



TOWN COUNCIL AGENDA

November 12, 2019 - 7:00 P.M.

WINTERVILLE TOWN HALL ASSEMBLY ROOM

- I. **CALL TO ORDER.**
- II. **INVOCATION.**
- III. **PLEDGE OF ALLEGIANCE.**
- IV. **WELCOME.**
- V. **APPROVAL OF AGENDA.**
- VI. **PUBLIC HEARINGS:**
 1. Mahmoud Atiyha Property (Parcel 85713) - Annexation.
 2. Janet Hare and Joan Neitz Property – Rezoning Request.
- VII. **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.*
- VIII. **CONSENT AGENDA:** *The following items are considered routine in nature and will not be discussed by the Town Council unless a Councilman or citizen requests that an item be removed from the Consent Agenda for further discussion. The Mayor may allow citizens to address an item or ask questions.*
 1. Approval of the following set of Council Meeting Minutes:
 - October 14, 2019 Regular Meeting Minutes.
 2. Schedule Public Hearing for E & S Homes – Rezoning Request.
 3. Direct Town Clerk to Investigate the Sufficiency of Annexation - Brookfield, Section 4, Phase 2.
 4. Resolution Designation of Applicants Agent.
 5. Budget Amendment: 2019-2020-2.
- IX. **OLD BUSINESS:**
 1. Nobel Canal Bank Stabilization – Investigation of opportunities and funding sources.
- X. **NEW BUSINESS:**
 1. Proposed Ordinance for Reconsideration of Brunch Bill.

XI. OTHER AGENDA ITEMS.

XII. ITEMS FOR FUTURE AGENDAS/FUTURE WORK SESSIONS.

XIII. REPORTS FROM DEPARTMENT HEADS:

- ❖ Minimum Housing/Code Enforcement (TLP)
- ❖ Tar Road Widening Project – Electric Engineering/Relocation (RS)
- ❖ New Electric Territory Engineering/Installation (RS)
- ❖ Fork Swamp Greenway Project (EJ)
- ❖ Multi-Purpose Building Site Plan (EJ)
- ❖ Winterville Market/Town Common Plan (BW)
- ❖ Chapman Street Culvert - Nobel Canal Drainage Basin Study (TW)
- ❖ 2018 Sewer Rehab (TW)
- ❖ Church Street Pump Station Rehabilitation (TW)

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

XV. ANNOUNCEMENTS:

1. Planning and Zoning Board Meeting: Monday, November 18th @ 7:00 pm in THAR.
2. Board of Adjustment Meeting: Tuesday, November 19th @ 7:00 pm in THAR.
3. Christmas Market, Parade, Tree Lighting, and Council Reception: Saturday, November 23rd from 1:00 pm – 8:00 pm.
4. Thanksgiving Holidays: Thursday, November 28th and Friday, November 29th, Town Offices Closed.

XVI. ADJOURN.

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



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Public Hearings

Meeting Date: November 12, 2019

Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Mahmoud Atiyha Property (Parcel 85713) – Annexation.

Action Requested: Hold a Public Hearing for Annexation.

Attachments: Annexation Petition, Annexation Map, Legal Description, Certificate of Sufficiency.

Prepared By: Bryan Jones, Planning Director

Date: 10/28/2019

ABSTRACT ROUTING:

TC 11/4/2019

FD

TM 11/05/2019

Final tlp - 11/05/2019

Supporting Documentation

The property owner (Mahmoud Atiyha) of Parcel 85713 is applying for annexation into the Town limits.

Holly Grove, Section 1:

Location: Church Street Ext. south of its intersection with Laurie Ellis Road.

Size: 1 Lot, 1.87 Acres.

Zoned: GB.

Annexation Process:

1st Council Meeting: Direct Town Clerk to Investigate the Sufficiency of the Annexation (9/9/19).

2nd Council Meeting: Schedule a Public Hearing for the Annexation (10/14/19).

3rd Council Meeting: Hold Public Hearing on the Annexation (11/12/19).

- ❖ Adjacent Property owners were mailed notification on 10/28/19.
- ❖ A Public Hearing Notice was published in the Daily Reflector on 10/30/2019 and 11/6/2019.

Budgetary Impact: TBD.

Recommendation: Hold the Public Hearing.

PETITION REQUESTING ANNEXATION

Date: 8/13/2019

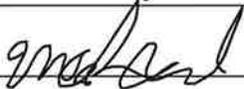
To the Mayor and Town Council of the Town of Winterville:

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

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

Description
See Attached

Name Mahmoud Atiyha Address 940 Van Gert Dr Winterville, NC 28590

Signature 

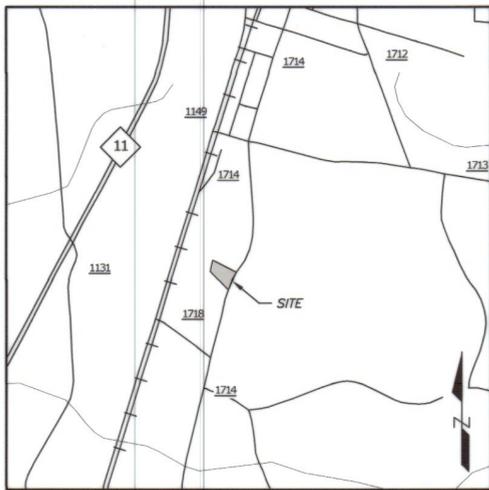
Name _____ Address _____

Signature _____

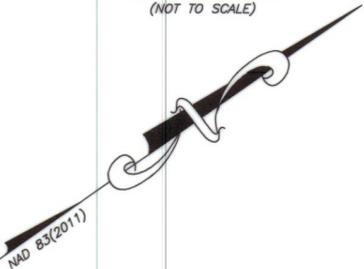
Name _____ Address _____

Signature _____

FLOOD STATEMENT
 THIS PROPERTY IS LOCATED IN ZONE "X"
 AND IS NOT WITHIN A SPECIAL FLOOD HAZARD
 AREA, AS DETERMINED BY NFIP RATE MAP
 DATED 1/2/2004 : COMMUNITY PANEL
 NUMBER 370193-4674-J.



VICINITY MAP
(NOT TO SCALE)



NOTES:
 1. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS
 IN FEET & DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

STATE OF NORTH CAROLINA PITT COUNTY

I, JAMES R. WATSON, CERTIFY THAT THIS
 PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL
 SURVEY MADE UNDER MY SUPERVISION; (DEED DESCRIPTION
 RECORDED IN MAP & DEED BOOKS NOTED); THAT THE
 BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN
 FROM INFORMATION REFERENCED HEREON; THAT THE RATIO
 OF PRECISION AS CALCULATED IS 1: 10,000±; THAT THIS PLAT
 WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS
 AMENDED, THAT THE FOLLOWING INFORMATION WAS USED TO
 PERFORM THIS GNSS SURVEY:

CLASS OF SURVEY: A
 POSITIONAL ACCURACY: 0.10'
 TYPE OF GPS FIELD PROCEDURE: RTK
 DATES OF SURVEY: 5/28/2019 & 6/3/2019
 DATUM / EPOCH: NAD 83(2011)
 PUBLISHED / FIXED CONTROL USED: REAL TIME NETWORK
 GEOID MODEL: GEOID12
 COMBINED GRID FACTOR: 0.99988566
 UNITS: U.S. SURVEY FEET

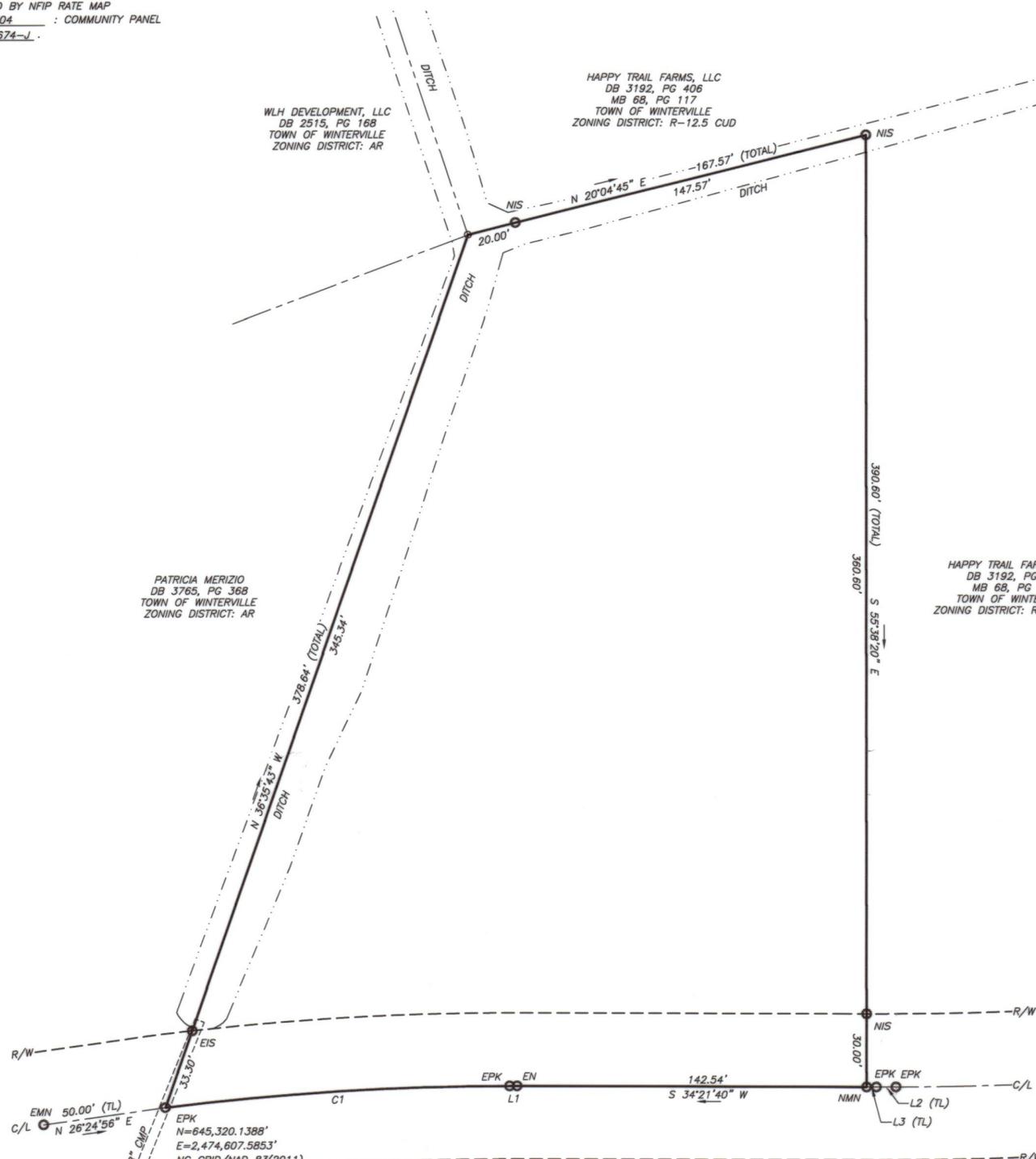
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER
 AND SEAL THIS 17TH DAY OF JUNE, A.D., 2019.

