



NOTICE OF SPECIAL MEETING – POLICY WORKSHOP

**MONDAY, SEPTEMBER 28, 2026, AT 5:30 PM
WINTERVILLE TOWN HALL ASSEMBLY ROOM**

A Special Meeting – Policy Workshop of the Winterville Town Council is scheduled for Monday, September 28, 2025 at 5:30 PM in the Winterville Town Hall Assembly Room to discuss the following:

1. Street Repair Project: Powell Bill - Award of Contract.
2. Trash Container Policy (Proposed).
3. Discussion of Town Council Rules of Procedure.

The Agenda is available on the Town website at www.wintervillenc.com/agendas.

The meeting is open to the public; however, public comments will not be received. For questions or additional information, please contact Donald Harvey, Town Clerk at (252) 756-2221 ext. 2344 or email don.harvey@wintervillenc.com.



**TOWN COUNCIL
SPECIAL MEETING - POLICY WORKSHOP AGENDA
MONDAY, SEPTEMBER 28, 2026, AT 5:30 PM
WINTERVILLE TOWN HALL ASSEMBLY ROOM**

- I. CALL TO ORDER.**
- II. INVOCATION.**
- III. PLEDGE OF ALLEGIANCE.**
- IV. WELCOME.**
- V. ROLL CALL.**
- VI. APPROVAL OF AGENDA.**
- VII. ITEMS FOR CONSIDERATION.**
 - 1. Street Repair Project: Powell Bill - Award of Contract.
 - 2. Trash Container Policy (Proposed).
 - 3. Discussion of Town Council Rules of Procedure.
- VIII. ADJOURN.**

The meeting is open to the public; however, public comments will not be received. For questions or additional information, please contact Donald Harvey, Town Clerk at (252) 756-2221 ext. 2344 or email don.harvey@wintervillenc.com.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Item for Consideration

Meeting Date: September 28, 2026

Presenter: Terri L. Parker, Town Manager

Item to be Considered

Subject: Street Repair Project: Powell Bill - Award of Contract – Tripp Brothers, Inc.

Action Requested: Approve Contract.

Attachment: Letter Recommending Award; Bid Tabulation Summary; Award Notice for Tripp Brothers; and Street Project Information.

Prepared By: Terri L. Parker, Town Manager

Date: 9/25/2026

ABSTRACT ROUTING:

☒ TC: 9/25/2026

☒ TM: 9/25/2026

☒ Final: tlp - 9/25/2026

Supporting Documentation

Staff presents the attached information for the FY 2026-2027 Powell Bill Streets Repair Project. The amount of work and associated dollar amount is not huge in the grand scheme of things, but gives us a change to address some of the worst areas throughout Town. This project does not mean to indicate that these are the only places needing attention, but as you know, it is an ongoing process and Staff is trying to attend to areas throughout the entire Town.

Wooten has put together the attached information for your consideration and approval:

Letter of Recommendation of Award for Tripp Brothers, Inc.

Bid Tabulation Summary

Award Notice for Tripp Brothers, Inc.

Information on Specific Street sections to be repaired.

Budgetary Impact: \$160,995 – included in FY 2026-2027 Budget.

Recommendation: Staff recommends the Award of this Contract to Tripp Brothers, Inc.

July 29, 2026

Terri Parker, Town of Winterville
Town Manager
2571 Railroad Street
Winterville, NC 28590

RE: Recommendation for Construction Contract Award
Winterville Powell Paving Bill
Winterville, NC
TWC No: 2853-BE

Ms. Parker:

Construction bids for the above-referenced project were received on Thursday, July 28, 2026. Five (5) bids were received ranging from \$160,995.00 to \$290,538.86. We are recommending award of the construction contract to Tripp Brothers Inc.(Ayden, NC) in the amount of One Hundred Sixty Thousand Nine Hundred Ninety-Five Dollars and Zero Cents (\$160,995.00) contingent upon concurrence from the Town. The contractor meets the obligation of being the lowest responsive, responsible bidder.

A copy of the Certified Bid Tabulation, Unit Price Bid Summary, and Notice of Award are enclosed for your reference.

If Town of Winterville is in agreement with our recommendation, please sign and date all four (4) copies of the enclosed Notice of Award and return all copies to our office at your earliest convenience.

If you have any questions, please contact our office.

Best Regards,

THE WOOTEN COMPANY

By



William A. Larsen, P.E.



Notice of Award
Certified Bid Tabulation
Unit Price Summary

Via: Email
Cc: TWC

Town of Winterville
Powell Bill Paving
TWC Project No# 2853-BE



418 Evans St, Suite 201
Greenville, NC 27858
Lisc# F-0115

July 28, 2026

	CONTRACTOR	LIC. NO.	CLASS	BID BOND	BASE BID	AFFIDAVIT A/B	REMARKS
1	Tripp Brothers Inc	52247	U/B/H/PU	5%	\$160,995.00	A	Low Bidder
2	Barnhill Contracting Company	3194	U/U	5%	\$201,070.00	A	
3	ST Wooten Corporation	2408	U/U	5%	\$239,490.00	A	
4	Allen Grading Company	36649	U/B/H/PU	5%	\$268,790.00	B	
5	Simmons Public Utility Site Work Inc	81522	U/H/PU	5%	\$290,538.86	B	
6							
7							
8							
9							
10							

This is to certify that the bids received herein were publicly opened and read at 2:00pm on July 28, 2026 at the Town Hall located at 2571 Railroad Street, Winterville, NC 28590.

William A. Larsen, P.E.

Bid Date: July 28, 2026																	
Item No.	Description	Est. Quantity	Unit	Tripp Brothers, Inc		Barnhill Contracting Co		ST Woolen Corporation		Allen Grading Company		Simmons Public Utility Site Work Inc		Average of All Bids		Average of Three Low Bidders	
				Unit Price	Total Extended Price	Unit Price	Total Extended Price	Unit Price	Total Extended Price	Unit Price	Total Extended Price	Unit Price	Total Extended Price	Unit Price	Total Extended Price	Unit Price	Total Extended Price
1	Mill and Overlay	5,460	SY	\$25.50	\$139,230.00	\$32.00	\$174,720.00	\$31.50	\$171,990.00	\$31.50	\$171,990.00	\$44.88	\$245,044.80	\$33.08	\$180,594.96	\$29.67	\$161,980.00
2	Curb Mill	2,600	LF	\$6.10	\$15,860.00	\$4.25	\$11,050.00	\$19.00	\$49,400.00	\$25.00	\$65,000.00	\$6.84	\$17,784.00	\$12.24	\$31,818.80	\$9.78	\$25,436.67
3	Manhole Ring Adjustments	8	EA	\$210.00	\$1,680.00	\$1,000.00	\$8,000.00	\$100.00	\$800.00	\$1,200.00	\$9,600.00	\$1,825.67	\$14,605.36	\$867.13	\$6,937.07	\$436.67	\$3,493.33
4	Valve Box Adjustments	3	EA	\$175.00	\$525.00	\$900.00	\$2,700.00	\$100.00	\$300.00	\$500.00	\$1,500.00	\$1,474.55	\$4,423.65	\$629.91	\$1,889.73	\$391.67	\$1,175.00
5	Pavement Striping: Stop Bar	1	EA	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$500.00	\$500.00	\$1,200.00	\$1,200.00	\$237.85	\$237.85	\$787.57	\$787.57	\$833.33	\$833.33
6	Undercut	60	CY	\$45.00	\$2,700.00	\$60.00	\$3,600.00	\$275.00	\$16,500.00	\$325.00	\$19,500.00	\$140.72	\$8,443.20	\$169.14	\$10,148.64	\$126.67	\$7,600.00
	TOTAL				\$160,995.00		\$201,070.00		\$239,490.00		\$268,790.00		\$290,538.86				

NOTICE OF AWARD

Date of Issuance: August 3, 2026	
Owner: Town of Winterville	Owner's Project No.: -
Engineer: The Wooten Company	Engineer's Project No.: 2853-BE
Project: Winterville-Powell Bill Paving	
Contract Name: Contract Name	
Bidder: Tripp Brothers Inc	
Bidder's Address: 4158 Norris Rd, Ayden, NC 28513	

You are notified that Owner has accepted your Bid dated Bid Date - TWC for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

1. Powell Bill Paving

The Contract Price of the awarded Contract is One Hundred Sixty Thousand Nine Hundred Ninety-Five Dollars and Zero Cents (\$160,995.00). Contract Price is subject to adjustment based on the provisions of the Contract, including but not limited to those governing changes, Unit Price Work, and Work performed on a cost-plus-fee basis, as applicable.

