



**WINTERVILLE TOWN COUNCIL AGENDA  
MONDAY, NOVEMBER 4, 2024 - 6:00 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. **PROCLAMATIONS:**
  1. Veterans Day.
  2. International Volunteer Recognition Month.
  3. International Migrants Month.
  4. Pancreatic Cancer Day.
- VIII. **PUBLIC COMMENT:** *The Public Comment period of thirty minutes provides an opportunity for residents to comment on any item included in the agenda or to address the Town Council on any other matter related to the Town of Winterville. For an item included in the Public Hearing section of the agenda, residents should address the Council at the time the Mayor invites public comment on the item. No public comment may be made to the Council during the meeting, except during the Public Comment period or as part of a Public Hearing. Individual speakers are limited to a maximum of three minutes, and no more than three speakers may address the Council on a single matter. The Town Council may elect to take no action on the matter addressed by a speaker, may schedule the matter for further consideration at a future Council meeting, or may refer the matter to Town staff for disposition. Copies of the Town Public Comment Policy are available in the rear of the Assembly Room.*
- IX. **CONSENT AGENDA:** *The following items are considered routine in nature and will not be discussed by the Town Council unless a Councilman or citizen requests that an item be removed from the Consent Agenda for further discussion. The Mayor may allow citizens to address an item or ask questions.*
  1. Approval of the following sets of Council Meeting Minutes:
    - September 9, 2024 Regular Meeting Minutes; and
    - October 14, 2024 Regular Meeting Minutes.
  2. Budget Amendment 2024-2025-3.
  3. Southbrook Rezoning – Schedule Public Hearing for December 9, 2024.
  4. Southbrook Annexation – Schedule Public Hearing for December 9, 2024.
  5. Villa Grande Phase 3 Annexation – Schedule Public Hearing for December 9, 2024.
  6. Stormwater Ordinance - Schedule Public Hearing for December 9, 2024.
  7. NCDEQ Sewer CIP Resolution (24-R-111).

- X. OLD BUSINESS:**
1. Sutton Capital-Farmstead Utilities.
- XI. NEW BUSINESS:**
1. Eli's Ridge Phase 5 Final Plat.
  2. PEAK Energy Natural Gas Hedging Option Contract Amendment.
  3. Replacement of Councilwoman Roberson as representative on Mid-East Commission.
- XII. OTHER AGENDA ITEMS:**
1. Update on Request for Boyd Street and Mill Street Signalization. (Councilwoman Hawkins).
  2. Emergency Preparation Plans. (Councilwoman Hawkins).
- XIII. ITEMS FOR FUTURE AGENDAS/FUTURE WORK SESSIONS:**
- XIV. ANNOUNCEMENTS:**
- 2024 General Election: Tuesday, November 5, 2024 – Community Room and Operation Center Training Room.
  - Veteran's Day Holiday - Town Offices Closed: Monday, November 11, 2024.
  - Coffee with a Cop: Friday, November 15, 2024; 9:00 am - 10:30 am – Cooper's Cup.
  - Planning and Zoning Board Meeting: Monday, November 18, 2024 @ 7:00 pm - Town Hall Assembly Room.
  - Board of Adjustment Meeting: Tuesday, November 19, 2024 @ 7:00 pm - Town Hall Assembly Room.
  - Recreation Advisory Board: Tuesday, November 26, 2024 @ 6:30 pm – Operation Center.
  - December Agenda Abstracts Due: Wednesday, November 27, 2024.
  - Thanksgiving Holidays - Town Offices Closed: Thursday, November 28, 2024 and Friday, November 29, 2024.
  - Agenda Review Meeting: Thursday, December 5, 2024 @4:00 pm – Town Hall Executive Conference Room.
  - Town Christmas Party: Thursday, December 5, 2024 @6:00 pm – Cotton Barn.
  - Regular Town Council Meeting: Monday, December 9, 2024 @ 6:00 pm - Town Hall Assembly Room.
- XV. REPORTS FROM THE TOWN ATTORNEY, MAYOR AND TOWN COUNCIL, AND TOWN MANAGER.**
- 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) 756-2221 ext. 2344 at least forty-eight (48) hours prior to the meeting. (Americans with Disabilities Act (ADA) 1991.)*



## **PROCLAMATION** **Veterans Day**

**WHEREAS**, our community has a continuing sense of gratitude to those who have given so much in the defense of the freedoms which we all continue to enjoy; and

**WHEREAS**, on this patriotic occasion, let us all commit ourselves to the great need of fostering a spirit of rededication to the ideals that have served as the foundation of this great country – “One nation, under God, indivisible, with liberty and justice for all.”

**WHEREAS**, America has called on her men and women in uniform to protect our national security, to advance our national interests and to preserve our rights and freedoms; and

**WHEREAS**, on Veterans Day we recognize the men and women of our Armed Forces who have valiantly defended these values throughout our Nation’s history; and

**WHEREAS**, on Veterans Day we also remember those whose sacrifice ended in permanent injury or death, yet their spirit remains in continued preservation of our freedoms and the promise of liberty established as an example for all oppressed persons of the world; and

**WHEREAS**, in honor of these dedicated men and women, we pledge continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of people dedicated to the principals of freedom and democracy.

**NOW, THEREFORE**, the Winterville Town Council does hereby proclaim November 11, 2024 as **Veterans Day** in the Town of Winterville, North Carolina and calls upon our citizens to observe this day with appropriate manners in honor of veterans, both living and deceased, who have served this country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag; and let our veterans know we appreciate their great sacrifice.

**IN WITNESS WHEREOF**, I do set my hand, and cause the seal of Winterville to be affixed this 4<sup>th</sup> day of November 2024.

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Richard E. Hines, Mayor

**Attest:**

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Donald Harvey, Town Clerk



**PROCLAMATION**  
**INTERNATIONAL VOLUNTEER MONTH**

**WHEREAS**, the town of Winterville recognizes the invaluable contributions of volunteers who selflessly dedicate their time, energy, and expertise to make our community and the world a better place; and

**WHEREAS**, International Volunteer Day, celebrated annually on December 5th, serves as a global observance to acknowledge the vital role by volunteers in addressing pressing social, economic, and environment challenges; and

**WHEREAS**, North Carolina has a strong history of improving lives, strengthen communities, and making our state a better place through volunteerism; and

**WHEREAS**, volunteers are the heart and soul of nonprofit organizations and work tirelessly towards enhancing the quality of life for our residents; and

**WHEREAS**, as we emerge from the challenges posed by the COVID-19 pandemic, the spirit of volunteerism has played a crucial role in aiding our recovery efforts, from supporting vaccination clinics to delivering essential supplies and exemplifying the resilience and compassion of our community; and

**WHEREAS**, the Town of Winterville remains committed to fostering a culture of volunteerism, recocking that together we can achieve remarkable feats and overcome the most pressing challenges facing our city and our world; and

**NOW, THEREFORE**, I, Richard E. Hines, Mayor of the Town of Winterville hereby proclaim the month of December 2024 as **International Volunteer Month** in Winterville, Pitt County, North Carolina and extend best wishes to all of our communities as we recognize and commend all volunteers.

**IN WITNESS WHEREOF**, I do set my hand, and cause the seal of Winterville to be affixed this 4<sup>th</sup> day of November 2024.

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Richard E. Hines, Mayor

**Attest:**

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Donald Harvey, Town Clerk





## **PROCLAMATION**

### **INTERNATIONAL MIGRANTS MONTH**

**WHEREAS**, the Town of Winterville is home to a diverse and vibrant community of residents hailing from all corners of the world, who have contributed immeasurably to the cultural, economic, and social fabric of our city; and

**WHEREAS**, international migration has long been a driving force behind the growth and development of Winterville, enriching our community with a wealth of talent, skills, traditions, and perspectives that have made us stronger, more resilient, and more inclusive; and

**WHEREAS**, December 18th, marks International Migrants Day, a day recognized by the United Nations to celebrate the contributions of migrants worldwide and to reaffirm our commitment to the rights, dignity, and well-being of all migrants, regardless of their origin; and

**WHEREAS**, we believe that our town's strength lies in its diversity, and we are committed to fostering an environment of unity, understanding, and cooperation among all residents, regardless of their nationality, ethnicity, or race.

**NOW, THEREFORE**, I, Richard E. Hines, Mayor of the Town of Winterville hereby do hereby proclaim December 2024 as **International Migrant Month**, and encourage its celebration to all Winterville, North Carolina residents.

**IN WITNESS WHEREOF**, I do set my hand, and cause the seal of Winterville to be affixed this 4<sup>th</sup> day of November 2024.

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Richard E. Hines, Mayor

**Attest:**

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Donald Harvey, Town Clerk



**PROCLAMATION**  
**WORLD PANCREATIC CANCER DAY**

**WHEREAS**, in 2024, an estimated 66,400 people will be diagnosed with pancreatic cancer, and 51,750 people will die from the disease; and,

**WHEREAS**, pancreatic cancer is one of the deadliest cancers, it is currently the 3rd leading cause of cancer-related death in the United States surpassing breast cancer; and,

**WHEREAS**, pancreatic cancer has the lowest five-year relative survival rate, at just 13 percent; and,

**WHEREAS**, when symptoms of pancreatic cancer present themselves, it is generally in later stages, and only 10 percent of pancreatic cancer patients are diagnosed when the disease is confined to their pancreas, and 87 percent of pancreatic cancer patients die within the first five years; and,

**WHEREAS**, approximately 1,638 deaths will occur in NC in 2024; and,

**WHEREAS**, pancreatic cancer is the seventh most common cause of cancer-related death across the world; and,

**WHEREAS**, the good health and well-being of the residents of Winterville are enhanced as a direct result of increased awareness about the symptoms and risks of pancreatic cancer, and research into early detection, causes, and effective treatments; and,

**NOW, THEREFORE**, I, Richard E. Hines, Mayor of the Town of Winterville hereby that the Town designates November 21, 2024 as **World Pancreatic Cancer Day** in Winterville.

**IN WITNESS WHEREOF**, I do set my hand, and cause the seal of Winterville to be affixed this 4<sup>th</sup> day of November 2024.

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Richard E. Hines, Mayor

**Attest:**

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Donald Harvey, Town Clerk



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** November 4, 2024

**Presenter:** Donald Harvey, Town Clerk

**Item to be Considered**

**Subject:** Council Meeting Minutes.

**Action Requested:** Approval of Minutes.

**Attachment:** Draft Minutes of the Council meetings listed below.

**Prepared By:** Donald Harvey, Town Clerk

**Date:** 8/28/2024

**ABSTRACT ROUTING:**

TC: 10/28/2024

TM: 10/28/2024

Final: tlp - 10/28/2024

**Supporting Documentation**

Approval of the following set of Council Meeting Minutes:

- ❖ September 9, 2024 Regular Meeting Minutes; and
- ❖ October 14, 2024 Regular Meeting Minutes.

**Budgetary Impact:** NA.

**Recommendation:** Staff recommends approval of Minutes.



**WINTERVILLE TOWN COUNCIL  
MONDAY, SEPTEMBER 9, 2024 – 6:00 PM  
REGULAR MEETING MINUTES**

The Winterville Town Council met in a Regular Meeting on the above date at 6:00 PM in the Town Hall Assembly Room, with Mayor Richard E. Hines presiding. The following were present:

Richard E. Hines, Mayor  
Brandy Harrell, Mayor Pro Tem  
Shantel Hawkins, Councilwoman  
Johnny Moye, Councilman  
Veronica W. Roberson, Councilwoman (absent)  
Lisa Smith, Councilwoman  
Keen Lassiter, Town Attorney  
Terri L. Parker, Town Manager  
Anthony Bowers, Assistant Town Manager  
Chris Williams, Interim Police Chief  
Cliff McGuffin, Public Works Director  
Ron Mills, Interim Electric Director  
Jessica Manning, Finance Director  
Evan Johnston, Building Inspector/Code Enforcement Officer  
Diane White, Parks and Recreation Director  
Stephen Penn, Planning and Economic Development Director  
Angela Fuller, Human Resource Director  
Willie Hay, Building Inspector/GIS Technician

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

**INVOCATION:** Councilman Moye gave the Invocation.

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

**WELCOME:** Mayor Hines welcomed the public.

**ROLL CALL:** All present except Councilwoman Roberson.

**APPROVAL OF AGENDA:**

Manager Parker described some minor additions highlighted in yellow to the Agenda.

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

**PRESENTATIONS:**

1. Dr. Maria Pharr, Pitt Community College President.

**PROCLAMATIONS:** Town Clerk Harvey the Proclamation(s).

1. 911 Day of Remembrance 2024.



**PROCLAMATION**

**SEPTEMBER 11, 2001 - DAY OF REMEMBRANCE**

**WHEREAS**, in an unprovoked and senseless act of terrorism, four civilian aircraft were hijacked on September 11, 2001, and crashed in New York City, Pennsylvania and the Pentagon, resulting in a momentous loss of innocent lives of all heritages; and,

**WHEREAS**, while we still continue to recover from the loss of innocent lives, the spirit of the United States has been revitalized, giving way to expressions of patriotism; and,

**WHEREAS**, we continue to offer support to the families and friends who lost loved ones in the devastating events of this day, and especially our firefighters, police, and first responders who continue to step forward and serve our communities with dedication and vigilance; and

**WHEREAS**, inspired by the heroism of our nation's public service personnel, military service members and countless volunteers, our nation found unity and strength; and,

**WHEREAS**, from the tragedy of September 11 emerged a stronger nation, renewed by the spirit of national pride, a true love of country, and tested the strength and resolve of our country, they also reminded us of the values set out by our forefathers who saw a vision for the United States that we would live and be free of tyrannical rule, and today we are even more determined than ever that we will not give in to terrorism and threats to the safety and security of the United States; and,

**WHEREAS**, Americans also have fought back against terror by choosing to overcome evil with good by loving their neighbors as they would like to be loved, contributing to relief efforts, and volunteering their time to aid those in need; and,

**NOW, THEREFORE**, I, Richard E. Hines, Mayor and Winterville Town Council do hereby proclaim September 9, 2024, as the 911 Day of Remembrance in the Town of Winterville and urge our citizens to recognize the heroism of firefighters, rescue and law enforcement personnel, military service members and the many volunteers who responded to these tragic events with courage, selfless compassion, determination and skill; and to remember the victims and innocent lives lost as a result of the tragic events on September 11, 2001.

**IN WITNESS WHEREOF**, I do set my hand, and cause the seal of Winterville to be affixed this 9<sup>th</sup> day of September 2024.


\_\_\_\_\_  
Richard E. Hines, Mayor

**Attest:**

\_\_\_\_\_  
Donald Harvey, Town Clerk



2. Public Power Week 2024.



**PROCLAMATION**  
**PUBLIC POWER WEEK OCTOBER 6 - 12, 2024**

**WHEREAS**, the citizens of the Town of Winterville, place a high value on local choice community services and therefore have chosen to operate a community-owned, electric utility and, as customers and owners of our electric utility, have a direct say in utility operations and policies; and,

**WHEREAS**, the Town of Winterville provides our homes, businesses, schools, social services, and local government agencies with reliable, efficient, and safe electricity, employing sound business practices designed to ensure the best possible service and rates; and,

**WHEREAS**, the Town of Winterville is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and,

**WHEREAS**, the Town of Winterville is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place to live and work, and contributes to protecting environment; and,

**WHEREAS**, our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power, which puts our residents, businesses, and the community first; and,

**NOW, THEREFORE**, the Town of Winterville will continue to work to bring cost effective, safe, reliable electricity to community homes and businesses just as it has since 1900, the year when the utility was created to serve all the citizens of the Town of Winterville; and,

**NOW, THEREFORE**, I, Richard E. Hines, Mayor of the Town of Winterville hereby designate the week of October 6 - 12, 2024, as Public Power Week to recognize the people behind public power in the Town of Winterville for their contributions to the community and to educate customer- owners, policy makers, and employees on the benefits of public power.

**IN WITNESS WHEREOF**, I do set my hand, and cause the seal of Winterville to be affixed this 9<sup>th</sup> day of September 2024.

\_\_\_\_\_  
Richard E. Hines, Mayor

**Attest:**

\_\_\_\_\_  
Donald Harvey, Town Clerk

3. Recovery Month 2024



## **PROCLAMATION**

### **RECOVERY MONTH - SEPTEMBER 2024**

**WHEREAS**, it is essential to celebrate the resilience of individuals who have bravely faced their struggles and have made significant strides towards a healthier, more fulfilling life; and,

**WHEREAS**, this month serves as a vital reminder of the ongoing journey many individuals face as they work towards recovery from substance use disorders and mental health challenges; and,

**WHEREAS**, this proclamation serves as a call to action for each of us to prioritize our health and support one another; and,

**WHEREAS**, Recovery Month not only highlights the commitment of these individuals but also emphasizes the importance of community support, education, and advocacy; and,

**WHEREAS**, together, we can break the stigma surrounding addiction and mental health, fostering a more supportive environment for all; and,

**WHEREAS**, let us also take this opportunity to recognize the numerous organizations, healthcare providers, and volunteers who dedicate their time and resources to support those in need. Their unwavering commitment is instrumental in guiding individuals toward recovery and rebuilding their lives; and,

**WHEREAS**, together, let us commit to making Winterville a beacon of hope and recovery, where every person feels valued and supported; and,

**NOW, THEREFORE**, I, Richard E. Hines, Mayor of the Town of Winterville hereby proclaim September 2024 as Recovery Month.

**IN WITNESS WHEREOF**, I do set my hand, and cause the seal of Winterville to be affixed this 9<sup>th</sup> day of September 2024.

\_\_\_\_\_  
Richard E. Hines, Mayor

**Attest:**

\_\_\_\_\_  
Donald Harvey, Town Clerk



**PUBLIC COMMENT:** Mayor Hines read the Public Comment Policy.

1. Wayne Heiser – Changes in Recycled Trash Collecting.
2. Ross Peterson – Town Services.
3. Mat de Jesus – Mill Street and Boyd Street Intersection.

**Motion made by Councilman Moye and seconded by Mayor Pro Tem Harrell to hold an informal public workshop on the recycling program. Motion carried unanimously, 4-0.**

**CONSENT AGENDA:**

Items included in the Consent Agenda:

1. Approval of the following sets of Council Meeting Minutes:
  - August 5, 2024 Regular Meeting Minutes.
2. Budget Amendment 2024-2025-2.
3. Charge the Tax Collector with collection of the 2024-2025 Tax Levy.
4. Southbrook Annexation – Direct Town Clerk to Investigate Sufficiency.
5. Villa Grande Annexation – Direct Town Clerk to Investigate Sufficiency.

**Motion made by Mayor Pro Tem Harrell and seconded by Councilwoman Smith to approve the consent agenda Motion carried unanimously, 4-0.**

**OLD BUSINESS:**

1. Update on information from NCDOT regarding the Boyd Street - Mill Street intersection.

Anthony Bowers, Assistant Town Manager; discussion on adopting improvements for an all way stop at intersection of Mill and Boyd Street.

The Town Council expressed concerns regarding the intersection of Mill Street and Boyd Street. As a result, staff reached out to NCDOT and conveyed the concerns of the Council. NCDOT listened to the request and reviewed the intersection to determine if improvements could be made. They determined that this intersection has had a high number of traffic accidents over the last 5 years. At the August Town Council meeting the council directed staff to follow up with NCDOT regarding a more detailed review of the interstation. We are to hear back from NCDOT and will update the Council at the meeting once they have completed their review. Attached is the resolution requested by NCDOT. Council is asked to provide direction to staff regarding the intersection. Once a decision is made, we will communicate the Council's vote for the improvements to be installed by NCDOT. Included is a draft resolution in case the Council would like to take a vote.

**RESOLUTION  
TO SUPPORT THE INSTALLATION OF AN ALL WAY STOP  
AT MILL STREET AND BOYD STREET**

**WHEREAS**, Mill Street and Boyd Street is a North Carolina State road, both being primary transportation routes in the Winterville area; and

**WHEREAS**, the intersection of Mill Street and Boyd Street is heavily traveled at all time of day; and

**WHEREAS**, the Town of Winterville and the NC Department of Transportation have observed an accident rate at the intersection of Mill Street and Boyd Street that is warranting discussion as to how to make the intersection safer for all who use it; and

**WHEREAS**, the NC Department of Transportation has proposed adding stop signs on Mill Street with an all way stop at the intersection with Boyd Street; and

**WHEREAS**, the NC Department of Transportation has provided information that shows an all way stop is an effective way to reduce vehicular accidents at highly traveled intersections; and

**NOW, THEREFORE, BE IT RESOLVED** by the Winterville Town Council that the Town of Winterville supports the safety improvements proposed by the NC Department of Transportation at the intersection of Mill Street and Boyd Street, with the installation of an all way stop.

Adopted this the 9<sup>th</sup> day of September 2024.

\_\_\_\_\_  
Richard E. Hines, Mayor

ATTEST:

\_\_\_\_\_  
Donald Harvey, Town Clerk

Council and Staff discussed the issued in length over a variety of options. Assistant Town Manager Bowers stated that NCDOT would need a request from the Town.