James R. Watson
 L-4712



I, JAMES R. WATSON, PROFESSIONAL LAND SURVEYOR NO. 4712,
 CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY. TO WIT,
 A MAP FOR ANNEXATION.

James R. Watson
 L-4712



CHURCH STREET EXTENSION
N.C.S.R. 1714 - 60' PUBLIC R/W
(SEE DB 458, PG 657)

ANNEXATION
 MAP FOR

HAPPY TRAIL FARMS, LLC
 AND
MAHMOUD ATIYHA

WINTERVILLE TOWNSHIP MAY 28, 2019
 PITT COUNTY, N.C. SCALE: 1" = 40'



(IN FEET)
 1 inch = 40 ft.

ACREAGE DATA
(BY COMPUTER)
 1.678 AC± EXCL. R/W
 1.871 AC± INCL. R/W

SOURCE OF TITLE
 DB 3192, PG 406
 MB 68, PG 117

REFERENCES
 DB 200, PG 51
 DB 458, PG 657
 DB 852, PG 765
 MB 50, PG 105

- LEGEND**
- R/W = RIGHT OF WAY
 - C/L = CENTERLINE
 - EIS = EXISTING IRON STAKE
 - EPK = EXISTING PK NAIL
 - EN = EXISTING NAIL
 - EMN = EXISTING MAG NAIL
 - NIS = NEW IRON STAKE
 - NMN = NEW MAG NAIL
 - = NO POINT SET
 - PP = POWER POLE
 - TP = TELEPHONE PEDESTAL
 - TB = TELEPHONE BOX
 - CMP = CORRUGATED METAL PIPE
 - SDMH = STORM DRAIN MANHOLE
 - SSMH = SANITARY SEWER MANHOLE
 - (TL) = TIE LINE
 - E — = ELECTRICAL LINE
 - - - - - = ADJOINING PROPERTY LINE

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S 34°21'40" W	3.02'
L2 (TL)	S 34°21'40" W	7.77'
L3 (TL)	S 34°21'40" W	3.95'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	140.72'	1141.51'	S 30°49'55" W	140.63'	007°03'47"

MAP SHOWING AREA ANNEXED BY
TOWN OF WINTERVILLE, N.C.

ORDINANCE NO: _____

AREA: 1.678 AC± EXCL. R/W

ACCEPTED FOR THE TOWN OF WINTERVILLE

MAYOR

DATE



MATRIX EAST, PLLC
 PROFESSIONAL LAND SURVEYORS

906 N. QUEEN ST., SUITE A KINSTON, NC 28501
 TEL: 252-522-2500 FAX: 252-522-4747
 EMAIL: surveyor@matriceast.net FIRM LIC. #P-0221

PROJECT NO.: 20190088	DATE: 6/17/2019
DRAWN BY: JRW	SCALE: 1" = 40'
SURVEYED BY: JRW	CHECKED BY: JRW
DRAWING NAME: 20190088-ANNEXATION.DWG	

LEGAL DESCRIPTION FOR THE TOWN OF WINTERVILLE ANNEXATION

LYING IN WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING PK NAIL HAVING NC GRID / NAD 83(2011) COORDINATES N = 645,320.1388', E = 2,474,607.5853'; SAID EXISTING PK NAIL BEING LOCATED IN THE CENTER OF CHURCH STREET EXTENSION (NCSR 1714 – 60' PUBLIC RIGHT-OF-WAY); SAID EXISTING PK NAIL BEING THE TRUE POINT OF BEGINNING.

THENCE, FROM THE POINT OF BEGINNING SO LOCATED, N 36° 35' 43" W A DISTANCE OF 33.30 FEET TO AN EXISTING IRON STAKE ON THE NORTHERN RIGHT OF WAY LINE OF CHURCH STREET EXTENSION (NCSR 1714 – 60' PUBLIC RIGHT-OF-WAY); THENCE, CONTINUING, N 36° 35' 43" W, ALONG A DITCH, A DISTANCE OF 345.34 FEET TO A POINT IN THE INTERSECTION OF TWO DITCHES; THENCE, N 20° 04' 45" E, ALONG ANOTHER DITCH, A DISTANCE OF 20.00 FEET TO A NEW IRON STAKE; THENCE, CONTINUING, N 20° 04' 45" E, ALONG SAID DITCH, A DISTANCE OF 147.67 FEET TO A NEW IRON STAKE; THENCE, LEAVING SAID DITCH, S 55° 38' 20" E A DISTANCE OF 360.60 FEET TO A NEW IRON STAKE ON THE NORTHERN RIGHT OF WAY LINE OF CHURCH STREET EXTENSION (NCSR 1714 – 60' PUBLIC RIGHT-OF-WAY); THENCE, CONTINUING S 55° 38' 20" E A DISTANCE OF 30.00 FEET TO A NEW MAG NAIL IN THE CENTER OF CHURCH STREET EXTENSION (NCSR 1714 – 60' PUBLIC RIGHT-OF-WAY); THENCE, ALONG THE CENTER OF CHURCH STREET EXTENSION (NCSR 1714 – 60' PUBLIC RIGHT-OF-WAY), S 34° 21' 40" W A DISTANCE OF 142.54 FEET TO AN EXISTING NAIL; THENCE, CONTINUING ALONG THE CENTER OF CHURCH STREET EXTENSION (NCSR 1714 – 60' PUBLIC RIGHT-OF-WAY), S 34° 21' 40" W A DISTANCE OF 3.02 FEET TO AN EXISTING PK NAIL; THENCE, CONTINUING ALONG THE CENTER OF CHURCH STREET EXTENSION (NCSR 1714 – 60' PUBLIC RIGHT-OF-WAY), ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1141.51 FEET, AND WHOSE CHORD BEARS S 30° 49' 55" W A DISTANCE OF 140.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.871 ACRES MORE OR LESS INCLUDING THE RIGHT-OF-WAY OF CHURCH STREET EXTENSION (NCSR 1714 – 60' PUBLIC RIGHT-OF-WAY) AND 1.678 ACRES MORE OR LESS EXCLUDING THE RIGHT-OF-WAY OF CHURCH STREET EXTENSION (NCSR 1714 – 60' PUBLIC RIGHT-OF-WAY).



Matrix East, PLLC
Firm License # P-0221
906 N. Queen St., Ste. A
Kinston, NC 28501
252-522-2500

James R. Watson
8/12/2019

**RESOLUTION DIRECTING THE TOWN CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER NCGS 160A-31**

Mahmoud Atiyha/Happy Trail Farms

WHEREAS, petitions requesting annexation of an area described in said petition was received August 13, 2019 by the Town Council; and

WHEREAS, NCGS 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Winterville seems it advisable to proceed in response to this request for annexation.

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

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of the investigation.

Adopted this the 9th day of September, 2019.



Douglas A Jackson

Douglas A. Jackson, Mayor

ATTEST:

Donald Harvey

Donald Harvey, Town Clerk

CERTIFICATE OF SUFFICIENCY

Mahmoud Atiyha/Happy Trail Farms

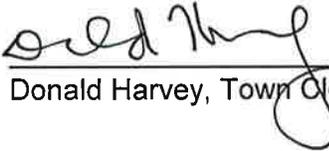
To the Town Council of the Town of Winterville, North Carolina:

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

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Winterville this the 10th day of September, 2019.

ATTEST:





Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Public Hearings

Meeting Date: November 12, 2019
Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Janet Hare and Joan Neitz Property – Rezoning Request.

Action Requested: Hold a Public Hearing for the Rezoning Request.

Attachments: Rezoning and Conditional Zoning Application, Rezoning Map, Legal Description, Notification to Adjacent Property Owners.

Prepared By: Bryan Jones, Planning Director

Date: 10/28/2019

ABSTRACT ROUTING:

TC 11/4/2019

FD

TM 11/05/2019

Final tlp – 11/05/2019

Supporting Documentation

Applicant: Rocky Russell Development, LLC.

Location: Reedy Branch Road south of its intersection with Davenport Farm Road.

Parcel Number: 13889.

Site Data: 19.74 Acres.

Current Zoning District: AR.

Proposed Zoning District: R-6 CUD.

Reason for zoning change: To allow development of a subdivision with construction of duplex residences with the following conditions:

1. Minimum lot dimensions 82' wide X 110' deep (9,020 square foot lots).
2. One and two story duplexes.
3. Brick or stone will be placed on part of front elevation. Vinyl on sides/rear/front partial.
4. 70% with single car garages.
5. Building square footage will not be less than 1100 square feet per side.
6. A HOA will be established and the HOA will maintain all lawns (fenced in areas to be maintained by homeowner), and entrance to areas to subdivision.

- ❖ Planning and Zoning Board recommended denial of the request.
- ❖ Adjacent property owners were mailed notification of the rezoning request on October 28, 2019.
- ❖ PH Notice was published in the Daily Reflector on October 30, 2019 and November 6, 2019.
- ❖ Notification was posted on the site on August 28, 2019.

Budgetary Impact: TBD.

Recommendation: Hold the Public Hearing for the Rezoning Request.



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: Rocky Russell Development, LLC

Address: 106 Regency Blvd., Suite B, Greenville, NC

Phone #: 252-355-7812

Owner: Janet Hare and Joan Neitz

Address: 2365 south Wolfshare, Virginia Beach, VA 23454

Phone #: 757-373-8479 (Hare) 919-601-7307 (Neitz)

PROPERTY INFORMATION

Parcel #: 13889 Area (square feet or acres): 19.4202 acres

Current Land Use: Farm land

Location of Property: Reedy Branch Road

ZONING REQUEST

Existing Zoning: AR Requested Zoning: R6 CUD

Reason for zoning change: To allow development of a subdivision with for construction of duplex residences.

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, Janet Hare, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for / / .

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

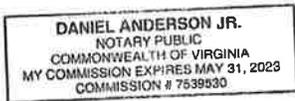
Janet Hare Signature Aug 17, 2019 Date

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

I, Janet Hare, being the Owner of the property described herein, do hereby authorize Rocky Russell as agent for the purpose of this application.

Janet Hare Signature Aug 17, 2019 Date

Sworn to and subscribed before me, this 17th day of August, 2019.



[Signature]
Notary Public

My Commission Expires:

May 31, 2023

OWNER/AGENT STATEMENT

I, Jean Little Neitz, being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for _____/_____/_____.

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

Jean Little Neitz Signature _____ 8/19/19 Date _____

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

I, Jean Little Neitz, being the Owner of the property described herein, do hereby authorize Rocky Russell as agent for the purpose of this application.