4.unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner 4 counterparts of the Agreement, signed by Bidder (as Contractor).
2. Deliver with the signed Agreement(s) the Contract security (such as required performance and payment bonds) and insurance documentation, as specified in the Instructions to Bidders and in the General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within 10 days after you comply with the above conditions, Owner will return to you one fully signed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner: Town of Winterville

Contractor: Tripp Brothers

By (signature): _____

By (signature): _____

Name (print): Rickey Hines

Name (print): _____

Title: Mayor

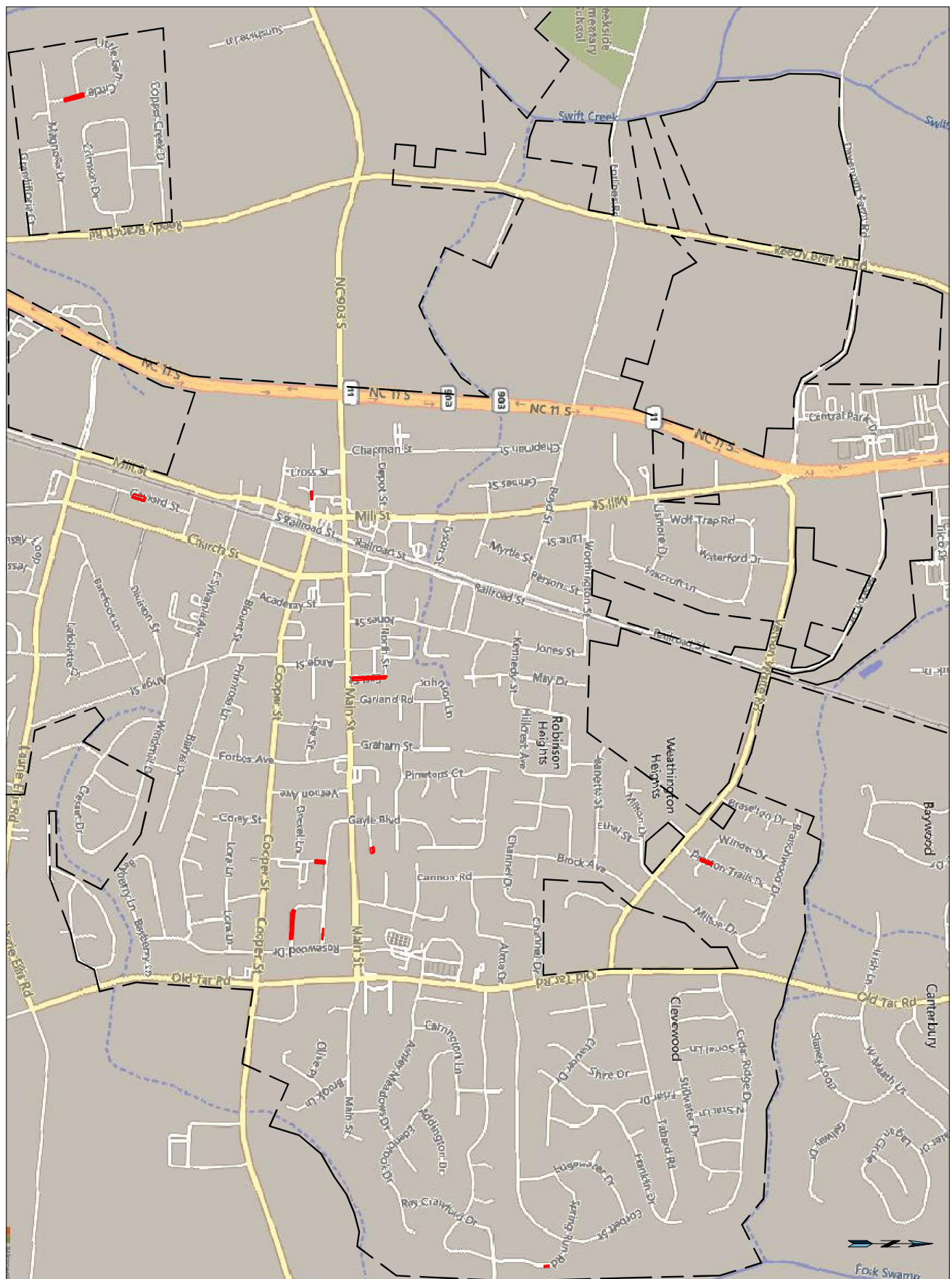
Title: _____

Date: _____

