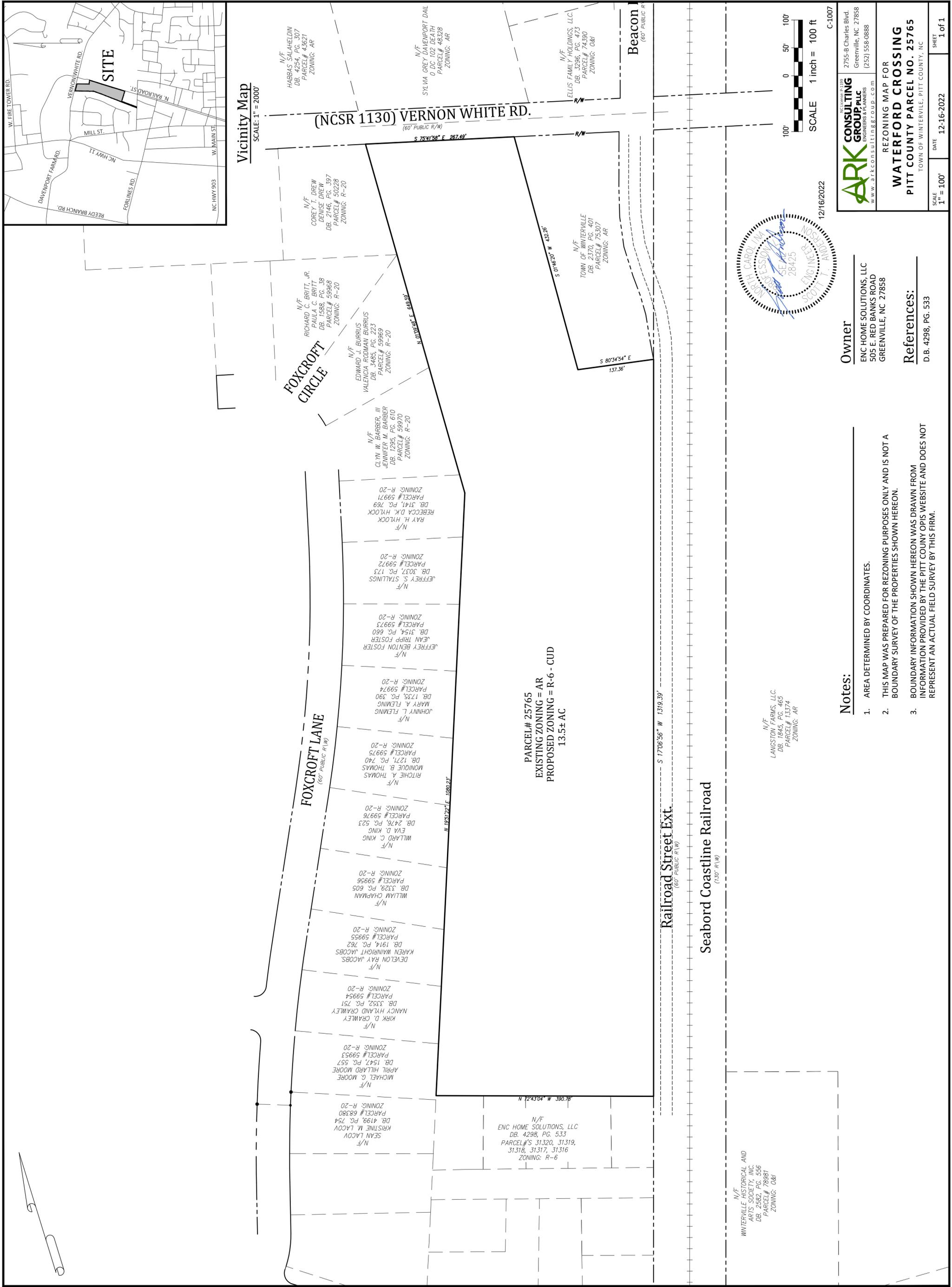
- All lots will be single-family residential
- All lots will be a minimum of 7,000 SF.
- All homes will be a minimum of 1500 SF (Heated)
- The development will consist of vinyl exterior siding on all homes with some elevations consisting of brick or stone accents on the fronts.
- All homes will have garages
- All front yards will be sodded

REZONING MAP
FOR
WATERFORD CROSSING

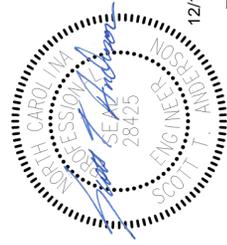
Beginning at an existing iron pipe located in the southern right of way of Vernon White Road (NCSR 1310), said point being the northwest corner of the Town of Winterville property as recorded in Map Book 68, Page 157, thence leaving the southern right of way of Vernon White Road (NCSR 1310) and with the Town of Winterville property S 01-46-20 E, 432.26 feet, thence S 80-34-54 E, 137.36 feet to a point in the western right of way of Railroad Street Extension, said point being the southeast corner of the Town of Winterville property as recorded in Map Book 68, Page 157; thence leaving the Town of Winterville property and with the western right of way line of Railroad Street Extension S 17-06-56 W, 1319.39' feet to a point, said point being the northeast corner of the Betty Louise Bridgers property as recorded in Deed Book 2201, Page 382 and Map Book 22, Page 65, thence with the northern line of the Bridgers property N 72-43-04 W, 390.78 feet to a point in the eastern line of Waterford Subdivision – Section 3 Phase 1 & Section 4 as recorded in Map Book 51, Page 66; thence with the eastern line of Waterford Subdivision – Section 3 Phase 1 & Section 4 N 19-51-22 E, 1080.23 feet, thence N 01-09-48 E, 649.59 feet to the southern right of way of Vernon White Road (NCSR 1130), thence with the southern line of Vernon White Road S 75-41-58 E, 267.49 feet to the point of beginning containing 13.5 acres more or less.



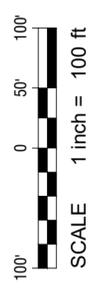
Vicinity Map
SCALE: 1" = 2000'



PARCEL# 25765
EXISTING ZONING = AR
PROPOSED ZONING = R-6 - CUD
13.5± AC



12/16/2022



ARK CONSULTING GROUP, PLLC
REGISTERED PROFESSIONAL ENGINEERS
www.arkconsultinggroup.com
2755-B Charles Blvd.
Greenville, NC 27858
(252) 558-0888

REZONING MAP FOR
WATERFORD CROSSING
PITT COUNTY PARCEL NO. 25765
TOWN OF WINTERVILLE, PITT COUNTY, NC

SCALE 1" = 100'
DATE 12-16-2022
SHEET 1 of 1

Owner
ENC HOME SOLUTIONS, LLC
505 E. RED BANKS ROAD
GREENVILLE, NC 27858

References:
D.B. 4298, PG. 533

Notes:

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

Railroad Street Ext.
(60' PUBLIC R/W)

Seaboard Coastline Railroad
(130' R/W)