Jean Little Neitz Signature _____ 8/19/19 Date _____

Sworn to and subscribed before me, this 19th day of August, 2019.

Regina Bense Notary Public _____

My Commission Expires:

30 January 2020



Staff Use Only

Appl. #: _____ Fee Amount _____ Date Paid _____

Planning Board Recommendation: APPROVED Meeting Date: _____
DENIED

Conditions/Comments: _____

Town Council Decision: APPROVED Meeting Date: _____
DENIED

Conditions/Comments: _____



**CONDITIONAL USE DISTRICT
CONDITIONAL USE PERMIT APPLICATION
TOWN OF WINTERVILLE**
2571 Railroad Steet
P O Box 1459
Winterville, NC 28590
Phone: (252) 756-2221

Staff Use Only Appl. # _____
--

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

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

USE(S):

Subdivision for construction of duplex residences.

CONDITION(S):

1. Minimum lot dimensions: 82'-0" with x 110'-0" deep.
2. One and two story duplexes.
3. Brick or stone will be placed on part of front elevation. Vinyl on sides/rear/front partial.
4. 70% with single car garages
5. Building square footage will not be less than 1100 ft.² per side.
6. A homeowner association will be established and the homeowner association will maintain all lawns (areas of a home closed with a fence be maintained by the homeowner,) and entrance areas to subdivision.

The property is located at Reedy Branch Road

It is further described as _____ County Tax Parcel No. 13889

The property is owned by Janet Hare and Joan Neitz as shown on the attached map.

An application has been duly filed requesting that the property involved in

this application be rezoned from AR to R6 CUD.

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

Janet Hare
Signature of Property Owner

2365 S. Wolfsnare Dr, Virginia Beach, VA 23454
Address

757-373-8479
Telephone #

Signature of Property Owner

Address

Telephone #

County/City of Virginia Beach
Commonwealth/State of Virginia
The foregoing instrument was acknowledged
before me this 17th day of August, 2019
by Janet Hare
(name of person seeking acknowledgement)

[Signature]
Notary Public
My Commission Expires: May 31, 2023

DANIEL ANDERSON JR.
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MAY 31, 2023
COMMISSION # 7539530

Application No. _____

The property is located at Reedy Branch Road

It is further described as _____ County Tax Parcel No. 13889

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

Joan Little Neitz
Signature of Property Owner

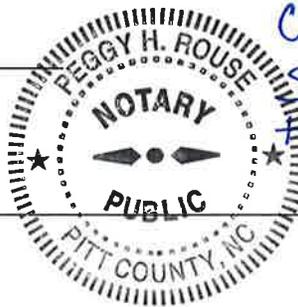
359 Main St, Winterville NC 28590
Address

919-601-7307
Telephone #

Signature of Property Owner

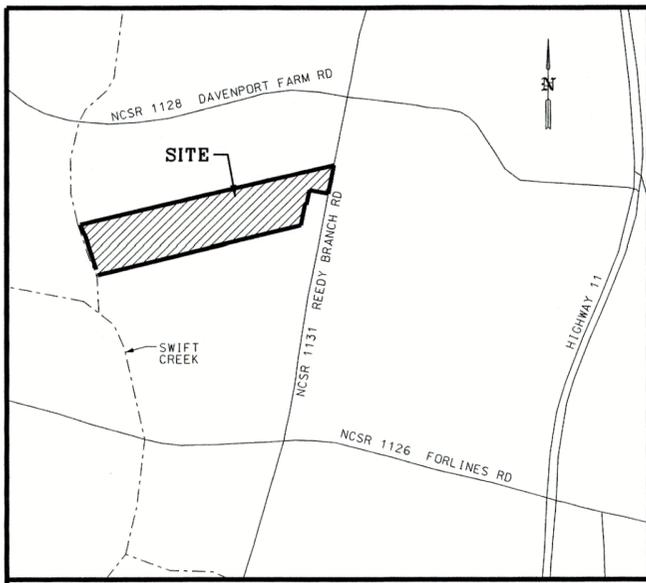
Address

Telephone #



*County of Pitt, St of North Carolina
Sworn + subscribed before me
this 19th day of August, 2019.
Peggy H Rouse, Notary
My commission expires 30 Jan 2020*

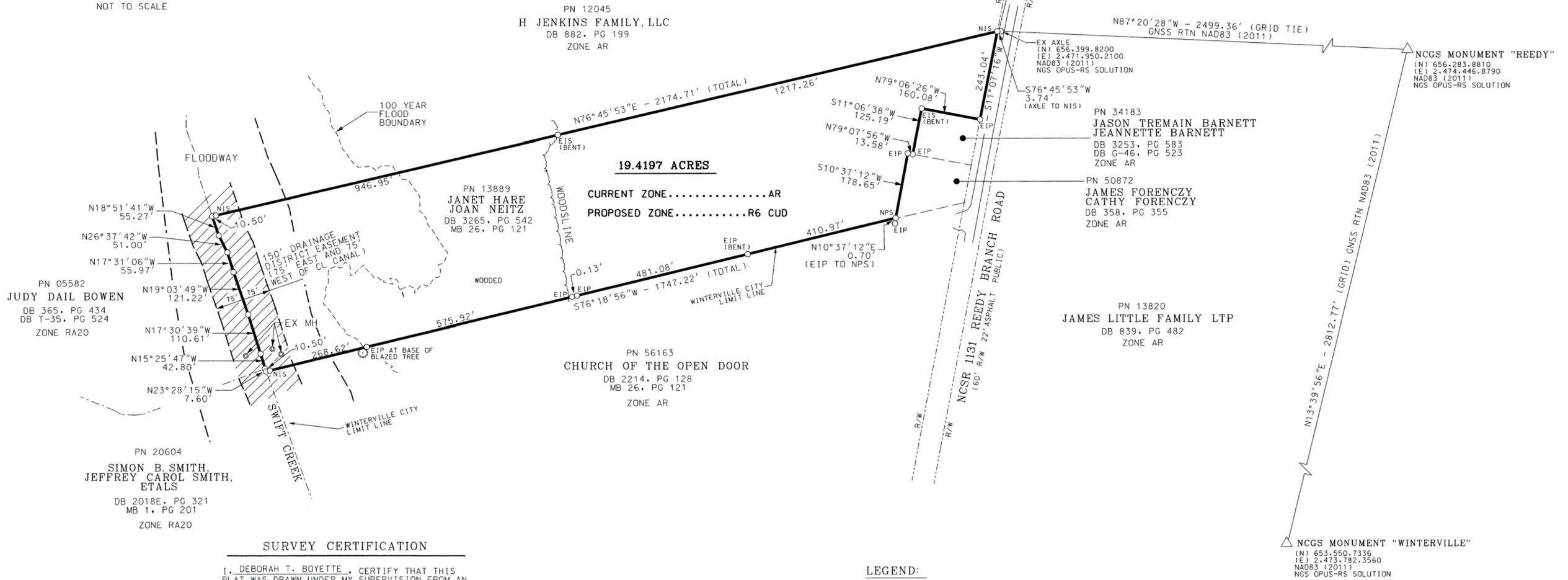
Application No. _____



VICINITY MAP
NOT TO SCALE

NOTES:

1. A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED THE NATIONAL FLOOD INSURANCE PROGRAM. REFERENCE: FIRM NUMBER 3720467500K DATED 07/07/2014 AND FIRM NUMBER 3720466500K DATED 07/07/2014.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
3. NO POINTS SET UNLESS OTHERWISE NOTED. NO POINTS SET IN SWIFT CREEK.



SURVEY CERTIFICATION

I, DEBORAH T. BOYETTE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 3265 PAGE 542 PLAT: THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 3265 PAGE 542; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1: 20,371; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 19 DAY OF August, A.D. 2019.

Deborah T. Boyette
PROFESSIONAL LAND SURVEYOR L-4146

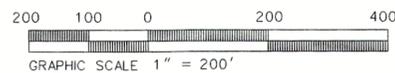
I, DEBORAH T. BOYETTE, CERTIFY THAT THIS MAP IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

Deborah T. Boyette
PROFESSIONAL LAND SURVEYOR L-4146



LEGEND:

- EIP= EXISTING IRON PIPE
- EIS= EXISTING IRON STAKE
- R/W= RIGHT-OF-WAY
- MH= MANHOLE
- NIS= NEW IRON STAKE
- NPS= NO POINT SET
- C= CENTERLINE



PROJECT NO. P1690-001
SHEET NO. 001

P1690-001 REZONING.dgn

PN 13889

REZONING MAP FOR
JANET HARE and JOAN NEITZ PROPERTY

REFERENCE: DEED BOOK 3265, PAGE 542 OF THE PITT COUNTY REGISTRY

WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

CLIENT: ROCKY RUSSELL DEVELOPMENT, LLC
ADDRESS: 106 REGENCY BOULEVARD, SUITE B
GREENVILLE, NC 27834

PHONE: (252) 355-7812



STROUD ENGINEERING, P.A.
107B COMMERCE ST.
GREENVILLE, NC
(252) 756-9352
LICENSE NO. C-0647

SURVEYED: JE

DRAWN: LHJ

APPROVED: DTB

DATE: 8/19/19

SCALE: 1" = 200'

SHEET 1 OF 1

Legal Description for the
Rezoning of the
JANET HARE and JOAN NEITZ PROPERTY

Lying and being in Winterville Township, Pitt County, North Carolina and being west of NC Highway 11, north of NCSR 1126 Forlines Road and being bounded on the north by the H. Jenkins Family, LLC (Deed Book 882, Page 199), on the east by the western right-of-way of NCSR 1131 Reedy Branch Road, by Jason T. Barnett (Deed Book 3253, Page 583) and by James Forency (Deed Book 358, Page 355), on the south by Church Of The Open Door (Deed Book 2214, Page 128) and on the west by Swift Creek canal, and being more particularly described as follows:

Beginning at an existing iron axle found on the western side of NCSR 1131 Reedy Branch Road, said axle being located S13-44-01W - 615.23' from a magnetic nail set in the centerline intersection of NCSR 1128 Davenport Farm Road and NCSR 1131 Reedy Branch Road, thence from the axle S76-45-53W - 3.74' to a new iron stake set on the western right-of-way of NCSR 1131 Reedy Branch Road, the true Point of Beginning.