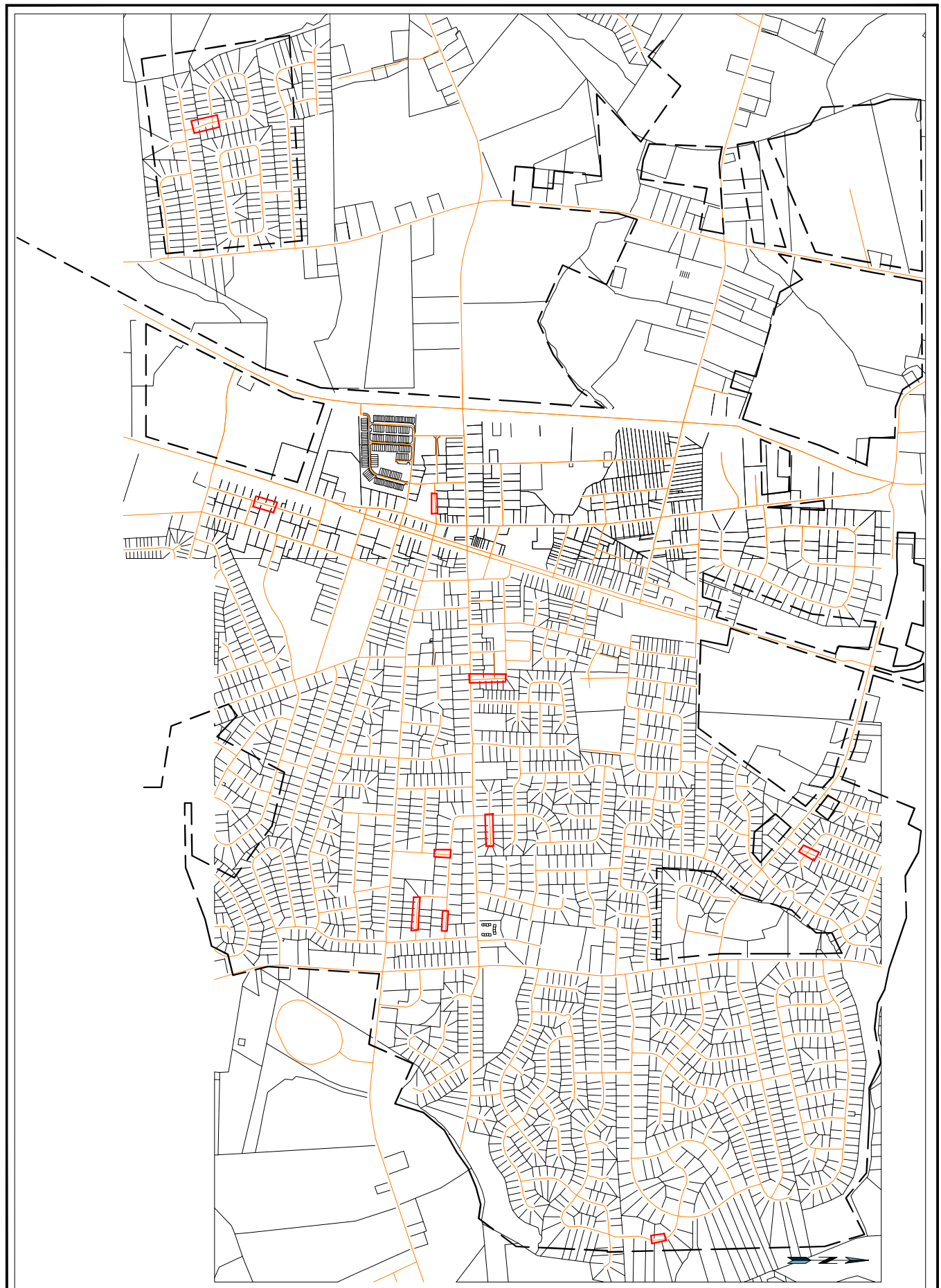
Date: _____

copy: Engineer

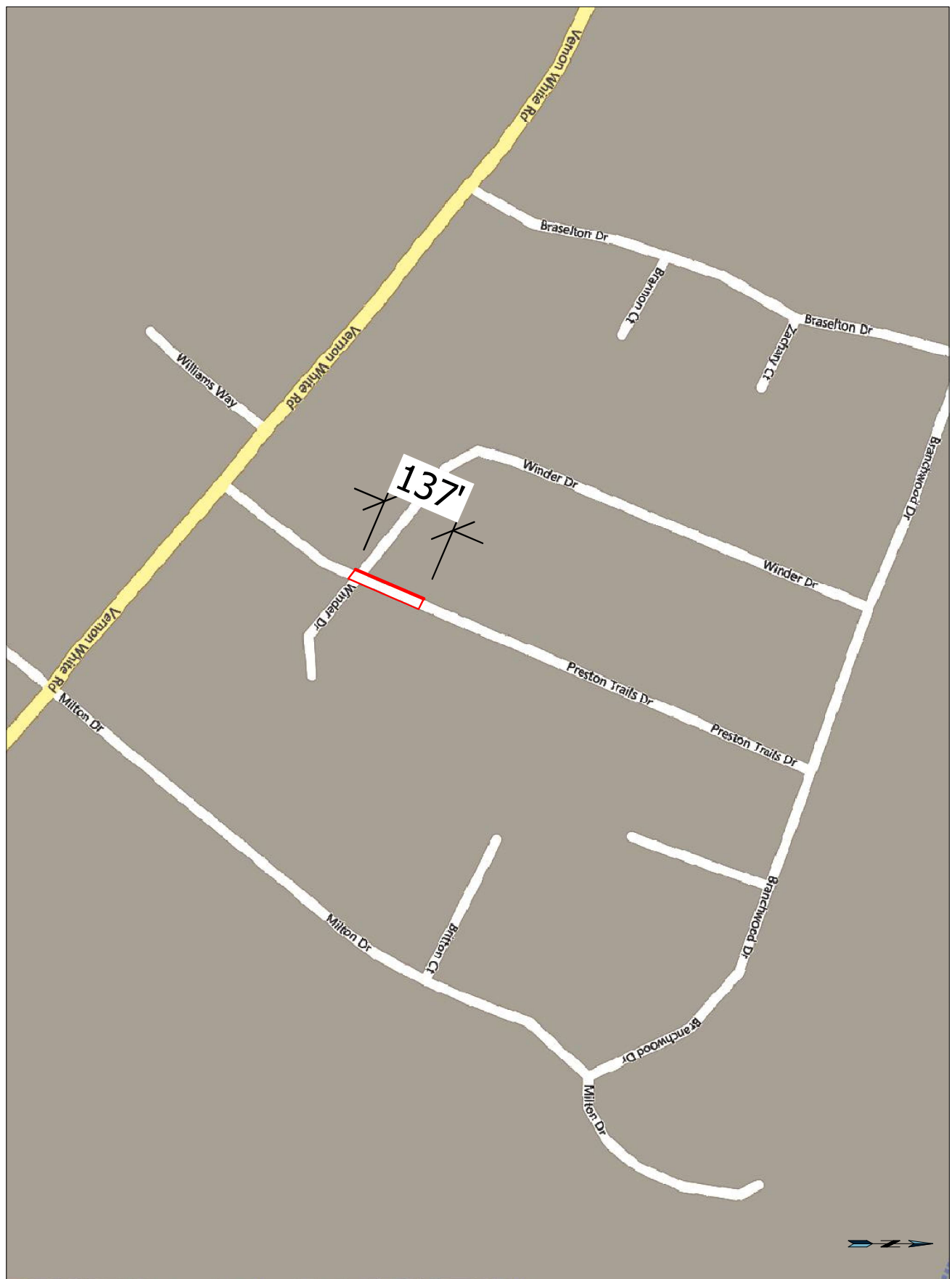
END OF SECTION



CITY OF WINTERVILLE	NORTH CAROLINA	DATE: 4/28/2026	 PROJECT AREAS	LEGEND  WINTERVILLE LIMITS  OTHER CORPORATE LIMITS	 418 Evans Street, Suite 201 • Greenville, NC 27858 (252) 757-1006 • www.wootencompany.com License Number: F-0115
POWELL BILL PAVING	TWC PROJECT NO.: 2853-BE	C-0.01			
VICINITY MAP					



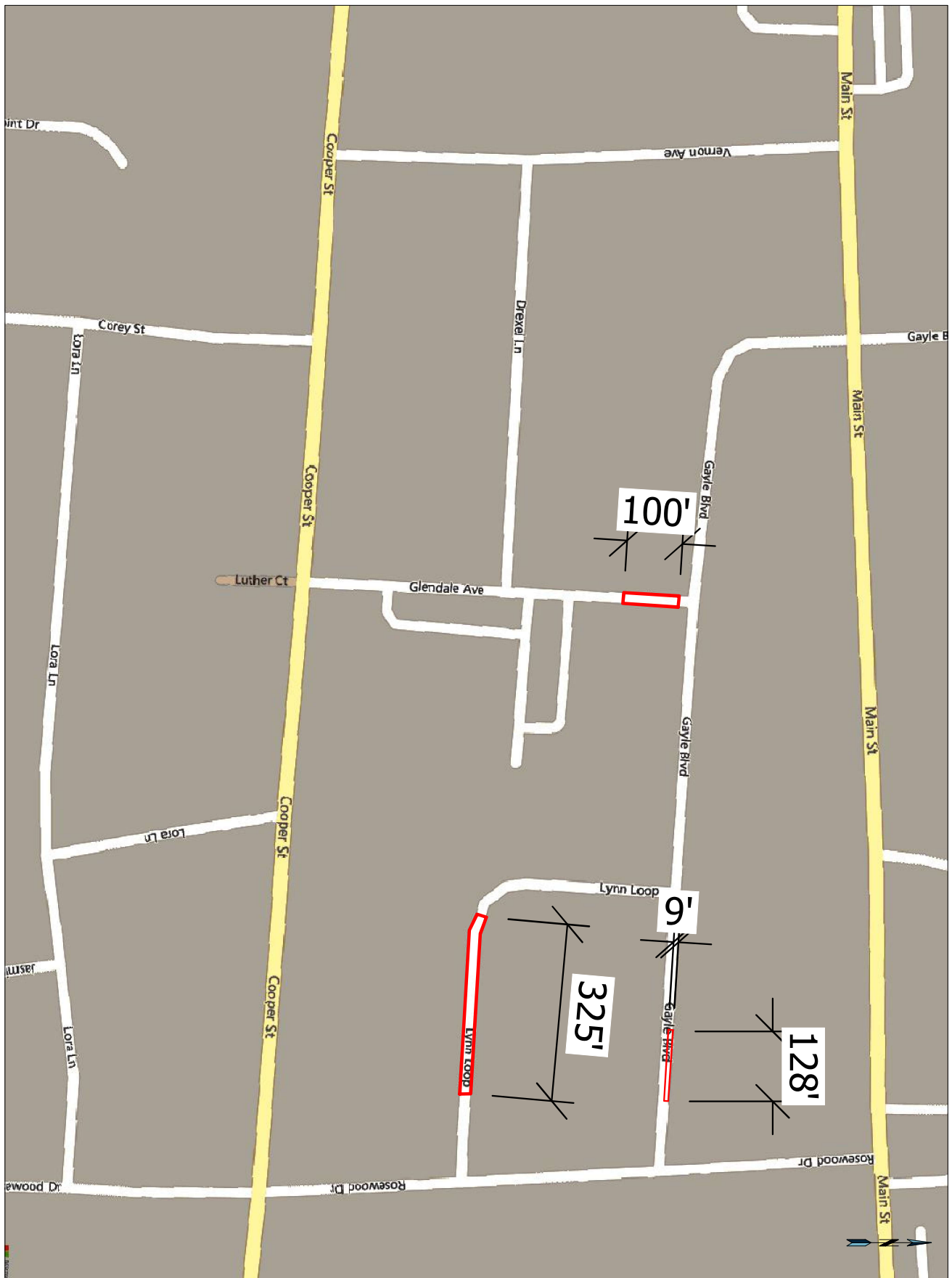
CITY OF WINTERVILLE		DATE: 4/28/2026	LEGEND PROJECT AREAS PARCELS WINTERVILLE LIMITS STREETS
PLATT COUNTY	NORTH CAROLINA	TWC PROJECT NO.: 2853-BE	
POWELL BILL PAVING			
PROJECT AREA MAP		C-0.02	 418 Evans Street, Suite 201 • Greenville, NC 27858 (252) 757-1096 • www.wootencompany.com License Number: F-0115