**Motion made by Councilwoman Smith and seconded by Councilwoman Hawkins to amend the proposed resolution removing the all way stop language and replacing with the installation of rumble strips and flashing warning signs language and adopting the resolution. Motion carried unanimously, 4-0.**

**RESOLUTION  
TO SUPPORT THE INSTALLATION OF RUMBLE STRIPS AND FLASHING  
WARNING SIGNS  
AT MILL STREET AND BOYD STREET**

**WHEREAS**, Mill Street and Boyd Street is a North Carolina State road, both being primary transportation routes in the Winterville area; and

**WHEREAS**, the intersection of Mill Street and Boyd Street is heavily traveled at all time of day; and

**WHEREAS**, the Town of Winterville and the NC Department of Transportation have observed an accident rate at the intersection of Mill Street and Boyd Street that is warranting discussion as to how to make the intersection safer for all who use it; and

**WHEREAS**, the Town of Winterville has proposed adding rumble strips and flashing warning signs on Mill Street at the intersection with Boyd Street; and

**NOW, THEREFORE, BE IT RESOLVED** by the Winterville Town Council that the Town of Winterville supports the safety improvements requested to the NC Department of Transportation at the intersection of Mill Street and Boyd Street, with the installation of rumble strips and flashing warning signs .

Adopted this the 9<sup>th</sup> day of September 2024.

\_\_\_\_\_  
Richard E. Hines, Mayor

ATTEST:

\_\_\_\_\_  
Donald Harvey, Town Clerk

**NEW BUSINESS:**

1. Mill Street Townes Preliminary Plat: Stephen Penn, Planning and Economic Development Director gave the following presentation:

## Preliminary Plat "Mill Street Townes"

Presenter:  
Stephen Penn,  
Director of Planning & Economic Development



- Applicant: Rivers and Associates.
- Location: Between Highway 11 and Mill Street (South of Eleven at Main Townhome Development)
- Parcel Numbers: 39149 & 91013
- Site Data: 11.52 acres
- Current Zoning District: Multi-Family (MR)
  - Approved 9/13/21.



### Site Details:

- Single Family Attached Development
  - Permitted within M-R Zoning District as a Special Use.
  - Obtained their Special Use Permit on 3/22/22- for a townhome development of up to 138 units.
- 93 Single Family Attached Units.
- Access: Two Driveways on Mill Street and one connection to Highway 11.
- The Highway 11 connection will be constructed and operational prior to phase 2 of this development.



# MILL STREET TOWNES

## PRELIMINARY PLAT

WINTERVILLE, PITT COUNTY, NORTH CAROLINA





**NOTES:**

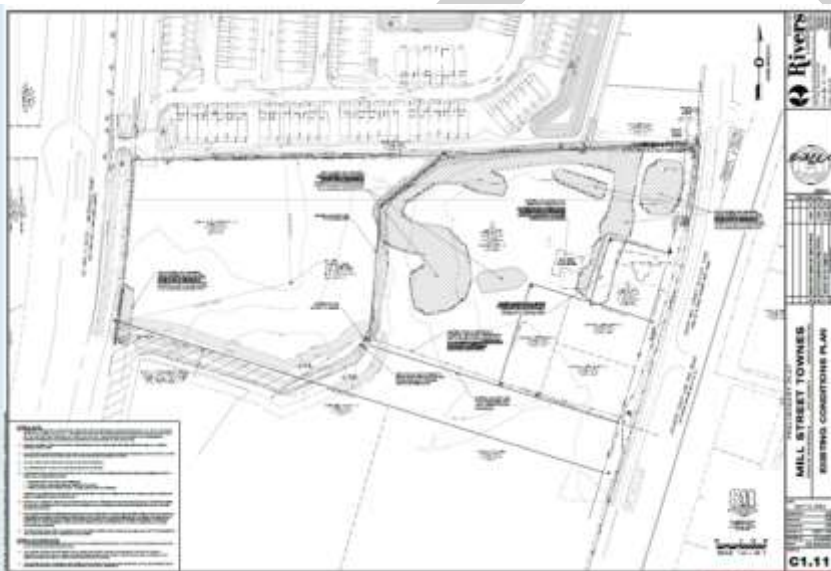
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**NOTES:**

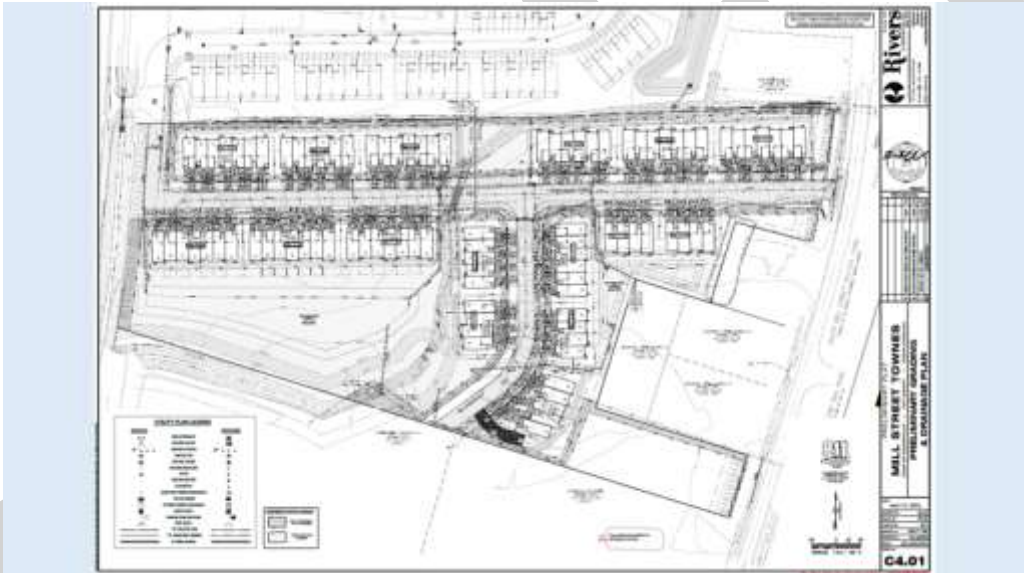
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**Staff Notes:**

- This development will exceed 30 lots, requiring two separate and constructed access points.
  - The second phase of this subdivision may not be final platted unless the highway 11 entrance is fully constructed, approved, and operational.
- Applicant supplied note on Plat:
  - \*\*28 units in 1<sup>st</sup> phase.



**P&Z Recommendation:**

- Recommended approval from the Winterville Planning and Zoning Board at their August 19, 2024 meeting (6-1)

**Staff Recommendation:**

- Mill Street Townes Preliminary Plat has been reviewed by the Winterville Technical Review Committee (TRC). After reviews and revisions, the presented Mill Street Townes Preliminary Plat was approved by the TRC for Town compliance.
- Staff recommends Approval of Mill Street Townes as the development meets the standards of the Town of Winterville for a Single Family Attached development.

Council and Staff discussed the issues involved with the preliminary plat request.

**Motion made by Councilwoman Smith and seconded by Mayor Pro Tem Harrell to approve the Mill Street Townes Preliminary Plat. Motion carried, 3-1, Councilwoman Hawkins opposed.**

2. Award Contract for Engineering Services – Lead Service Line Inventory Project.

Anthony Bowers, Assistant Town Manager gave the following presentation: Staff has formally advertised and Solicited Request for Qualification (RFQ) for engineering services. The RFQ was advertised in The Daily Reflector on Friday, August 23, 2024, Saturday, August 24, 2024 and was also posted on the Town’s website. This project has an imminent deadline and time is of the essence.

Responses to the RFQ and a recommendation was presented to the Council. RFQ responses were scored on the following criteria: Qualifications and Experience (50 Points), Project Approach (25 points), Completed Projects (20 Points), and Knowledge of the area and proximity to the project (5). This is a Federal Mandate and the project must begin by October of this year. We will be reporting this on an annual basis as the inventory will be maintained by staff once the study is complete. This project is funded with a loan from NCDEQ.

We received three responses. The Wooten Company, Harvin Engineering (who both declined) and Rivers and Associates. Ceiling cost of \$165,000. Staff recommends Council Award the Contract to Rivers and Associates.

**Motion made by Councilwoman Smith and seconded by Mayor Pro Tem Harrell to award the Contract to Rivers and Associates. Motion carried unanimously, 4-0.**

3. NCDEQ – Resolution of Funding for Water Line Replacement.

Anthony Bowers, Assistant Town Manager gave the following presentation authorizing the application for grant/loan funding from the DWI Drinking Water Program - Line Replacement:

This loan will allow the Town to remove old and undersized lines that remain in town. The loan for the project will be through NCDEQ. There is a potential for a \$500,000 loan forgiveness. This is equivalent to a grant, but they do not call it a grant. This project will replace 2-inch iron lines; as well as, lines that contain asbestos. The replacement of these lines has been on the Town CIP for years. The project cost is estimated to be \$2,117,250. The interest rate may be as low as 0%. The loan will be for 20 years.

Project items:

- Static Mixer for the water tank \$ 85,000
- Myrtle Street Line ABC Replacement: \$270,000
- Tyson St ABC Line Replacement: \$205,210
- 2-inch Iron Line Replacement: \$282,040
- Blount Street ABC Line Replacement \$375,000
- Jones Street ABC Line Replacement \$900,000

There is no cost to apply. If the project is accepted, we will be awarded a loan for \$2,117,250. Staff recommends adoption of Resolution 24-R-094 to NCDEQ for Waterline Replacement.

**RESOLUTION  
2025 WATER SYSTEM IMPROVEMENTS**

**WHEREAS**, The Town of Winterville has need for and intends to construct, plan for, or conduct a study in a project described as 2025 Water System Improvement of the water system; and

**WHEREAS**, The Town of Winterville intends to request State loan and/or grant assistance for the project,

**NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF WINTERVILLE:**

That the Town of Winterville, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Winterville to make a scheduled repayment of the loan, to withhold from the Town of Winterville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That Terri L. Parker, Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 9<sup>th</sup> day of September 2024 at the Town of Winterville, NC.

\_\_\_\_\_  
Richard E. Hines, Mayor

ATTEST:

\_\_\_\_\_  
Donald Harvey, Town Clerk

**Motion made by Councilwoman Hawkins and seconded by Councilwoman Smith to approve Resolution 24-R-094 to NCDEQ for the funding of Waterline Replacement. Motion carried unanimously, 4-0.**

#### 4. Approval of Water Fund Capital Improvements Program.

Anthony Bowers, Assistant Town Manager gave the following presentation:

The Town last adopted its Public Works Capital Improvements Program (CIP) in 2020. To be eligible for funding from NC Department of Environmental Quality Division of Water Infrastructure, we must have an adopted CIP every two years. This CIP is only for the Town's Water Fund. We have decided to review each fund individually and get them current, so we are starting with the Water Fund.

This CIP reflects all of the current demands facing the Town's water system. There are currently 21 projects that have been identified. Twenty of the 21 will need to be completed within the next 5 years. This is going to be a major undertaking, as the water system has gone several years without improvements. The majority of the needed improvements were identified in a study that was produced by Rivers and Associates and was adopted by the Town Council in 2020.

The project costs in this CIP have been updated to reflect both groups of projects. The previously identified projects have updated costs associated with them, and there are new projects that have arisen due to demand and development. Some of these costs are associated with unfunded Federal and State Mandates, and the projects are not optional.

The total capital cost is identified in the amount of \$16,141,875. Adopting this CIP will allow staff to apply for more grants and low interest loans to address these projects. The schedule is a suggestion and will be accomplished based on funding. It is subject to change but gives us a goal and target to aim. Staff recommends adoption of Water Fund Capital Improvements Program.

**Motion made by Councilwoman Smith and seconded by Mayor Pro Tem Harrell to approve the Water Fund Capital Improvements Program (CIP). Motion carried unanimously, 4-0.**

#### **OTHER AGENDA ITEMS:**

1. Follow up for Support Needed Huge Tree-Safety Concern. (Councilwoman Hawkins).

Councilwoman Hawkins, Council, Staff, and Town Attorney discussed in depth the issue involved with the huge tree safety concern.

**Motion made by Councilwoman Hawkins and seconded by Mayor Pro Tem Harrell to reactivate and reassess the Tree Board. Motion failed, 3-2. Mayor Pro Tem Harrell and Councilwoman Hawkins voted in favor and Councilman Moye and Councilwoman Smith voted opposed; Mayor Hines voted opposed breaking the tied vote.**

2. Update request: Multi-Purpose Center Progress. (Councilwoman Hawkins).

Councilwoman Hawkins, Council, Staff, and Parke and Recreation Director White discussed the update request on the Multi-Purpose Center Progress.

3. Update needed: All-Way Stop Sign on Boyd/Mill. (Councilwoman Hawkins).

Previously discussed.

4. Winterville Library Usage/Library Card Sign-Up Month. (Councilwoman Hawkins).

Councilwoman Hawkins, Council, and Staff the discussed the issue of the Winterville Library Usage and Library Card Sign-Up Month.

### **ITEMS FOR FUTURE AGENDA/FUTURE WORK SESSIONS:**

1. Councilwoman Smith asked to look into the ordinance on street parking, Axillary Dwelling Unit language, and downtown improvements/maintenance including parking and stripping.
2. Councilman Moye asked for a better plan for stormwater in future Copper Creek phases.

### **ANNOUNCEMENTS:** Town Manager Parker gave the following announcements:

- Market on the Square - School Spirit Night/ National Night Out/Back to School Bash: Thursday, September 12, 2024; 4:30 pm – 7:30 pm – 252 Main Street.
- Planning and Zoning Board Meeting: Monday, September 16, 2024 @ 7:00 pm - Town Hall Assembly Room.
- Board of Adjustment Meeting: Tuesday, September 17, 2024 @ 7:00 pm - Town Hall Assembly Room.
- Coffee with a Cop: Friday, September 20, 2024; 9:00 am - 10:30 am – Community Room.
- Movie in the Park: Paw Patrol - The Mighty Movie (pg): Friday, September 20, 2024; 7:30 – 9:00 pm - Winterville Recreation Park Amphitheater.
- Recreation Advisory Board: Tuesday, September 24, 2024 @ 6:30 pm – Operation Center.
- Human Relations Board Meeting: Thursday, September 26, 2024 @ 7:00 – Executive Conference Room.
- Movie in the Park: Date Night! Top Gun Maverick (pg-13): Friday, September 27, 2024; 7:30 – 9:00 pm - Winterville Recreation Park Amphitheater.
- Agenda Review Meeting: Thursday, October 10, 2024 @ 4:00 pm – Town Hall Executive Conference Room.
- Market on the Square: Thursday, October 10, 2024; 4:30 pm – 7:30 pm – 252 Main Street.
- Regular Town Council Meeting: Monday, October 14, 2024 @ 6:00 pm - Town Hall Assembly Room.

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

Attorney Lassiter: None, closed session tonight.

Councilwoman Hawkins: Correspond from Town Manager Parker concerning GOGov app. Housing and discrimination cases. Manager and Attorney are researching for answers. Welcome to Pitt Community College President and getting additional programs here. Town based transportation and researching as possible solutions. Report from Chief Williams from neighborhood concerning truck parking. Chief addressed the present situation. Human Relations Board visible at the Watermelon Festival.

Councilman Moye: Reason why Urgent Repair Program has not resumed. Town Manager Parker updated on efforts to resume. Winterville North Cemetery sign options and feedback for next month. Appreciate kind words and cards on his Mother's passing.

Mayor Pro Tem Harrell: Thank you to Staff and Council. Update on the website and technical assistance. Town Manager Parker provided update. Do we have internships available? Town Manager Parker stated we have had interns in the past. Thank you for wearing purple for Recovery Month.

Councilwoman Smith: Thank you for Watermelon Festival weather. Thank you to Council and Staff. Thank you to our 12U team and them representing us well.

Manager Parker: Nothing additional

Mayor Hines: Thank you to staff. To all, come to a meeting. Public comment section is a time to voice your opinion.

**Motion made by Councilman Moye and seconded by Councilwoman Hawkins to go into Closed Session (NCGS § 143-318.11. (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. Motion carried unanimously, 4-0. Entered into Closed Session at 8:22 pm.**

**CLOSED SESSION:**

**ADJOURN:**

**Motion made by Councilwoman Hawkins and seconded by Councilwoman Smith to adjourn the meeting. Motion carried unanimously, 4-0. Meeting adjourned at 9:22 pm.**

Adopted this the 4<sup>th</sup> day of November 2024.

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Richard E. Hines, Mayor

ATTEST:

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Donald Harvey, Town Clerk



**WINTERVILLE TOWN COUNCIL  
MONDAY, OCTOBER 14, 2024 - 6:00 PM  
REGULAR MEETING MINUTES**

The Winterville Town Council met in a Regular Meeting on the above date at 6:00 PM in the Town Hall Assembly Room, with Mayor Richard E. Hines presiding. The following were present:

Richard E. Hines, Mayor  
Brandy Harrell, Mayor Pro Tem  
Shantel Hawkins, Councilwoman  
Johnny Moye, Councilman  
Veronica W. Roberson, Councilwoman  
Lisa Smith, Councilwoman  
Keen Lassiter, Town Attorney  
Terri L. Parker, Town Manager  
Anthony Bowers, Assistant Town Manager  
Chris Williams, Police Chief  
David Moore, Fire Chief  
Cliff McGuffin, Public Works Director  
Ron Mills, Interim Electric Director  
Jessica Manning, Finance Director  
Evan Johnston, Building Inspector/Code Enforcement Officer  
Diane White, Parks and Recreation Director  
Stephen Penn, Planning and Economic Development Director  
Angela Fuller, Human Resource Director  
Donald Harvey, Town Clerk

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

**INVOCATION:** Mayor Pro Tem Harrell gave the Invocation.

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

**WELCOME:** Mayor Hines welcomed the public.

**ROLL CALL:** All Present.

**APPROVAL OF AGENDA:**

Manager Parker noted the amended items to the Agenda.

**Motion made by Councilman Moye and seconded by Councilwoman Smith to approve the amended agenda. Motion carried unanimously, 5-0.**

**PROCLAMATIONS:** Town Clerk Harvey read the Proclamation(s).



1. Breast Cancer Awareness Month.



**PROCLAMATION  
BREAST CANCER AWARENESS MONTH  
OCTOBER 2024**

**WHEREAS**, October is National Breast Cancer Awareness Month, which is an annual campaign to increase awareness of this disease and while we have seen an increase in mammography rates and a decline in deaths, there is more that can be done; and

**WHEREAS**, the American Cancer Society continues to advise women to get an annual mammogram screening once they reach the age of 40; and

**WHEREAS**, throughout the month of October, all women are encouraged to make a renewed commitment to following recommended screening guidelines and to make a mammogram appointment; and

**WHEREAS**, the Town of Winterville stands in solidarity with the mothers, sisters, wives, daughters, friends, neighbors, and others who are battling this disease; and

**WHEREAS**, Pink ribbons have become an internationally recognized symbol of Courage, Support, and the Symbol of Hope for a breast cancer cure; and

**WHEREAS**, the Town of Winterville recognizes the importance of working together and supporting Breast Cancer Awareness Month; and

**NOW, THEREFORE**, I, Richard E. Hines, Mayor of the Town of Winterville hereby proclaim October 2024 as Breast Cancer Awareness Month.

**IN WITNESS WHEREOF**, I do set my hand, and cause the seal of Winterville to be affixed this 14<sup>th</sup> day of October 2024.

\_\_\_\_\_  
Richard E. Hines, Mayor

**Attest:**

\_\_\_\_\_  
Donald Harvey, Town Clerk

2. Fire Prevention Week.



**PROCLAMATION**  
**FIRE PREVENTION 2024**

**WHEREAS**, the Town of Winterville is committed to ensuring the safety and security of all those living in and visiting our Town; and

**WHEREAS**, fire is a serious public safety concern both locally, state-wide, and nationally, and homes are the locations where people are at greatest risk from fire; and

**WHEREAS**, home fires killed more than 2,700 people in the United States in 2022, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to over 360,000 home fires; and

**WHEREAS**, roughly three out of five fire deaths happen in homes with either no smoke alarms or with no working smoke alarms, working smoke alarms cut the risk of dying in reported home fires almost in half, and smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

**WHEREAS**, Winterville residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home, make sure their smoke alarms meet the needs of all their family members, including those with sensory or physical disabilities, and test smoke alarms at least once a month.

**WHEREAS**, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

**WHEREAS**, Winterville's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

**WHEREAS**, the 2024 Fire Prevention theme, "Smoke alarms: Make them work for you".

**NOW, THEREFORE**, I Richard E. Hines, Mayor of the Town of Winterville do hereby proclaim October 2024, as Fire Prevention Month throughout the Town, and urge all the citizens of Winterville to support the many public safety activities and efforts of the Winterville Fire-Rescue-EMS Department.