REZONING MAP
FOR
WATERFORD CROSSING

Beginning at an existing iron pipe located in the southern right of way of Vernon White Road (NCSR 1310), said point being the northwest corner of the Town of Winterville property as recorded in Map Book 68, Page 157, thence leaving the southern right of way of Vernon White Road (NCSR 1310) and with the Town of Winterville property S 01-46-20 E, 432.26 feet, thence S 80-34-54 E, 137.36 feet to a point in the western right of way of Railroad Street Extension, said point being the southeast corner of the Town of Winterville property as recorded in Map Book 68, Page 157; thence leaving the Town of Winterville property and with the western right of way line of Railroad Street Extension S 17-06-56 W, 1319.39' feet to a point, said point being the northeast corner of the Betty Louise Bridgers property as recorded in Deed Book 2201, Page 382 and Map Book 22, Page 65, thence with the northern line of the Bridgers property N 72-43-04 W, 390.78 feet to a point in the eastern line of Waterford Subdivision – Section 3 Phase 1 & Section 4 as recorded in Map Book 51, Page 66; thence with the eastern line of Waterford Subdivision – Section 3 Phase 1 & Section 4 N 19-51-22 E, 1080.23 feet, thence N 01-09-48 E, 649.59 feet to the southern right of way of Vernon White Road (NCSR 1130), thence with the southern line of Vernon White Road S 75-41-58 E, 267.49 feet to the point of beginning containing 13.5 acres more or less.



2571 Railroad Street
PO Box 1459
Winterville, NC 28590

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

**Planning and Zoning
Rezoning Request**

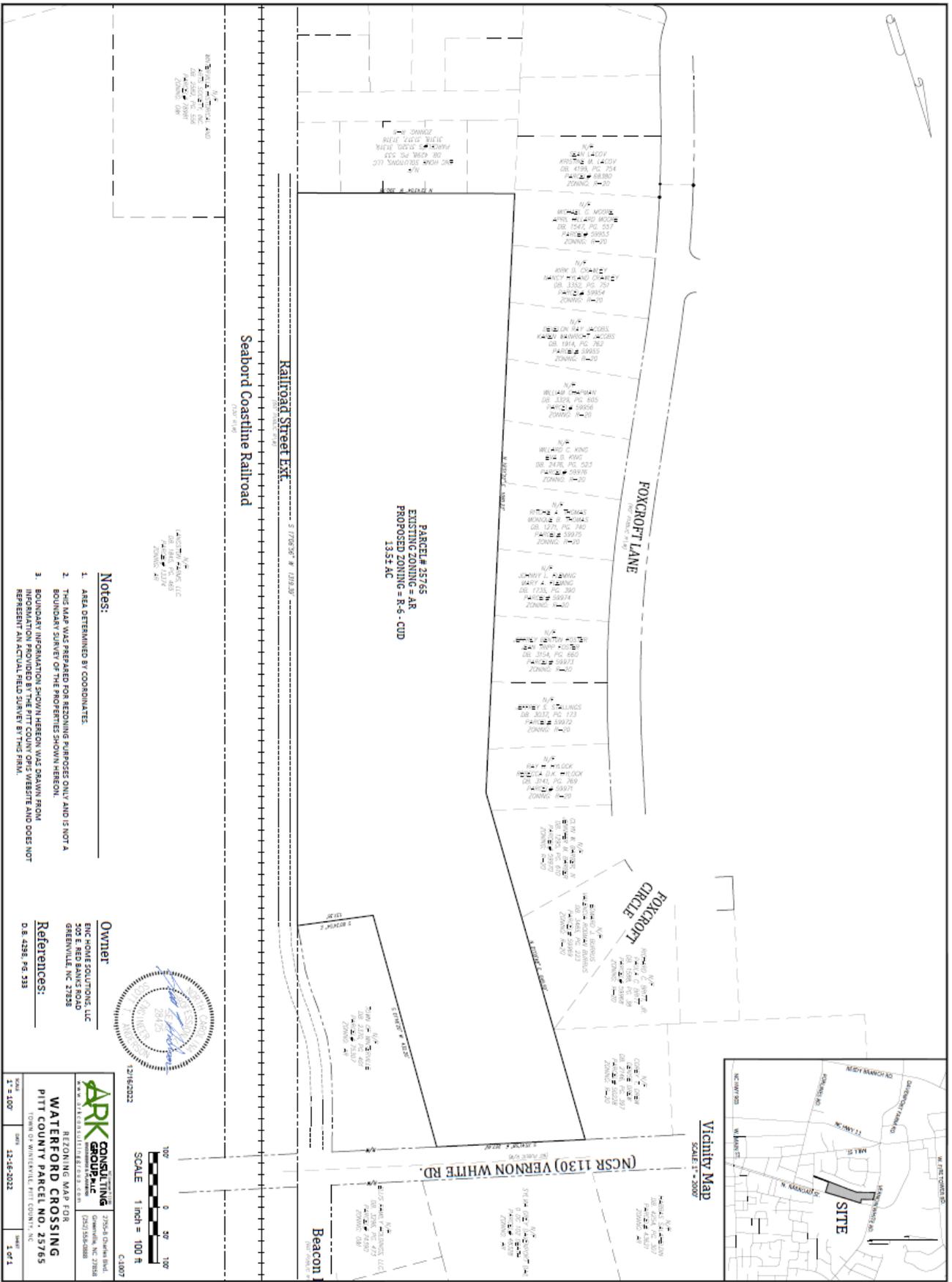
NOTICE IS HEREBY GIVEN that the Winterville Planning and Zoning Board will meet on **TUESDAY, JANUARY 17, 2023** at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, in order to consider the following request:

The applicant, Rachael Tyre, has submitted a rezoning application to rezone Parcel 25765 (13.5 Acres) as shown on the attached map from Agricultural Residential (AR) to R-6 CD. Per the application, the proposed conditional zoning district would have the following conditions: All lots will be single-family residential; All lots will be a minimum of 7,000 SF; All homes will be a minimum of 1500 SF (Heated); The development will consist of vinyl exterior siding on all homes with some elevations consisting of brick or stone accents on the fronts; All homes will have garages; and All front yards will be sodded.

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.



PARCEL# 25765
 EXISTING ZONING = AR
 PROPOSED ZONING = R-6 - CUD
 1352 AC

Notes:

1. AREA DETERMINED BY COORDINATES.
2. THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.
3. BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM REPRESENT AN ACTUAL FIELD SURVEY BY THIS FIRM.