Thence from the true Point of Beginning, following the western right-of-way of NCSR 1131 Reedy Branch Road S 11-07-16 W - 243.04' to an existing iron pipe, the northeast corner of the Jason T. Barnett property (Deed Book 3253, Page 583), thence leaving the western right-of-way of Reedy Branch Road and following the Barnett property N 79-06-26 W - 160.08' to an existing iron pipe bent, thence S 11-06-38 W - 125.19' to an existing iron pipe, thence N 79-07-56 W - 13.58' to an existing iron pipe, the northwest corner of the James Forency property, thence along the Forency boundary S 10-37-12 W - 178.65' to a point in the northern line of Church Of The Open Door property (Deed Book 2214, Page 128 and Map Book 26, Page 121), thence following the Church Of The Open Door boundary S 76-18-56 W - 1747.22' to a point in the centerline of Swift Creek canal, thence along the centerline of Swift Creek canal the following calls: N 23-28-15 W - 7.60', thence N 15-25-47 W - 42.80', thence N 17-30-39 W - 110.61', thence N 19-03-49 W - 121.22', thence N 17-31-06 W - 55.97', thence N 26-37-42 W - 51.00', thence N 18-51-41 W - 55.27' to a point in the southern line of the H. Jenkins Family, LLC property (Deed Book 882, Page 199), thence along the southern line of the Jenkins family N 76-45-53 E - 2174.71' to a new iron stake, the true Point of Beginning, containing 19.4197 Acres and being all of Parcel Number 13889 as filed with the Pitt County Tax Assessor's office.

Deborah T. Boyette
Professional Land Surveyor
L- 4146
Date 8-19-19



JANET HARE AND JOAN NEITZ
2365 SOUTH WOLFSHARE
VIRGINIA BEACH, VA 23454

CHURCH OF THE OPEN DOOR
4584 REEDY BRANCH ROAD
WINTERVILLE, NC 28590

H JENKINS FAMILY, LLC
445 JACKIE BRINKLEY ROAD
AULANDER, NC 27805

DORIS SALMON NOBLE
455 DAVENPORT FARM ROAD
WINTERVILLE, NC 28590

ROCKY RUSSELL DEVELOPMENT
106 REGENCY BLVD, STE B
GREENVILLE, NC 27858

SIMON B SMITH
JEFFREY CARROLL SMITH
408 FORLINES ROAD
WINTERVILLE, NC 28590

JASON BARNETT
JENNETTE BARNETT
933 VAN GERT DRIVE
WINTERVILLE, NC 28590

JAMES LITTLE FAMILY
203 DAVENPORT FARM ROAD
WINTERVILLE, NC 28590

JUDY DAIL BOWEN
535 DAVENPORT FARM ROAD
WINTERVILLE, NC 28590

JAMES FERENCZY
CATHY FERENCZY
375 PEG WILLIAMS ROAD
WARRENTON, NC 27589

NOTICE OF PUBLIC HEARING
Town of Winterville

NOTICE IS HEREBY GIVEN that the Winterville Town Council will meet on Tuesday, November 12 2019 at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, to hold a Public Hearing on the following proposal:

A proposal to rezone Parcel 13889 as shown on the attached map, owned by Janet Hare and Joan Neitz from Agricultural-Residential (AR) to R-6 CD zoning district. The R-6 Residential District is a quiet, relatively high-density neighborhood consisting of single-family and two-family dwellings along with limited home occupations and private and public community uses. The proposed conditions for the rezoning are as follows:

1. Minimum lot dimensions: 82' width X 110' deep.
2. One and two story duplexes.
3. Brick or stone will be placed on part of front part of elevation. Vinyl on sides/rear/front partial.
4. 70% with single car garages.
5. Building square footage will not be less than 1100 sq ft per side.
6. A homeowner association will be established and the homeowner association will maintain all lawns (areas of home closed with a fence will be maintained by homeowner) and entrance areas to subdivision.

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 during normal business hours (8:00 am to 5:00 pm) Monday through Friday.

Persons having an interest in this matter and desiring to speak either for or against the requested rezoning are invited to be present and will be given the opportunity to be heard. For further information, contact the Winterville Planning Department at (252) 215-2358.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: November 12, 2019

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: 10/30/2019

ABSTRACT ROUTING:

TC 11/4/2019

FD

TM 11/5/2019

Final tip – 11/5/2019

Supporting Documentation

Approval of the following set of Council Meeting Minutes:

- October 14, 2019 Regular Council meeting.

Budgetary Impact: N/A.

Recommendation: Approval of Minutes.



**Winterville Town Council
October 14, 2019 – 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 Pro Tem Mark Smith presiding. The following were present:

Douglas A. Jackson, Mayor (absent due to illness)
Mark Smith, Mayor Pro-Tem
Ricky Hines, Councilman
Tony Moore, Councilman
Johnny Moye, Councilman
Veronica Roberson Councilwoman
Keen Lassiter, Town Attorney
Terri L. Parker, Town Manager
Ben Williams, Assistant Town Manager
Ryan Willhite, Police Chief
David Moore, Fire Chief
Travis Welborn, Public Works Director
Robert Sutton, Electric Director
Anthony Bowers, Finance Director
Evan Johnston, Parks and Recreation Director
Bryan Jones, Planning Director
Donald Harvey, Town Clerk

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

INVOCATION: Councilman Moore gave the Invocation.

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

WELCOME: Mayor Pro Tem Smith welcomed the public.

APPROVAL OF AGENDA:

Motion made by Councilman Hines and seconded by Councilwoman Roberson to approve the agenda. The motion carried unanimously, 5-0.

PUBLIC HEARINGS:

Winterville Comprehensive Land Use Plan – Planning Director Jones and Jake Petrosky, Project Manager with Stewart gave the following presentation:

Winterville Land Use Plan



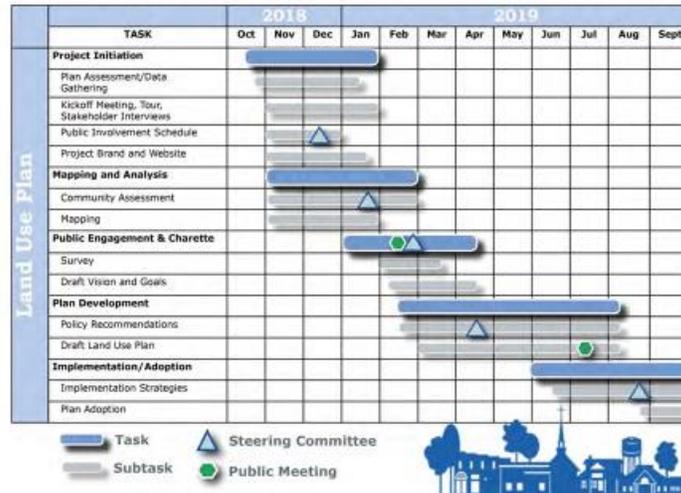
Town of
WINTERVILLE
A slice of the good life!

Town Council
October 14, 2019



Winterville Comprehensive Land Use Plan Schedule

We anticipate the following schedule for development and adoption of the Winterville Comprehensive Land Use Plan:



Public Involvement

- Downtown Walking Tour (2/25)
- Public Open House (2/25)
- Framework Plan Workshop (2/26)
- Coffee Talk @ the Depot (2/27)
- Community Survey (2/19-3/31)
 - 330+ Responses
- Public Meeting to Review Draft Plan Recommendations (7/11)
- Planning Board Recommendation (9/4)



Winterville Land Use Plan

Public Involvement Themes

- Encourage additional non-residential development / land use diversity
- Growth management / limited growth area
- Infrastructure and service improvements
 - Utilities, Drainage, Roads, Active Transportation
- Quality residential
- Housing options



What type of housing are you interested in?

- A house with a large yard, even if not near shopping and services **81%**
- A house with a smaller yard within walking distance of a shopping and services, with community open space **68%**
- A low maintenance patio home or townhome near shopping and services **51%**



Community Vision

Winterville is a place where everyone can experience slices of the good life. Balanced, planned and purposeful growth maintains the small town atmosphere, parks and amenities support families of all ages, and the community provides an opportunity for safe, healthy lifestyles. Attractive, livable and unique, the Town is a welcoming place for businesses, residents and visitors alike.



Goals



Create a Town-wide Identity



Strengthen and Diversify the Economy



Connectivity and Mobility



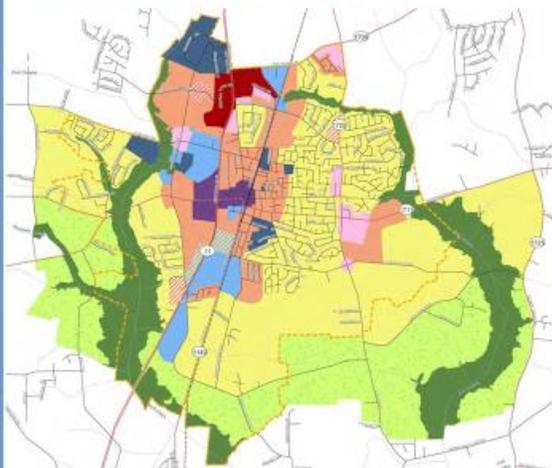
Healthy Neighborhoods and Environment



Activate Downtown



Future Land Use



Future Land Use Designation

- Conservation Area
- Institutional or Park
- Rural Residential
- Suburban Residential
- Urban Neighborhood
- ▨ Commercial Overlay
- Neighborhood Center
- Mixed Use
- Regional Center
- ▨ Employment / Residential
- Office & Employment



Commercial Uses

Neighborhood Center



Mixed Use Center



Regional Center



General Character

Large lot, low density single family residential was identified by the community as a land use type that was appropriate and valued in many locations. This flexible land use type is appropriate for many areas of the planning area and will likely be served by town utilities.

Typical Components	
Density	1-3 per acre
Lot coverage	Low
Building height	1-2 stories
Parking	Off-street: front, side, or rear
Street pattern	Suburban grid, modified grid
Right-of-way width	50'-60'
Block length	600'-1000'
Drainage	Curb-and-gutter
Bicycle/Pedestrian	Sidewalk (one side)
Open Space	10-30%, including passive recreation, trails, playgrounds, amenity centers, fields, greens
Potential zoning	Typically R-20, R-15 or R-12.5, R10 or R8 if additional open space or amenities are provided

Uses

Primarily single family detached residential with sewer service.

Buildings & Parking

Buildings are usually set back from the road and have large front and rear yards. Parking should be off street as much as possible, especially since sidewalks are limited.

Streets & Connections

These neighborhoods have low to medium walkability and are fairly homogeneous. Street connections to adjacent neighborhoods is key to creating a community and preserving options for the future. Sidewalks connect neighbors, and landscaping is primarily owner-maintained.



Examples of Suburban Residential.

Suburban Residential

Strategy 6.2: Lot flexibility with additional open space and amenities



Conservation Subdivision Design

Lots: ~130
Open Space: ~40%



Conventional Subdivision Design

Lots: ~130
Open Space: ~13%



Winterville Land Use Plan

General Character

S011eewhat higher density, predominantly single family detached residential housing. S011eattached housing and/or small-scale commercial, retail, or restaurants allowed at select locations.

Typical Components	
Density	3-8 per acre
Lot coverage	Medium
Building height	1.5-3 stories
Parking	On- and off-street: front, side, rear, or alley-loaded
Street pattern	Suburban to urban grid
Right-of-way width	50'-60', less for alleys
Block length	600'-800'
Drainage	Curb-and-gutter
Bicycle/Pedestrian	Sidewalk (both sides)
Open Space	5-10%, more formal including plazas, greens and other common areas
Potential zoning	R-12.5, R-10, R-8, possibly also NB*, R-6, or M-R

*A Neighborhood Business zoning district is recommended on page 60.