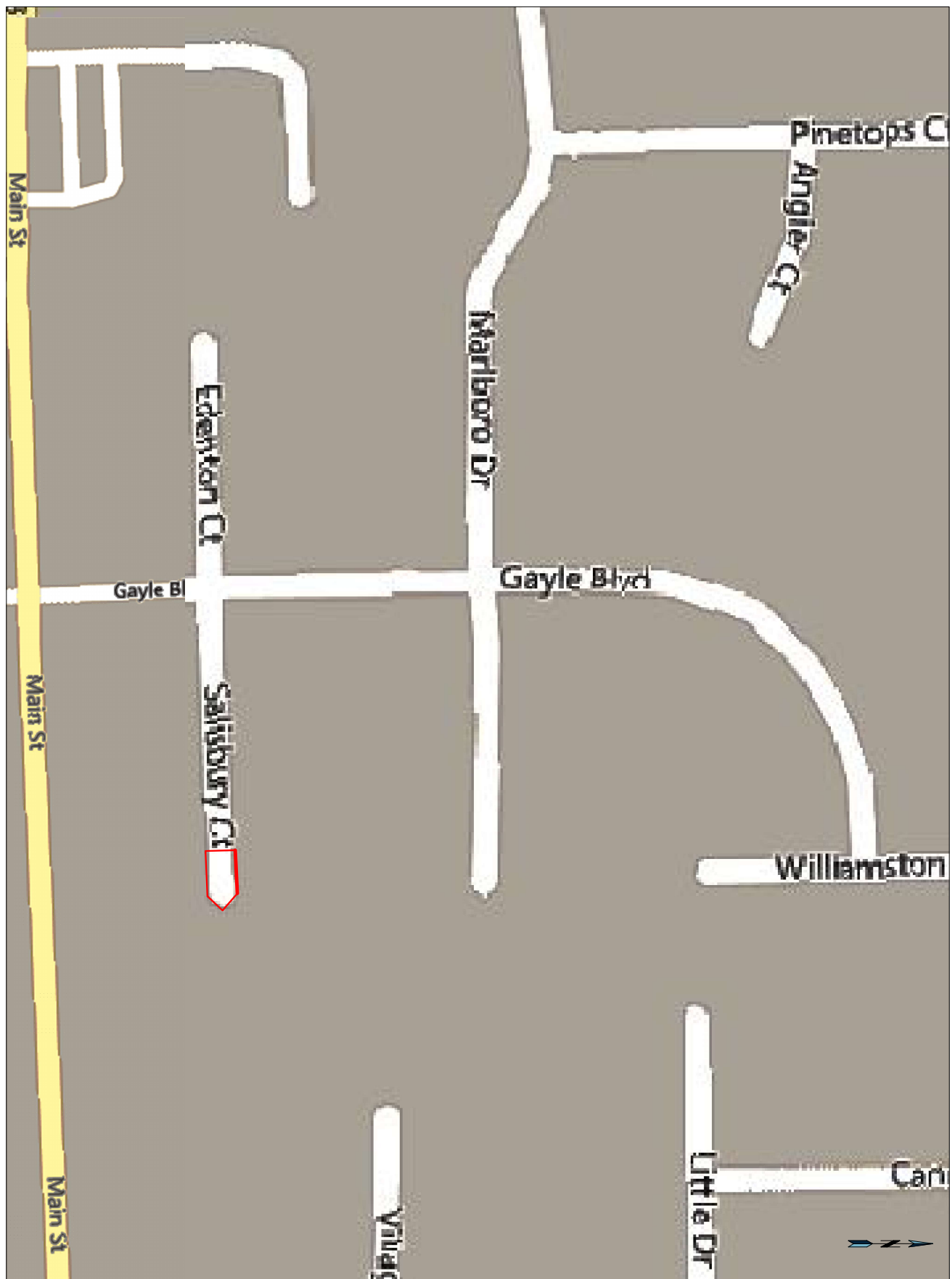
CITY OF WINTERVILLE PITT COUNTY	NORTH CAROLINA DATE: 4/28/2026	PROJECT AREAS LEGEND WINTERVILLE LIMITS OTHER CORPORATE LIMITS	Wooten 418 Evans Street, Suite 201 • Greenville, NC 27858 (252) 757-1096 • www.wootencompany.com License Number: F-0115
POWELL BILL PAVING	TWC PROJECT NO.: 2853-BE		
PRESTON TRAILS DRIVE MAP	C-1.01		