Owner:

ERIC HOME SOLUTIONS, LLC
 505 E. RED BANKS ROAD
 GREENVILLE, NC 27339

References:

D.B. 4298, P.8 538

12/16/2022

ARPK CONSULTING
 GROUP, LLC
 2755-B CHERRY BEND
 GREENVILLE, NC 27206
 (252) 555-0888
 WWW.APKCONSULTING.COM

REZONING MAP FOR
WATERFORD CROSSING
 PITT COUNTY PARCEL NO. 25765
 TOWN OF WINTERTHALL, PITT COUNTY, NC

Scale: 1" = 100'
 Date: 12-16-2022
 Sheet: 1 of 1

RACHAEL TYRE
505-E RED BANKS RD
GREENVILLE, NC 27858

SYLVIA GREY DAVENPORT DAIL
243 VERNON WHITE ROAD
WINTERVILLE, NC 28590

LANGSTON FARMS, LLC
3718 VEEZEY STREET NW
WASHINGTON, DC 20016

ROBIN GRIMES MURRAY
PO BOX 1043
WINTERVILLE, NC 28590

FELICIA T INGRAM
199 WORTHINGTON STREET
WINTERVILLE, NC 28590

PAUL A CUOMO
CELINE R CUOMO
2304 FOXCROFT PL
WINTERVILLE NC 28590

FEDERICO GASCO
253 FOXCROFT LN
WINTERVILLE, NC 28590

KIRK D CRAWLEY
NANCY HYLAND CRAWLEY
227 FOXCROFT LN
WINTERVILLE NC 28590

WILLARD C KING
EVA D KING
201 FOXCROFT LN
WINTERVILLE NC 28590

JEFFERY BENTON FOSTER
JEAN TRIPP FOSTER
175 FOXCROFT LN
WINTERVILLE NC 28590

ENC HOME SOULUTIONS LLC
505-E RED BANKS RD
GREENVILLE, NC 27858

ELLIS FAMILY HOLDINGS
324-A BEACON DRIVE
WINTERVILLE, NC 28590

WINTERVILLE HISTORICAL
AND ARTS SOCIETY, INC.
PO BOX 2014
WINTERVILLE, NC 28590

VINCENT ARMISTEAD
KAREN ARMISTEAD
PO BOX 2458
WINTERVILLE, NC 28590

QUEENIE WORTHINGTON
JAMES
PO BOX 1063
WINTERVILLE, NC 28590

KAVID BRUCE KOEN
ALLYSON ZHENGRONG WU
2305 FOXCROFT PL
WINTERVILLE, NC 28590

SEAN LACOV
KRISTINE M LACOV
245 FOXCROFT LN
WINTERVILLE NC 28590

DEVELON RAY JACOBS
KAREN WAINRIGHT JACOBS
219 FOXCROFT LN
WINTERVILLE NC 28590

RITCHIE A THOMAS
MONIQUE B THOMAS
193 FOXCROFT LN
WINTERVILLE, NC 28590

JEFFERY S STALLINGS
167 FOXCROFT LN
WINTERVILLE NC 28590

HABBAS SALAHELDIN
2225 VERNON WHITE ROAD
WINTERVILLE, NC 28590

JOHN CHARLES FOUNGER
5221 REEDY BRANCH RD
WINTERVILLE, NC 28590

BETTY LOUISE BRIDGES
19 POE ELKIN ROAD
CLARKTON, NC 28433

ANNA LOUISE PARKER
TERRY HOWARD
PO BOX 462
WINTERVILLE NC 28590

JENNE WARD DEE PATRICK
3202 MORTON LANE
GREENVILLE, NC 27834

PETER M STEIN
DIAN M STEIN
259 FOXCROFT LN
WINTERVILLE, NC 28590

MICHAEL G MOORE
APRIL HILLARD MOORE
237 FOXCROFT LN
WINTERVILLE, NC 28590

WILLIAM CHAPMAN
209 FOXCROFT LN
WINTERVILLE NC 28590

JOHNNY L FLEMING
MARY A FLEMING
185 FOXCROFT LN
WINTERVILLE NC 28590

RAY H HYLOCK
REBECCA D K HYLOCK
159 FOXCROFT LN
WINTERVILLE NC 28590

RUEBAN ROJAS HERRERA
136 WORTHINGTON ST
WINTERVILLE, NC 28590

HELEN SPINKS KING
PO BOX 1103
WINTERVILLE NC 28590

CLYNN W BARBER III
JENIFER M BARBER
151 FOXCROFT LAN
WINTERVILLE NC 28590

COREY T DREW
DENISE DREW
230 VERNON WHITE ROAD
WINTERVILLE, NC 28590

PERSON X P HEIRS
PO BOX 2196
WINTERVILLE, NC 28590

YVONNE SMITH WASHBURN
JAMAAL D WASHBURN
PO BOX 1521
WINTERVILLE, NC 28590

EDWARD J BURRUS
VALENCIA RODMAN BURRIS
2203 FOXCROFT CL
WINTERVILLE NC 28590

DAVID BLALOCK
MARTHA O BLALOCK
226 VERNON WHITE ROAD
WINTERVILLE NC 28590

LAURA WILLIAMS EDWARDS
HEIRS
2917 STOKES ROAD
GREENVILLE, NC 27834

CLIFTON ALAN HILL
JANICE HOYT HILL
133 FOXCROFT LN
WINTERVILLE NC 28590

RICHARD C BRITT JR
PAULA C BRITT
2204 FOXCROFT CL
WINTERVILLE NC 28590

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

GENERAL INFORMATION

| | |
|----------------------------|---|
| APPLICANT | Rachael Tyre (ENC Home Solutions, LLC) |
| HEARING TYPE | Rezoning Request |
| REQUEST | R-6 Conditional District |
| CONDITIONS | All lots will be single-family residential; All lots will be a minimum of 7,000 SF; All homes will be a minimum of 1500 SF (Heated); The development will consist of vinyl exterior siding on all homes with some elevations consisting of brick or stone accents on the fronts; All homes will have garages; and All front yards will be sodded. |
| LOCATION | Railroad Street at its intersections with Worthington Road and Vernon White Road |
| PARCEL ID NUMBER(S) | 25765 |
| PUBLIC NOTIFICATION | Adjacent property owners were mailed notification of the rezoning request on January 3, 2023. Notification was posted on site on December 30, 2022. 41 properties were mailed notification. |
| TRACT SIZE | 13.5 +/- acres |
| TOPOGRAPHY | Flat |
| VEGETATION | Agricultural/Vacant |

SITE DATA

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

| ADJACENT PROPERTY | ZONING | ADJACENT LAND USE |
|--------------------------|---------------|---|
| N | AR, OI | Single Family Residential, Medical Office, IRS Office, etc. |
| W | R-20 | Single Family Residential |
| E | AR | Agricultural, Vacant, Wooded |
| S | R-6 | Single Family Residential |

ZONING DISTRICT STANDARDS

| DISTRICT SUMMARIES | EXISTING | REQUESTED |
|-----------------------------|--|--|
| ZONING DISTRICT DESIGNATION | AR | R-6 CD |
| MAX DENSITY | 2 per acre | 5-6 per acre |
| TYPICAL USES | AR - Low-density residential and agricultural uses; where urban development is expected. | Higher density, single family residential. |

SPECIAL INFORMATION

| | |
|------------------------|---|
| OVERLAY DISTRICT | N/A |
| ENVIRONMENTAL / SOILS | N/A |
| FLOODPLAIN | N/A |
| STREAMS | N/A |
| OTHER | If >1 acre is disturbed, site must meet Phase 2 stormwater requirements and provide Soil Erosion and Sedimentation Control Permit |
| SITE PLAN REQUIREMENTS | Subdivision plan 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 | Vernon White Road – NCDOT Road Railroad Street – NCDOT Road Worthington Street – TOW 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) | Vernon White Road– 5400 Railroad Street – 1400 Worthington Street - 770 |
| TRIP GENERATION | N/A |
| SIDEWALKS | Required. |

| | |
|----------------------------|-----|
| TRAFFIC IMPACT STUDY (TIS) | TBD |
| STREET CONNECTIVITY | TBD |
| OTHER | N/A |

IMPACT ANALYSIS

Land Use Compatibility

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

Town of Winterville Comprehensive Land Use Plan Policies

The Future Land Use Map designates this property as an Urban Neighborhood character area. The requested **R-6 CD** zoning district is generally consistent with this character area as defined by the future land use designation and will be within the density requirements (Urban Neighborhood allows up to 8 units per acre).