Uses

Small-lot single family detached residential dom-

inates (with lots of approx. 6,000 to 10,000 sq ft), but duplexes or town homes may be appropriate if design criteria are met to protect neighborhood character. Some small-scale service or office uses may be appropriate at select locations.

Buildings & Parking

Buildings are closer to the street, some side- and alley-loaded developments may be close to the sidewalk. Parking at nonresidential uses should be in the rear, to preserve walkability. On-street parking should be provided if densities exceed 4 dwelling units per acre or lot frontage of less than 50 feet per home.

Streets & Connections

Low- to medium-volume streets prioritize pedestrians. Street trees soften the street scape. Connections to adjacent properties and neighborhoods are frequent.



Examples of Urban Neighborhood

Conditional Zoning

“Conditional Zoning” is a legislative process whereby a local government establishes a new zoning district with individualized development standards and allowed uses for a parcel being rezoned. The applicant submits a base zoning district as well as additional rules, regulations or conditions that would govern development on the property. The petitioner also usually conducts a public meeting to gather input from neighbors and community members. The subsequent legislative rezoning decision then factors in all relevant information: any adopted plans (land use, comprehensive, small area, corridor, etc.), the results of the public meeting, the specifics of the proposed conditional rezoning, context of neighboring properties, other considerations, etc.



Winterville Land Use Plan

Conditional Zoning



Duplex subdivision in Greenville behind Aldi



Architectural detail (i.e. front porches), materials, landscaping, sidewalks, greenways, open space or amenities can be part of conditions that help new development fit the character of Winterville.



Winterville Land Use Plan

Overview

The following small area plans are included to provide an example of the type and character of development the Town could encourage in and around downtown based on the Future Land Use Map. The Downtown Gateway Concept stretches from the existing downtown, through the residential neighborhoods along West Main Street to the NC 11 intersection and a potential future commercial center.



Adopted: (Date)

DRAFT

Recommendations & Implementation | 79



Downtown

Reuse of historic buildings matched with strategic infill and new outdoor amenities can revitalize downtown Winterville.

- A. New mixed use buildings** via infill and redevelopment (short and long-term) that match historic form (i.e. Main & Mill)
- B. New central greenspace** (Market on the Square Area)
- C. Small-scale attached and detached residential as infill**



PUBLIC OUTDOOR EVENT SPACE



Vibrant downtowns need areas for programming vibrant events and activities.

CONTEXT APPROPRIATE URBAN DESIGN

Design standards that mimic the existing downtown vernacular creates a sense of place.

Town of Winterville

DRAFT

Comprehensive Land Use Plan | 80






Mayor Pro Tem Smith declared the public hearing open and asked if anyone would like to speak in favor of the Plan.

Doug Kilian asked Council to accept the Comprehensive Land Use Plan. He stated the zoning ordinance is not coordinated with the new plan and asked to update this as soon as feasible.

Mayor Pro Tem Smith asked if anyone would like to speak in opposition of the Plan. No one spoke.

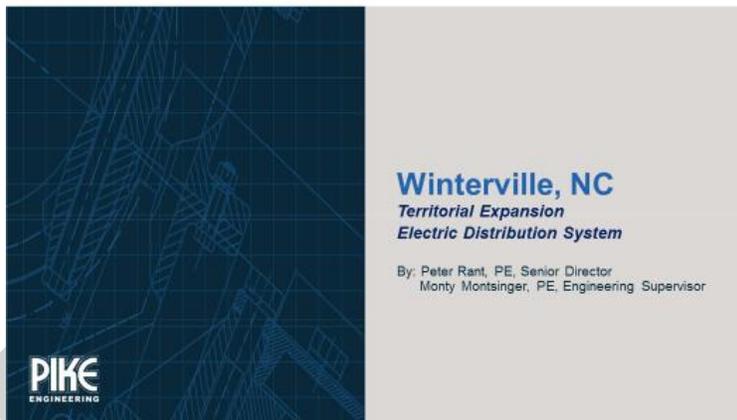
Mayor Pro Tem Smith declared the Public Hearing closed.

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

Motion made by Councilman Moore and seconded by Councilwoman Roberson to adopt the Winterville Comprehensive Land Use Plan and move forward to update the zoning ordinance. The motion carried unanimously, 5-0.

PRESENTATIONS:

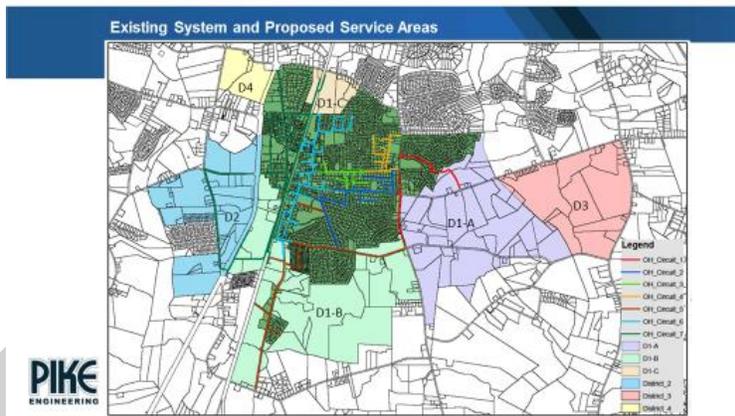
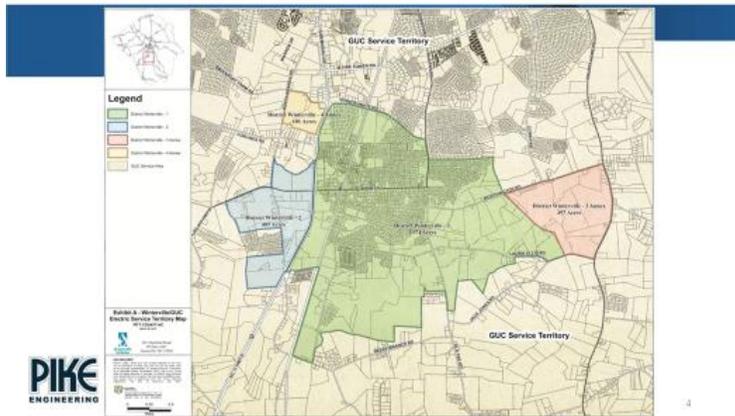
Electric Territory Expansion – Electric Director Sutton introduced Monty Montsinger and Peter Rant with Pike Engineering (Formerly PowerServices) that gave the following presentation:



Introduction

- The Town of Winterville and Greenville Utilities Commission signed an Electrical Territorial Agreement on May 17, 2018
- Term of Agreement is 15 years
- Four – Electrical Service Districts
- Winterville will serve all new customers in Districts 1 and 2
- Winterville will serve all new customers in Districts 3 and 4 after annexation





Projected System Load

- Existing System
 - 2018 NCP - 13,000 kW - 2.03 Customers/Acre
- New Developments
 - District 1A - 6,973 kW - Assumed 2.5 Customers/Acre
 - District 1B - 8,007 kW
 - District 1C - 836 kW
 - District 2 - 4,440 kW
 - District 3 - 4,512 kW
 - District 4 - 917 kW

Total Developed Load - 38,685 kW



6

Present System – Delivery and Substations

- 115/34.5 kV Point of Delivery – Vernon White
 - One Transformer 30//56 MVA - Adequate Capacity for present and future loads
- Alternate 34.5 kV Delivery from GUC
 - Need to determine capacity availability
- Two 34.5/12.47 kV Substations
 - Old Tar – 15//28 MVA
 - South Church Street – 15//28 MVA



7

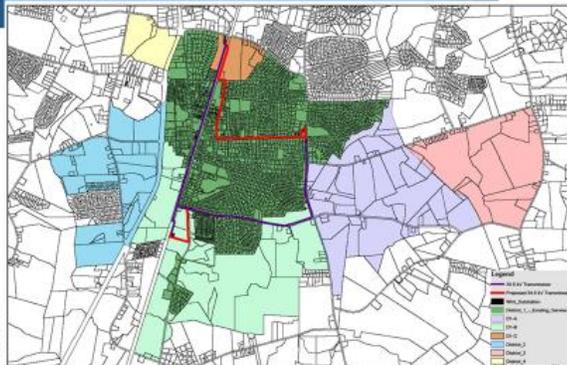
Main Infrastructure Improvements

- | | |
|--|--------------|
| • Complete Transmission Loop | \$ 287,500 |
| • Old Tar to Vernon White – 2.0mi | |
| • Church Street to Laurie Ellis – 0.51mi | \$ 73,312 |
| • Substation Improvements | \$ 421,680 |
| • Tar Road– New Circuits / Exits | |
| • Church Street – New Circuits / Exits | \$ 141,320 |
| • Main Line Distribution – 9 miles | |
| • Four New Circuits | \$ 780,000 |
| • Main Line Extensions | \$ 422,500 |
| • Total Main Infrastructure Cost - | \$ 2,126,312 |



8

Proposed 34.5 kV System Improvements



9

Motion made by Councilwoman Roberson and seconded by Councilman Hines to accept the Electric Territory Expansion Study and direct staff to enter into contract negotiations with Pike Engineering for engineering and construction administration of part 2 of the study. The motion carried unanimously, 5-0.

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

1. David Munoz – Request for Reconsideration of Brunch Bill.
2. Debbie Avery - Request for Reconsideration of Brunch Bill.
3. Jon Tart - Request for Reconsideration of Brunch Bill.
4. Gary Camarro - – Drainage issues and problems.

CONSENT AGENDA:

Items included in the Consent Agenda:

1. Approval of the following sets of Council Meeting Minutes:
 - August 19, 2019 Regular Meeting Minutes; and
 - September 9, 2019 Regular Meeting Minutes.
2. Schedule a Public Hearing for the Annexation of Mahmoud Atiyha/Happy Trail Farms for Tuesday, November 12, 2019.
3. Schedule a Public Hearing for the Rezoning of Janet Hare and Joan Neitz Property for Tuesday, November 12, 2019.
4. Approval of Engineering Contracts for Church Street Lift Station Force Main Bores – The Wooten Company.
5. Approval of Engineering Contract for General Consulting Services – The Wooten Company.

Motion made by Councilman Hines and seconded by Councilwoman Roberson to approve the consent agenda. The motion carried unanimously, 5-0.