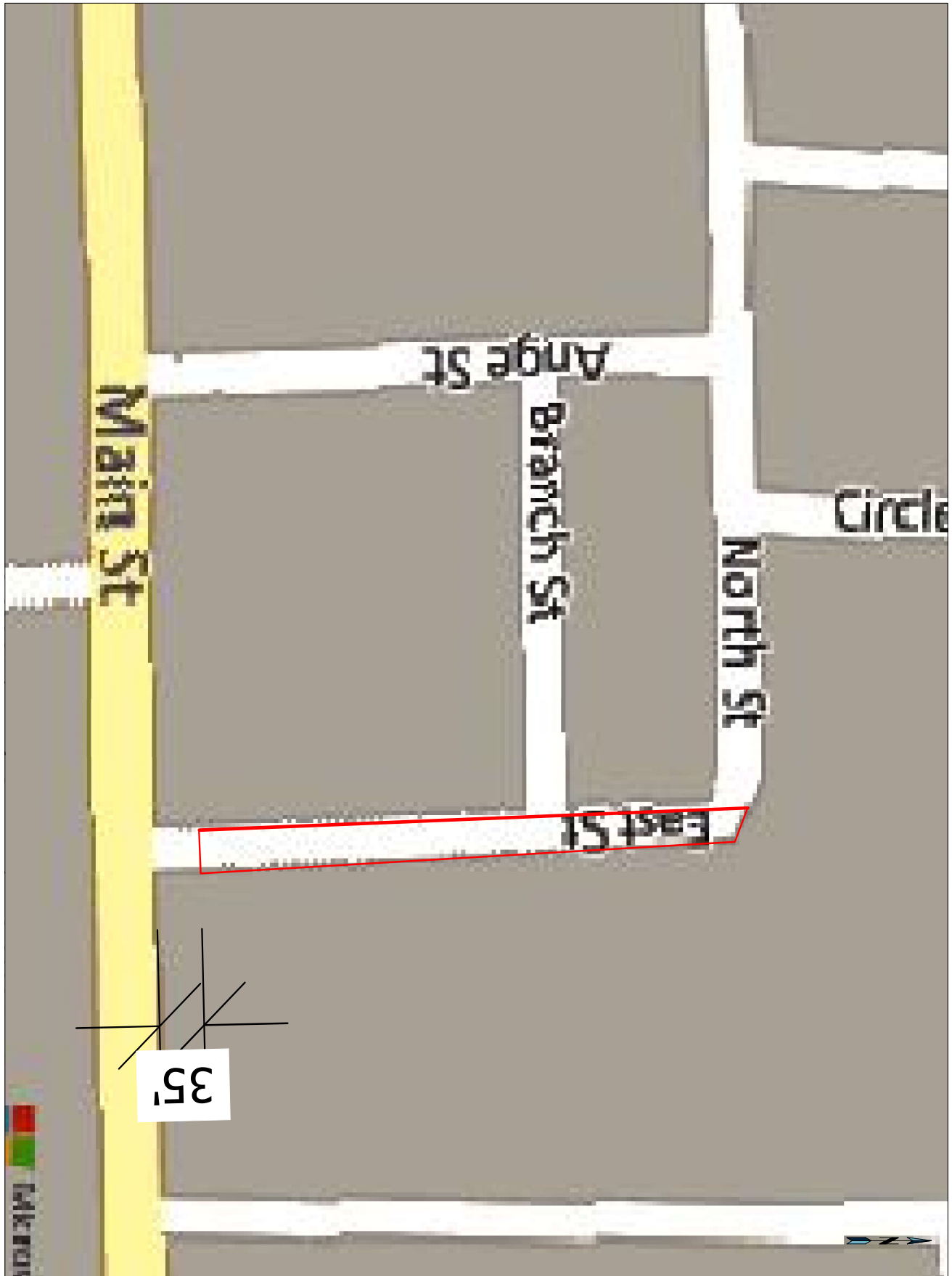
CITY OF WINTERVILLE	NORTH CAROLINA	DATE: 4/28/2026	LEGEND  PROJECT AREAS  WINTERVILLE LIMITS  OTHER CORPORATE LIMITS	 418 Evans Street, Suite 201 • Greenville, NC 27858 (252) 757-1096 • www.wootencompany.com License Number: F-0115
POWELL BILL PAVING	TWC PROJECT NO.: 2853-BE			
SPRING RUN ROAD MAP	C-1.02			



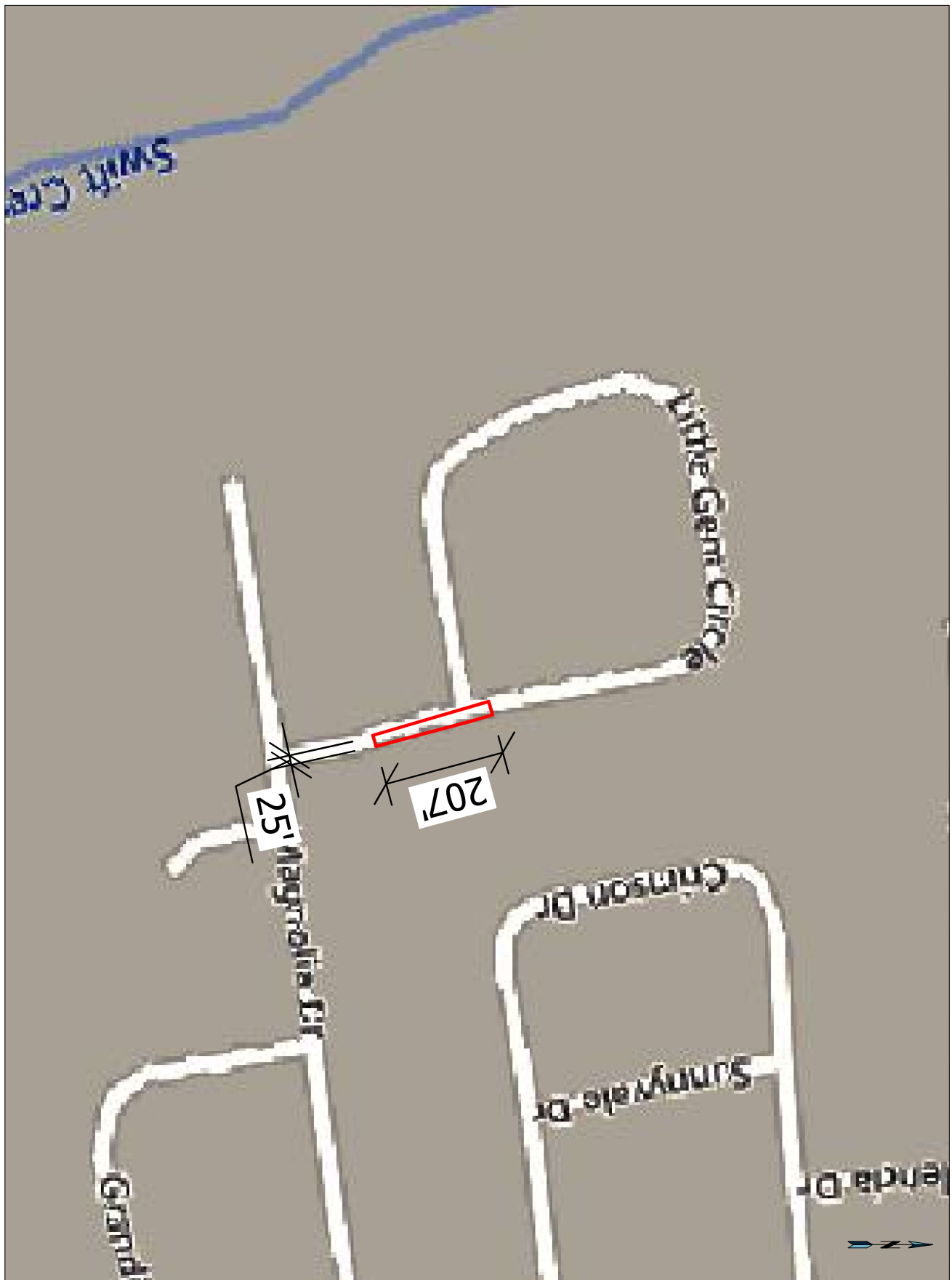
CITY OF WINTERVILLE WIT COUNTY NORTH CAROLINA	DATE: 4/28/2026 TWC PROJECT NO.: 2853-BE	PROJECT AREAS LEGEND WINTERVILLE LIMITS OTHER CORPORATE LIMITS	 418 Evans Street, Suite 201 • Greenville, NC 27858 (252) 757-1096 • www.wootencompany.com License Number: F-0115
POWELL BILL PAVING LYNN LOOP, GAYLE BLVD., GLENDALE AVE. MAP	C-1.03		