Comprehensive Land Use Plans - Recommendations & Implementation

Urban Neighborhood - General Character:

1. Somewhat higher density, predominantly single-family residential housing. Some attached housing and/or small scale commercial, retail, or restaurants allowed at select locations.

(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 Urban Neighborhood Character Area.

(Land Use) Policy 6: Support higher density housing options in strategic locations.

Strategy 6.1: Encourage housing options in locations within walking distance to of commercial and mixed-use areas.

- Property is located in close proximity to downtown and commercial properties along Beacon Drive.

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

Strategy 3.1: Support rezonings to residential used in the Urban Neighborhood areas identified on the Future Land Use Map.

- Property identified as Urban Neighborhood Character Area.

STAFF ANALYSIS AND RECOMMENDATION

Community Outreach

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

Staff Analysis

The 13.5-acre property is currently vacant. The properties North of the request (across Vernon White Road) are zoned AR (single-family residential) and OI (medical office, IRS office, Financial office, etc.). West of the request is zoned R-20 consisting of a single-family residential development (Waterford). South of the request is zoned R-6 and consists of single-family residential. East of the property (across Railroad Street) is zoned AR and is partially wooded/vacant.

The R-6 CD 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. There is existing R-6 zoning adjacent to the south. The proposed R-6 CD zoning district falls within the density recommendations provided within the Urban Neighborhood character area.

Staff Recommendation

Staff recommends **approval** of the rezoning request for the 13.5 acres from AR to R-6 CD.

Planning and Zoning Board voted 5-1 to recommend **denial** of the rezoning request on January 17, 2023.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Old Business

Meeting Date: February 13, 2023

Presenter: Anthony Bowers, Assistant Town Manager

Item to be Considered

Subject: Contract Amendment for Rivers and Associates - 2020 Pump Station Rehab Project - Amendment #3.

Action Requested: Approve the Contract Amendment.

Attachment: Contract Amendment.

Prepared By: Anthony Bowers, Assistant Town Manager

Date: 1/31/2023

ABSTRACT ROUTING:

TC: 2/6/2023

TM: 2/8/2023

Final: tlp - 2/8/2023

Supporting Documentation

This is the third amendment for the 2020 Pump Station Rehabilitation Project. This amendment addresses the additional cost of Rivers and Associates assisting with redesigning the project to remove two screens used to extract rags and debris from the sewer system. These screens were removed after having conversation with CMSD regarding how it would affect their system and determining that restructuring would allow for us to remove the expensive screens from the design.

By including this amendment with the original project, the Town will save an estimated minimum of \$425,000 in project cost. This project is funded by NCDWQ and is has an interest free loan with a 20-year term. There is also \$500,000 in debt forgiveness (Grant)

The original part of this project is to relocate the Chapman Street lift station and construct a new outfall canal that will take flow to the CMDS facility on Ready Branch Road.

The total cost per customer will be \$ 4.55 per month to \$5.00 per month.

Please note that all of these numbers are estimates and are not based on bids. We have not received any bids at this point.

Budgetary Impact: The Capital Project Budget will need to be amended to include the reduction. The engineering contract will need to be increased in the amount of \$28,700.

Recommendation: Staff recommends approval of the Contract Amendment.

January 24, 2023

Mr. Anthony Bowers
Assistant Town Manager
Town of Winterville
2936 Church Street
Winterville, North Carolina 28590

SUBJECT: Town of Winterville – Pump Station Rehabilitation 2020 Project
Amendment No. 3 to *Engineering Services Agreement*
Rivers File 2020068 B

Dear Mr. Bowers:

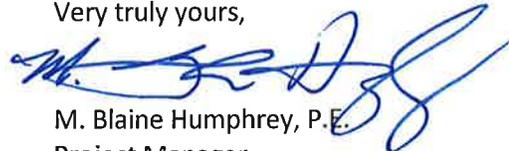
Enclosed are two (2) copies of the Amendment No. 3 to the Engineering Services Agreement for revising scope of the project for adding approximately 100 LF of 12-inch force main to redirect the tie-in point at the Reedy Branch PS from the wet well to a new manhole upstream of the pump station screen. This additional scope of services also includes removal of the previously designed vertical screens at the Chapman and Church Street Pump Stations and revision of electrical plans associated with these revisions.

The technical service fee included with this Amendment #3 is for revisions to the plans and specifications under the Preliminary & Final Design Phase. The additional scope of services increases this phase of service by \$28,700. Surveying associated with the force main and revisions to the ER/EID can be completed under the current budgeted amounts for the project.

Please review the documents. If everything is acceptable, please have the Mayor sign and date the Amendment in the designated location. Return one copy of the document to our attention, and maintain a copy for your file.

We appreciate the opportunity to continue to work with you and the Town of Winterville on this important project. Should you have any questions, please do not hesitate to call.

Very truly yours,



M. Blaine Humphrey, P.E.
Project Manager

Enclosures

Cc: Terri Parker, Town Manager, w/o encl.
File w/ encl.

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated August 10, 2020.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 3

The Effective Date of this Amendment is: February 13, 2023.

Background Data

Effective Date of Owner-Engineer Agreement: August 10, 2020.

Owner: Town of Winterville

Engineer: Rivers & Associates, Inc.

Project: Winterville Pump Station Rehabilitation 2020

Nature of Amendment:

- Modifications to services of Engineer
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services

Description of Modifications:

Engineering Services shall be modified to include design of an additional 100 LF of 12-inch force main to extend the force main from the previously designed tie-in point at the Reedy Branch PS wet well to a manhole upstream of the existing screen. The modifications will also include removal of the vertical screens previously designed into the project, and modifications to the electrical plans associated with removing the screens from the project. Additional surveying associated with the force main extension can be completed under the current budgeted amount for surveying. Revisions to the ER/EID can also be completed under the current budgeted amount.

Agreement Summary:

| | |
|----------------------------------|--------------------|
| Original agreement amount: | <u>\$494,000</u> |
| Net change for prior amendments: | <u>\$502,900</u> |
| This amendment amount: | <u>\$ 28,700</u> |
| Adjusted Agreement amount: | <u>\$1,025,600</u> |

Change in time for services (days or date, as applicable): 60

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C. See Exhibit C3 for modifications to compensation to the Engineer.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

Town of Winterville

By: _____

Print

name: Richard E. Hines

Title: Mayor

Date Signed: _____

ENGINEER:

Rivers & Associates, Inc.