OLD BUSINESS:

Nobel Canal Bank Stabilization: Assistant Town Manager Williams gave the following presentation:



Funding Source	Activities Funded	Match Req.	Eligibility	App. Due Dates
Water Resources Project Development Grant	Funds general and recreational navigation, water management, stream restoration, beach protection, land acquisition and facility development for water based recreation and aquatic weed control.	50%	Local Governments	Application due date is December 31, 2019
Flood Mitigation Assistance Grant Program (FEMA)	Help communities fund projects and planning that reduces or eliminates long-term risk to flood damage to structures insured under National Flood Insurance Program	Varies	Most state, local governmental entities, nonprofits, federally recognized tribes, academic institutions	The application period is September 30, 2019 through January 31, 2020.
Resilient Communities Program (National Fish and Wildlife Foundation)	Help communities prepare for future impacts associated with sea level rise, water quantity and quality and forest conservation	1 : 1	Non-profit 501(c) and local government organizations and indian tribes	Next Funding Round Spring 2020

Council discussed items presented including the improvements and funding options. Council requested staff to continue investigating opportunities, each out to funding sources and bring back findings at the November meeting.

NEW BUSINESS:

Chapman Street Culvert Replacement Project - Award of Contract: Public Works Director Welborn presented the following award recommendation:



Innovative approaches
Practical results
Outstanding service

1017 Main Campus Dr, Suite 1200 • Raleigh, North Carolina 27606 • 919-582-5859 • fax 919-582-5851 www.freese.com

October 7, 2019

Mr. Travis Welborn
Town of Winterville Public Works Director
2936 Church Street Ext.
Winterville, NC 28590

Subject: Chapman Street Culvert Replacement Award Recommendation

Dear Mr. Welborn:

Construction bids for the subject project were received and opened at 2:00 PM on Thursday, October 3, 2019 at the Winterville Town Hall in Winterville, North Carolina. A total of six (6) bids were received, summarized as follows:

Bidder	BridgePoint Civil, LLC	Chatham Civil Contracting, LLC	Dane Construction, Inc.	Fred Smith Company, LLC	Trader Construction Co.	Tripp Brothers, Inc.
Total Base Bid	\$ 1,251,378.00	\$ 865,142.50	\$ 1,722,994.75	\$ 996,699.00	\$ 1,327,526.50	\$ 1,104,169.00
Alternate 1 Price	\$ 474,790.00	\$ 371,127.00	\$ 346,405.00	\$ 505,550.00	\$ 608,110.00	\$ 111,115.50

A detailed Bid Tabulation is attached.

Alternate 1 prices were used to evaluate the alternative of using a precast culvert instead of a cast-in-place option. It was determined that the alternate would not be awarded and that a cast-in-place culvert is the best long-term maintenance solution for the Town.

Chatham Civil Contracting, LLC submitted the lowest Base Bid. They have executed all the required bid forms. Therefore, we recommended that the Town of Winterville award a construction contract to Chatham Civil Contracting, LLC in the amount of \$865,142.50 for the Chapman Street Culvert Replacement.

Please let us know if you have any questions or need further information. We look forward to working with the Town on this important project.

Sincerely,
Freese and Nichols, Inc.

David S. Webb, P.E.

Gardners Street Parking: Police Chief Willhite presented the following Ordinance:

ORDINANCE NO. 19-O-101

**ORDINANCE AMENDING CHAPTER 75 OF THE CODE OF ORDINANCES
OF THE TOWN OF WINTERVILLE, NORTH CAROLINA**

BE IT ORDAINED by the Town Council of the Town of Winterville, North Carolina that Title VII Chapter 75 of the Code of Ordinances of the Town of Winterville is hereby amended as follows:

CHAPTER 75: PARKING SCHEDULES.

SCHEDULE I: PARKING PROHIBITED.

(A) (1) Parking is prohibited at all times on the following street:

<i>Street</i>	<i>Location</i>	<i>Side</i>	<i>Ord. or Res. No.</i>	<i>Date Passed</i>
Gardners Street	From Railroad Street to Jones Street per installed signage.	North	19-O-101	10-14-2019

(2) Signage giving notice of parking restrictions shall be erected.

(1992 Code, Chapter 75, Sch. I)

This Ordinance shall be effective upon adoption.

Adopted this the 14th day of October, 2019.

Douglas A. Jackson, Mayor

ATTEST:

Donald Harvey, Town Clerk

Motion made by Councilman Hines and seconded by Councilman Moye to adopt Ordinance 19-O-101 prohibiting parking on the north side of Gardners Street. The motion carried unanimously, 5-0.

OTHER AGENDA ITEMS: None

ITEMS FOR FUTURE AGENDA/FUTURE WORK SESSIONS: None

REPORTS FROM DEPARTMENT HEADS:

- Minimum Housing/Code Enforcement (TLP)
- Tar Road Widening Project – Electric Engineering/Relocation (RS)
- New Electric Territory Engineering/Installation (RS)
- Fork Swamp Greenway Project (EJ)
- Multi-Purpose Building Site Plan (EJ)
- Winterville Market/Town Common Plan (BW)
- Winterville Land Use Plan (BJ)
- Chapman Street Culvert - Nobel Canal Drainage Basin Study (TW)
- 2018 Sewer Rehab (TW)
- Church Street Pump Station Rehabilitation (TW)

Parks and Recreation Director Johnston reminded everyone of the Trick or Treat the Trail; Dedication of the Playgrounds at Hillcrest Park and Winterville Recreation Park; and the Letters to Santa.

Town Manager Parker stated work continues on the Minimum Housing and Code Enforcement list.

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

Attorney Lassiter: Reminded Council of the Closed Session to follow.

Councilman Moore: Reminded everyone of the Veterans Day event. He stills needs a speaker.

Councilwoman Roberson: Thanked Planning Director Jones on the Comprehensive Land Use Plan and dressed in pink tonight for cancer awareness.

Councilman Hines: None.

Councilman Moye: Requested Staff to write a letter to NCDOT concerning removal of stakes along Old Tar Road.

ANNOUNCEMENTS:

1. Board of Adjustment Meeting: Tuesday, October 15th @ 7:00 pm in THAR.
2. Planning and Zoning Board Meeting: Monday, October 21st @ 7:00 pm in THAR.
3. Halloween and Fall Market: Thursday, October 24th from 4:00 pm – 8:00 pm on Town Market at 252 Main Street.
4. Trick or Treat the Trail: Thursday, October 31st from 4:30 pm – 8:00 pm at Winterville Recreation Park.
5. Dedication of Playgrounds: Thursday, October 31st starting at 5:00 pm at Hillcrest Park Playground, then proceeding directly to Winterville Recreation Park Playground (approximately 5:30 pm).
6. Municipal Election: Tuesday, November 5th from 6:30 am – 7:30 pm.
7. Veteran's Day: Monday, November 11th, Town Offices Closed.
8. Veterans Day Event: Monday, November 11th @ 2:00 pm at Winterville Public Safety Building.
9. Regular Town Council Meeting: Tuesday, November 12th @ 7:00 pm in THAR.
10. Thanksgiving Holidays: Thursday, November 28th and Friday, November 29th, Town Offices Closed.
11. Christmas Market, Parade, Tree Lighting, and Council Reception: Saturday, November 23rd from 1:00 pm – 8:00 pm.

Motion made by Councilman Hines and seconded by Councilman Moye to adjourn into Closed Session. The motion carried unanimously, 5-0.

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

Motion made by Councilman Hines and seconded by Councilwoman Roberson to adjourn Closed Session. The motion carried unanimously, 5-0.

Motion made by Councilman Hines and seconded by Councilwoman Roberson to return to open session. The motion carried unanimously, 5-0.

ADJOURN: Motion made by Councilman Hines and seconded by Councilwoman Roberson to adjourn regular meeting. The motion carried unanimously, 5-0. Meeting adjourned at 9:00 pm.

Adopted this the 12th day of November, 2018.

Douglas A. Jackson, Mayor

ATTEST:

Donald Harvey, Town Clerk



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: November 12, 2019
Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: E & S Homes – Rezoning Request.

Action Requested: Schedule a Public Hearing for the Rezoning Request for December 9, 2019.

Attachments: Rezoning Application, Rezoning Map, Legal Description.

Prepared By: Bryan Jones, Planning Director

Date: 10/28/2019

ABSTRACT ROUTING:

TC 11/4/2019

FD

TM 11/05/2019

Final tlp – 11/05/2019

Supporting Documentation

Applicant: E & S Homes, LLC.

Location: Chapman Street north of its intersection with Main Street.

Parcel Number: **04666/04665.**

Site Data: **19.74 Acres.**

Current Zoning District: **R-6.**

Proposed Zoning District: **Central Business (CB).**

Reason for zoning change: Use of existing building for office.

- ❖ Planning and Zoning Board unanimously recommended approval on October 21, 2019.
- ❖ Adjacent property owners were mailed notification of the rezoning request on October 7, 2019.
- ❖ Notification was posted on the site on October 2, 2019.

Budgetary Impact: TBD.

Recommendation: Schedule the Public Hearing.



**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: E & S Homes, LLC - Brandon Smith
Address: 30608 Joe Stocks Rd. Greenville, 27858
Phone #: 252-714-8672
Owner: Winterville Rescue
Address: 2579 Chapman St. Winterville
Phone #: kick # 252-916-0135

PROPERTY INFORMATION

Parcel #: 041666 & 041665 Area (square feet or acres): .40
Current Land Use: R6
Location of Property: 2579 Chapman St. Winterville NC

ZONING REQUEST

Existing Zoning: ~~R6~~ vacant building. Requested Zoning: "CB" 28590 Central Business
Reason for zoning change: sale of property & will be using general business.

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, Winterville Rescue + EMS, Inc., being the Owner or Agent (if Agent, complete section below) request that the attached rezoning request be placed on the agenda of the Planning and Zoning Board meeting scheduled for _____/_____/_____.

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

Signature [Handwritten Signature] EMS Chief Date 9/17/19
Winterville Rescue + EMS, Inc.

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, Winterville Rescue + EMS, Inc., being the Owner of the property described herein, do hereby authorize _____ as agent for the purpose of this application.

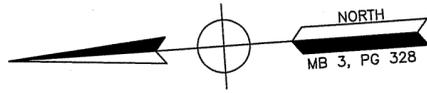
Signature [Handwritten Signature] EMS Chief Date 9/17/19
Winterville Rescue + EMS, Inc.

Sworn to and subscribed before me, this 17th day of September, 2019.