**IN WITNESS WHEREOF**, I do set my hand, and cause the seal of Winterville to be affixed this 14th day of October 2024.

\_\_\_\_\_  
Richard E. Hines, Mayor

**Attest:**

\_\_\_\_\_  
Donald Harvey, Town Clerk

### 3. Indigenous Peoples' Day



## **PROCLAMATION INDIGENOUS PEOPLES' DAY**

**WHEREAS**, in doing so, we proclaim today as Indigenous Peoples' Day. We reflect on the vibrant cultural diversity, and tenacity, of Indigenous peoples who now call North Carolina home – including those who originate from and maintain deep relationships with these lands and waters, those who were relocated here from their sacred homelands by federal policies and those who have crossed oceans and borders with hope in the ability to find economic stability, community and safety in these lands of opportunity.

**WHEREAS**, in recent years, we have experienced a global effort to disentangle the harmful legacies of historical violence and extraction and restore the beneficial legacies of Indigenous balance, sustainability and reciprocity. This includes a growing understanding of how the doctrine of discovery was called on historically to justify the expropriation of Indigenous lands and subjugation of Indigenous peoples, a legacy that has also been linked to the worsening of climate change and other environmental harms.

**WHEREAS**, increasingly, we are turning to Indigenous peoples in the existential imperative to restore balance, weather climate impacts and preserve biodiversity. North Carolina, along with leaders from across the globe, will meet to discuss the need to respect, preserve and maintain the knowledge, innovations, and practices of Indigenous peoples in the race to halt and reverse biodiversity loss.

**WHEREAS**, as we look toward a future in which we continue to support these practices while also bolstering Indigenous language learning and revitalization, uplifting Indigenous sports in mainstream spaces, spotlighting Indigenous arts and infusing governance with Indigenous values, we are excited for the chance to demonstrate this work.

**WHEREAS**, Today, as we are reminded of the forces of violence, displacement and oppression that tried and failed to eradicate Indigenous communities, we call on all to find meaningful opportunities to uplift, validate and engage with Indigenous peoples and cultures on a global scale.

**NOW, THEREFORE**, I, Richard E. Hines, Mayor of the Town of Winterville hereby honor the contribution and legacy, or hereby proclaim.

**IN WITNESS WHEREOF**, I do set my hand, and cause the seal of Winterville to be affixed this 14<sup>th</sup> day of October 2024.

\_\_\_\_\_  
Richard E. Hines, Mayor

**Attest:**

\_\_\_\_\_  
Donald Harvey, Town Clerk



**PUBLIC COMMENT:** Mayor Hines read the Public Comment Policy.

1. Gregory James - Animal Services.
2. Valerie Tyson - Ditch at Free Will Baptist Church.
3. Mat de Jesus - Mill and Boyd Traffic Light.
4. Danny Smith - Mill and Boyd Traffic Light.
5. Teresa Williams - Mill and Boyd Traffic Light.

**Motion made by Mayor Pro Tem Harrell and seconded by Councilwoman Smith to send a resolution to NCDOT for a signalized intersection at Mill Street and Boyd Street.**

Councilwoman Hawkins asked what is a signalized intersection and what kind of time frame? Councilwoman Roberson said improvements to Boyd Street was expensive. Councilman Moye noted the need to alert all people, even out of town folks of intersections.

**Motion carried unanimously, 5-0.**

**CONSENT AGENDA:**

Items included in the Consent Agenda:

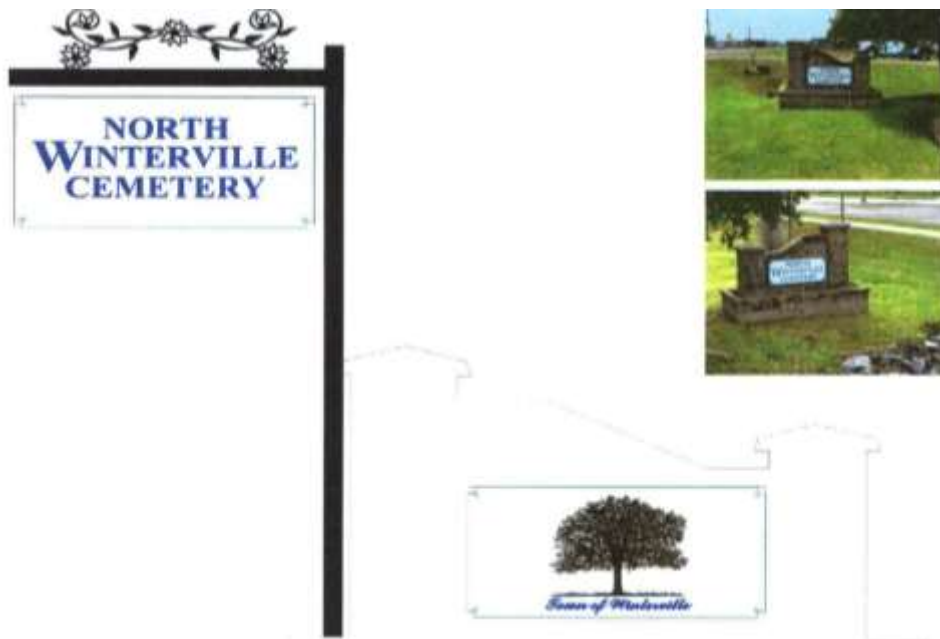
1. Southbrook Annexation: Schedule Public Hearing for November 4, 2024.
2. Villa Grande Phase 3 Annexation: Schedule Public Hearing for November 4, 2024.
3. Darron Carmon Settlement.

**Motion made by Mayor Pro Tem Harrell and seconded by Councilwoman Roberson to approve the consent agenda. Motion carried unanimously, 5-0.**

**OLD BUSINESS:**

1. Update on North Winterville Cemetery Signage.

Mayor Hines asked what the actual sign, size, and make-up of the sign. Town Manager Parker said the exact size materials and weight are to be determined and will meet any and all Town regulations. Mayor Pro Tem Harrell asked that the location and lighting to make it more visible. Councilwoman Roberson said to be careful of any existing graves. Town Manager Parker responded to question and issues posed. Mayor Pro Tem Harrell asked when will answer come. Town Manager Parker said in December or January at the latest.



## **NEW BUSINESS:**

1. Stormwater Advisory Board: Appoint Members - Public Works Director McGuffin commented.

The Stormwater Advisory Committee is made up of five (5) regular members and one (1) alternate member. Members serve a three (3) year term for the purpose of providing stormwater management policy guidance to the Town. The Committee shall consist of members of a cross section of local citizens and stakeholders representing neighborhood groups, professional organizations, industrial and commercial associations, environmental groups, builders association, and others that the town recognizes as having an interest in stormwater management issues.

There are currently four (4) applications on file in which applicant indicated Stormwater Advisory as their interest or preference. The applicants, all of whom are Town residents, are as follows (listed in order of receipt):

- Shetoria Roach (4th priority)
- Jonathan Powell (1st priority)
- Wayne Peede (2nd priority)
- Carissa Best (2nd priority)
- Bryan Fagundus (1st Priority)

Staff recommends that all of these applicants listed above, be appointed to an additional three (3) year term on the Stormwater Advisory Board.

**Motion made by Councilwoman Smith and seconded by Councilwoman Hawkins to approve the slate of members as recommended for the Stormwater Advisory Board. Motion carried unanimously, 5-0.**

2. Recreation Advisory Board: Appoint to Vacant Position - Parks and Recreation Director White commented.

The Recreation Advisory Board (RAB) is composed of seven (7) Resident members, two (2) Non-Resident (ETJ) members, and one (1) Alternate member that may be a resident or non-resident.

There are currently applications on file in which applicant indicated RAB as their interest or preference. The applicants, all of whom are Town residents, are as follows (listed in order of receipt):

- Shetoria Roach (1st priority)
- Chanelle Flowers (1st and only priority)
- Jonathan Powell (4th priority)
- Anthony Yocum (1st and only priority)
- Lindsey Price (1st and only priority)
- Carissa Best (4th priority)

The Recreation Advisory Board (RAB) currently has one (1) RAB Alternate position vacancy. Staff recommends Richard "Anthony" Yocum, Jr to fill the vacant RAB Alternate position. Mr. Yocum has served as coach for his two sons in multiple sports through Winterville Parks and Recreation. His children have played in our programs such as Pee Wee, Flag Football and Cal Ripken Baseball for several years.

**Motion made by Councilwoman Roberson and seconded by Mayor Pro Tem Harrell to approve the staff recommendation for the Recreation Advisory Board. Motion carried unanimously, 5-0.**

3. Purchase Yanmar Mini Excavator for Electric Department - Interim Electric Director Mills commented.

The 2024-2025 Electric Fund Budget allocated monies for the purchase of a Mini Excavator. Staff has received three different quotes and National Equipment Dealers was the lowest on price. The Yanmar Mini Excavator Vi050-6A, 5 Ton, comes with a 4 year/4,000-hour full machine warranty. All quotes were discounted through NC contract. This equipment will assist the Electric department in expansion of Winterville's service territory.

**Motion made by Mayor Pro Tem Harrell and seconded by Councilwoman Smith to approve the purchase of the Yanmar Mini Excavator for the Electric Department. Motion carried unanimously, 5-0.**

4. Approval of Contract with Pitt County Schools for School Resource Officers - Police Chief Williams commented.

Pitt County Schools has requested that the Town of Winterville continue the SRO contract to supply three (3) School Resource Officers (SROs) in the County schools in our jurisdiction. Pitt County Schools has proposed a one-year contract which will pay the Officers' salary and benefits (\$265,929.19) and the Town of Winterville is responsible for the equipment, uniforms, vehicle, training, etc. These officers will be assigned to A.G. Cox Middle School, W.H. Robinson Elementary School, and Creekside Elementary School. The County will make 12 monthly installments to the Town to reimburse the salary and benefits cost. As with other SRO's throughout the county, this Contract is renewed annually to address changes in salary or details.

**Motion made by Councilwoman Roberson and seconded by Councilwoman Smith to approve the Contract with Pitt County Schools for School Resource Officers. Motion carried unanimously, 5-0.**

5. Winterville Human Relations Board (WHRB) desires to develop a "Season of Giving" effort for those experiencing financial barriers.

WHRB would like to develop a Season of Giving throughout the Town for those who are experiencing financial barriers. There will be a variety of ways the WHRB will show warmth, peace, and joy through tidings of giving-through GIFTS in the month of December.

**Motion made by Mayor Pro Tem Harrell and seconded by Councilwoman Hawkins to approve the Winterville Human Relations Board (WHRB) develop a "Season of Giving" effort for those experiencing financial barriers. Motion carried unanimously, 5-0.**

**OTHER AGENDA ITEMS:**

1. Request for Recycling Review-3 months after change. (Councilwoman Hawkins).

Councilwoman Hawkins noted that many questions from citizens, on Facebook, Nextdoor, and etc. Public Works Director said change is difficult and recycling changes are less than what used to be, however, folks are getting on board. Mayor Pro Tem Harrell said she was not doing it right, however, still thinks Town should show the citizens and open up to public to come in and discuss. Councilwoman Smith said it is great going out and informing citizens. Assistant Town Manager Bowers said Winterville is offering a bargain. Councilwoman Hawkins said we need to do some kind of education to show that the Town is trying to help the citizens. Town Manager Parker said we will get some educational items out.

2. Winterville Business Town Hall-In Person Business Advertisement/Display to Town Council/Residents. (Councilwoman Hawkins).

Councilwoman Hawkins noted we need some session to come in and asked question. A small business Town Hall meeting. Businesses come in and present their services. Mayor Hines said we had one in 2021, Chamber facilitated, and it was well attended, it is time to do it again. Councilwoman Hawkins said hopefully we can revisit.

3. Youth Council-Need for Reactivation. (Councilwoman Hawkins).

Councilwoman Hawkins asked can we get it back and active, invest in our Youth, no matter of age. Mayor Hines suggested it be put under Human Relations Board, as a sub-committee. Mayor Pro Tem Harrell noted there should be a degree of separation. Town Manager Parker noted it was a separate staff led task in the past, however, volunteer leaders will be needed. Councilwoman Roberson said there is a charter. Councilwoman Hawkins asked would youth get any funding. Town Manager Parker said there is a separate line item for Youth Council.

4. Our Law Enforcement Community Connections-Mental Health Awareness Day. (Councilwoman Hawkins).

Councilwoman Hawkins said we need to foster a good relationship with our law enforcement, expand Coffee with a Cop, and expand relationship. How can we be more visible? Town Manager Parker getting staff and community enforcement is important. Councilwoman Hawkins said she is awaiting a response from Chief. Mayor Hines notes that at the Walk and Roll, first responders were well represented, Councilman Moye invited Chief to Sunday service. Chief Williams said he looks forward to any involvement. He gave his monthly report at that point Councilwoman Hawkins said she applauds the police department efforts.

5. Mental Health Awareness Day. (Councilwoman Hawkins).

Councilwoman Hawkins noted that Mental Health Awareness Day was October 10, 2024 and has spoken to this in the past. She has reached out to Trillium and they want a Mental Health Awareness Day with the Town. Mayor Pro Tem Harrell said she was grateful you were able to reach out and noted that May is Mental Health Awareness month and requested that the Town have something to get the word out and plan ahead.

**ITEMS FOR FUTURE AGENDA/FUTURE WORK SESSIONS:**

1. Schedule a workshop for UNC Environmental Finance Center regarding Water and Sewer financial condition and rate analysis.
2. Schedule a workshop on Helping Get Access to Energy Funding.

Town Manager Parker noted the items would be better served at a separate meeting.

**REPORTS FROM DEPARTMENT HEADS:**

Police Chief Williams: gave his report earlier.

Planning and Economic Development Director Penn: reported the following:

- **Projects Under Construction:**
  - Cornerstone Last Phase: Adding Final 11 Lots.
  - Villa Grande Phase 3: Adding 40 Lots.
  - Eleven at Main: Adding roughly 60 more units. (Within current phase and phase under construction)



- Eli's Ridge Phase 5: Adding 14 Lots.
  - Creekside Park, Phase 2: 3,000 sf building off of Reedy Branch Road.
  - 4771 Reedy Branch Road: Warehouse and Storage Facility 44,250 sf
  - Pitt Community College Welding Building: 29,879 sf. Building.
  - The Journey's Group Office off of Mill Street.
- **Residential Projects Under Review by Winterville's Technical Review Committee (TRC)**
    - Blueberry Construction Drawings: 69 Lots. (Continued).
    - Southbrook Phase 1 Construction Drawings: 122 Single Family Detached Lots; 56 Single Family Attached Units/Lots. (Continued).
    - Southbrook Phase 2 Preliminary Plat: 335 Single Family Detached Lots; 98 Single Family Attached Units/Lots. (Continued).
    - Brookstone Phase 2 Construction Drawings: 49 Lots. (Continued).
    - Farmstead Preliminary Plat: 179 Lots. (Continued).
    - Quail Trace Construction Drawings: 85 Lots. (New).
    - Copper Creek Phase 3 Preliminary Plat: 34 or 35 Lots (New).
    - Winterville Manor Minor Final Plat- 5 Lots (New).
    - Carroll Crossing Duplex Addition Preliminary Plat: 23 Units. (New)
- **Commercial Projects:**
    - Christ Covenant School (Phase 2): Addition of a new 46,159 sf school building on their Worthington Road campus. (Under TRC Review).
    - Lowes Foods: Staff is working to help bring businesses to existing spaces.
    - 2586 Railroad St- Staff is working to bring a new business to fill in the newly available commercial space.
- **Other:**
    - Winterville Economic Development Planner, Tristyn Daughtry, was the recipient of the Engagement Scholarship Consortium's 2024 Excellence Awards Program:
      - ❖ She was awarded the Excellence in Staff Community Engagement Award for her work at ECU as the Director of the RISE29 Program. The Engagement Scholarship Consortium (ESC) announced the recipients of its 2024 Excellence Awards Program at their annual Conference. The awards program recognizes faculty, staff, students, and higher education institutions and their exemplary contributions to scholarship and the practice of community-engaged scholarship. First conferred in 2018, awards are presented in several categories. Nominations are sought annually from 2 and 4-year public and private higher education institutions and are evaluated by a distinguished panel of scholars.
      - ❖ [https://engagementscholarship.org/upload/announcements/ESC\\_Awards\\_NewsRelease\\_2024\\_06192024.pdf](https://engagementscholarship.org/upload/announcements/ESC_Awards_NewsRelease_2024_06192024.pdf)
    - Mill Street Townes Preliminary Plat was approved- We expect Construction Drawings for their 93-unit single-family attached development in the near future.
    - Current Annexation Petitions: Villa Grande, Phase 3 ( 22.73 Acres); Southbrook, all phases (246.18 Acres).

Interim Electric Director Mills: They have been busy adding new transformers, expansions, converting lighting, and mosquitos spraying.

Assistant Town Manager Bowers: Notice to proceed issued on the pump station project. Crews for lead service lines are in Town working. Facilities look much better. Mill Street sidewalk layout/NCDOT moving forward. Electric survey to be presented. Closed session tonight.

Public Works Director McGuffin: Activities include Chapman Street Pump Station, Waterford Subdivision infiltration, Recycling containers, no bags, in recycling, new hires moving forward, SKATA up and working.

Finance Director Manning:

The auditors have completed the final audit fieldwork. They have completed a draft of the financial statements and we have reviewed and sent them back to them with any revisions needed. The draft is currently in the firm's internal review process and should be completed and submitted by the October 31st deadline with no issues.

Water and Sewer Study: Rivers and Associates completed their study on our water and sewer infrastructure. We successfully updated our fixed asset schedule to include any donated water and sewer assets from subdivision developments that had not been included from prior years. This helped to increase the remaining useful life of our water and sewer capital assets above 50%.

Parks and Recreation Director White: Fall sports busy and on-going. Other activities busy and going. Special events in September. Last movies and concerts this month. Upcoming Fright Fest.

Human Resource Director Fuller: Activities include scheduling interviews and new hires coming on board.

Fire Chief Moore: Crew sent to western part of state for hurricane recovery, came back today. completed many other activities.

Building Inspector/Code Enforcement Officer Johnston: Inspections going well. PCC welding underway, and residential inspections on-going.

**ANNOUNCEMENTS:** Town Clerk Harvey gave the following announcements:

- Board of Adjustment Meeting: Tuesday, October 15, 2024 @ 7:00 pm - Town Hall Assembly Room.
- 2024 General Election One Stop Early Voting: Thursday, October 17, 2024 – Saturday, November 2, 2024 – Community Room.
- Coffee with a Cop: Friday, October 18, 2024; 9:00 am - 10:30 am – Cooper's Cup, 2588 Railroad Street.
- Movie in the Park: Teenage Mutant Ninja Turtles - Mutant Mayhem (pg): Friday, October 18, 2024; 7:00 – 8:30 pm - Winterville Recreation Park Amphitheater.
- Planning and Zoning Board Meeting: Monday, October 21, 2024 @ 7:00 pm - Town Hall Assembly Room.
- Recreation Advisory Board: Tuesday, October 22, 2024 @ 6:30 pm – Operation Center.
- November Agenda Information and Abstracts Due: Wednesday, October 23, 2024.
- Human Relations Board Meeting: Thursday, October 24, 2024 @ 7:00 – Executive Conference Room.
- Friday Night Concert: Dakota Blue: Friday, October 25, 2024; 7:00 – 8:30 pm - Winterville Recreation Park Amphitheater.
- Fright Fest-Sponsored by Chamber of Commerce: Sunday, October 27, 2024; 3:00 pm – 6:00 pm – Downtown Winterville.
- Agenda Review Meeting: Thursday, October 31, 2024 @ 4:00 pm – Town Hall Executive Conference Room.
- Daylight Saving Time Ends: Sunday, November 3, 2024 @ 2:00 am. (Fall Back).

- Regular Town Council Meeting: Monday, November 4, 2024 @ 6:00 pm - Town Hall Assembly Room.
- 2024 General Election: Tuesday, November 5, 2024 – Community Room and Operation Center Training Room.
- Veteran’s Day Holiday - Town Offices Closed: Monday, November 11, 2024.

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

Attorney Lassiter: None, closed session tonight.

Councilwoman Smith: Thanks to citizen serving on Advisory Boards and to the Fire Crew that went out west.

Councilwoman Roberson: Thanks for all the citizens staying to the end and thanks to staff.

Mayor Pro Tem Harrell: Thanks to staff and first responders and thanks to those that have stayed. Please note that Early voting starts October 17<sup>th</sup>.

Councilwoman Hawkins: Presence is priceless. Thanks to staff and that extends to first responders that went to the west. Asked what the status of the All Alert System, Town-based transportation, and options. Spoke of trees and safety.

Councilman Moye: Thanks to our staff and all you do; all are respected equally. Thanks to those that spoke tonight.

Manager Parker: Thanks to Council; and staff with many projects. GOGov go live on November 8th.

Mayor Hines: Wish belated birthdays to Councilwoman Hawkins, Councilwoman Roberson, Town Attorney Lassiter, and self. Breast Cancer awareness this month is very important. Publicly thank Council and all they do to make out Town a better place to live.