By: _____

Print

name: Gregory J. Churchill, P.E.

Title: President

Date Signed: 1-24-23

Summary of Engineering Fees

C2.01.1 Compensation for Basic Services (other than Resident Project Representative) - Lump Sum Method of Payment

| | | |
|--------|----------------------------------|-------------------|
| A.1.a. | Study and Report Phase | \$ <u>46,000</u> |
| A.1.b. | Preliminary & Final Design Phase | \$ <u>320,400</u> |

C2.01.2 Compensation for Basic Services (other than Resident Project Representative) – Standard Hourly Rates Method of Payment

| | | |
|--------|------------------------------|-------------------|
| A.4.d. | Bidding or Negotiating Phase | \$ <u>32,500</u> |
| A.4.e. | Construction Phase | \$ <u>162,200</u> |
| A.4.f. | Post-Construction Phase | \$ <u>8,000</u> |

C2.04 Compensation for Resident Project Representative Basic Services – Standard Hourly Rates Method of Payment

| | | |
|------|--|-------------------|
| A.1. | Resident Project Representative Services | \$ <u>295,300</u> |
|------|--|-------------------|

C2.05 Compensation for Additional Services – Standard Hourly Rates Method of Payment

| | | |
|------|---|------------------|
| D.1. | Grant and Loan Assistance and Documentation | \$ <u>35,000</u> |
| D.2. | Property Surveys and Easement Surveys | \$ <u>66,600</u> |
| D.3. | Permitting | \$ <u>59,600</u> |

C2.01.1 through C2.05 TOTAL \$ 1,025,600

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated August 10, 2020.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 3

The Effective Date of this Amendment is: February 13, 2023.

Background Data

Effective Date of Owner-Engineer Agreement: August 10, 2020.

Owner: Town of Winterville

Engineer: Rivers & Associates, Inc.

Project: Winterville Pump Station Rehabilitation 2020

Nature of Amendment:

- X Modifications to services of Engineer
- X Modifications of payment to Engineer
- X Modifications to time(s) for rendering services

Description of Modifications:

Engineering Services shall be modified to include design of an additional 100 LF of 12-inch force main to extend the force main from the previously designed tie-in point at the Reedy Branch PS wet well to a manhole upstream of the existing screen. The modifications will also include removal of the vertical screens previously designed into the project, and modifications to the electrical plans associated with removing the screens from the project. Additional surveying associated with the force main extension can be completed under the current budgeted amount for surveying. Revisions to the ER/EID can also be completed under the current budgeted amount.

Agreement Summary:

| | |
|----------------------------------|-------------|
| Original agreement amount: | \$494,000 |
| Net change for prior amendments: | \$502,900 |
| This amendment amount: | \$ 28,700 |
| Adjusted Agreement amount: | \$1,025,600 |

Change in time for services (days or date, as applicable): 60

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C. See Exhibit C3 for modifications to compensation to the Engineer.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

Town of Winterville

By: _____

Print

name: Richard E. Hines

Title: Mayor

Date Signed: _____

ENGINEER:

Rivers & Associates, Inc.

By: _____

Print

name: Gregory J. Churchill, P.E.

Title: President

Date Signed: 1-24-23

Summary of Engineering Fees

C2.01.1 Compensation for Basic Services (other than Resident Project Representative) - Lump Sum Method of Payment

| | | |
|--------|----------------------------------|-------------------|
| A.1.a. | Study and Report Phase | <u>\$ 46,000</u> |
| A.1.b. | Preliminary & Final Design Phase | <u>\$ 320,400</u> |

C2.01.2 Compensation for Basic Services (other than Resident Project Representative) – Standard Hourly Rates Method of Payment

| | | |
|--------|------------------------------|-------------------|
| A.4.d. | Bidding or Negotiating Phase | <u>\$ 32,500</u> |
| A.4.e. | Construction Phase | <u>\$ 162,200</u> |
| A.4.f. | Post-Construction Phase | <u>\$ 8,000</u> |

C2.04 Compensation for Resident Project Representative Basic Services – Standard Hourly Rates Method of Payment

| | | |
|------|--|------------------|
| A.1. | Resident Project Representative Services | <u>\$295,300</u> |
|------|--|------------------|

C2.05 Compensation for Additional Services – Standard Hourly Rates Method of Payment

| | | |
|------|---|-----------------|
| D.1. | Grant and Loan Assistance and Documentation | <u>\$35,000</u> |
| D.2. | Property Surveys and Easement Surveys | <u>\$66,600</u> |
| D.3. | Permitting | <u>\$59,600</u> |

C2.01.1 through C2.05 TOTAL \$1,025,600



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Old Business

Meeting Date: February 13, 2023

Presenter: Anthony Bowers, Assistant Town Manager

Item to be Considered

Subject: Contract amendment for The Wooten Company – General Services Contract Task Order 37.

Action Requested: Approve the contract amendment.

Attachment: Contract Amendment.

Prepared By: Anthony Bowers, Assistant Town Manager

Date: 2/6/2023

ABSTRACT ROUTING:

TC: 2/7/2023

TM: 2/8/2023

Final: tlp - 2/8/2023

Supporting Documentation

This is the first amendment for the 2022-2023 General Services Contract. This amendment addresses the need for additional funds to cover costs associated with the increase of demand. These services include but are not limited to review of subdivision plans and specifications, subdivision management, construction review, document review, sewer, stormwater, water and other general services that require the assistance of an engineer by way of town staff.

Budgetary Impact: The engineering contract will need to be increased in the amount of \$20,000.

Recommendation: Staff recommends approval of the Contract Amendment.

This is **EXHIBIT K**, consisting of 1 page, referred to in and part of the **Agreement between Owner and Engineer for Professional Services – Task Order Edition** dated **September 10, 2021**.

Amendment No. 1 to Task Order No. 37

1. Background Data:

- a. Effective Date of Task Order Agreement: June 13, 2022
- b. Owner: Town of Winterville
- c. Engineer: L.E. Wooten and Company dba The Wooten Company
- d. Specific Project: 2022-2023 General Consulting Services

2. Description of Modifications

At the request of the Town of Winterville, we are increasing the ceiling level for the on-call general consulting services from \$35,000 to \$55,000 to complete the remainder of the fiscal year (7/1/2022 – 6/30/2023).

3. Task Order Summary (Reference only)

- a. Original Task Order amount: \$35,000.00
- b. Net change for prior amendments: \$ 0.00
- c. This amendment amount: \$20,000.00
- d. Adjusted Task Order amount: \$55,000.00

The foregoing Task Order Summary is for reference only and does not alter the terms of the Task Order, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Task Order as set forth in this Amendment. All provisions of the Agreement and Task Order not modified by this, or previous Amendments remain in effect. The Effective Date of this Amendment is _____.

OWNER:

Name: Town of Winterville
Signature: _____
By: Terri L. Parker
Title: Town Manager

Date Signed: _____

ENGINEER:

Name: L.E. Wooten and Company dba The Wooten Company
Signature: 
By: W. Brian Johnson, PE
Title: Vice President

Date Signed: 2/6/2023



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Old Business

Meeting Date: February 13, 2023

Presenter: Robert Sutton, Electric Director, Anthony Bowers, Assistant Town Manager, and Terri L. Parker, Town Manager

Item to be Considered

Subject: Update on Electric Rate Discussion.