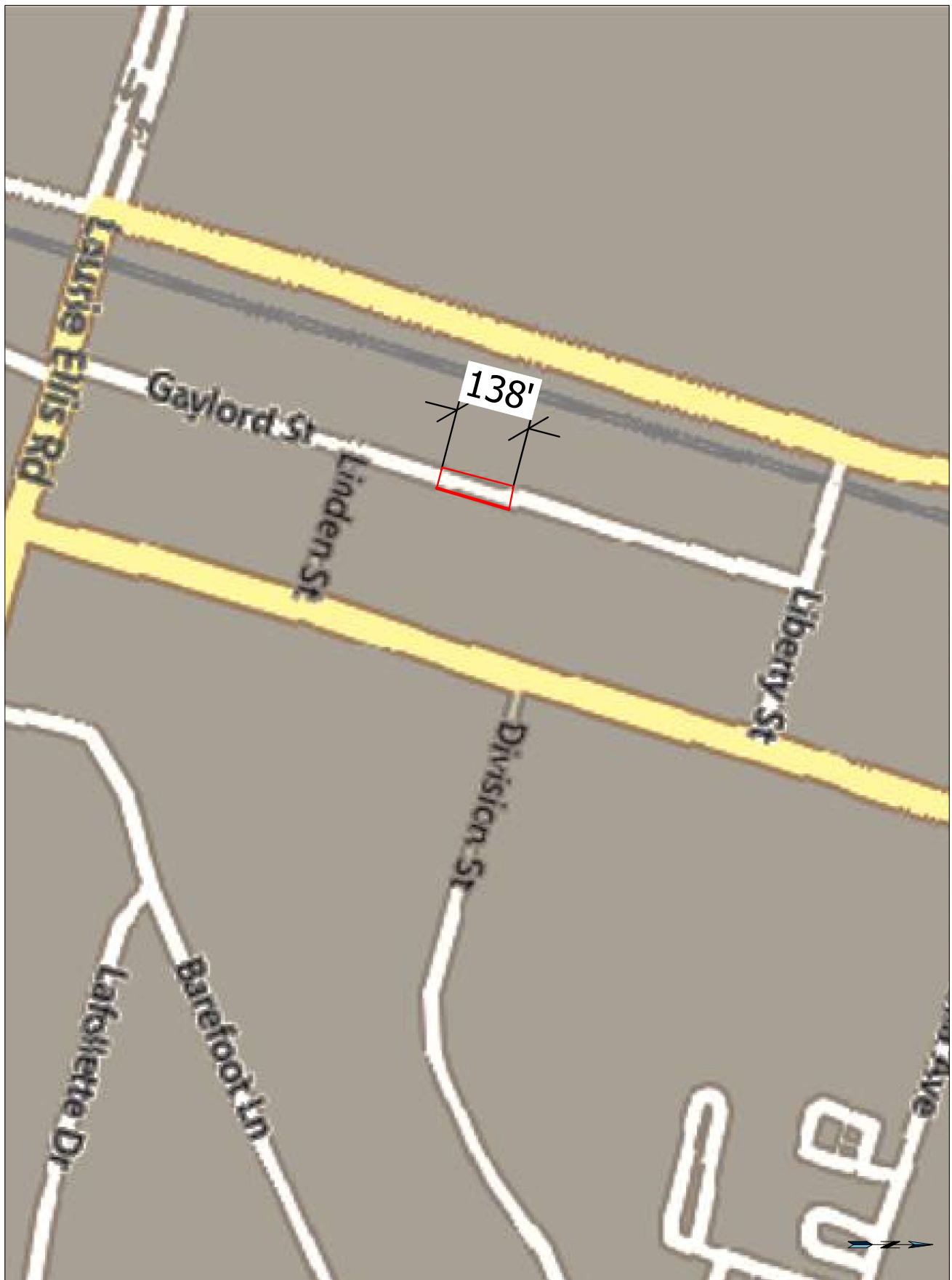
CITY OF WINTERVILLE WITT COUNTY	NORTH CAROLINA DATE: 4/28/2026	PROJECT AREAS LEGEND WINTERVILLE LIMITS OTHER CORPORATE LIMITS	Wooten 418 Evans Street, Suite 201 • Greenville, NC 27858 (252) 757-1096 • www.wootencompany.com License Number: F-0115
POWELL BILL PAVING	TWC PROJECT NO.: 2853-BE		
SALISBURY COURT MAP	C-1.04		



CITY OF WINTERVILLE COUNTY	NORTH CAROLINA DATE: 4/28/2026	PROJECT AREAS LEGEND WINTERVILLE LIMITS OTHER CORPORATE LIMITS	Wooten 418 Evans Street, Suite 201 • Greenville, NC 27858 (252) 757-1096 • www.wootencompany.com License Number: F-0115
POWELL BILL PAVING	TWC PROJECT NO.: 2853-BE		
EAST STREET MAP	C-1.05		



CITY OF WINTERVILLE PITT COUNTY	NORTH CAROLINA DATE: 4/28/2026	PROJECT AREAS LEGEND WINTERVILLE LIMITS OTHER CORPORATE LIMITS	Wooten 418 Evans Street, Suite 201 • Greenville, NC 27858 (252) 757-1096 • www.wootencompany.com License Number: F-0115
POWELL BILL PAVING	TWC PROJECT NO.: 2853-BE		
LITTLE GEM CIRCLE MAP	C-1.06		



CITY OF WINTERVILLE COUNTY	NORTH CAROLINA DATE: 4/28/2026	 PROJECT AREAS  WINTERVILLE LIMITS  OTHER CORPORATE LIMITS	LEGEND	 418 Evans Street, Suite 201 • Greenville, NC 27858 (252) 757-1090 • www.wootencompany.com License Number: F-0115
POWELL BILL PAVING	TWC PROJECT NO.: 2853-BE			
GAYLORD STREET MAP	C-1.07			



CITY OF WINTERVILLE	NORTH CAROLINA	DATE: 4/28/2026	LEGEND  PROJECT AREAS  WINTERVILLE LIMITS  OTHER CORPORATE LIMITS	 418 Evans Street, Suite 201 • Greenville, NC 27858 (252) 757-1096 • www.wootencompany.com License Number: F-0115
POWELL BILL PAVING	TWC PROJECT NO.: 2853-BE			
COOPER STREET MAP	C-1.08			



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Item for Consideration

Meeting Date: September 28, 2026

Presenter: Terri L. Parker, Town Manager

Item to be Considered

Subject: Trash Container (Can) Policy (Proposed).

Action Requested: Council Direction.

Attachment: Proposed Policy Verbiage; Current Ordinance verbiage; and Information from Other Towns.

Prepared By: Terri L. Parker, Town Manager

Date: 9/25/2026

ABSTRACT ROUTING:

☒ TC: 9/25/2026

☒ TM: 9/25/2026

☒ Final: tlp - 9/25/2026

Supporting Documentation

Council directed Staff to bring forward proposed language related to the procedures/times for bringing Trash Containers to the curb and removing them from the curb for each week's pickup. GFL begins its pickup in Winterville by 6:00 am.

Staff is proposing policy which would state that Trash containers are to be pulled to the curb for pickup before 6:00 am on the scheduled day of pickup and said containers should be pulled back to the house by 7:00 pm on the scheduled day of pickup.

Violators will be given an initial warning by the Town (Complaint driven) and repeat offenders will be assessed a \$25 citation for each offense. Every day the violation occurs constitutes a separate offense.

If Council agrees with the proposed verbiage, Staff will bring an Ordinance Amendment back to the October Regular Meeting.

Budgetary Impact: TBD.

Recommendation: Staff seeks Council Direction on this Item.

GENERAL PROVISIONS

§ 51.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING MATERIAL SCRAPS. Scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign and other structure including, but not limited to excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or other similar material used in construction or the containers or wrappings therefore.

GARBAGE. All putrescible wastes, including animals and vegetable matter, animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human wastes.

REFUSE. All non-putrescible wastes.

SOLID WASTE. Garbage, refuse, rubbish, trash and other discarded solid materials, including solid waste materials resulting from homes, businesses, industrial, commercial and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

TREE TRIMMINGS. Tree limbs, leaves, shrubbery trimmings and cuttings and all other trimmings from the natural growth of trees, shrubbery, weeds, plants or grass.

(1992 Code, § 51.01)

§ 51.02 REFUSE REQUIRED TO BE DEPOSITED IN APPROVED CONTAINERS.

It shall be unlawful for any person to throw, place or deposit any garbage or refuse of any kind on any public or private property, except in approved containers or as otherwise provided in this chapter.