**Motion made by Councilman Moye and seconded by Councilwoman Hawkins to go into Closed Session. CLOSED SESSION: NCGS § 143-318.11. (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. Motion carried unanimously, 5-0 Entered into Closed Session at 8:52 pm.**

**CLOSED SESSION:**

**ADJOURN:**

**Motion made by Councilwoman Hawkins and seconded by Mayor Pro Tem Harrell to adjourn the meeting. Motion carried unanimously, 5-0. Meeting adjourned at 9:38 pm.**

Adopted this the 4<sup>th</sup> day of November 2024.

\_\_\_\_\_  
Richard E. Hines, Mayor

ATTEST:

\_\_\_\_\_  
Donald Harvey, Town Clerk

DRAFT



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** November 4, 2024

**Presenter:** Jessica Manning, Finance Director

**Item to be Considered**

**Subject:** Budget Amendment 2024-2025-3

**Action Requested:** Approval of Budget Amendment.

**Attachment:** Budget Amendment.

**Prepared By:** Jessica Manning, Finance Director

**Date:** 10/23/2024

**ABSTRACT ROUTING:**

TC: 10/28/2024

TM: 10/28/2024

Final: tlp - 10/28/2024

**Supporting Documentation**

This is the third budget amendment for the 2024-2025 Fiscal Year.

The first item addressed in this budget amendment increases the Legal Services line item by \$70,000 due to an increase in legal fees associated with pending litigations with the Town. The Town anticipates receiving insurance reimbursements for a large portion of these legal fees.

The second item addresses the need for an increase in the Debt Service Proceeds line item in the Water fund by \$162,500 to account for the loan proceeds to be received from the NC Department of Environmental Quality for the Lead Service Line Project. The Engineering line item in the Water fund will be increased by \$162,500 as well.

**Budgetary Impact:** The total budget amendment will increase the budget in the amount of \$232,500.

**Recommendation:** Staff recommends Council approve the amendment.

**BUDGET ORDINANCE AMENDMENT 2024-2025-3**

BE IT ORDAINED by the Governing Board of the Town of Winterville, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2025:

**SECTION 1. Revenues are to be changed as follows:**

LINE ITEM DESCRIPTION	Fund	Account	Increase	Decrease
Fund Balance Appropriation	General	10-0000-00	3831 \$ 70,000	
Debt Service Proceeds	Water	61-0000-00	3811 \$ 162,500	
<b>Total</b>			<b>\$ 232,500</b>	<b>\$ -</b>

**SECTION 2. Appropriations are to be changed as follows:**

LINE ITEM DESCRIPTION	Fund	Department	Account	Increase	Decrease
Legal Services	General	Non-Departmental	10-9500-00	5107 \$ 70,000	
Engineering	Water		61-7210-00	4232 \$ 162,500	
<b>Total</b>				<b>\$ 232,500</b>	<b>\$ -</b>

Adopted the 4th day of November 2024.

\_\_\_\_\_  
Richard E. Hines, Mayor

\_\_\_\_\_  
Donald Harvey, Town Clerk



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** November 4, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Southbrook Planned Unit Development (PUD) Rezoning/Amendment.

**Action Requested:** Schedule Rezoning Public Hearing for December 9, 2024

**Attachment:** Rezoning Application; Metes and Bounds Description; Boundary Survey; Existing PUD Development Standards (Ordinance Number 23-O-011); Proposed/Amended PUD Document, Staff Report; Proposed Rezoning Map with Single Family Attached area change; Certified Notice to Adjoining Property Owners.

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 10/23/2024

**ABSTRACT ROUTING:**

TC: 10/28/2024

TM: 10/28/2024

Final: tlp - 10/28/2024

**Supporting Documentation**

Southbrook Subdivision was designed as a Planned Unit Development (PUD). PUDs are Conditional Zoning Districts that allow flexibility in design- generally due to environmental constraints present on a site. Southbrook's land is a perfect candidate for such a development due to its significant amount of environmentally sensitive land. PUD's allow a developer to cluster their development into smaller pockets to reach a density, with a comprehensive design, and to minimal impact to environmental features.

Southbrook received an R-6 Conditional District and Multi-Family Conditional District PUD rezoning approval on 1.9.23. The Southbrook PUD contains its own development standards. Anything that is not included and approved within the Southbrook PUD Development standards are subject to normal Town of Winterville Standards.

**An overview of Southbrook's Proposed Ordinance Amendments:**

- **Expand the location and area in which Single-Family Attached Units are located. (But not the overall number of single-family attached units).** (\*\*Staff supports this aspect of the amendment as it does not change the density of the subdivision or number of units. It is a better alternative than a crossing of a Riparian Buffer .\*\*)
- **Changes in Size of Single-Family Attached Homes- From 1,600 heated square feet to 1,400 heated square feet.** (\*\*Staff will defer to P&Z and Town Council to determine the proposed amendments consistently and reasonableness. \*\*)
- **The addition of the requirement that all Single-Family Attached Homes must have at least one one-car garage.** (\*\*Staff will defer to P&Z and Town Council to determine the proposed amendments consistently and reasonableness. \*\*)
- **Changes in Size of Single-Family Detached Homes from: 1,800 heated square feet to 1,500 heated square feet for single story homes and 1,600 heated square feet for two story homes.** (\*\*Staff will defer to P&Z and Town Council to determine the proposed amendments consistently and reasonableness. \*\*)
- **Language stating that multiple single-family detached homes will be made available by the builder(s).** (\*\*Staff does not see any issue with this proposed amendment & is not addressed by Town documents. \*\*)

**\*P&Z Unanimously Recommended Approval at their October 21, 2024 meeting.**

More information and details may be found within the attachments and the staff report.

**\*\*\*\* Please note that this is a separate request than was heard at the September 2024 P&Z Meeting. The applicant withdrew that request, prior to Town Council's scheduling of the Public Hearing, and thus the applicant was able to revise their request and resubmit.**

**Budgetary Impact:** TBD.

**Recommendation:** Schedule Public Hearing For December 9, 2024.



**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: SouthbrookNC, LLC

Address: 4350 Lassiter@ North Hills Ave., Suite 256, Raleigh, NC 27609-5792

Phone #: (704) 995-2507

Owner: Chapel Hill Foundation

Address: 300 South Building, CN 1000, Chapel Hill, NC 27599

Phone #: (919) 962-2336

**PROPERTY INFORMATION**

Parcel #: 11636, 15006, 11638, 82096, 82094 Area (square feet or acres): +/-245.43

Current Land Use: Vacant

Location of Property: Off of Church Street and Laurie Ellis Road

**ZONING REQUEST**

Existing Zoning: PUD (Ordinance 23-0-011) Requested Zoning: PUD

Reason for zoning change: Requesting minor revisions to the original PUD approval including revisions to maximize options and flexibility for all housing products.

\_\_\_\_\_  
\_\_\_\_\_

**This application shall be accompanied by the following items:**

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



**OWNER/AGENT STATEMENT**

I, Scott Moore, 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.

- All owners of the property must sign the application.

\_\_\_\_\_  
Signature Date

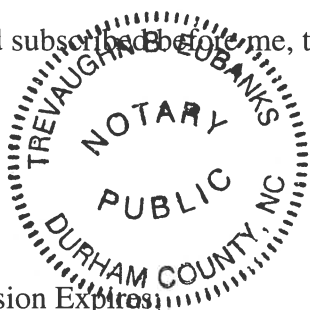
**NOTE: AGENTS ACTING ON BEHALF OF THE PROPERTY OWNER MUST HAVE A NOTARIZED STATEMENT FROM THE PROPERTY OWNER GIVING THEM THE AUTHORITY TO ACT ON THE OWNER'S BEHALF.**

- All owners of the property must sign the application.

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

NKell \_\_\_\_\_ 10/7/24  
Signature Date

Sworn to and subscribed before me, this 7 day of October, 2024.



Trevaughn B. Eubanks  
Notary Public

My Commission Expires August 26, 2029

**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: \_\_\_\_\_  
\_\_\_\_\_

Legal Description For  
Chapel Hill Foundation Real Estate Holdings LLC  
Winterville Township, Pitt County  
North Carolina

Commencing at a point, said point being an iron pipe found along the eastern right-of-way of Church Street Ext. (SR 1714) in Winterville Township, Pitt County, North Carolina. Point further described as the northwestern corner of the Annie Mae E. Allen Life Estate property as recorded in Deed Book DC108, Page 1, Pitt County Registry. Point also described as a western corner of the Chapel Hill Foundation Real Estate Holdings Inc. property as recorded in Deed Book 3448 Page 378 and the **POINT OF BEGINNING**. Thence along the eastern right-of-way of Church Street Ext. N 13°49'16" E a distance of 839.61 feet to an iron pipe found. Thence with a curve turning to the right with an arc length of 34.22 feet, with a radius of 970.00 feet, with a chord bearing of N 14°49'55" E, with a chord length of 34.22 feet to an iron pipe found. Thence S 76°40'42" E a distance of 221.56 feet to an iron pipe found. Thence N 13°21'42" E a distance of 199.94 feet to an iron pipe found. Thence S 76°41'35" E a distance of 48.55 feet to an iron pipe found. Thence S 76°43'28" E a distance of 79.97 feet to an iron pipe found. Thence S 76°41'04" E a distance of 80.06 feet to an iron pipe found. Thence S 76°43'38" E a distance of 80.00 feet to an iron pipe found. Thence S 76°38'17" E a distance of 79.88 feet to an iron pipe found. Thence S 76°42'13" E a distance of 95.07 feet to an iron pipe found. Thence S 76°53'54" E a distance of 233.88 feet to an iron pipe found. Thence S 76°11'58" E a distance of 80.03 feet to an iron pipe found. Thence S 76°18'57" E a distance of 79.91 feet to an iron pipe found. Thence S 76°44'16" E a distance of 81.00 feet to an iron pipe found. Thence S 76°02'02" E a distance of 48.73 feet to an iron pipe found. Thence S 77°35'50" E a distance of 31.28 feet to an iron pipe found. Thence S 76°36'08" E a distance of 338.06 feet to an iron pipe found. Thence N 00°31'39" E a distance of 182.63 feet to an iron pipe found. Thence N 00°29'08" E a distance of 330.30 feet to an iron pipe found. Thence N 00°38'02" E a distance of 65.26 feet to an concrete monument. Thence N 89°59'29" E a distance of 114.37 feet to an iron pipe found. Thence N 89°58'14" E a distance of 203.88 feet to an iron pipe found. Thence N 89°58'34" E a distance of 28.92 feet to an iron pipe found. Thence N 89°56'11" E a distance of 114.38 feet to an iron pipe found. Thence S 89°59'31" E a distance of 173.14 feet to an iron pipe found. Thence S 89°54'48" E a distance of 87.40 feet to an iron pipe found. Thence N 89°58'10" E a distance of 172.53 feet to an iron pipe found. Thence S 89°56'54" E a distance of 590.76 feet to an iron pipe found. Thence N 89°50'17" E a distance of 80.27 feet to an iron pipe found. Thence S 89°50'37" E a distance of 79.81 feet to an iron pipe found. Thence S 89°57'59" E a distance of 137.59 feet to an iron pipe found. Thence N 89°56'43" E a distance of 94.24 feet to an iron pipe found. Thence N 24°10'01" E a distance of 80.18 feet to an iron pipe found. Thence N 23°59'09" E a distance of 140.25 feet to an iron pipe found. Thence N 24°08'47" E a distance of 80.05 feet to an iron pipe found. Thence N 24°05'04" E a distance of 79.83 feet to an iron pipe found. Thence N 23°59'17" E a distance of 95.32 feet to an iron pipe found. Thence N 24°13'03" E a distance of 59.81 feet to an iron pipe found. Thence N 24°15'41" E a distance of 95.06 feet to an iron pipe found. Thence N 24°08'17" E a distance of 80.01 feet to an iron pipe found. Thence N 24°06'04" E a distance of 68.97 feet to an iron pipe found. Thence N 25°06'13" E a distance of 44.47 feet to an iron pipe found. Thence N 02°31'42" E a distance of 102.94 feet to an iron pipe found.

Thence N 02°35'22" E a distance of 79.97 feet to an iron pipe found. Thence N 02°40'37" E a distance of 80.02 feet to an iron pipe found. Thence N 02°38'11" E a distance of 79.90 feet to an iron pipe found. Thence N 02°38'58" E a distance of 80.02 feet to an iron pipe found. Thence N 02°37'12" E a distance of 80.03 feet to an iron pipe found. Thence N 02°36'39" E a distance of 65.77 feet to an iron pipe found. Thence N 02°37'37" E a distance of 80.53 feet to an iron pipe found. Thence N 02°34'45" E a distance of 100.31 feet to an iron pipe found along the southern right-of-way of Laurie Ellis Road (SR 1713). Thence across the right-of-way of Laurie Ellis Road N 09°30'52" E a distance of 60.00 feet to a point. Thence down the northern right-of-way of Laurie Ellis Road S 80°29'08" E a distance of 530.03 feet to a point. Thence across the right-of-way of Laurie Ellis Road S 09°30'52" W a distance of 60.00 feet to an iron pipe found. Thence S 01°56'14" W a distance of 708.73 feet to an existing axle. Thence S 88°58'00" E a distance of 152.87 feet to an existing axle. Thence S 00°09'02" W a distance of 171.26 feet to an iron pipe found. Thence S 00°13'41" W a distance of 1632.07 feet to an existing axle. Thence N 86°17'28" W a distance of 215.90 feet to an iron pipe found. Thence S 13°39'00" W a distance of 214.53 feet to an iron pipe found. Thence S 21°51'13" W a distance of 355.50 feet to an iron pipe found. Thence N 78°17'01" W a distance of 371.81 feet to an iron pipe found. Thence N 45°24'01" W a distance of 198.70 feet to an iron pipe set. Thence S 88°23'03" W a distance of 244.59 feet to an iron pipe found. Thence S 26°55'31" W a distance of 449.06 feet to an iron pipe found. Thence S 42°39'50" E a distance of 75.00 feet to an iron pipe found. Thence S 19°34'18" E a distance of 74.12 feet to an iron pipe found. Thence S 84°01'21" W a distance of 665.25 feet to an iron pipe set. Thence S 00°28'33" W a distance of 65.15 feet to a concrete monument. Thence S 00°19'26" W a distance of 1555.90 feet to an iron pipe found. Thence N 74°31'09" W a distance of 65.83 feet to an iron pipe found. Thence N 73°35'21" W a distance of 101.37 feet to an iron pipe found. Thence N 74°41'15" W a distance of 63.53 feet to an iron pipe found. Thence N 73°41'32" W a distance of 147.25 feet to an iron pipe found. Thence N 77°17'38" W a distance of 212.23 feet to an iron pipe found. Thence N 72°38'39" W a distance of 99.96 feet to an iron pipe found. Thence N 73°01'28" W a distance of 81.53 feet to an iron pipe found. Thence N 79°42'20" W a distance of 141.75 feet to an iron pipe found. Thence N 86°31'20" W a distance of 131.43 feet to an iron pipe found. Thence N 32°10'26" W a distance of 1303.35 feet to concrete monument. Thence S 85°20'28" W a distance of 501.60 feet to an iron pipe set. Thence N 61°11'51" W a distance of 51.66 feet to an iron pipe set. Thence N 33°16'57" E a distance of 74.40 feet to an iron pipe found. Thence N 33°16'57" E a distance of 101.95 feet to an iron pipe found. Thence N 33°32'17" E a distance of 202.81 feet to an iron pipe found. Thence N 35°14'59" E a distance of 173.09 feet to an iron pipe set. Thence N 62°59'38" W a distance of 20.21 feet to an iron pipe found. Thence N 62°59'38" W a distance of 97.24 feet to an iron pipe found. Thence N 63°12'47" W a distance of 176.47 feet to an iron pipe found. Thence N 63°11'09" W a distance of 108.02 feet to an iron pipe found. Thence N 63°18'50" W a distance of 31.73 feet to an iron pipe found. Thence N 06°25'46" E a distance of 72.99 feet to an iron pipe found. Thence N 34°39'10" W a distance of 299.54 feet to an iron pipe found. Thence N 58°37'40" W a distance of 71.17 feet to an iron pipe found. Thence N 77°23'18" W a distance of 192.29 feet to an iron pipe found and the **POINT OF BEGINNING** and containing 246.177 acres (10723486 square feet).



AN ORDINANCE TO AMEND CHAPTER 155  
ZONING ORDINANCE OF THE  
CODE OF ORDINANCES OF THE  
TOWN OF WINTERVILLE, NORTH CAROLINA  
OFFICIAL ZONING MAP

**WHEREAS**, The Coley Group has requested amendment of the Zoning Ordinance of the Town of Winterville by rezoning of the property described herein from Agricultural Residential (AR) to PUD Conditional District (R-6 CD and MR CD).

**WHEREAS**, a public hearing on the question of this zoning amendment was held, at the Winterville Town Hall at 7:00 p.m. on January 9, 2023, after due notice publication on December 28, 2022 and January 4, 2023; and

**WHEREAS**, due notice of said public hearing was also given by first class mail to the owners of all parcels, as shown on the County Tax Records, adjoining the parcel under consideration, certification of which has been to the Winterville Town Council; and

**WHEREAS**, due notice of said public hearing was also given by posting a rezoning request notice on the subject property;

**WHEREAS**, the Winterville Town Council finds that the proposed rezoning is in compliance with the Town of Winterville’s Comprehensive Land Use Plan;

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

**Section 1.** The Town of Winterville Zoning Ordinance, Official Zoning Map, is hereby amended by rezoning the following described track from Agricultural Residential (AR) to PUD Conditional District (R-6 CD and MR CD) and is governed by the attached PUD document and unified development plan.

*The Coley Group, a 245.43-acre tract land located on **Laurie Ellis Road and Church Street Ext. Tax Parcels 15006, 11636, 11638, 82094 and 82096**, and being more particularly described on the attached legal description provided below.*

LEGAL DESCRIPTION OF PROPERTY  
REZONED FROM R-15 to GB CD  
THE OVERTON GROUP  
WINTERVILLE TOWNSHIP, PITT, NC

**TAX PARCEL #15006:**

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

**PARCEL 1:**

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



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

**PARCEL 2:**

**First Tract.** That certain tract or parcel of land situate, lying and being in Winterville Township, Pitt County, North Carolina, and located 408 feet eastwardly from the "First Tract" described in the deed from R. M. Abbott et ux to Lucy Abbott Hunsucker, dated March 21, 1962, and recorded in Book 0-33 at page 355 of the Pitt County Registry, and connected with said "First Tract" herein referred to by a path as shown on the map recorded in Map Book 10 at page 137 in the Office of the Register of Deeds of Pitt County, to which map reference is hereby made, and beginning at a point in the center of the path 408 eastwardly, when measured along the center of the path, from the "First Tract" herein referred to, and running thence North 26 deg. 15 min. East, 100 feet; thence North 52 deg. East, 134 feet; thence S. 36 deg. East, 181 feet; thence S. 9 deg. 45 min. West, 300 feet; thence North 84 deg. 15 min. West, 218 feet; thence North 19 deg. 30 min. West, 147 feet; thence North 29 deg. 15 min. East, 121 feet to the point of the beginning, and containing 2.25 acres, more or less, and being the "Second Tract" described in the deed recorded in Book 0-33 at page 355 of said Registry and hereinabove referred to.

**Second Tract.** That certain tract or parcel of land situate, lying and being in Winterville Township, Pitt County, North Carolina, bounded on the north, east and south by the lands of Roy Mills, and on the west by a ditch and the lands of Lucy Abbott Hunsucker on the west side of said ditch, and beginning at the northeast corner of the 25.2-acre tract of land described as "First Tract" in the deed from R. M. Abbott et al, to Lucy Abbott Hunsucker, recorded in Book 0-33 at page 355 of the Pitt County Registry, in Roy Mills' line, and running thence South 11 deg. West, with Roy Mills' line, 312 feet; thence North 86 deg. 15 min. West, 112 feet, more or less, to the center line of a ditch; thence northwardly, with the center line of said ditch, 315 feet, more or less, to the line of Roy Mills; thence with his line, South 79 deg. 30 min. East, 90 feet, more or less, to the point of beginning and containing of an acre, more or less, and being the easternmost portion of the 25.2 acre tract of land described in the deed recorded in Book 0-33 at page 355 of the Pitt County Registry.

The above 2 parcels being the identical property conveyed by deed from Wayland L. Hunsucker and wife, Lucy Abbott Hunsucker, to Roy Mills and wife, Jean Mills, dated January 4, 1973, recorded in Book L4 I, Page 179, Pitt County Registry.

**PARCEL 3:**

**Tract 1:**

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

**Tract 2:**

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

## Existing/ Current PUD and REZONING Ordinance for Southbrook

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

### **TAX PARCELS (#11636 and #11638):**

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

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

**Tax Parcel #11636; Tract 1:** Being all of Tract 1 consisting of 19.80 acres of land as the same appears on that map entitled "Survey for A. Donald Stallings" dated September 8, 2005, revised December 29, 2005, prepared by Baldwin and Associates and recorded in Map Book 64, Page 185, of the Pitt County Public Registry.