[Handwritten Signature]
Notary Public

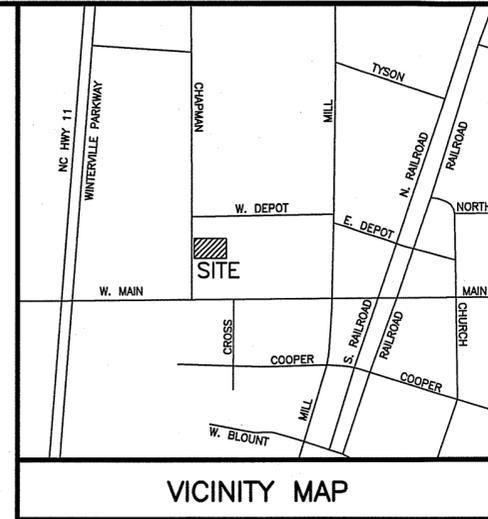
My Commission Expires:
6/4/2023





R-6
SELMA FORREST DIVISION
 MB 3, PG 328

(5)

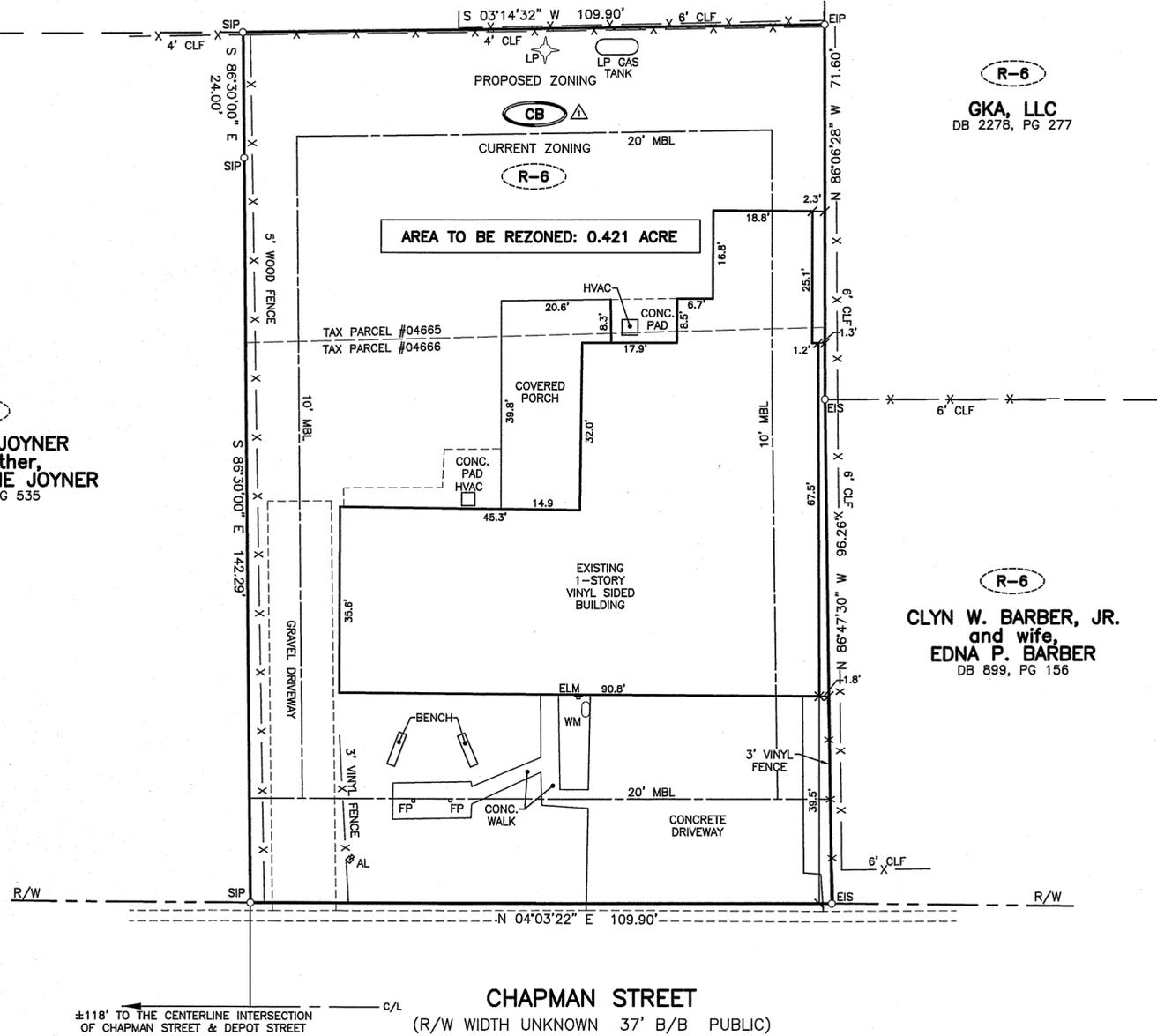


VICINITY MAP

R-6
JOEY LEE JOYNER
and brother,
MICHAEL WAYNE JOYNER
 DB 3248, PG 535

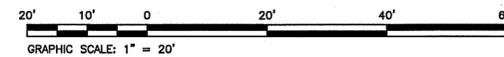
R-6
GKA, LLC
 DB 2278, PG 277

R-6
CLYN W. BARBER, JR.
and wife,
EDNA P. BARBER
 DB 899, PG 156



LEGEND

- R/W = RIGHT-OF-WAY
- EIP = EXISTING IRON PIPE
- EIS = EXISTING IRON STAKE
- SIP = SET IRON PIPE
- FP = FLAG POLE
- LP = LIGHT POLE
- CONC = CONCRETE
- CLF = CHAIN LINK FENCE
- ELM = ELECTRIC METER
- WM = WATER METER
- C/L = CENTERLINE
- AL = AREA LIGHT
- HVAC = HEATING, VENTILATION, AIR CONDITIONING
- MBL = MINIMUM BUILDING LINE
- = NOT TO SCALE
- = ZONING EXISTING
- = ZONING PROPOSED



PARCEL# 04666
 TAX MAP# 4675-41-2180
 PARCEL# 04665
 TAX MAP# 4675-41-3165

SHEET 1 OF 1
REZONING MAP

FOR
E&S HOMES, LLC

A PORTION OF LOT(S) 7, 8 & 10, SELMA FORREST DIVISION

REFERENCE: MAP BOOK 3, PAGE 328 OF THE
 PITT COUNTY REGISTER OF DEEDS

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

OWNER: **WINTERVILLE RESCUE & EMS, INC.**
 ADDRESS: P.O. BOX 1459
 WINTERVILLE, NC 28590
 PHONE: 252-756-2515

	SURVEYED: JGP	APPROVED: MWB
	DRAWN: JGG	DATE: 09/25/19
CHECKED: MWB	SCALE: 1" = 20'	

GENERAL NOTES

1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
2. THIS IS A SURVEY OF EXISTING PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
3. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. REFERENCE: PITT COUNTY FIRM 3720467500K, DATED JULY 7, 2014.
4. REFERENCE: DEED BOOK 177, PAGE 42 & DEED BOOK 3248, PAGE 535 OF THE PITT COUNTY REGISTER OF DEEDS.

△ REVISED: 9-26-19 (CLIENT COMMENTS) (JGG)
 CHANGED GB ZONING TO CB ZONING

CLOSURE CHECK BOUNDARY	
CHECKED: JGG	DATE: 09/25/19

I, JOHN G. GETSINGER, JR., HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY DIRECTION AND SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY DIRECTION AND SUPERVISION, THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000.

WITNESS MY HAND AND SEAL THIS
 25th DAY OF SEPTEMBER, 2019.



JOHN G. GETSINGER, JR., PLS L-4508

**LEGAL DESCRIPTION OF PROPERTY
TO BE REZONED FROM R-6 TO GB
E&S HOMES, LLC
WINTERVILLE, WINTERVILLE TOWNSHIP, PITT, NC
SEPTEMBER 25, 2019**

Beginning at a point on the eastern right-of-way of Chapman Street, said point being the southwestern corner of the Joey Lee Joyner and brother, Michael Wayne Joyner Property as described in Deed Book 3248, Page 535 of the Pitt County Register of Deeds. From the above described beginning, so located, running thence as follows:

Leaving the eastern right-of-way of Chapman Street, S 86°30'00" E 166.29', thence S 03°14'32" W 109.90', thence N 86°06'28" W 71.60', thence N 86°47'30" W 96.26' to an existing iron stake on the eastern right-of-way of Chapman Street, thence with the eastern right-of-way of Chapman Street, N 04°03'22" E 109.90' to the point of beginning containing 0.421 acre.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: November 12, 2019
Presenter: Bryan Jones, Planning Director

Item to be Considered

Subject: Brookfield, Section 4, Phase 2 – Annexation.

Action Requested: Direct Town Clerk to Investigate the Sufficiency of Annexation.

Attachments: Annexation Petition, Annexation Map, Legal Description.

Prepared By: Bryan Jones, Planning Director

Date: 10/28/2019

ABSTRACT ROUTING:

TC 11/4/2019

FD

TM 11/05/2019

Final tip – 11/05/2019

Supporting Documentation

The property owner of a portion of Parcel 25766 (Brookfield, Section 4, Phase 2) is applying for annexation into the Town limits.

Brookfield, Section 4, Phase 2:

Location: Laurie Ellis Road west of its intersection with Old Tar Road.

Size: 12.535 Acres.

Zoned: R-10 CUD.

Annexation Process:

1st Council Meeting: Direct Town Clerk to Investigate the Sufficiency of the Annexation (11/12/19).

2nd Council Meeting: Schedule a Public Hearing for the Annexation (12/9/19).

3rd Council Meeting: Hold Public Hearing on the Annexation (1/13/20).

Budgetary Impact: TBD.

Recommendation: Direct Town Clerk to Investigate Sufficiency.

PETITION REQUESTING ANNEXATION

Date: October 17, 2019

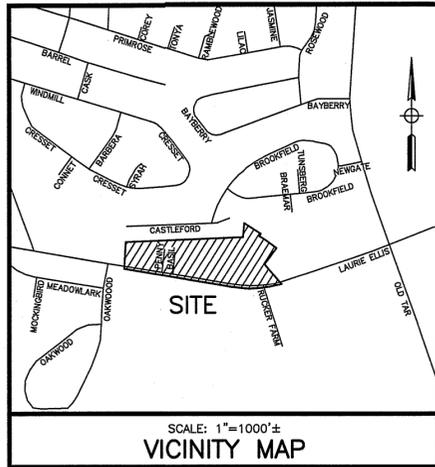
TO THE BOARD OF ALDERMEN OF THE TOWN OF WINTERVILLE

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Winterville.
2. The area to be annexed is contiguous to the Town of Winterville and the boundaries of such territory are described as follows:

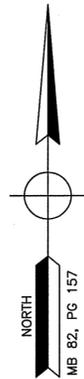
Description

Being 12.535 acres off the northern right-of-way of NCSR 1713 – Laurie Ellis Road, Pitt County Tax Parcel #25766 as described in e-mailed legal description.

<u>Name</u>	<u>Address</u>
<u>Cooper Island Development, LLC</u>	<u>P.O. Box 606</u> <u>Greenville, NC 27835</u>



SCALE: 1"=1000'±
VICINITY MAP



NORTH
MB 82, PG 157

- GENERAL NOTES**
1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
 2. THIS MAP IS OF A SURVEY THAT IS OF ANOTHER CATEGORY.
 3. REFERENCE: A PORTION OF A PROPERTY AS DESCRIBED IN DEED BOOK 3573, PAGE 522 OF THE PITT COUNTY REGISTER OF DEEDS.
 4. IRON PIPES TO BE SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.