(1992 Code, § 51.02) Penalty, see § [51.99](#)

§ 51.03 BURNING OR BURYING GARBAGE AND REFUSE REGULATED.

It shall be unlawful to burn, set fire to or bury any garbage for the purpose of disposal. In addition, it shall be unlawful to bury any refuse for the purpose of disposal unless a permit therefore has been granted by the Fire Chief.

(1992 Code, § 51.03) Penalty, see § [51.99](#)

§ 51.04 ACCUMULATION OF GARBAGE AND REFUSE PROHIBITED.

All garbage and refuse shall be collected and placed in containers as required by this chapter, and it shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit the same in approved containers as required herein.

(1992 Code, § 51.04) Penalty, see § [51.99](#)

§ 51.05 CONTAINERS REQUIRED.

The occupant of every building or premises where garbage and refuse does or may exist shall provide containers made of substantial galvanized iron, plastic, rubber or other non-rusting material in which shall be deposited all garbage and refuse existing at the building or premises. Each container

shall be provided with handles or bails and with a tight-fitting cover made of the same material as the container. All containers shall be watertight and they shall be of a size that can be conveniently handled by the collectors, and no container shall be more than 22 inches in diameter, nor 30 inches in height. All containers shall be kept in a reasonably clean manner by the use of lye or other effective cleaner. Barrels shall not be used as garbage cans. Containers not meeting these standards shall be condemned and a sticker stating the condemnation placed on the container. If the containers are not removed by the owner within one week, they shall be removed by the garbage collector.

(1992 Code, § 51.05) Penalty, see § [51.99](#)

§ 51.06 PRE-COLLECTION PRACTICES.

All garbage and refuse shall have the liquid drained therefrom and shall be wrapped in paper or other like material before it is placed in the container provided for that purpose, and no ashes shall be deposited in any container until they are cold. Containers which fail to have a cover as required in § [51.05](#), or which become rusted or broken and therefore are unable to contain garbage and refuse in a satisfactory manner shall not be used.

(1992 Code, § 51.06) Penalty, see § [51.99](#)

§ 51.07 HOUR FOR PLACING CANS.

Garbage cans or similar containers containing garbage and trash for removal shall be placed on the premises from which the same are to be removed at or before 7:00 a.m. on the day scheduled for removal.

(1992 Code, § 51.07)

§ 51.08 UNLAWFUL TO DISPLACE CONTAINERS.

It shall be unlawful for any person to damage, displace or otherwise interfere with garbage containers or their contents, except the owner or upon permission or at the request of the owner.

(1992 Code, § 51.08) Penalty, see § [51.99](#)

§ 51.09 REMOVAL OF DEAD ANIMALS.

Dead animals will be removed from any premises by the town upon notice to the Town Manager of the existence of the dead animal.

(1992 Code, § 51.09)

§ 51.10 TRANSPORTATION OF GARBAGE AND REFUSE BY PRIVATE CITIZENS.

No person or persons shall collect, handle, or transport over or along any of the streets, alleys or other public ways in the town any garbage or refuse without first having obtained a permit therefore from the Council, except en route to the garbage and trash dump of the town.

(1992 Code, § 51.10) Penalty, see § [51.99](#)

§ 51.11 CONTRACTOR RESPONSIBILITY.

Any person or company who is compensated for activities which generate building material scraps, garbage, solid waste, or tree trimmings shall be responsible for the removal and disposal of such items.

(Ord. 09-O-195, passed 10-12-2009) Penalty, see § [51.99](#)

FEES AND CHARGES

§ 51.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

INSTITUTIONAL UNIT. Any room or group of rooms used for religious or similar purposes.

NONRESIDENTIAL UNIT. Any room or group of rooms used for business, commercial, or other nonresidential use.

OCCUPANT. Any person who, alone or jointly with others, is in actual possession of any residential unit or of any other improved real property, either as owner or tenant.

RESIDENTIAL UNIT. Any room or group of rooms forming a single habitable unit, including houses, apartment units, mobile homes, condominium units and townhouses, but not including hotel or motel living quarters.

SOLID WASTE COLLECTION. The collection of solid wastes, including garbage, recyclables, and refuse, without regard to whether the collection is from trash cans, roll-out carts, containerized service, trash collection or any combination of these services.

(1992 Code, § 51.11) (Ord. 01-91, passed 6-25-2001)

§ 51.26 FEES AND CHARGES FOR SOLID WASTE COLLECTION SERVICES.

(A) The person or organization in whose name utility service is listed shall be liable for and shall pay the charges for solid waste collection service provided for under this subchapter.

(B) All residential and institutional units shall be charged a monthly fee as established in the Town Fee Schedule.

(C) The monthly charge for solid waste collection services shall be billed by the town to each residential and institutional unit on a monthly basis, and shall be payable with utility charges within the time limit fixed for the payment of utility bills by the town.

(D) The charge for solid waste collection service for residential unit shall accrue on the first day of the billing cycle.

(E) Nonresidential units shall be responsible for obtaining solid waste collection services from private haulers, or making other lawful and satisfactory arrangements for disposal of solid wastes.

(F) Residential units owned, utilized, or occupied by any federal, state or local governmental body, institution or agency located wholly or partially in the town may receive an exemption from the payment of fees and charges for solid waste collection upon satisfactory showing to the Town Manager that the governmental body, institution or agency can remove and dispose of all solid waste at the subject location in a safe and sanitary manner.

(G) The Town Manager is authorized to establish, and to change as needed, whatever rules, regulations, interpretations and policies as are necessary to implement and effectively administer the collection and enforcement of the fees and charges in this subchapter. In establishing or amending the rules, regulations, interpretations and policies authorized by this division, the Town Manager shall be guided by the following principles:

(1) Rules, regulations, interpretations, and policies shall be consistent with applicable state, federal and local law;

(2) Rules, regulations, interpretations, and policies shall be consistent with generally accepted accounting principles, effective management oversight and control, and efficient operation; and

(3) Rules, regulations, interpretations and policies shall not allow termination of electric, water, or sewer service.

(1992 Code, § 51.12) (Ord. 01-91, passed 6-25-2001) Penalty, see § [51.99](#)

§ 51.27 PRESUMPTION OF SERVICE.

(A) It is presumed that all residential units in the town receive service. This presumption may be rebutted, and the fee for service released or refunded in accordance with rules, regulations, interpretations and policies established by the Town Manager.

(B) The Director of Public Works, or a designee, shall hear and decide appeals on presumption of service questions. The Director of Public Works may release or refund fees for service charged or collected under circumstances described in division (A) above, and in other circumstances as defined by rules, regulations, interpretations and policies adopted by the Town Manager pursuant to authority granted by this subchapter.

(C) Residential and nonresidential units unoccupied for more than 30 consecutive days will be allowed an exemption from fees and charges. The burden of proof for showing that a unit has been unoccupied for more than 30 consecutive days shall be upon the party responsible for paying the fees and charges established in this subchapter and shall be done on a month-to-month basis on forms provided or approved by the town.

(1992 Code, § 51.13) (Ord. 01-91, passed 6-25-2001)

§ 51.99 PENALTY.

(A) Anyone who violates any provision of this chapter for which no specific penalty is provided shall be subject to the terms of § [10.99](#).

(B) Any willful and knowing refusal to pay fees assessed for solid waste collection services shall subject the offender to a civil penalty in the amount of \$50. It is presumed that payment of the total utility bill, minus the amount of the solid waste collection fee, is a willful and knowing refusal to pay.

(C) Unpaid accounts for fees or charges under §§ [51.25](#) through [51.27](#) may be enforced by appropriate civil actions for the collection of amounts due, or by other appropriate relief.

(D) Unpaid solid waste collection fees shall be included in the fees and charges which must be repaid before utility service is resumed in those cases where failure to pay utility charges has resulted in discontinuance of utility service.