Action Requested: Accept Update and Recommendation of Staff.

Attachment: N/A.

Prepared By: Terri L. Parker, Town Manager

Date: 2/8/2023

ABSTRACT ROUTING:

TC: 2/8/2023

TM: 2/8/2023

Final: tlp - 2/8/2023

Supporting Documentation

Staff will be giving an update on the situation involving electric rates and circumstances surrounding such.

Budgetary Impact: TBD.

Recommendation: Will be made by Staff at Meeting.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Old Business

Meeting Date: February 13, 2023

Presenter: Terri L. Parker, Town Manager and Keen Lassiter, Town Attorney

Item to be Considered

Subject: Discussion Related to Town Council Rules of Procedure

Action Requested: Council Direction.

Attachment: Official Copy of Rules of Procedure.

Prepared By: Terri L. Parker, Town Manager

Date: 2/8/2023

ABSTRACT ROUTING:

TC: 2/8/2023

TM: 2/8/2023

Final: tlp - 2/8/2023

Supporting Documentation

This Agenda item involves the on-going discussion related to the process for filling a vacant Council seat and the overall Council's Rules of Procedure which were adopted in August of 2008.

Budgetary Impact: TBD.

Recommendation: N/A.

Board of Aldermen Policies and Procedures

TOWN OF WINTERVILLE

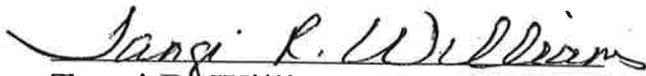
NORTH CAROLINA

Adopted this the 8th day of September 2008



Douglas A. Jackson, Mayor

ATTEST:



Tangi R. Williams, Town Clerk

Purpose

THESE RULES OF PROCEDURE were designed for use by the Winterville Board of Aldermen. They incorporate general principles of parliamentary procedure and applicable North Carolina laws. Essentially the rules are a modified version of *Robert's Rules of Order newly Revised* (hereinafter referred to as RONR). However, *RONR* is intended primarily to guide the deliberations of large legislative bodies; its detailed rules are not always appropriate for a small governing board. The rules incorporate general principles of parliamentary procedure and applicable North Carolina laws. Essentially the rules are a modified version of those found in *Robert's Rules of Order Newly Revised* (hereinafter referred to as *RONR*). However, *RONR* is intended primarily to guide the deliberations of large legislative bodies; its detailed rules are not always appropriate for small governing boards. These rules of procedures modifies *RONR* with the following principles in mind:

1. The board must act as a body.
2. The board should proceed in the most efficient manner possible.
3. The board must act by at least a majority.
4. Every member must have an equal opportunity to participate in decision making.
5. The board's rules of procedure must be followed consistently.
6. The board's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.

Many of the rules here reflect the provisions of the North Carolina city council meeting procedure statutes, Chapter 160A, Article 5, Parts 1-3, of the North Carolina General Statutes (hereinafter G.S.) (G.S. 160A-68 to -81) and the North Carolina open meetings law, G.S. Chapter 143, Article 33C (G.S. 143-318.9 to 143-318.18). The Board of Aldermen must follow procedures required by the general statutes

Suggested Rules of Procedure

Rule 1. Regular Meetings

The Board of Aldermen shall hold a regular meeting on the second Monday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at the Winterville Town Hall and shall begin at 7:00 pm. A copy of the Board of Aldermen's current meeting schedule shall be filed with the town clerk. If the schedule is revised, the new schedule must be on file for at least seven days before the first meeting held pursuant to it.

Rule 2. Special, Emergency, and Recessed or Adjourned Meetings

(a) **Special Meetings.** The Mayor, Mayor Pro Tempore, or any two members of the Board of Aldermen may at any time call a special meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the mayor and each board member or left at his or her usual dwelling place; (2) posted on the board's principal bulletin board or, if none, at the door of the board's usual meeting room; and (3) mailed or delivered via successful fax or email to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice. Even in such a case, the Board shall only discuss or transact items of business not specified in the notice if it determines in good faith at the

meeting that it is essential to discuss or act on the item immediately.

A special meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the board's principal bulletin board or, if none, at the door of the board's usual meeting room and (2) mailed or delivered via successful fax or email to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with town clerk. Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each board member not present at the meeting at which the special meeting was called or scheduled, and to the Mayor if he or she was not present at that meeting.

Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner, unless all members are present or those not present have signed a written waiver of notice, and the council determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

(b) Emergency Meetings. Emergency meetings of the Board of aldermen may be called only because of generally unexpected circumstances that require immediate consideration by the Board. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the Board. (1) The Mayor, the Mayor Pro Tempore, or any two members of the Board of Aldermen may at any time call an emergency meeting of the board by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Board of Aldermen or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held at any time when the Mayor and all members of the Board of aldermen are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the Board of Aldermen complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be given via successful fax or email to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's, or station's telephone number, with the town clerk. This notice shall be given either by telephone or by the same method used to notify the Mayor and the Board of Aldermen and shall be given at the expense of the party notified.

(c) Recessed or Adjourned Meetings. A properly called regular, special, or emergency meeting may be recessed or adjourned to a time and place certain by a procedural motion made and adopted as provided in Rule 18, Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular, special, or emergency meeting.

Rule 3. Organizational Meeting

On the date and at the time of the first regular meeting in December, a general election in which Board of Aldermen are elected, or at an earlier date, if any, set by the incumbent Board of Aldermen, the newly elected members shall take and subscribe the oath of office as the first order of new business. As the second order of new business, the Board of Aldermen shall elect a Mayor Pro Tempore, if he or she is not otherwise selected, using one of the nomination and voting procedures set out in Rule 25.

Members of local boards shall be appointed at the same time every year or every other year. An organizational meeting should be held whenever new members are selected so that they can properly qualify for office by taking and signing the required oath. The organizational meeting is often a part of another properly scheduled meeting, although it could be scheduled as a separate regular or special meeting.

A nomination and voting procedure, rather than a motion, should generally be used to select the Mayor Pro Tempore, in order to allow all board members to express their preference. See guidelines for this procedure in

Rule 25.

Rule 3 permits the qualification of newly elected members and the election of a new Mayor Pro Tempore to be preceded by the completion of pending items of unfinished business by the incumbent board, if this is the local custom. If such is the custom, the swearing-in and selection of a chair are the first items of new business on the agenda.

Rule 4. Agenda

(a) **Proposed Agenda.** The board's clerk shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received by the Friday before the first Monday of each month. Any board member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances, policies, resolutions, contracts, etc. shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each board member shall receive a copy of the proposed agenda and the agenda package and it shall be available for public inspection and/or distribution when it is distributed to the board members.

(b) **Adoption of the Agenda.** As its first order of business at each meeting, the board shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. The board may by majority vote add items to or subtract items from the proposed agenda, except that the board may not add items to the agenda of a special meeting unless (a) all members are present and (b) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the board may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all board members.