SINGLE-FAMILY
SHANNON DANIELS
and PAULA L. TYRE
DB 3415, PG 389
MB 71, PG 191

AGRICULTURAL
CHAPEL HILL
FOUNDATION REAL
ESTATE HOLDINGS, INC.
DB 3448, PG 378
MB 77, PG 97

VACANT
PEDRO BANDERAS
TRUST
DB 3331, PG 804
MB 46, PG 50

SINGLE-FAMILY
DAWN BRANCH
KING and
CYNTHIA BRANCH
BROWN ETAL
ESTATE FILE 2017-45
MB 46, PG 50

WOODED
PEDRO BANDERAS
TRUST
DB 3331, PG 804
MB 46, PG 50

WOODED
HILDA STOKES
McGLOHON
DB 3033, PG 109

AGRICULTURAL
LORRAINE R. RUCKER
DB 346, PG 173
MB 34, PG 74

AGRICULTURAL
PEDRO BANDERAS
TRUST
DB 3331, PG 804
MB 46, PG 50

LEGEND

- R/W = RIGHT-OF-WAY
- EIP = EXISTING IRON PIPE
- SIP = SET IRON PIPE

LEGEND

- NEW CITY LIMIT LINE = ————
- OLD CITY LIMIT LINE = - - - - -
- CITY LIMIT LINE = - - - - -

LINE TABLE		
COURSE	BEARING	DISTANCE
L1	S 81°21'39" W	56.34'
L2	S 84°19'25" W	51.53'
L3	S 87°18'38" W	51.55'
L4	N 89°45'12" W	51.50'
L5	N 86°51'11" W	51.56'
L6	N 83°37'20" W	51.68'
L7	N 80°21'59" W	51.62'
L8	N 77°27'14" W	51.09'
L9	N 76°03'57" W	50.54'

NEW CITY LIMIT LINE
N 75°12'04" W 998.80'
NCSR 1713 - LAURIE ELLIS ROAD
(60' R/W 20' ASPHALT PUBLIC FUTURE 110' THOROUGHFARE)

OWNER: COOPER ISLAND DEVELOPMENT, LLC
ADDRESS: PO BOX 606
GREENVILLE, NC 27835
PHONE: (252) 205-7121



GRAPHIC SCALE: 1" = 30'

A PORTION OF PARCEL #25766
TAX MAP #4674-97-7236

CERTIFICATION
THIS IS TO CERTIFY THAT THIS MAP WAS DRAWN UNDER MY DIRECTION AND SUPERVISION FROM AN ACTUAL FIELD LAND SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINE; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.
WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2019.
MICHAEL WEST BALDWIN, PLS L-3082



STATE OF NORTH CAROLINA
COUNTY OF PITT
I, _____ REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
DATE _____
REVIEW OFFICER _____

MAP SHOWING AREA ANNEXED BY
TOWN OF WINTERVILLE, N.C.
ORDINANCE NO. _____ AREA 12.535 AC.
ACCEPTED FOR THE TOWN OF WINTERVILLE
MAYOR _____ DATE _____

ANNEXATION MAP FOR
BROOKFIELD
SECTION 4, PHASE 2
REFERENCE: A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 3573, PAGE 522 OF THE PITT COUNTY REGISTER OF DEEDS
WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

Baldwin Design Consultants, PA LICENSE # C-3498 ENGINEERING - SURVEYING - PLANNING 1700-D EAST ARLINGTON BOULEVARD GREENVILLE, NC 27858 252.756.1390	SURVEYED: BW DRAWN: MAH/NRW CHECKED: MWB	APPROVED: MWB DATE: 10/07/19 SCALE: 1" = 100'
---	--	---

Y:\DRAWINGS\16-150 BROOKFIELD SECT 4 PH 2.dwg Mon, Oct 07, 2019-4:26pm RWELLS

**LEGAL DESCRIPTION OF PROPERTY TO BE
ANNEXED INTO THE TOWN OF WINTERVILLE
BROOKFIELD, SECTION 4, PHASE 2
WINTERVILLE TOWNSHIP, PITT, NC
OCTOBER 17, 2019**

Beginning at a point on the northern right-of-way of NCSR 1713 (Laurie Ellis Road), said point being the southeastern corner of the Town of Winterville Property as described in Deed Book 2803, Page 192 of the Pitt County Register of Deeds. From the above described beginning, so located, running thence as follows:

Leaving the northern right-of-way of NCSR 1713 (Laurie Ellis Road), N 07°52'51" E 197.59', thence S 87°05'39" E 1,088.91', thence N 09°55'25" E 128.00', thence S 51°49'02" E 182.02', thence S 34°40'07" W 26.83', thence S 55°19'53" E 60.00', thence S 47°54'15" E 134.55', thence S 42°05'45" W 186.80', thence S 32°12'47" E 246.81' to a point on the southern right-of-way of NCSR 1713 (Laurie Ellis Road), thence with the southern right-of-way of NCSR 1713 (Laurie Ellis Road), S 81°21'39" W 56.34', S 84°19'25" W 51.53', S 87°18'38" W 51.55', N 89°45'12" W 51.50', N 86°51'11" W 51.56', N 83°37'20" W 51.68', N 80°21'59" W 51.62', N 77°27'14" W 51.09', N 76°03'57" W 50.54' and N 75°12'04" W 998.80', thence crossing the right-of-way of NCSR 1713 (Laurie Ellis Road), N 07°52'51" E 60.46' to the point of beginning containing 12.535 acres and being a portion of the property described in Deed Book 3573, Page 522 of the Pitt County Register of Deeds.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: November 12, 2019
Presenter: Anthony Bowers, Finance Director

Item to be Considered

Subject: Resolution Designation of Applicants Agent.

Action Requested: Approve the Resolution.

Attachments: Designation of Applicants Agent Form.

Prepared By: Anthony Bowers, Finance Director

Date: 11/7/2018

ABSTRACT ROUTING:

TC 11/5/2019

FD

TM 11/05/2019

Final tlp – 11/05/2019

Supporting Documentation

As a result of Hurricane Dorian, the Town is applying for FEMA assistance. As part of this process, FEMA pays 75% of the reimbursements and the State of North Carolina pays the remaining 25%. The State requires applicants to designate a primary and secondary agent. This will allow the Finance Director to be the primary agent. The primary agent, will prepare and submit the required documentation needed for reimbursements and represent the Town of Winterville with FEMA and the State of North Carolina.

Budgetary Impact: TBD.

Recommendation: Approve the Resolution.

**RESOLUTION
DESIGNATION OF APPLICANT'S AGENT**

North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) **Town of Winterville** Disaster Number: **FEMA-4465-NC**

Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):

Applicant's Fiscal Year (FY) Start **2019-2020** Month: **July** Day: **1st**

Applicant's Federal Employer's Identification Number
56 - 6001376

Applicant's Federal Information Processing Standards (FIPS) Number

PRIMARY AGENT		SECONDARY AGENT	
Agent's Name	Anthony Bowers	Agent's Name	Terri L. Parker
Organization	Town of Winterville	Organization	Town of Winterville
Official Position	Finance Director	Official Position	Town Manager
Mailing Address	PO Box 1459 	Mailing Address	PO Box 1459 
City, State, Zip	Winterville, NC 28590	City, State, Zip	Winterville, NC 28590
Daytime Telephone	(252) 215-2348	Daytime Telephone	(252) 215-2341
Facsimile Number	(252) 215-2454	Facsimile Number	(252) 215-2451
Pager or Cellular Number	(252) 902-9336	Pager or Cellular Number	(252) 341-4407

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 12th day of , 20 .

GOVERNING BODY		CERTIFYING OFFICIAL	
Name and Title	Douglas Jackson, Mayor	Name	Donald Harvey
Name and Title	Mark Smith, Mayor Pro Temp	Official Position	Town Clerk
Name and Title		Daytime Telephone	(252) 215-2344

CERTIFICATION

I, **Donald Harvey**, (Name) duly appointed and **Town Clerk** (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of **Town of Winterville** (Organization) on the **12th** day of **November**, 20**19**.

Date: _____ Signature: _____

APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institutional employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: November 12, 2019
Presenter: Anthony Bowers, Finance Director

Item to be Considered

Subject: Budget Amendment 2019-2020-2.

Action Requested: Approve the Budget Amendment.

Attachments: Budget Amendment 19-20-2.

Prepared By: Anthony Bowers, Finance Director

Date: 11/5/2019

ABSTRACT ROUTING:

TC 11/5/2019

FD

TM 11/05/2019

Final tip - 11/05/2019

Supporting Documentation

This is the second budget amendment for the 2019-2020 Fiscal Year.

This amendment addresses the partial refund of a surety posted by the Developer of Holly Grove Subdivision - Carolina Eastern Homes, LLC. They are requesting funds in the amount of \$303,541.63. Public Works Director Travis Wellborn, has inspected the subdivision with their consulting engineer and has approved the draw-down request.

Budgetary Impact: The total budget amendment is \$303,541.63.

Recommendation: Approve the Budget Amendment.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Old Business

Meeting Date: November 12, 2019
Presenter: Ben Williams, Assistant Town Manager

Item to be Considered

Subject: Nobel Canal Bank Stabilization – Update.

Action Requested: Council Direction.

Attachments: N/A.

Prepared By: Ben Williams, Assistant Town Manager

Date: 11/5/2019

ABSTRACT ROUTING:

TC 11/5/2019

FD

TM 11/05/2019

Final tlp – 11/05/2019

Supporting Documentation

Staff will present and discuss potential funding sources and associated timelines/criteria for streambank stabilization of Nobel Canal.

Budgetary Impact: TBD.

Recommendation: N/A.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: November 12, 2019

Presenter: Donald Harvey, Town Clerk

Item to be Considered

Subject: Proposed Ordinance for Reconsideration of Brunch Bill.

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

Attachment: Draft Brunch Bill Ordinance.

Prepared By: Donald Harvey, Town Clerk

Date: 10/30/2019

ABSTRACT ROUTING:

TC 11/4/2019

FD

TM 11/5/2019

Final tip – 11/5/2019

Supporting Documentation

The attached draft Ordinance is provided for Council discussion, as requested, relative to public comments from the October 14, 2019 Council meeting.

Budgetary Impact: TBD.

Recommendation: N/A.

ORDINANCE NO. 19-O-111

AN ORDINANCE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BEFORE NOON ON SUNDAYS AT LICENSED PREMISES

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

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

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

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

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

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

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

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

Section 1. Pursuant to the authority granted by S.L. 2017-87 any establishment located in the corporate limits of and holding an ABC permit issued pursuant to G.S. 188 - 1001 is permitted to sell beverages allowed by its permit beginning at 11 am on Sundays.

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

Section 3. This Ordinance shall be effective upon adoption.

Adopted this the 12th day of November, 2019.

Douglas A. Jackson, Mayor

ATTEST:

Donald Harvey, Town Clerk