(1992 Code, § 51.99) (Ord. 01-91, passed 6-25-2001)

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The **Town of Ayden, NC** features a set of guidelines that closely mirror the logic of the "7-7-7" framework, specifically establishing strict evening-to-evening curbside rules.  www.ayden.com

Ayden contracts its solid waste and recycling collection to **GFL Environmental (Green For Life)**. Because GFL utilizes automated side-loading trucks, exact placement and strict timing are necessary for your trash to be picked up.  WN... +1

The Curbside Timeline

- **Cart Placement:** Carts must be rolled out to the curb **no earlier and no later than 5:00 PM the day before** your scheduled collection day.
- **Cart Removal:** Carts must be removed from the curb and returned to the residence **no later than 7:00 PM** on your scheduled collection day.  American Legal Publish... +1

Strict "In-The-Cart" Rule

- **No Loose Bags:** Everything must fit completely inside your designated town-provided cart. GFL trucks are equipped with cameras. Drivers **will not pick up** extra bags, waste, or overflow debris sitting on top of or next to the rollout bin.  Facebook · Town of Ayden
- **Bagged Trash Only:** All household waste must be bagged inside the green cart to prevent blowing litter. Conversely, **recycling should never be bagged** and must remain loose inside your blue cart.  www.ayden.com +1
- **Spacing:** Carts must face forward (wheels toward the house) and require **4 feet of clearance** from each other, as well as from obstacles like mailboxes, cars, and utility poles.  www.ayden.com +1

Yard Waste & Bulk Pickup

- **Yard Debris:** Tree limbs must be under 6 inches in diameter and cut to a maximum of 4 feet in length, stacked neatly by the curb. Outside of official leaf season (October 15 to January 15), loose leaves and grass clippings **must be bagged or boxed**.  www.ayden.com +1
- **Bulk Waste:** Furniture and large appliances are collected every other Thursday. Keep in mind that heavy loads may incur an extra town fee (\$50 for a half load, \$100

for a full load).  www.ayden.com

If you need to check your neighborhood's **specific pickup day schedule** (Monday, Tuesday, or Wednesday) or request a **second GFL cart** from the town, let me know and I can guide you to the right contacts!  www.ayden.com +1

The Town of Farmville, NC handles curbside collection through a municipal contract with GFL Environmental . Like many small towns in Pitt County, its rules lean heavily on proper scheduling, sorting, and neatness rather than an explicitly named "7-7-7" rolling penalty system.  Pitt County Government... +1

Curbside & Timing Rules

- Rollout Timing:** Carts should be placed at the curb **the night before** your scheduled pickup day. GFL trucks operate early, and if your container is not roadside when the truck arrives, your service will be missed and cannot be re-serviced until the following week.  [www.carolinawastemanag...](#)
- Bagged Trash Only:** To keep the town clean and prevent litter from blowing during automated pickup, **all household trash must be securely tied in garbage bags** before being placed inside the GFL cart. Loose trash left sitting in the bottom of the can may be left behind.  [www.carolinawastemanag...](#)
- Approved Containers:** Only town-issued or officially authorized rollout carts will be dumped. If you have extra household waste regularly, you must purchase a secondary official cart through [Farmville Town Hall](#). 

Yard Waste & Recycling Protocols

- Yard Waste Limits:** Separate yard waste collection occurs for all residents on **Fridays**. Debris must be placed into an official 32-gallon trash can designated with a town-issued "Yard Waste" decal, or packed into heavy-duty paper yard waste bags. The maximum weight per container is **60 pounds**.  Town of Farmville, North C...
- Recycling Rotation:** Residential recycling is picked up **every other Friday**. The town splits pickup schedules based on your normal trash day. You can verify your exact recycling week color code directly on the [Town of Farmville Recycle Schedule](#). 

Farmville Residential Trash Schedule

Your exact collection day is determined by your geographic quadrant relative to the intersection of Main Street and Pine Street:  Town of Farmville, North C...

Area of Town	Trash Collection Day
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North of Pine St. & East of Main St.

Monday

North of Pine St. & West of Main St.

Tuesday

South of Pine St. & East of Main St.

Thursday

South of Pine St. & West of Main St.

Friday

If you need to know how to handle **bulky item disposal (like furniture or appliances)**, or where to drop off hazardous materials at the nearest [Pitt County Convenience Site](#), let me know!  Pitt County (.gov)

The Greenville trash can policy requires residents to place rollout carts at the curb by specific morning hours on collection day and remove them back from the street within set timeframes to avoid a \$25 fee.  Greenville-NC.gov +2

Key Rules and Timelines

- **Placement Time:** Carts can be placed at the curb as early as noon the day before collection. They must be out by **6:00 AM** (or 7:00 AM depending on specific local updates/routes) on your scheduled collection day.  WITN +3
- **Removal Time (Rollback):** Carts must be removed from the curbside and placed behind the front line of the house (or off the street right-of-way) no later than **noon** the day following collection.  American Legal Publish... +1
- **Penalties:** Failure to remove your cart promptly can result in a **\$25** cart rollback service fee.  Greenville-NC.gov +1
- **Placement Positioning:** The metal bar (or handles/wheels depending on exact local cart specs) must face correctly toward the road/house as instructed by City of Greenville Trash & Recycling guidelines.  Greenville-NC.gov

If you need specific collection days or guidelines for your exact address in the Greenville area, please share your **neighborhood or subdivision**.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Item for Consideration

Meeting Date: September 28, 2026

Presenter: Terri L. Parker, Town Manager

Item to be Considered

Subject: Town Council Rules of Procedure.

Action Requested: Discuss Town Council Rules of Procedure.

Attachment: Town Council Rules of Procedure.

Prepared By: Terri L. Parker, Town Manager

Date: 9/25/2026

ABSTRACT ROUTING:

☒ TC: 9/25/2026

☒ TM: 9/25/2026

☒ Final: tlp - 9/25/2026

Supporting Documentation

Town Council has been discussing for some time about the need to update Town Policies and procedures. This meeting will be the first Workshop on the above-referenced endeavor. The first policy to be reviewed and updated in the Town Council Rules of Procedure which was originally adopted in 2008. These Rules of Procedure were based on the a set of Rules of Procedures for Small Governments created by the NC School of Government. Staff has identified obvious changes that need to be made (i.e., Alderman to Council, etc.). Any substantive changes to the content should be suggested and adopted by Council.

Budgetary Impact: NA.

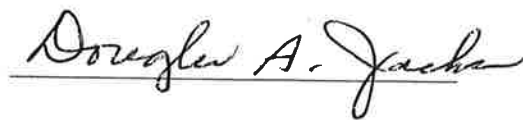
Recommendation: Staff recommends Council Directed Changes, Additions and/or Deletions.

Board of Aldermen Policies and Procedures

TOWN OF WINTERVILLE

NORTH CAROLINA

Adopted this the 8th day of September 2008

A handwritten signature in cursive script, reading "Douglas A. Jackson", written over a horizontal line.

Douglas A. Jackson, Mayor

ATTEST:

A handwritten signature in cursive script, reading "Tangi R. Williams", written over a horizontal line.
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.

EXCERPT

WINTERVILLE TOWN COUNCIL MINUTES
MONDAY, AUGUST 7, 2023 – 7:00 PM
WINTERVILLE TOWN HALL ASSEMBLY ROOM

Town Attorney Lassiter recapped and opened discussion on Rule 20 of the Rules of Procedure. Council discussed different options, wording, and timeframe.

Motion made by Mayor Pro Tem Moye and seconded by Councilman Moore to approve the amended Rule 20 as sated below.

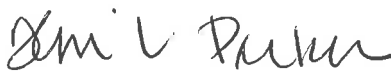
Rule 20. Vacancy on the Board

When a vacancy occurs on the board, the seat will be filled by the candidate from the previous municipal 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.

Motion carried, 4-1. Councilwoman Harrell opposed.

Adopted this the 9th day of October 2023.



Terri L. Parker, Town Manager

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 Postpone 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. |