The board may designate certain agenda items "for discussion and possible action." Such designation means that the board intends to discuss the general subject area of that agenda item before making any motion concerning that item.

(c) **Open Meetings Requirements.** The board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the board to understand what is being deliberated, voted, or acted on. However, the board may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

Rule 5. Public Address to the Board

Any individual or group who wishes to address the board shall make a request to be on the agenda to the town clerk. However, the board shall determine at the meeting whether it will hear the individual or group.

Rule 6. Order of Business

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- Call to Order
- Invocation
- Pledge of Allegiance

Adoption of an agenda
Recognition/Presentations
Public Hearings
Public Comments
Consent Agenda
Items Removed from the Consent Agenda
Old Business
New Business
Reports from Town Attorney and Town Staff
Reports from Mayor and Board of Aldermen

By general consent of the board, items may be considered out of order.

Rule 7. Presiding Officer

The Mayor shall preside at board meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. The Mayor shall have the right to vote only when there is a tie. In order to address the board, a member must be recognized by the Mayor.

If the Mayor is absent, the Mayor Pro Tempore shall preside. If both the Mayor and Mayor Pro Tempore are absent, another member designated by vote of the board shall preside. The Mayor Pro Tempore or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the Mayor becomes actively involved in debate on a particular matter, he or she may designate another board member to preside over the debate. The Mayor shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

- To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
- To entertain and answer questions of parliamentary law or procedure;
- To call a brief recess at any time;
- To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the board upon motion of any member, pursuant to Rule 16, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

Rule 8. Action by the Board

The board shall proceed by motion, except as otherwise provided for in Rules 3, 4, and 25. Any member, with the exception of the Mayor, may make a motion. Traditionally, if the Mayor wishes to have a motion made, he or she states, "The Mayor will entertain a motion that. . ." This custom is sound because the Mayor may vote only in the case of a tie.

Rule 9. Second Not Required

A motion requires a second.

Rule 10. One Motion at a Time

A member may make only one motion at a time.

Rule 11. Substantive Motions

A substantive motion is out of order while another substantive motion is pending.

Rule 12. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 22 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

Rule 13. Voting by Written Ballot

The board shall not use written ballots in voting on a motion.

Rule 14. Debate

The Mayor shall state the motion and then open the floor to debate. The Mayor shall preside over the debate according to the following general principles:

The maker of the motion is entitled to speak first;

A member who has not spoken on the issue shall be recognized before someone who has already spoken;

To the extent possible, the debate shall alternate between proponents and opponents of the measure.

Rule 15. Ratification of Actions

To the extent permitted by law, the board may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 16. Procedural Motions

(a) **Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

(b) **Order of Priority of Motions.** In order of priority (if applicable), the procedural motions are

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling

a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Motion 2. To Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess or adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).

Motion 3. To Take a Brief Recess. This motion, which allows the board to pause briefly in its proceedings, is similar to the motion to recess under *RONR*. To avoid confusing this motion with the motion "to recess to a time and place certain," which is a form of the motion to adjourn under these rules and in North Carolina practice [see Rule 16(b), Motion 2, above], Motion 3 is a "motion to take a brief recess" rather than a "motion to recess." Since the number of members is small and procedures are available to limit debate, debate is allowed on this motion. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending. Under these rules, the presiding officer also has the power to call a brief recess at any time (see Rule 7).

Motion 4. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.

Motion 5. To Suspend the Rules. The board may not suspend provisions of the rules that state requirements imposed by law on the board. For adoption, the motion requires an affirmative vote equal to a majority of the entire membership of the board. A majority is more than half.

Motion 6. To Go into Closed Session. The board may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the board expects to receive advice during the closed session, if in fact such advice is to be received.

Motion 7. To Leave Closed Session. This motion provides a procedural mechanism for returning from closed session to an open meeting. Under the open meetings law, public bodies probably must return to open session once they have concluded their closed session business, even if they have no other business to transact except adjourning the meeting.

Motion 8. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Motion 9. To Defer Consideration. The board may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires [100] days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 16(b), Motion 14], or else move to suspend the rules [Rule 16(b), Motion 5].

This motion should be distinguished from the motion to postpone to a certain time or day [Rule 16(b), Motion

11]. A matter that has been postponed to a certain time or day is brought up again automatically when that time arrives. Board action (approval of a motion to revive consideration) is required, however, before the board may again consider a substantive motion the consideration of which has been deferred under this motion.

Motion 10. Motion for the Previous Question. The motion is not in order until there have been at least [20] minutes of debate and every member has had an opportunity to speak once.

Motion 11. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules [Rule 16(b), Motion 5].

Motion 12. To Refer a Motion to a Committee. The board may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire board, whether or not the committee has reported the matter to the board.

Motion 14. To Revive Consideration. The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 16(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

Motion 15. To Reconsider. The board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the "nos" prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess or adjournment to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

Motion 16. To Rescind or Repeal. The board may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

Motion 17. To Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to a majority of the entire membership of the board. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the board, whichever occurs first.

Rule 17. Renewal of Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

Rule 18. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

Rule 19. Duty to Vote

Every member must vote unless excused by the remaining members of the board. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the board or by law, or the member's official conduct, as defined by the board. In all other cases, a failure to vote by a member who is physically present in the board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

Rule 20. Vacancy on the Board

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

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

Rule 21. Closed Sessions

The board may hold closed sessions as provided by law. The board shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, mediations, arbitrations, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The board shall terminate the closed session by a majority vote, using Motion 7 of Rule 16(b).

Only those actions authorized by statute may be taken in closed session. A motion to [adjourn] [recess] shall not be in order during a closed session [Rule 16(b), Motion 2].

Rule 22. Quorum

A majority of the actual membership of the board, exclude vacant seats (G.S. 160A-74) shall constitute a quorum. A majority is more than half. The Mayor shall not be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

Rule 23. Public Hearings

Public hearings required by law or deemed advisable by the board shall be organized by a special order that sets

forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to board meetings shall also apply to public hearings at which a majority of the board is present; such a hearing is considered to be part of a regular or special meeting of the board. These requirements also apply to hearings conducted by appointed or elected committees of board members, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the board, or of a board committee, as applicable, is present.

At the time appointed for the hearing, [the board shall vote to open the hearing and] the chair or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer [shall declare the hearing ended] [shall entertain or make a motion to end the hearing].

Rule 24. Minutes

Full and accurate minutes of the board proceedings, including closed sessions, shall be kept. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the board, the entire board shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes if the board approves.

Minutes and general accounts of closed sessions may be sealed by action of the board. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Rule 25. Appointments

The board may consider and make appointments to other bodies, including its own committees, if any, only in open session. The board may not consider or fill a vacancy among its own membership except in open session.

The board shall use the following procedure to make appointments to appointed boards and committees: The vacancy(ies) will be announced by publication in the local media and/or the local government newsletter. Applications will be made available and accepted until the Tuesday preceding the regular board meeting at the office of the Town Clerk. If there are more applicants than vacancies, the board will then vote on applicants to fill the position. The applicant(s) with the highest number of votes will be appointed to fill the vacancy. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his or her votes and cast them for different nominees.