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

### **TAX PARCEL #82094:**

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

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

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

### **TAX PARCEL #82096:**

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

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

Being all of Tract 2 consisting of 20.00 acres of land as the same appears on that map entitled "Survey for A. Donald Stallings" dated January 9, 2014, prepared by Bjerkeset Land Surveying and recorded in Map Book 77, Page 97, of the Pitt County Public Registry.


End of Legal Description

**Section 2.** This action shall be shown on the Official Zoning Map.

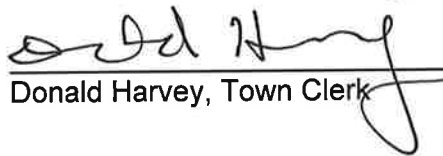
**Section 3.** This ordinance shall become effective upon adoption.

Adopted this 9<sup>th</sup> day of January 2023.



  
Richard E. Hines, Mayor

ATTEST:

  
Donald Harvey, Town Clerk



**Town of Winterville**  
**Plan Unit Development**  
**For**  
**Southbrook**

Applicant:

Southbrooknc, LLC

4350 Lassiter at North Hills Ave, Ste 256

Raleigh, NC 27609

October 20, 2022



**Project Development Team:**

**Project Manager – Southbrooknc, LLC**

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

Contact: Scott Moore

[scott@thecoleygroup.com](mailto:scott@thecoleygroup.com)

## 1. Definitions and Construction Terms

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

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

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

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

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

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

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

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



## 2. Development Plan

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

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

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

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

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

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

### **3. Compliance with Town of Winterville's Comprehensive Land Use Plan**

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

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

### **4. Common Areas**

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

### **5. Residential Restrictions**

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

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

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

**6. Dimensional Standards**

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

**7. Regulation of Open Space**

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

**8. Driveways/Roadway Access and Sidewalks**

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

**9. Building & Aesthetics for Single Family Detached Homes**

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

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

**10. Building & Aesthetics for Single Family Attached Homes**

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

1. All homes will have a minimum of 1600 heated square feet.
2. Dimensional architectural roof shingle.
3. 6" min. roof overhang on all sides.

**11. Signs (Non-Regulatory)**

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

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

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

**12. District Regulations**

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

**13. Developer and HOA Requirements**

The Developer and the HOA will meet the following requirements:

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

total acres in the development.

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

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

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

The Town may allow the construction of private streets and/or parking areas within future phases of the community as appropriate for the type of use, structure and development created. The Developer shall designate any such private streets and/or parking areas as Common Open Space to be owned and maintained by the HOA, with full easement rights of access, ingress and egress, thus granted to all owners of lots within the development. Roadway improvements (turn lanes) on Laurie Ellis Road or Church Street may be required in conjunction with subdivision street access and would be the responsibility of the Developer.

**15. Subdivision Improvements**

The Developer will meet the following requirements:

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



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

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

### 16. Approval Processes

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

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

Construction Drawing Approval and Revision Processes:

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



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

**Final Plat Approval Process:**

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

**Building Permit & Certificate of Occupancy Issuance:**

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

**17. Project Phasing and Future Property Annexation:**

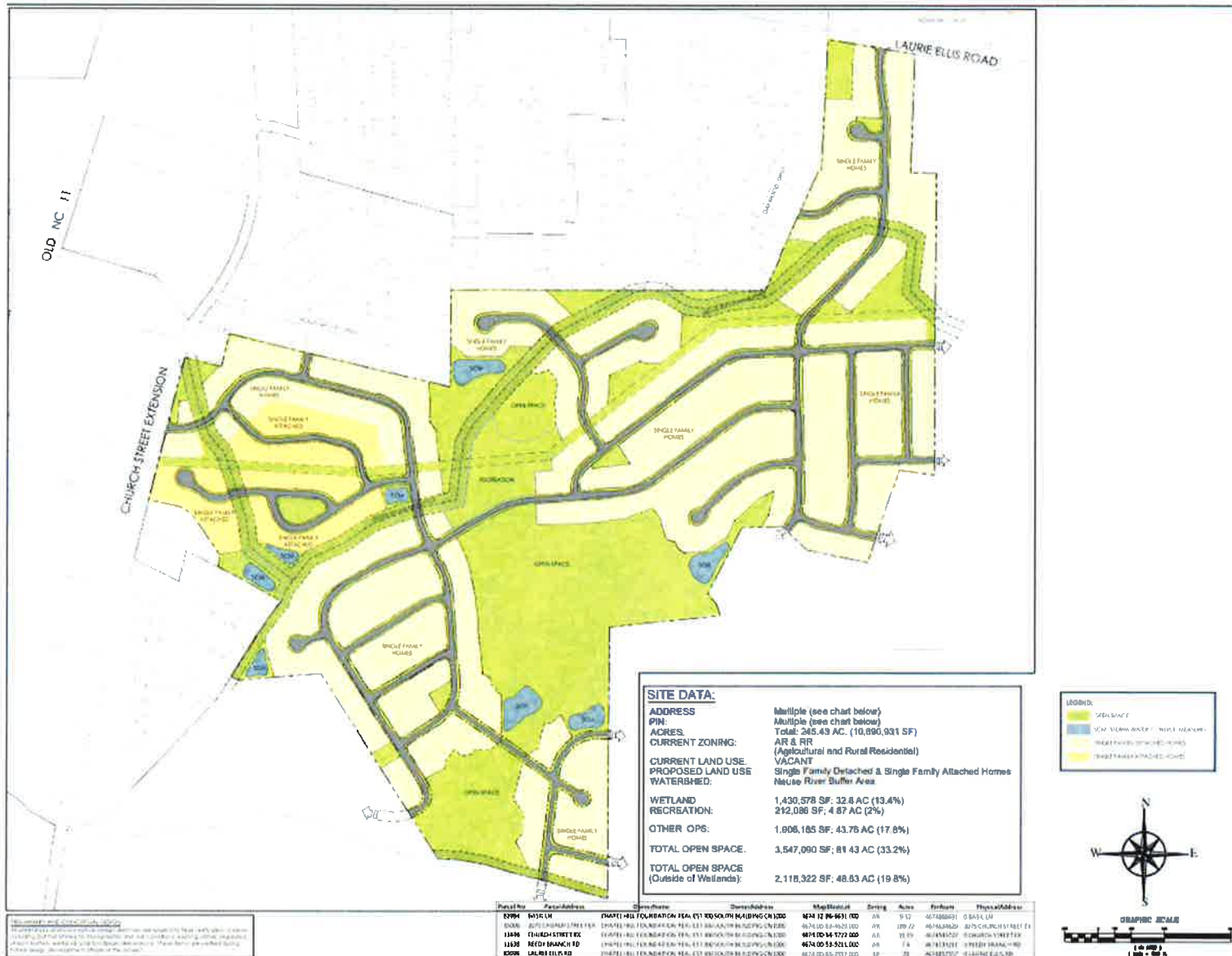
A project of this size requires phased construction. The entrance location(s) and utilities will determine the direction of phasing for this project and all future phases. The Town and Developer recognize that adjacent properties can be included and annexed within this PUD by Southbrooknc, LLC or related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

**Notes:**

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

# Existing/ Current PUD and REZONING Ordinance for Southbrook

## Appendix 1 – Conceptual Plan



Appendix 2 - Dimensional Standards Chart

**ARTICLE VII. TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS**

**Section 7.1 Dimensional Requirements**

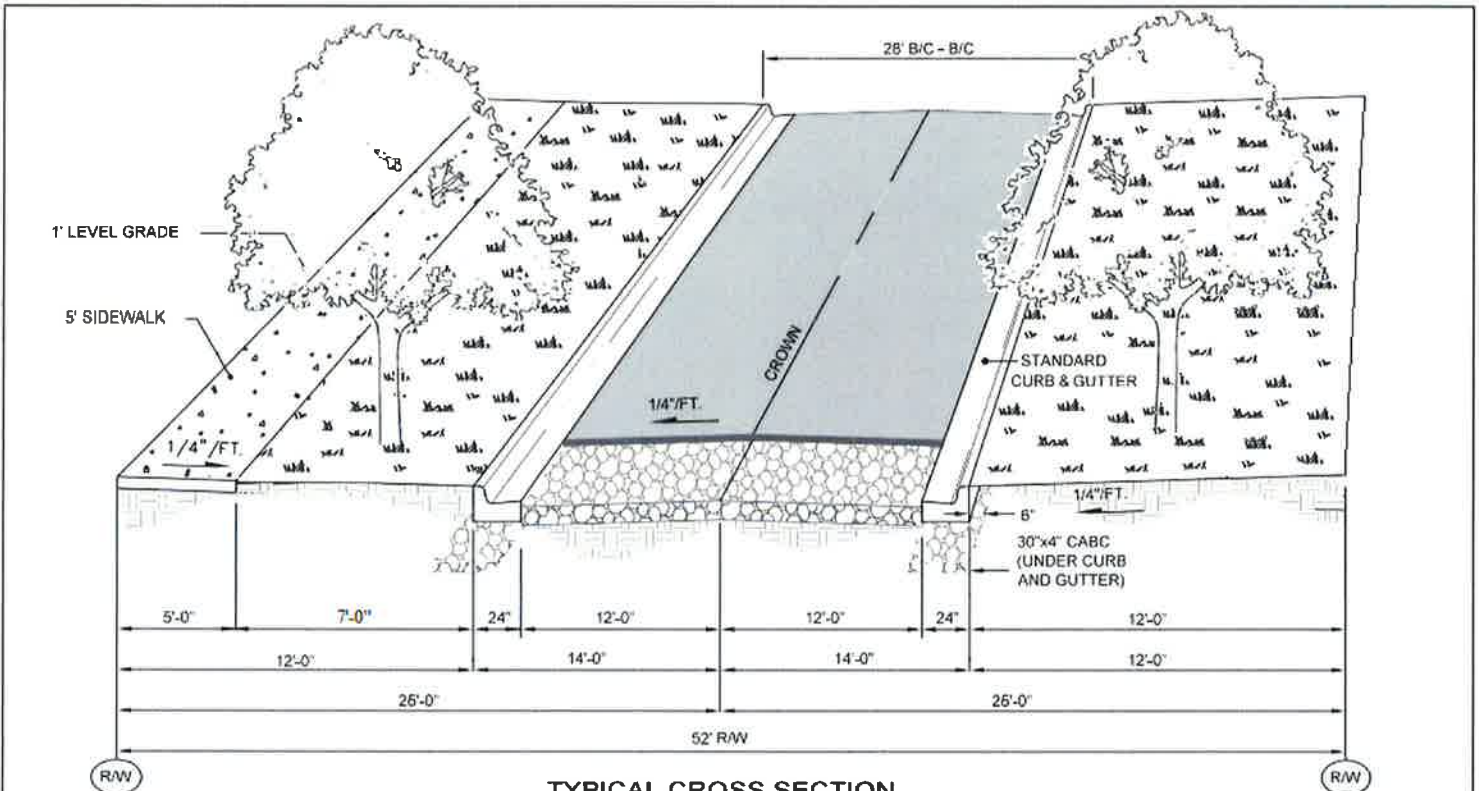
Each use shall as a minimum conform to the dimensional requirements of the district in which it is located. In some cases, a specific use may be required to meet the Special Requirements as set forth in Section 6.5.

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

**NOTES:**

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

Appendix 3 - Street Cross Section



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

**NOTES:**

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

	<b>TOWN OF WINTERVILLE</b>	STD. NO.	SCALE	REVISIONS			
	PUBLIC WORKS DEPARTMENT	2571 Railroad St. Winterville NC 28690	<b>ST-2</b>	N.T.S	NO	DATE	COMMENT
<b>STANDARD RESIDENTIAL STREET (CURB &amp; GUTTER)</b>		SHEET	DATE				
		1 OF 2	5-31-19				



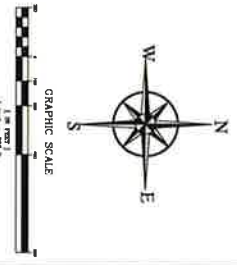
# Existing/ Current PUD and REZONING Ordinance for Southbrook



**PRELIMINARY AND CONCEPTUAL DESIGN**  
 This preliminary and conceptual design is intended to provide a general overview of the proposed development. It is not intended to be used for construction or other purposes. The final design and construction shall be subject to the review and approval of the appropriate regulatory agencies.

Parcel No.	Property Address	Owner/Developer	Zone	Area	Priority	Priority Address
15006	3075 CHURCH STREET TX	CHURCH HILL FOUNDATION REAL ESTATE DEVELOPMENT	AR	1.872	1	3075 CHURCH STREET TX
11388	CHURCH STREET TX	CHURCH HILL FOUNDATION REAL ESTATE DEVELOPMENT	AR	1.872	1	3075 CHURCH STREET TX
11389	REDFORD BRANCH RD	CHURCH HILL FOUNDATION REAL ESTATE DEVELOPMENT	AR	1.872	1	3075 CHURCH STREET TX
12006	LAURIE ELLIS RD	CHURCH HILL FOUNDATION REAL ESTATE DEVELOPMENT	AR	1.872	1	3075 CHURCH STREET TX

**SITE DATA:**  
**ADDRESS:** Multiple (see chart below)  
**APRCS:** Multiple (see chart below)  
**CURRENT ZONING:** AR & RP (1,050,991 SF)  
**PROPOSED LAND USE:** (Agricultural and Rural Residential)  
**VACANT:** Single Family Detached & Single Family Attached Homes  
**WETLAND:** 1,430,578 SF: 32.8 AC (13.4%)  
**RECREATION:** 212,088 SF: 4.87 AC (2%)  
**OTHER OPS:** 1,906,195 SF: 43.76 AC (17.8%)  
**TOTAL OPEN SPACE:** 3,547,090 SF: 81.43 AC (33.2%)  
**TOTAL OPEN SPACE (Outside of Wetlands):** 2,118,322 SF: 48.63 AC (19.8%)



**LEGEND:**  
 OPEN SPACE  
 SOA (SOIL WATER CONTROL MEASURE)  
 SINGLE FAMILY DETACHED HOMES  
 SINGLE FAMILY ATTACHED HOMES

**APPROVED**  
 TOWN OF WINTERVILLE  
 BY: *Richard E. Shaw* DATE: 1/9/2023  
 MAYOR

PRELIMINARY SKETCH PLAN  
 CHAPEL HILL FOUNDATION-WINTERVILLE  
 CHURCH STREET EXTENSION AND LAURIE ELLIS ROAD, WINTERVILLE, NC





**Town of Winterville  
Rezoning Request  
Statement of Consistency & Reasonableness  
Southbrook R-6 CD & MR CD (PUD)  
October 21, 2024- Planning and Zoning Board Meeting**

**Consistency:**

The proposed rezoning request **is/is not** consistent with the **Town of Winterville's Comprehensive Land Use Plan** as parcels 82094, 82096, 15006, 11638, and 11636 are designated as "Suburban Residential" on the Future Land Use Map.

*\*The Town of Winterville governing boards must approve written statements documenting their consideration of the plans when making rezoning and zoning text amendment decisions, although they do not have to take actions that are consistent with the plan.*

"In review of the Winterville Comprehensive Land Use Plan, this proposal **is/is not** consistent."  
  
Decision: \_\_\_\_\_

**Reasonableness:**

The rezoning request **is/is not** reasonable and in the public interest, in that it allows for land uses that **are/are not** harmonious with surrounding land uses and land uses in close proximity:

- The Town of Winterville governing boards must adopt a statement of reasonableness for each rezoning. These factors are suggested and not mandated, as not all factors will be relevant to all zoning decisions. The following list of factors should be considered in a reasonableness analysis. **The Town of Winterville is considering:**

- i. The size, physical conditions, and other attributes of the area proposed to be rezoned;

Applicable? Y/N	If applicable, is the proposal reasonable:  Decision _____
-----------------	--

- ii. The benefits and detriments to the landowners, the neighbors, and the surrounding community;

Applicable? Y/N	If applicable, is the proposal reasonable:  Decision _____
-----------------	--



- iii. The relationship between the current, actual, and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;

Applicable? Y/N	If applicable, is the proposal reasonable:  Decision_____
-----------------	---

- iv. Why the action taken is in the public interest; and

Applicable? Y/N	If applicable, is the proposal reasonable:  Decision_____
-----------------	---

- v. Any changed conditions warranting the amendment

Applicable? Y/N	If applicable, is the proposal reasonable:  Decision_____
-----------------	---

"The rezoning request is/is not reasonable and in the public interest, in that it allows for land uses that are/are not harmonious with surrounding land uses and land uses in close proximity (Or add other applicable factors from above)".

Decision:\_\_\_\_\_

**Vote to Approve or Deny Rezoning:**

In review of the rezoning proposal's Consistency and Reasonableness, The Town of Winterville's Planning and Zoning Board recommends approval/denial of the rezoning request by SouthbrookNC, LLC, to rezone 245.43 acres of property (Parcel #'s 82094, 82096, 15006, 11638, and 11636) adjacent to Church Street Extension and Laurie Ellis Road from Ordinance 23-O-011 (R-6 CD & M-R CD (PUD)), to an amended version of the R-6 CD & M-R CD (PUD) as outlined within the application and proposed Southbrook Development Plan (PUD):

Chair, Town of Winterville Planning and Zoning Board

Date

## Appendix/Other Considerations Specific to this Particular Rezoning:

**\*\*This Southbrook rezoning is proposed as a Planned Unit Development (PUD) and Conditional District Rezoning. PUD's and Conditional Districts contain additional considerations for their review:**

- **PUD:** Application for PUD shall be approved only if the following findings are made:
  - a. That application of planned unit development requirements to the property will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;
  - b. That application of planned unit development requirements to the property will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive design;
  - c. The application of planned unit development requirements to the property will produce a development functioning as a cohesive, unified project; and
  - d. That application of planned unit development requirements to the property will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town.
  
- **Conditional Districts:** In approving a Conditional District, the Town Council shall make the following affirmative findings:
  1. That the Use(s) requested is among those listed as an eligible Use in the corresponding General Zoning District.
  2. That the Use Limitations and Conditions as proposed and/or imposed for the Conditional District meet or exceed and/or are at least as restrictive as the minimum standards for the corresponding General Zoning District.
  3. That the Use Limitations and Conditions as proposed and/or imposed for the requested Conditional District can reasonably be implemented and enforced for the subject property.
  4. That when implemented the proposed and/or imposed use limitations and conditions will mitigate specific land development issues that would likely result if the subject property were zoned to accommodate all those uses and the minimum standards of the corresponding General Zoning District.
  5. That the applicant has agreed to the use limitations and conditions as proposed and/or imposed for the requested Conditional District.

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### Document Links:

- Zoning Ordinance: [https://www.wintervillenc.com/Data/Sites/1/media/departments/planning/21-o-112\\_zoning\\_ordinance\\_amend-7.1\\_executed.pdf](https://www.wintervillenc.com/Data/Sites/1/media/departments/planning/21-o-112_zoning_ordinance_amend-7.1_executed.pdf)
    - Zoning Districts and Table of Uses: Article V.
    - Rezoning Amendment Procedures: Article XIII.
  - Land Use Plan: <https://www.wintervillenc.com/Data/Sites/1/media/departments/planning/winterville-land-use-plan-adopted-10-14-2019-reduced.pdf>
    - Future Land Use Map & Character areas: Section 4; beginning on page 43.
  - Plan Consistency & Reasonableness Guidance: [https://www.sog.unc.edu/sites/www.sog.unc.edu/files/6%20\\_ConsistencyStatements\\_160DGuidanceDoc%20Mar%202021.pdf](https://www.sog.unc.edu/sites/www.sog.unc.edu/files/6%20_ConsistencyStatements_160DGuidanceDoc%20Mar%202021.pdf)
-



**Town of Winterville**  
**Plan Unit Development**  
**For**  
**Southbrook**

Applicant:

Southbrooknc, LLC

4350 Lassiter at North Hills Ave, Ste 256

Raleigh, NC 27609

Original Approval: 1/9/23

Revision: 9/23/24

**Project Development Team:**

**Project Manager – Southbrooknc, LLC**

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

Contact: Scott Moore

[scott@thecolegroup.com](mailto:scott@thecolegroup.com)





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## 2. Development Plan

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

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

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

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

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

Should the Developer want to make changes to the Development Plan, (Appendix 1 – Zoning Map) the Planning Director can approve specific minor revisions or changes that represent less intensive uses. An example of one such modification is changing the type of residential use that results in a decrease in density. The approval of the Planning Director is an administrative approval only and all other changes to this Development Plan will constitute a rezoning and require City Council approval.