Rule 26. Committees and Boards

(a) **Establishment and Appointment.** The board may establish and appoint members for such temporary and standing committees and boards as are required by law or needed to help carry on the board's work. Any specific provisions of law relating to particular committees and boards shall be followed.

(b) **Open Meetings Law.** The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of a local governmental unit that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among a unit's professional staff.

Rule 27. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the body that created the board provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.

Rule 28. Reference to *Robert's Rules of Order*

Boards shall refer to the current edition of *Robert's Rules of Order Newly Revised*, to answer procedural questions not resolved in these rules, so long as *RONR* does not conflict with North Carolina law or with the spirit of these rules.

Appendix A

Some of the Procedural Statutes Governing Some Small Local Government Boards in North Carolina

Note: The North Carolina General Statutes are referred to as G.S.

Alcoholic Beverage Control Board

G.S. 18B-700

Appearance Commission

G.S. 160A-451

Area Mental Health, Developmental Disabilities, and Substance Abuse Authority

G.S. 122C-116, -118 to -119.1

Board of Adjustment

City: G.S. 160A-388

County: G.S. 153A-345

Board of Education

G.S. 115C-35, -37 to -37.1, -39, -41, -45

Board of Elections

G.S. 163-30 to -31, -33.1

Board of Equalization and Review

G.S. 105-322

Board of Health

G.S. 130A-35, -37

Board of Social Services

G.S. 108A-1 to -7

Community-Based Alternatives Youth Services Advisory Committee

G.S. 7A-289.13

Community Child Protection Team and Child Fatality Prevention Team

G.S. 143-576.1 to -576.6, 143-578

Dangerous Dog Board and Appellate Board

G.S. 67-4.1(c)

Economic Development Commission

G.S. 158-8 to -9

Fire Protection District Commission

G.S. 69-25.7

Historic Preservation Commission

G.S. 160A-400.7

Hospital Authority Board of Commissioners

G.S. 131E-17 to -19, -21 to -22

Housing Authority

G.S. 157-5 to -8, -34, -36

Library Board of Trustees

G.S. 153A-265 to -266

Metropolitan Sewerage District Board

G.S. 162A-67

Metropolitan Water District Board

G.S. 162A-34

Municipal Hospital Governing Authority

G.S. 131E-7(c), -9

Parks and Recreation Commission

G.S. 160A-354

Planning Agency

City: G.S. 160A-361

County: G.S. 153A-321

Public Transportation Authority

G.S. 160A-577

Regional Council of Governments

G.S. 160A-473

Regional Planning Commission

G.S. 153A-392, -394

Regional Solid Waste Management Authority

G.S. 153A-424 to -425

Regional Sports Authority

G.S. 160A-479.4 to -479.5

Sanitary District Board

G.S. 130A-50, -54, -56

Soil and Water Conservation District Board of Supervisors

G.S. 139-6 to -7

Water and Sewer Authority

G.S. 162A-5

Watershed Improvement Commission

G.S. 139-41

Appendix B

Some of the Procedural Statutes Governing Some Small Local

THE PROCEDURAL MOTIONS permitted under these rules are set out in full in Rule 16(b). Under that rule all procedural motions are debatable and none require a second. All may be amended, subject to the stated limitations on motions to amend [Rule 16(b), Motion 13]. Except where indicated otherwise, procedural motions may interrupt deliberations on a pending substantive matter.

The required vote for adoption of a procedural motion is generally a majority of the votes cast, a quorum being present. In a few cases, the required number of votes is the same number as is required for a quorum. Thus, for example, if a quorum of a board is four, the number of votes required to adopt the motion is four.

| Motion | Vote Required | Special Requirements |
|---|--|--|
| 1. To Appeal a Procedural Ruling of the Presiding Officer [page 16] | Majority | Is in order immediately after the presiding officer announces a procedural ruling, as specified in Rule 7, and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order. |
| 2. To Adjourn [page 17] | Majority | May not interrupt deliberation of pending substantive matter. Motion to [recess] [adjourn] to a time and place certain must also comply with Rule 2(c). |
| 3. To Take a Brief Recess [page 17] | Majority | None. |
| 4. Call to Follow the Agenda [page 18] | Majority | Must be made at first reasonable opportunity, or the right to make it is waived for the out-of-order item in question. |
| 5. To Suspend the Rules [page 18] | [Majority] [Two-thirds] of entire membership | The board may not suspend provisions of the rules that state requirements imposed by law on the board. |
| 6. To Go into Closed Session [page 18] | Majority | Motion must cite one or more of the permissible purposes for closed sessions listed in G.S. 143-318.11(a) and must be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) must also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318.11(a)(3) must identify the parties in each existing lawsuit concerning |

which the public body expects to receive advice during the closed session, if in fact such advice is to be received.

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|--|----------|---|
| 7. To Leave Closed Session [page 19] | Majority | None. |
| 8. To Divide a Complex Motion and Consider It by Paragraph [page 19] | Majority | None. |
| 9. To Defer Consideration [page 19] | Majority | <p>A substantive motion the consideration of which has been deferred expires [100] days thereafter unless a motion to revive consideration is adopted. (See Motion 14.) While a deferred motion remains pending, a new motion with the same effect cannot be introduced.</p> <p>Caution: Do not confuse with Motion 11.</p> |
| 10. Motion for the Previous Question [page 20] | Majority | <p>Not in order until there have been at least [20] minutes of debate and every member has had an opportunity to speak once.</p> |
| 11. To Postponc to a Certain Time or Day [page 20] | Majority | <p>While a postponed motion remains pending, a new motion with the same effect cannot be introduced.</p> <p>Caution: Do not confuse with Motion 9.</p> |
| 12. To Refer a Motion to a Committee [page 21] | Majority | <p>[60] days or more after a substantive motion has been referred to a committee, the introducer may compel consideration of the measure by the entire board, whether or not the committee has reported the matter to the board.</p> |
| 13. To Amend [page 21] | Majority | <p>(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is improper if adoption of the amendment would have the same effect as rejection of the original motion. A proposal to substitute a different motion shall be treated as a motion to amend. (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. (c) Any amendment to a proposed [order] [policy] [regulation] [resolution] shall be reduced to writing before the vote on the amendment.</p> |

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| 14. To Revive Consideration [page 22] | Majority | In order at any time within [100] days after the day of a vote to defer consideration (Motion 9). Failure to adopt Motion 14 within the [100] day period results in expiration of the deferred substantive motion. |
| 15. To Reconsider [page 23] | Majority | Must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail). May only be made at the meeting during which the original vote was taken, including any continuation of that meeting through [recess] [adjournment] to a time and place certain. Cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting. |
| 16. To Rescind or Repeal [page 23] | Majority | Not in order if rescission or repeal of an action is forbidden by law. |
| 17. To Prevent Reintroduction for [Six] Months [page 23] | [Majority] [Two-thirds] of entire membership | In order immediately following the defeat of a substantive motion and at no other time. If adopted, the restriction imposed by the motion remains in effect for [six] months or until the next organizational meeting of the board, whichever occurs first. |