### **3. Compliance with Town of Winterville's Comprehensive Land Use Plan**

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

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

### **4. Common Areas**

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

### **5. Residential Restrictions**

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

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



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

## **6. Dimensional Standards**

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

## **7. Regulation of Open Space**

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

## **8. Driveways/Roadway Access and Sidewalks**

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

## **9. Building & Aesthetics for Single Family Detached Homes**

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

1. A minimum of 1600 heated square feet for Two-Story Homes and 1500 heated square feet for One-Story Homes.
2. Dimensional architectural roof shingle.
3. 6" min. roof overhang on all sides.
4. All homes will include a 2-car garage.
5. The same elevation is not allowed to be built (1) side by side, (2) across the street, or (3) diagonally from one another.
6. Garage doors will be decorative and/or contain windows.
7. Multiple Single Family Detached Homes and Elevations will be made available by the builder(s).



## 10. **Building & Aesthetics for Single Family Attached Homes**

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

1. All homes will have a minimum of 1400 heated square feet.
2. Dimensional architectural roof shingle.
3. 6" min. roof overhang on all sides.
4. All homes will have a minimum one-car garage.

## 11. **Signs (Non-Regulatory)**

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

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

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

## 12. **District Regulations**

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

## 13. **Developer and HOA Requirements**

The Developer and the HOA will meet the following requirements:

- A. The Developer and the HOA agree to be responsible for the maintenance and perpetual existence of common areas.
- B. When individual lots that are not a part of an approved and platted subdivision are to be sold, a new subdivision construction and final plat shall be submitted to and approved by the Town and recorded in Pitt County Register of Deeds prior to the sale of lots and granting of any building permit.
- C. The Developer or the HOA must authorize the subdivision or recombination of property prior to the required approval by Town staff.



- D. No building permit for any structure within the development shall be issued until all required improvements are completed or bonded in accordance with the approved construction plans and conditionally accepted by the Public Works Department.
- E. The maximum allowable density shall not exceed 2.5 units per gross acre based on the total acres in the development.
- F. Land additions to the development may be made in increments of any size and will be subject to this Development Plan.
- G. A variety of dwelling unit styles will be proposed for the development and support uses with adherence to the minimum residential lot areas per Article VII. Table of Area, Yard, Height Requirements; Section 7.1 Dimensional Requirements as shown in Appendix 2.
- H. Setback from public rights-of-way: Any building that is erected, reconstructed, or moved shall be setback a minimum of 20 feet (required by code) from the right-of-way line.
- I. Height Requirements. Maximum building height shall not exceed the heights as stated on the Article VII. Table of Area, Yard, Height Requirements; Section 7.1 Dimensional Requirements.
- J. Open Space Requirement. The proposed overall open space for the project will be no less than 20% of the total project area. The open space will be controlled by the HOA and will be generally located as shown on the Conceptual Subdivision Layout. Within the open space, there will be play areas, stormwater control devices, wooded areas, and grass.

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

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

The Town may allow the construction of private streets and/or parking areas within future phases of the community as appropriate for the type of use, structure and development created. The Developer shall designate any such private streets and/or parking areas as Common Open Space to be owned and maintained by the HOA, with full easement rights of access, ingress and egress, thus granted to all owners of lots within the development. Roadway improvements (turn lanes) on Laurie Ellis Road or Church Street may be required in conjunction with subdivision street access and would be the responsibility of the Developer.

#### 15. **Subdivision Improvements**

The Developer will meet the following requirements:

- A. Curbs and Gutters. Concrete curbs and gutters shall be installed on all public streets within the development to meet all requirements of the Town of Winterville.
- B. Electric Utility Lines. All public electric utility lines will be installed in accordance with the Town's policy for electric service. Electric lines will be installed underground in easements or rights-of-way outside of curb lines where practical.
- C. Natural Gas Utilities. All public natural gas utility lines within the development will be installed in accordance with the Town's policy for Natural Gas Service. Natural gas service lines shall be installed underground in easements or rights-of-way outside of curb lines where practical.



- D. Special Exceptions for Design Waivers. If at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Public Works Department that unforeseen conditions make it necessary to modify the location or design of such required improvements as were approved in the Development Plan, the Public Works Department may authorize such modifications, provided these modifications are within the spirit and intent of the Town Council approval and do not substantially alter the function of any improvements required by the conceptual master plan.
- E. Solid Waste Improvements. All residential lots will utilize roll out carts. No specific solid waste improvements are anticipated.
- F. Street Trees. The developer desires to provide a streetscape that contains street trees along the public street right of ways within a designated 7' planting strip. Street trees measuring 8' in height and 1.5" in caliper will be provided along the public street rights-of-way at a rate of one per 40' while accommodating driveways. These trees shall adhere to the Town's approved list of street trees. The HOA and/or homeowner will be completely responsible for the health and well-being of the trees. Maintenance of these trees will be specified within the HOA Community Regulations.
- G. Storm Drainage. All stormwater infrastructure shall be designed and constructed to meet all requirements of the Town of Winterville.
- H. Erosion Control. All erosion control measures shall be designed and constructed to meet all requirements of the Town of Winterville.

## 16. **Approval Processes**

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

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



#### Construction Drawing Approval and Revision Processes:

- A. Upon approval of the Preliminary Plat, the developer will engage the town and all applicable review agents for Construction Drawing approvals (including but not limited to all planning, engineering and Town/NCDOT reviews).
- B. To allow for design flexibility of development, the following deviations and/or changes can be made at the Construction Drawing Review (without further revision to the Rezoning & PUD or Preliminary Plat):
  - The Developer can establish and/or modify Lot width revisions for all Single Family Detached Lots provided that the lot widths adhere to Appendix 2 - Dimensional Standards Chart and that the overall density will not exceed the 612 Lots (458 Single Family Detached Lots).
- C. Upon receipt of Construction Drawing approvals, the Developer may schedule all pre-construction meetings and then begin construction on the required improvements. The Town and all applicable review agents will issue approval letters acknowledging that all required permits have been issued.
- D. The Planning Director and the Public Works Director shall have the authority to administratively approve all minor deviations to the Construction Drawings provided said deviations remain consistent with the spirit and intent of the approved Rezoning and Preliminary Plat.

#### Final Plat Approval Process:

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

#### Building Permit & Certificate of Occupancy Issuance:

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



## 17. Project Phasing and Future Property Annexation:

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

Notes:

Appendix 1 **Zoning Map**

Appendix 2 Dimensional Standards Chart

Appendix 3 Street Cross Sections





## Appendix 1 – Zoning Map



**SITE DATA:**

ADDRESS:	Multiple (see chart below)
PN:	Multiple (see chart below)
ACRES:	Total: 245.43 AC. (10,690,931 SF)
CURRENT ZONING:	AR & RR (Agricultural and Rural Residential)
CURRENT LAND USE:	VACANT
PROPOSED LAND USE:	Single Family Detached & Single Family Attached Homes
WATERSHED:	Neuse River Buffer Area
WETLAND:	1,430,578 SF; 32.8 AC (13.4%)
RECREATION:	212,086 SF; 4.87 AC (2%)
OTHER OPS:	1,906,185 SF; 43.76 AC (17.8%)
TOTAL OPEN SPACE:	3,547,090 SF; 81.43 AC (33.2%)
TOTAL OPEN SPACE (Outside of Wetlands):	2,118,322 SF; 48.63 AC (19.8%)

**LEGEND:**

	OPEN SPACE
	NEW STORM WATER CONTROL MEASURES
	SINGLE FAMILY DETACHED HOMES
	SINGLE FAMILY ATTACHED HOMES



THE INFORMATION AND CONCEPTS SHOWN ON THIS MAP ARE SUBJECT TO FIELD VERIFICATION OF THESE INCLUDING BUT NOT LIMITED TO: TOPOGRAPHY AND SOIL CONDITIONS, EXISTING UTILITIES, REGULATED STREAMS, WETLANDS, AND LANDSCAPE DISTRIBUTIONS. THESE ITEMS ARE CHECKED DURING LATER DESIGN DEVELOPMENT PHASES OF THE PROJECT.

Parcel No.	Parcel Address	Owner Name	Owner Address	Mag./Lot	Zoning	Acres	Polym	Physical Address
6204	BALL LN	CHAPEL HILL FOUNDATION REAL ESTATE	3810 SOUTH BLVD. CH. NC 27617	4074.12	AR	5.12	46798462	0 BALL LN
13006	3075 CHURCH STREET DR	CHAPEL HILL FOUNDATION REAL ESTATE	3810 SOUTH BLVD. CH. NC 27617	4074.58-43	AR	189.72	46798462	3075 CHURCH STREET DR
13008	CHURCH STREET DR	CHAPEL HILL FOUNDATION REAL ESTATE	3810 SOUTH BLVD. CH. NC 27617	4074.58-34	AR	31.89	46798462	0 CHURCH STREET DR
13009	BEEZY BRANCH RD	CHAPEL HILL FOUNDATION REAL ESTATE	3810 SOUTH BLVD. CH. NC 27617	4074.26-15	AR	7.4	46798462	0 BEEZY BRANCH RD
88100	LAURIE ELLIS RD	CHAPEL HILL FOUNDATION REAL ESTATE	3810 SOUTH BLVD. CH. NC 27617	4074.95-45	AR	31	46798757	0 LAURIE ELLIS RD





**ARTICLE VII. TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS**

**Section 7.1 Dimensional Requirements**

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

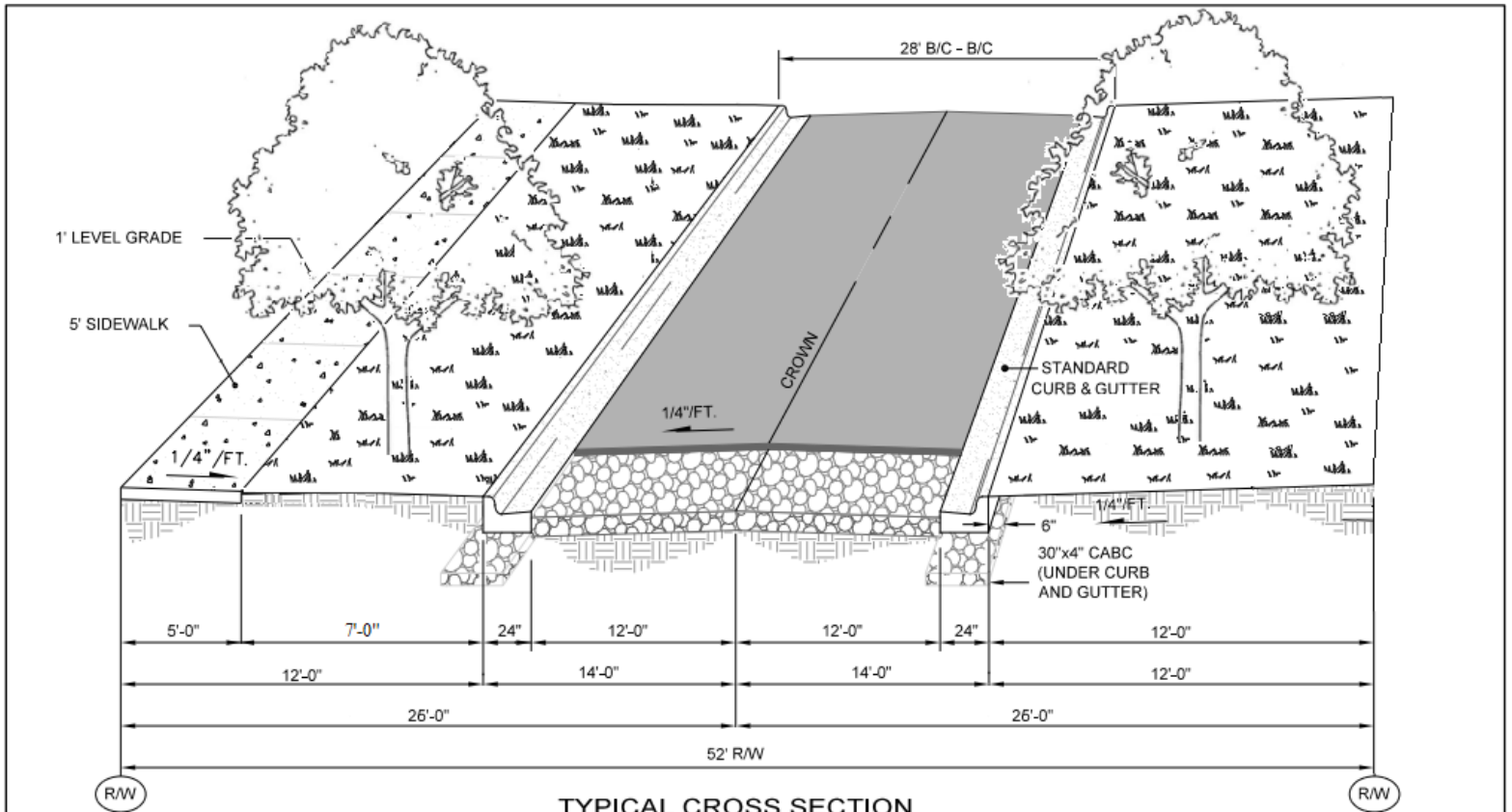
	Districts	MINIMUM LOT SIZE (See Notes)		MINIMUM YARD REQUIREMENTS (See Notes)			Maximum height (in feet)
		Lot Area Square Feet	Lot Width (in feet) (1)	Front yard setback (in feet)	Side yard (in feet)	Rear yard (in feet)	
<b>R-6</b>	Single-family	6,000	50	20	5	20	35
<b>M-R</b>	Single-family attached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

**NOTES:**

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



### Appendix 3 - Street Cross Section



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

**NOTES:**

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

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



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

**GENERAL INFORMATION**

<b>APPLICANT</b>	Southbrooknc, LLC c/o Scott Moore
<b>HEARING TYPE</b>	Rezoning Request
<b>REQUEST</b>	Conditional District – R-6 PUD / MR PUD Amendment *An amendment to an existing Zoning District/ PUD Requirements. * Please note that this is a separate request than was heard at the September 2024 P&Z Meeting. The applicant withdrew that request prior to Town Council's scheduling of the Public Hearing and thus the applicant was able to revise their request and resubmit.
<b>CONDITIONS</b>	Current conditions may be found within Ordinance No: 23-O-011. This rezoning was approved as a Planned Unit Development – Conditional Zoning District on 1.9.23. This application is requesting to make changes to Ordinance # 23-O-011.
<b>LOCATION</b>	Church Street Ext. / Laurie Ellis Road
<b>PARCEL ID NUMBER(S)</b>	15006, 11636, 11638, 82096, 82094
<b>PUBLIC NOTIFICATION</b>	P&Z Meeting: Adjacent property owners were mailed notification of the rezoning request on October 8, 2024. Notification was posted on site on September 3, 2024 and re-inspected on October 10, 2024. 78 property owners were mailed notification.
<b>TRACT SIZE</b>	245 +/- acres
<b>TOPOGRAPHY</b>	Flat
<b>VEGETATION</b>	Agricultural/Wooded

**SITE DATA**

<b>EXISTING USE</b>	Agricultural / Vacant/ Wooded
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<b>ADJACENT PROPERTY</b>	<b>ZONING</b>	<b>ADJACENT LAND USE</b>
N	R-12.5, R-10	Single Family Residential
W	R-10, GB	Agricultural, Commercial
E	AR	Agricultural, Wooded
S	R-15, R-10, AR	Single Family Residential, Agricultural

**ZONING DISTRICT Proposed Amendments**



Amendment Summary	EXISTING	REQUESTED CHANGE
Amendment of Single Family Attached Zoning Location	The current rezoning map shows Single Family Attached Zoned area near the Church Street Extension Entrance.	The applicant is proposing to expand the single family attached zoning area (although the amount of single family attached units will not increase. (**Note- the current Southbrook PUD Development Plan states that a modification in residential type to a more dense product would require a rezoning and require Council Approval. )
MINIMUM HOME SIZE- SINGLE FAMILY DETACHED HOMES	Two-Story: 1,800 heated square feet. One-Story: 1,800 heated square feet.	Two-Story: 1,600 heated square feet. One-Story: 1,500 heated square feet.
MINIMUM HOME SIZE- SINGLE FAMILY ATTACHED HOMES	1,600 heated square feet	1,400 heated square feet
SINGLE FAMILY ATTACHED GARAGE REQUIREMENTS	No Garage Requirements.	All Homes must have at least a one-car garage.
Multiple Single Family Detached homes will be made available by the builder(s).	Staff considers this to be a duplicate statement since the existing ordinance will not allow the same elevations side by side, across the street, or diagonally from each other.	The statement that "Multiple single family detached Homes and elevations will be made available by the builder(s)."
Deviations from Rezoning/PUD Document and Preliminary Plat.	Construction Drawings should greatly resemble the Preliminary Plat that is approved by Town Council. All Preliminary Plats will have some very small changes that do not change the product, such as: * Small size changes in lots. (but not to change the lot count) * Small shifts in infrastructure (but not to change design and layout) *etc.	To allow for design flexibility of development, the following deviations and/or changes can be made at the Construction Drawing Review (without further revision to the Rezoning & PUD or Preliminary Plat):  • The Developer can establish and/or modify lot width revisions for all Single Family Detached Lots provided that the lot widths adhere to Appendix 2 - Dimensional Standards Chart



	Changes other than very small changes require Council Approval.  Staff does not view this as a proposed change to our process or the PUD.	and that the overall density will not exceed the 612 Lots (458 Single Family Detached Lots).

**SPECIAL INFORMATION**

OVERLAY DISTRICT	N/A
ENVIRONMENTAL / SOILS	Potential Wetlands & Other Environmentally sensitive sites.
FLOODPLAIN	N/A
STREAMS	Southeast Drainage Lateral SC-35A, Tributary of off Swift Creek
OTHER	If >1 acre is disturbed, site must meet Phase 2 stormwater requirements and provide Soil Erosion and Sedimentation Control Permit
SITE PLAN REQUIREMENTS	Subdivision Plan required

\*\*These regulations may not reflect all requirements for all situations. See the Town of Winterville Zoning Ordinance for all applicable regulations for site requirements for this zoning district.

**LANDSCAPING & BUFFER REQUIREMENTS**

Development must meet requirements of the Zoning Ordinance (Article X-A. Vegetation and Buffering Requirements).

**TRANSPORTATION**

STREET CLASSIFICATION	Laurie Ellis Road – NCDOT Road & Minor Thoroughfare. Church Street Ext – NCDOT Road
SITE ACCESS	All access must be designed and constructed to meet the Town of Winterville / NCDOT standards. The Phase 1 Preliminary Plat showed access from Laurie Ellis Road, Church Street Extension, Cassena Drive (from Eli's Ridge); and Sparrow Ln. (from Mellon Downs).
TRAFFIC COUNTS (per NCDOT Annual Average Daily Traffic Map)	Laurie Ellis Rd– 2,800



	Church Street Ext - 200 (Measured closer to Reedy Branch Intersection).
TRIP GENERATION	N/A.
Level Of Service (Transportation Analysis) Current= 2016 Study; Future= 2045 Projection.  * LOS is rated from A-F: A is the best, F the worst.  * Roadway Improvement and street design is based upon achieving a minimum of LOS D on existing facilities and LOS C on new facilities.	Laurie Ellis Road- <ul style="list-style-type: none"> <li>○ Current LOS A (Extremely Low A).</li> <li>○ Future LOS A (Extremely Low A).</li> </ul> Church Street Extension is not analyzed by the study.
SIDEWALKS	Required.
TRAFFIC IMPACT STUDY (TIS)	TBD if required by NCDOT.
STREET CONNECTIVITY	Development must provide interconnectivity within the development and to land on the edge of the boundary.
OTHER	N/A

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## **IMPACT ANALYSIS**

### **Town of Winterville Comprehensive Land Use Plan Policies**

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

### **Comprehensive Land Use Plans - Recommendations & Implementation**

#### **Suburban Residential - General Character:**

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

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

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

- Identified as Suburban Residential Character Area.

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



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

**Policy 5: Maintain and improve neighborhood character:**

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

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

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

**Strategy 3.1:** Support rezonings to residential used in the Suburban Residential areas identified on the Future Land Use Map.

- Property identified as Suburban Residential Character Area.

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

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

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

**Strategy 2.4:** Require sidewalks in new developments.

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

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

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

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





**STAFF ANALYSIS AND RECOMMENDATION**

**Staff Analysis**

The 245.43-acre property is currently vacant. The property North of the request is zoned R-12.5 CD and is a single-family residential subdivision consisting of 62 lots (Holly Grove); R-10 CD single-family residential subdivision consisting of 97 lots (Laurie Meadows); R-12.5 single-family residential subdivision consisting of 86 lots (Mellon Downs). West (across Church Street Ext) of the request is zoned R-10 and GB with existing commercial uses. South of the request is zoned R-15 CD, R-10 and AR and consist of a single-family residential subdivision consisting of 82 single-family residential homes/lots(Brookstone). East of the property is zoned AR and is partially wooded/agricultural.

Staff Analystist	REQUESTED CHANGE	Staff Recommendation	Represented On Map
<p><b>Amendment of Single Family Attached Zoning Location</b></p>	<p>The applicant is proposing to expand the single family attached zoning area (although the amount of single family attached units will not increase.</p> <p>(**Note- the current Southbrook PUD Development Plan states that a modification in residential type to a more dense product would require a rezoning and require Council Approval.</p>	<p>Staff would <b>support this aspect</b> of an ordinance amendment in order to avoid the crossing/disturbance of environmental features. The existing zoning map (O: 23-O-011), shows a desire to add Multi-Family Zoning District/Single Family Attached in a location that would require the crossing of a creek/stream and would require the disturbance of a Neuse River Riparian Buffer. The applicant has determined that they have enough usable land to shift this Single Family Attached into an area in which they can avoid environmental disturbances. The existing 154 Single Family Attached maximum will remain for this project. (The added Multi-family</p>	<p>Represented on attached map with yellow highlighter.</p>



		Zoning proposal is shown within the Middlecrest Drive area of the map).	
<b>MINIMUM HOME SIZE- SINGLE FAMILY DETACHED HOMES</b>	Two-Story: 1,600 heated square feet One-Story: 1,500 heated square feet	Staff will defer to P&Z and Town Council to determine the proposed amendments consistently and reasonableness.	
<b>MINIMUM HOME SIZE- SINGLE FAMILY ATTACHED HOMES</b>	1,400 heated square feet	Staff will defer to P&Z and Town Council to determine the proposed amendments consistently and reasonableness.	
<b>SINGLE FAMILY ATTACHED GARAGE CHANGE</b>	All Single-Family Attached Homes will have at least one one-car garage.	Staff will defer to P&Z and Town Council to determine the proposed amendments consistently and reasonableness.	
<b>MULTIPLE SINGLE FAMILY HOMES WILL BE MADE AVAILIABLE</b>	The statement that "Multiple single family detached Homes and elevations will be made available by the builder(s)."  (**Note- the existing PUD Document states that The same elevation is not allowed to be built side by side, across the street or diagonally from one another. Thus we consider this a duplicate comment).	Staff does not see an issue with the addition of this statement.  However, Staff will defer to P&Z and Town Council to determine the proposed amendments consistently and reasonableness.	
<b>Deviations from</b>	To allow for design	<b>Staff does not have a</b>	



<p><b>Rezoning/PUD Document and Preliminary Plat.</b></p>	<p>flexibility of development, the following deviations and/or changes can be made at the Construction Drawing Review (without further revision to the Rezoning &amp; PUD or Preliminary Plat):</p> <ul style="list-style-type: none"> <li>• The Developer can establish and/or modify lot width revisions for all Single Family Detached Lots provided that the lot widths adhere to Appendix 2 - Dimensional Standards Chart and that the overall density will not exceed the 612 Lots (458 Single Family Detached Lots).</li> </ul>	<p><b>concern with this added statement- extremely small changes in lot lines and infrastructure is expected between the Preliminary Plat Design and Construction Drawing Designs.</b></p> <p>Staff has informed the applicant that the statement does not change the procedures of the town in any way, in regard to subdivision review, and thus this subdivision shall be treated as any other subdivision.</p> <p>Though Southbrook has a PUD Zoning, the nature of the development moving forward is similar to other subdivision in Winterville and must meet the processes and procedures of the Town and the State.</p> <p>Additional Note:</p> <ul style="list-style-type: none"> <li>• Any changes to the Construction Drawings or Final Plat must go back before P&amp;Z and Town Council Review for approval. The relocation, removal, or redesign of any lots, roads, infrastructure, etc, shall be reviewed by the P&amp;Z Board and</li> </ul>	
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		Town Council.	
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**Heated SF of Homes in existing subdivisions that will have direct interconnectivity with Southbrook:**

\* To provide a heated square foot reference for P&Z and Town Council, the following subdivisions will have direct interconnectivity with Southbrook.

Subdivision	Relationship	Minimum Home Size (Heated SF)	Average Size of all existing homes (Heated SF)	Zoning District Square Footage of home Requirements
Holly Grove. (On Church Street Ext).	Adjoining/Adjacent/Connected Via Cassena Dr; Existing homes will be back to back to proposed Single Family Detached in Southbrook; on the same street.	1821sf heated	2,370sf. (Avg of all 61 homes in the subdivision; heated sf.)	R-12.5 CD- Minimum of 1,800sf heated homes.
Mellon Downs. (On Laurie Ellis Road)	Adjoining/ Adjacent/ Connected via Sparrow Ln. Proposed Single Family Detached homes will be built directly behind existing homes on the same street.	1,490sf heated square foot.	2,082sf (Avg of all 84 homes in the subdivision; heated sf.)	R12.5 Not a conditional district and doesn't have a minimum requirement.
Brookstone (On Church Street Ext).	Neighboring and will connect to the second phase of Brookstone once developed. Phase 1 has been built; the next phase is under Construction Drawing Review). We do not know the size of the homes that will be in the second phase.	2032 sf heated	2,511sf (Avg of all 32 existing homes in the subdivision; heated sf.)	Phase 1: R-15 CD. Minimum of 2,000sf.  Phase 2 does not have a minimum home size as a condition.

**\*\*\*Pitt County Online Parcel System (OPIS) was used to determine the Square footage of each home- except 416 Holly Grove Drive which shows conflicting Square Footage Calculations per out Building Inspection and the MLS Listing. Opis shows 1792 heated square footage while other town documents show the home was built with 1821 sf of heated space.**



**Staff Recommendation:**

Staff Recommends that Town Council consider the proposed changes for its reasonableness and consistency in relation to existing and future residents, Town Documents, the Comprehensive Land Use Plan, Zoning Ordinance, surrounding properties/zones, and other details provided within the Staff Report. Staff also recommends that Town Council Consider the Planning and Zoning Board's Vote and any public comments that may be held at the Public Hearing.

**The Planning and Zoning Board Unanimously Recommended Approval at their October 21, 2024 meeting.**

Staff **defers recommendation to the Planning and Zoning Board and Town Council** for the proposed ordinance changes. The proposed rezoning amendments are not at conflict with the Town's Zoning or Subdivision Ordinances. **Planning and Zoning Board must review the proposed changes with respect to its Consistency and Reasonableness:**

1. **Consistency:** A) Plan consistency statements for zoning text or map amendments: North Carolina statutes require that planning boards provide written comments to governing boards on the consistency of proposed rezonings or text changes with the comprehensive plan and any other applicable plans adopted by the jurisdiction. In turn, governing boards must approve written statements documenting their consideration of the plans when making rezoning and zoning text amendment decisions, although they do not have to take actions that are consistent with the plan.

**2. Reasonableness:**

Factors of analysis: The statute lists the factors that should be considered in a reasonableness analysis. The factors are suggested and not mandated, as not all factors will be relevant to all rezoning decisions. The factors, listed below as they appear in G.S. 160D-605(b), have generally been adapted from *Chrismon v. Guilford County*, 322 N.C. 611, 627, 370 S.E.2d 579, 589 (1988), which is the leading North Carolina case on spot zoning:

- i. **The size, physical conditions, and other attributes of the area proposed to be rezoned;**
- ii. **The benefits and detriments to the landowners, the neighbors, and the surrounding community;**
- iii. **The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;**
- iv. **Why the action taken is in the public interest; and**
- v. **Any changed conditions warranting the amendment.**

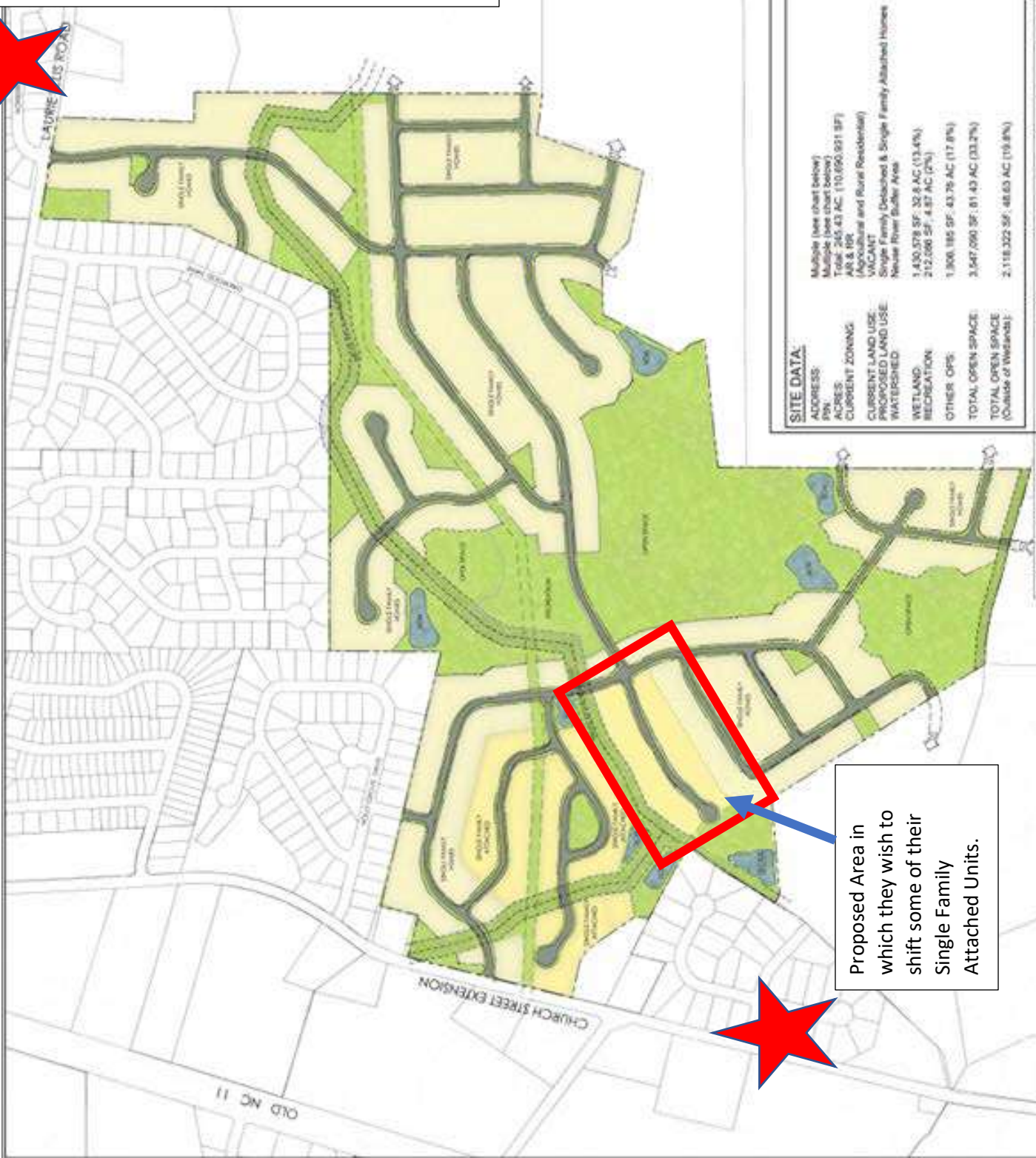
\*\*More information may be found on the following link:

[https://www.sog.unc.edu/sites/www.sog.unc.edu/files/6%20ConsistencyStatements\\_160DGuidanceDoc%20Mar%202021.pdf](https://www.sog.unc.edu/sites/www.sog.unc.edu/files/6%20ConsistencyStatements_160DGuidanceDoc%20Mar%202021.pdf)



# Rezoning Map to show additional area for Single Family Attached Product

(This request would allow the developer to relocate some of the Single Family Attached Units but does not allow an increase in the number of Single Family Attached Units. A Maximum of 154 single family attached units would remain.)



**SITE DATA:**

Multiple (see chart below)  
 Total: 245.43 AC (10,690,921 SF)  
 AR & RR (Agriculture and Rural Residential)  
 VACANT  
 Single Family Detached & Single Family Attached Homes  
 Newer River Buffer Area

Category	Area	Percentage
WETLAND	1,430,378 SF, 32.8 AC (13.4%)	
RECREATION	212,080 SF, 4.87 AC (2%)	
OTHER OPS	1,300,185 SF, 43.79 AC (17.8%)	
TOTAL OPEN SPACE	3,547,090 SF, 81.43 AC (33.2%)	
TOTAL OPEN SPACE (Ourside of Wetlands)	2,118,322 SF, 48.63 AC (19.8%)	

Proposed Area in which they wish to shift some of their Single Family Attached Units.



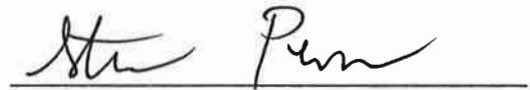
Parcel No.	Parcel Address	Owner/Address	Area	Units	Product
6504	WALTON	WALTON REAL ESTATE FOUNDATION	461.13 AC (19,911,000 SF)	48	RESIDENTIAL - SINGLE-FAMILY
7000	1875 CHURCH STREET SW	COFFEE HILL FOUNDATION REAL ESTATE DEVELOPMENT	449.18 AC (19,629,200 SF)	88	RESIDENTIAL - MULTIFAMILY
7100	CHANDLER STREET	COFFEE HILL FOUNDATION REAL ESTATE DEVELOPMENT	453.36 AC (19,573,000 SF)	88	RESIDENTIAL - MULTIFAMILY
8000	WILSON BRANCH SW	COFFEE HILL FOUNDATION REAL ESTATE DEVELOPMENT	453.36 AC (19,573,000 SF)	88	RESIDENTIAL - MULTIFAMILY
8100	LAUREL BLVD	COFFEE HILL FOUNDATION REAL ESTATE DEVELOPMENT	453.36 AC (19,573,000 SF)	88	RESIDENTIAL - MULTIFAMILY

**(Southbrook PUD Amendment 2024)**  
**Second Rezoning Proposal for 2024**  
**Previous submission withdrawn after P&Z Meeting.**  
**Rezoning**  
**Mailed on 10.8.24**

**STATE OF NORTH CAROLINA**  
**PITT COUNTY**

I, Stephen Penn, Planning & Econ. Dev. Director of the Town of Winterville, North Carolina, do hereby certify that copies of the attached notice and map were mailed, this day by first class mail, postage prepaid, to the owner of the parcel under consideration and to the owners, as shown on the Pitt County Tax Records, of all abutting parcels. A list of these property owners is also attached hereto.

WITNESS my hand on the 10th day of October 2024.

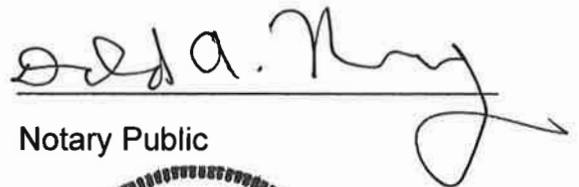


Planning & Econ. Dev. Director

**STATE OF NORTH CAROLINA**  
**PITT COUNTY**

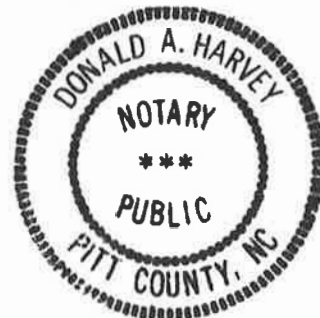
I, Donald A. Harvey, a Notary Public, do hereby certify that Stephen Penn, Planning & Econ. Dev. Director, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal on the 10th day of October 2024.



Notary Public

My Commission Expires June 8, 2025







# WINTERVILLE

*A slice of the good life!*

Mailed on 10/8/24- SP

2571 Railroad Street  
PO Box 1459  
Winterville, NC 28590

Phone (252)756-2221  
Fax (252)756-3109  
www.wintervillenc.com

## Planning and Zoning Board Rezoning & Public Comment Session Notice

NOTICE IS HEREBY GIVEN that the Winterville Planning & Zoning Board will meet on **Monday October 21, 2024** at 7:00 pm in the Town Hall Assembly Room at 2571 Railroad Street, for consideration of the following request:

The Town of Winterville has received a rezoning application to amend the existing Planned Unit Developing (PUD) Ordinance/ Zoning requirements of parcel numbers 82094; 82096; 15006; 11636 and 11638- located on Laurie Ellis Road and Church Street Extension. The 245.43 acre site is currently zoned R-6 CD and MR CD- PUD Conditional District. The conditions of the existing zoning district are laid out in Ordinance 23-O-011 and can be obtained by contacting the Winterville Planning Department. The rezoning proposal is requesting the following changes to their existing R-6 CD and MR CD- PUD Conditional District:

- Replacing the existing single-family **detached** minimum square footage requirement of 1,800 heated square feet to a 1,600 heated sf minimum for two story single-family detached homes and a 1,500 heated sf minimum for one story single-family detached homes.
- Replacing the existing single-family **attached** minimum square footage requirement of 1,600 heated sf to a 1,400 heated sf minimum for single-family attached units;
  - and the requirement that each single-family attached homes shall have a minimum of a one car garage.
- Modifying the location of the Single Family Attached homes (but not the overall count of Single-family attached homes).
- A condition that there shall be Multiple Single-Family Detached Homes available within the subdivision.
- Staff Level PUD Changes: Southbrook is requesting Town Staff to be granted the authority to approve lot width modifications for all single family detached lots provided they meet the minimum lot widths as detailed within their plan.
- \*\* All other aspects of the existing zoning district/PUD will remain.

\*\*\*Please note that this is a new rezoning request- this is not the same application that was presented at the September 2024 P&Z meeting. The applicant withdrew their application after the September P&Z board meeting and has resubmitted with the amendments above.

Winterville Citizens are encouraged to attend this meeting and are welcome to speak for or against the proposed rezoning at the meeting.

Copies of the Zoning Ordinance and Map are on file at the Planning Department Office in the Town Hall and are available for public inspection by contacting [stephen.penn@wintervillenc.com](mailto:stephen.penn@wintervillenc.com) or the Winterville Planning Department at (252) 756-2221 or at [wintervillenc.com](http://wintervillenc.com).

Citizens are encouraged to attend the meeting. Citizens may also view the hearing on the Winterville website at [www.wintervillenc.com/videos](http://www.wintervillenc.com/videos) . If for any reason you have difficulty accessing the Town's video page, please go to the Town's YouTube channel at: [www.youtube.com/channel/UChejtVcuiD9O3\\_zzTrrBj4g](http://www.youtube.com/channel/UChejtVcuiD9O3_zzTrrBj4g) .

The public may submit written comments to the Town Clerk's office, 2571 Railroad Street, Winterville, NC 28590, or via email to [don.harvey@wintervillenc.com](mailto:don.harvey@wintervillenc.com). Please include your name and address.



**SITE DATA:**

**ADDRESS:** Multiple (see chart below)  
**PKC:** Multiple (see chart below)  
**ACRES:** Total: 243.43 AC. (11,690,931 SF)  
**CURRENT ZONING:** (Agricultural and Rural Residential)  
**VACANT:** Single Family Detached & Single Family Attached Homes  
**WATERSHED:** Neesee River Buffer Area

Parcel ID	Area (AC)	Area (SF)	Percentage (%)
1,433,578 SF	32.8 AC	1,433,578 SF	13.4%
272,996 SF	6.27 AC	272,996 SF	2%
1,506,185 SF	43.76 AC	1,506,185 SF	17.8%
3,547,890 SF	81.43 AC	3,547,890 SF	33.2%
2,118,322 SF	48.63 AC	2,118,322 SF	19.8%

**TOTAL OPEN SPACE:** 3.547,890 SF, 81.43 AC (33.2%)  
**TOTAL OPEN SPACE (Outside of Wetlands):** 2,118,322 SF, 48.63 AC (19.8%)

Parcel ID	Address	Area (AC)	Area (SF)	Percentage (%)
1204	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1205	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1206	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1207	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1208	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1209	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1210	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1211	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1212	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1213	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1214	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1215	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1216	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1217	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1218	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1219	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1220	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1221	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1222	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1223	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1224	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1225	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1226	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
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1230	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1231	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1232	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1233	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1234	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1235	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
1236	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%
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1250	CHARTER HILL CONDOMINIUM PHA 1 (17,300 SQ FT)	0.47	20,460 SQ FT	0.008%

PREPARED BY: [Firm Name]  
 DATE: [Date]  
 SCALE: 1" = 400'  
 SHEET NO. 1 OF 2





CHAPEL HILL FOUNDATION REAL  
ESTATE HOLDINGS INC  
300 SOUTH BUILDING CN1000  
CHAPEL HILL, NC 27599

DEBORAH LUNDIN  
MATTHEW LUNDIN  
2919 OAKWOOD DR  
WINTERVILLE, NC 28590

KENNETH SMITH PROPERTIES INC  
1588 NC 102 E  
AYDEN, NC 28513

TARRUS CARR  
TOMEKA CARR  
3004 CASSENA DR  
WINTERVILLE, NC 28590

HUEY SWINDELL  
JOANN SWINDELL  
2899 OAKWOOD DR  
WINTERVILLE, NC 28590

JAMES ROACH  
TERESA ROACH  
2851 OAKWOOD DR  
WINTERVILLE, NC 28590

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

CHRISTOPHER TAGGART  
OLIVIA TAGGART  
336 HOLLY GROVE DR  
WINTERVILLE, NC 28590

LAUREN WICKS  
JOSHUA PATE  
376 HOLLY GROVE DR  
WINTERVILLE, NC 28590

MELLON DOWNS HOMEOWNERS  
ASSOCIATION INC  
1302 E FIRETOWER RD  
GREENVILLE, NC 27858

ANITRA ADAMS  
DOMANICK SMITH  
370 HOLLY GROVE DR  
WINTERVILLE, NC 28590

SCOTT GRABOSKI  
MYRA GRABOSKI  
404 HOLLY GROVE DR  
WINTERVILLE, NC 28590

ROBERT EDWARDS  
417 AVALON RD  
WINSTON SALEM, NC 27104

WHITE CHARLES VERNON  
3024 CHURCH STREET EX  
WINTERVILLE, NC 28590

THOMAS HEATH  
KAYLA HEATH  
400 HOLLY GROVE DR  
WINTERVILLE, NC 28590

RILEY DAVIS  
KAYLA DAVIS  
3100 STREAMSIDE LN  
WINTERVILLE, NC 28590

BROOKFIELD HOMEOWNERS  
ASSOCIATION OF WINTERVILLE INC  
2625 CHARLES BLVD  
GREENVILLE, NC 27834

JASMINE GUIADO  
2831 OAKWOOD DR  
WINTERVILLE, NC 28590

SHANNON DANIELS  
PAULA TYRE  
2807 OAKWOOD DR  
WINTERVILLE, NC 28590

ERICA MCDONALD  
TIMOTHY MCDONALD  
2909 VERBENA WY  
WINTERVILLE, NC 28590

BRIAN WATERWALL  
3001 FOX GLOVE DR  
WINTERVILLE, NC 28590

WLH DEVELOPMENT LLC  
237 CHURCHILL DR  
GREENVILLE, NC 27858

NATHAN ROSILLO  
CAITLIN ROSILLO  
2865 OAKWOOD DR  
WINTERVILLE, NC 28590

ARTIS YVONNE LEWIS  
2861 OAKWOOD DR  
WINTERVILLE, NC 28590

HANE ABULEBDEH  
619 N. BERKELEY BLVD  
GOLDSBORO, NC 27534

MUKHTAR ALI  
ETIDAL ALBANNA  
2927 OAKWOOD DR  
WINTERVILLE, NC 28590

BRANDON KYLE  
MELANIE KYLE  
2887 OAKWOOD DR  
WINTERVILLE, NC 28590

CORTNEY JAHRSDOFER  
2915 OAKWOOD DR  
WINTERVILLE, NC 28590

KENNETH WILSON  
JULIE WILSON  
3106 STREAMSIDE LN  
WINTERVILLE, NC 28590

NATHANIEL BRYAN  
2905 VERBENA WY  
WINTERVILLE, NC 28590

HOLLY GROVE HOMEOWNERS  
ASSOCIATION INC  
106 REGENCY BLVD  
GREENVILLE, NC 27834

LEAHY IRENE ROMA  
416 HOLLY GROVE DR  
WINTERVILLE, NC 28590

ANNIE ALLEN MAE E LIFE ESTATE  
ALLEN JEFFERY HUDSON REMAINDER  
ETAL  
3107 CHURCH STREET EXT  
WINTERVILLE, NC 28590

ORVILLE FLEMMINGS  
GLENDA FLEMMINGS  
420 HOLLY GROVE DR  
WINTERVILLE, NC 28590

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

JAVON BRUMSEY  
DARNESHA BRUMSEY  
2873 OAKWOOD DR  
WINTERVILLE, NC 28590

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

ROMAN PAWLAK  
JIN KANG  
3105 STREAMSIDE LN  
WINTERVILLE, NC 28590

HAYDEN MORRIS  
TERESA MORRIS  
2904 VERBENA WY  
WINTERVILLE, NC 28590

KEITH RICHARDS  
NICHOLE RICHARDS  
2943 OAKWOOD DR  
WINTERVILLE, NC 28590

YULIYA GORBACHOVA  
DOYLE MANESS  
3112 STREAMSIDE LN  
WINTERVILLE, NC 28590

TOWN OF WINTERVILLE  
PO BOX 1459  
WINTERVILLE, NC 28590

QUENICIA NOBLES  
2909 OAKWOOD DR  
WINTERVILLE, NC 28590

MONICA RICKS  
2827 OAKWOOD DR  
WINTERVILLE, NC 28590

DAVID SOPRANO  
MARLENE SOPRANO  
505 NORBERRY DR  
WINTERVILLE, NC 28590

RANDY GARRIS  
BRENDA GARRIS  
2931 OAKWOOD DR  
WINTERVILLE, NC 28590

NGUYEN JANET REMAINDER  
BROCK ROBERT D LIFE ESTATE  
ETAL  
2857 OAKWOOD DR  
WINTERVILLE, NC 28590

TYNCH ALLEN WAYNE JR  
330 HOLLY GROVE DR  
WINTERVILLE, NC 28590

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

JERRY MATKINS  
BARKSDALE MATKINS  
1540 MANNING RD  
JAMESVILLE, NC 27846

RICHARD GINN  
MARLA HADDOCK  
2839 OAKWOOD DR  
WINTERVILLE, NC 28590

MARK MATURO  
MARGARET TOMAINO  
2813 OAKWOOD DR  
WINTERVILLE, NC 28590

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

LEWIS TRIPP  
JOE TRIPP  
4809 BOAT LANDING DRIVE  
ST AUGUSTINE, FL 32092

ANDREW GLINIAK  
RACHEAL GLINIAK  
2968 CALLA LILLY LN  
WINTERVILLE, NC 28590

JOSEPH WELLS  
KAITLYN WELLS  
324 HOLLY GROVE DR  
WINTERVILLE, NC 28590

MARTY BAKER  
HEATHER BAKER  
364 HOLLY GROVE DR  
WINTERVILLE, NC 28590

LORRAINE RUCKER  
4433 NORRIS STORE RD  
AYDEN, NC 28513

AFTOAZ LLC  
331 WEST MEATH DR  
WINTERVILLE, NC 28590

AMANDA WILEY  
6207 REEDY BRANCH RD  
WINTERVILLE, NC 28590



COTTEN MCLOYD FOUNTERLOY  
BELL COTTEN GLENDA DIANNE  
312 HOLLY GROVE DR  
WINTERVILLE, NC 28590

CAROL GATES  
2845 OAKWOOD DR  
WINTERVILLE, NC 28590

SARAH HARRIS  
382 HOLLY GROVE DR  
WINTERVILLE, NC 28590

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

LAMONT DANIELS  
526 NORBERRY DR  
WINTERVILLE, NC 28590

LAUREN JONES  
CHRISTOPHER JONES  
386 HOLLY GROVE DR  
WINTERVILLE, NC 28590

JAMI MOSS  
JAMES BEST  
3124 STREAMSIDE LN  
WINTERVILLE, NC 28590

PATRICIA MERIZIO  
200 PRANCER DR  
BEAUFORT, NC 28516

SCARLETT WALSTON  
WILLIAM LOWERY III  
3101 STREAMSIDE LN  
WINTERVILLE, NC 28590

PITT COUNTY SHRINE CLUB HOLDING  
CORPORATION  
PO BOX 1845  
WINTERVILLE, NC 28590

HARLAND ZENO II  
TAMMY ZENO  
522 NORBERRY DR  
WINTERVILLE, NC 28590

ERICA WELLS  
MARKUS WELLS  
408 HOLLY GROVE DR  
WINTERVILLE, NC 28590

RODNEY MCNEIL  
GERALD MCNEIL  
2908 VERBENA WY  
WINTERVILLE, NC 28590

ODIS JOYNER  
LOTTIE JOYNER  
3118 STREAMSIDE LN  
WINTERVILLE, NC 28590

JEAN MAXIME  
BEATRICE MAXIME  
351 WINDING MEADOWS LN  
WINTERVILLE, NC 28590

CHERYL GILL  
2893 OAKWOOD DR  
WINTERVILLE, NC 28590

MAURICE SMITH SR  
NORKINA SMITH  
2819 OAKWOOD DR  
WINTERVILLE, NC 28590

TEMIAS GAVIN  
JALYSA GAVIS  
2905 OAKWOOD DR  
WINTERVILLE, NC 28590

RACHEL P ELISE PROPERTY LLC  
343 WINDING MEADOWS LANE  
WINTERVILLE, NC 28590



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** November 4, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Southbrook Annexation.

**Action Requested:** Schedule Annexation Public Hearing for December 9, 2024.

**Attachment:** Annexation Application, Annexation Map, Legal Description, Resolution Directing Town Clerk to Investigate Petition's Sufficiency, Certificate of Sufficiency.

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 10/23/2024

**ABSTRACT ROUTING:**

TC: 10/28/2024

TM: 10/28/2024

Final: tlp - 10/28/2024

**Supporting Documentation**

**Applicant:** Chapel Hill Foundation Real Estate Holdings, Inc.

**Location:** Between Laurie Ellis Road and Church Street Extension.

**Parcel Numbers:** 15006, 11636, 11638, 82096, & 82094

**Site Data:** 246.177 Acres.

**Zoning District:** R-6 & M-R Conditional District Planned Unit Development.

**Staff Analysis:**

Southbrook is a 246 acre Planned Unit Development that will feature up to 612 residential units.

**Anticipated Annexation Schedule:**

9/9/24: Direct Town Clerk to Investigate Sufficiency.

11/4/24: Schedule Public Hearing.

12/9/2024: Hold Public Hearing.

**Budgetary Impact:** TBD.

**Recommendation:** Schedule Public Hearing For December 9, 2024.

**PETITION REQUESTING ANNEXATION**

Southbrook Subdivision

Date: June 25, 2024

To the Mayor and the Town Council 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 into 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

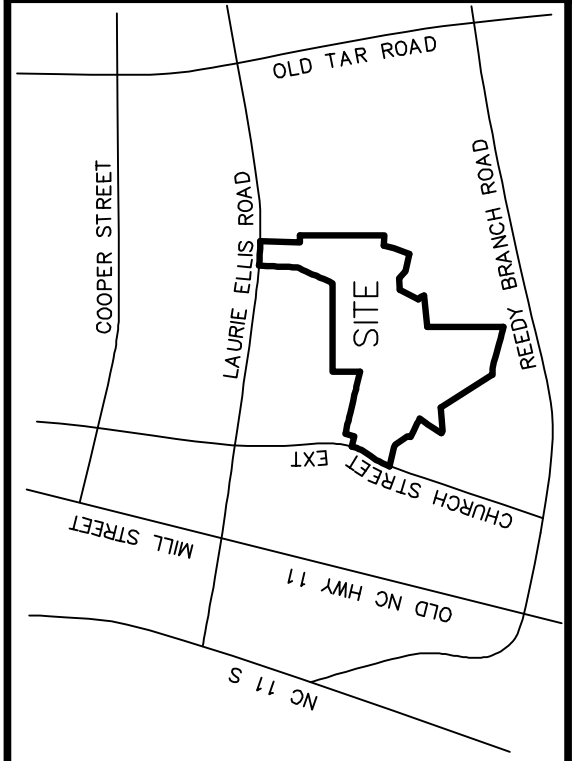
See attached Annexation Map and Legal Description

Name: Chapel Hill Foundation Real Estate Holdings, Inc.

Address: 300 South Building CN 1000

Chapel Hill, NC 27599

Signature:  Date: 6/25/24



VICINITY MAP (NOT TO SCALE)

LINE	BEARING	DISTANCE
L1	N13°49'16"E	839.61'
L2	S76°40'42"E	221.56'
L3	N13°21'42"E	199.94'
L4	N76°31'58"W	31.43'
L5	S76°41'35"E	48.55'
L6	S76°43'28"E	79.97'
L7	S76°41'04"E	80.06'
L8	S76°43'38"E	80.00'
L9	S76°38'17"E	79.88'
L10	S76°42'13"E	95.07'
L11	S76°53'54"E	233.88'
L12	S76°11'58"E	80.03'
L13	S76°18'57"E	79.91'
L14	S76°44'16"E	81.00'
L15	S76°02'02"E	48.73'
L16	S77°35'50"E	31.28'
L17	S76°36'08"E	338.06'
L18	N00°31'39"E	182.63'
L19	N00°29'08"E	330.30'
L20	N00°38'02"E	65.26'
L21	N00°53'47"E	96.28'
L22	N89°59'29"E	114.37'
L23	N89°58'14"E	203.88'
L24	N89°58'34"E	28.92'
L25	N89°56'11"E	114.38'
L26	S89°59'31"E	173.14'
L27	S89°54'48"E	87.40'
L28	N89°58'10"E	172.53'
L29	S89°56'54"E	590.76'

L30	N89°50'17"E	80.27'
L31	S89°50'37"E	79.81'
L32	S89°57'59"E	137.59'
L33	N89°56'43"E	94.24'
L34	N24°10'01"E	80.18'
L35	N23°59'09"E	140.25'
L36	N24°08'47"E	80.05'
L37	N24°05'04"E	79.83'
L38	N23°59'17"E	95.32'
L39	N24°13'03"E	59.81'
L40	N24°15'41"E	95.06'
L41	N24°08'17"E	80.01'
L42	N24°06'04"E	68.97'
L43	N25°06'13"E	44.47'
L44	N02°31'42"E	102.94'
L45	N02°35'22"E	79.97'
L46	N02°40'37"E	80.02'
L47	N02°38'11"E	79.90'
L48	N02°38'58"E	80.02'
L49	N02°37'12"E	80.03'
L50	N02°36'39"E	65.77'
L51	N02°37'37"E	80.53'
L52	N02°34'45"E	100.31'
L53	S80°29'08"E	530.03'
L54	S88°58'00"E	152.87'
L55	S00°09'02"W	171.26'
L56	N86°17'28"W	215.90'
L57	S13°39'00"W	214.53'
L58	N13°48'09"E	12.61'
L59	N06°27'29"E	124.54'
L60	N02°11'51"W	136.52'
L61	N15°14'05"W	353.32'
L62	N30°12'07"W	140.36'
L63	N43°02'11"W	196.74'
L64	S21°51'13"W	355.50'
L65	N78°17'01"W	371.81'
L66	N45°24'01"W	198.70'
L67	S88°23'03"W	244.59'
L68	S42°39'50"E	75.00'
L69	S19°34'18"E	74.12'
L70	S00°28'33"W	65.15'
L71	N74°31'09"W	65.83'
L72	N73°35'21"W	101.37'
L73	N74°41'15"W	63.53'
L74	N73°41'32"W	147.25'
L75	N77°17'38"W	212.23'
L76	N72°38'39"W	99.96'
L77	N73°01'28"W	81.53'
L78	N79°42'20"W	141.75'
L79	N86°31'20"W	131.43'
L80	N61°11'51"W	51.66'
L81	S33°16'06"W	180.86'
L82	N33°16'57"E	101.95'
L83	N33°16'57"E	176.49'
L84	N35°14'59"E	173.09'
L85	N33°16'57"E	74.40'
L86	N62°59'38"W	20.21'
L87	N62°59'38"W	97.24'
L88	N63°12'47"W	176.47'
L89	N63°11'09"W	108.02'
L90	N63°18'50"W	31.73'
L91	N62°56'39"W	83.55'
L92	N06°25'46"E	72.99'
L93	N34°39'10"W	299.54'
L94	N58°37'40"W	71.17'
L95	N77°23'18"W	192.29'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	970.00'	34.22'	34.22'	N14°49'55"E

REFERENCES:

- DB 3448 PG 378
- DB 4304 PG 056
- DB 356 PG 173
- DB 3587 PG 060
- DB DC108 PG 2567
- DB 2089 PG 078
- DB 3967 PG 839
- DB DC108 PG 1
- PB 46 PG 50
- PB 64 PG 185
- PB 65 PG 66
- PB 68 PG 158
- PB 71 PG 116
- PB 77 PG 91
- PB 78 PG 130
- PB 88 PG 52
- PB 82 PG 52
- PB 84 PG 89

- NOTES:
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
  - 2) AREAS COMPUTED BY COORDINATE METHOD.
  - 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
  - 4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
  - 5) GRID TIE BY GPS
  - 6) ZONING: AR
  - 7) PARENT TRACT DEED DB 3448 PG 378
  - 8) PARCEL NO. 11636, 11638, 15006, 82096

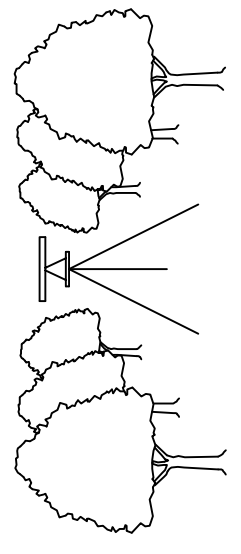
OWNER: CHAPEL HILL FOUNDATION  
REAL ESTATE HOLDINGS, INC.  
300 SOUTH BUILDING CN1000  
CHAPEL HILL, N.C. 27599

ANNEXATION PLAT  
FOR

# CHAPEL HILL FOUNDATION REAL ESTATE HOLDINGS INC.

WINTERVILLE TOWNSHIP, PITT COUNTY  
NORTH CAROLINA  
JUNE 24, 2024  
SHEET 1 OF 2

TRUE LINE SURVEYING, P.C.



205 WEST MAIN STREET  
CLAYTON, N.C. 27520  
TELEPHONE: (919) 359-0427  
FAX: (919) 359-0428  
www.truelinesurveying.com

SURVEYED BY:	TLS
DRAWN BY:	MIKE
CHECKED BY:	CURK
DRAWING NAME:	ANNEXATION.DWG
SURVEY DATE:	5-15-23
JOB NO.	2484.036

LEGEND

- IPF IRON PIPE FOUND
- CMF CONCRETE MONUMENT FOUND
- PKNF PARKER-KALON NAIL FOUND
- RIS RAILROAD SPIKE FOUND
- CSF COTTON SPIKE FOUND
- CS Cotton Spike Set
- CP COMPUTED POINT
- P/P POWER POLE
- P/W OVERHEAD WIRE
- S/F SQUARE FEET
- AC ACRE
- BB BOOK
- PLAT BOOK
- BOM BOOK OF MAPS
- PG PAGE
- FEET FEET
- 155 LOT HAS OFFSITE SEWER
- 15SL RECOMBINATION LOT
- 15R OFFSITE SEWER LOT
- STREET ADDRESS
- LINES NOT SURVEYED

I, CURK T. LANE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION, FOR AN ACUTUAL GPS SURVEY MADE UNDER MY SUPERVISION, FOR THE PURPOSE OF HORIZONTAL CONTROL IN ORDER TO TIE THIS SURVEY TO NC GRID; AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

CLASS AA  
0.026 FEET, ELLIPTICAL ERROR AXIS  
VRS SESSION 2 CONTROL POINTS  
5-15-23  
NAD 83(2011)/EPOCH 2010.000  
NC GNSS CORRS AND RTK  
NAVD 88 USING GEOID 18  
0.99988779(AVG)  
US FEET

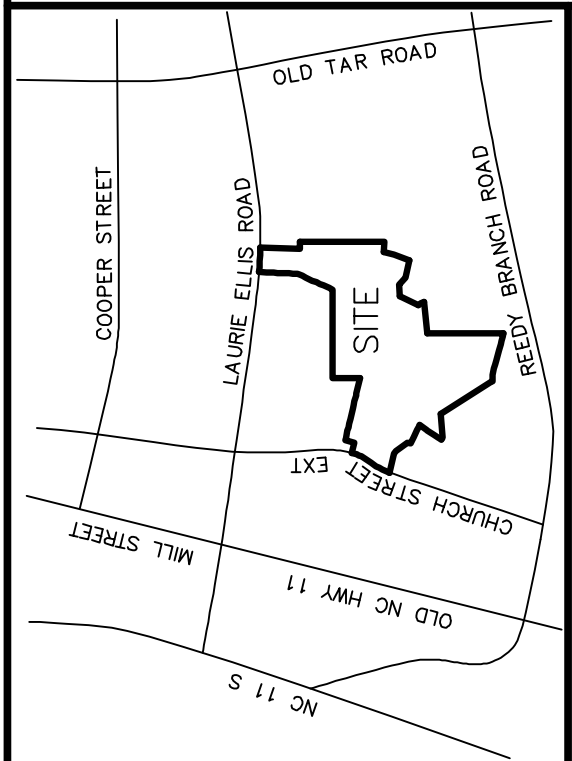
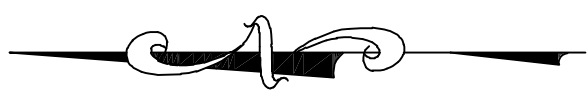
REPORTING UNITS:

STATE OF NORTH CAROLINA, \_\_\_\_\_ PITT \_\_\_\_\_ COUNTY

I, CURK T. LANE, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000±; THAT THE GLOBAL POSITIONING ACCURACY (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE 1 CM ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORK; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2024

\_\_\_\_\_  
SURVEYOR

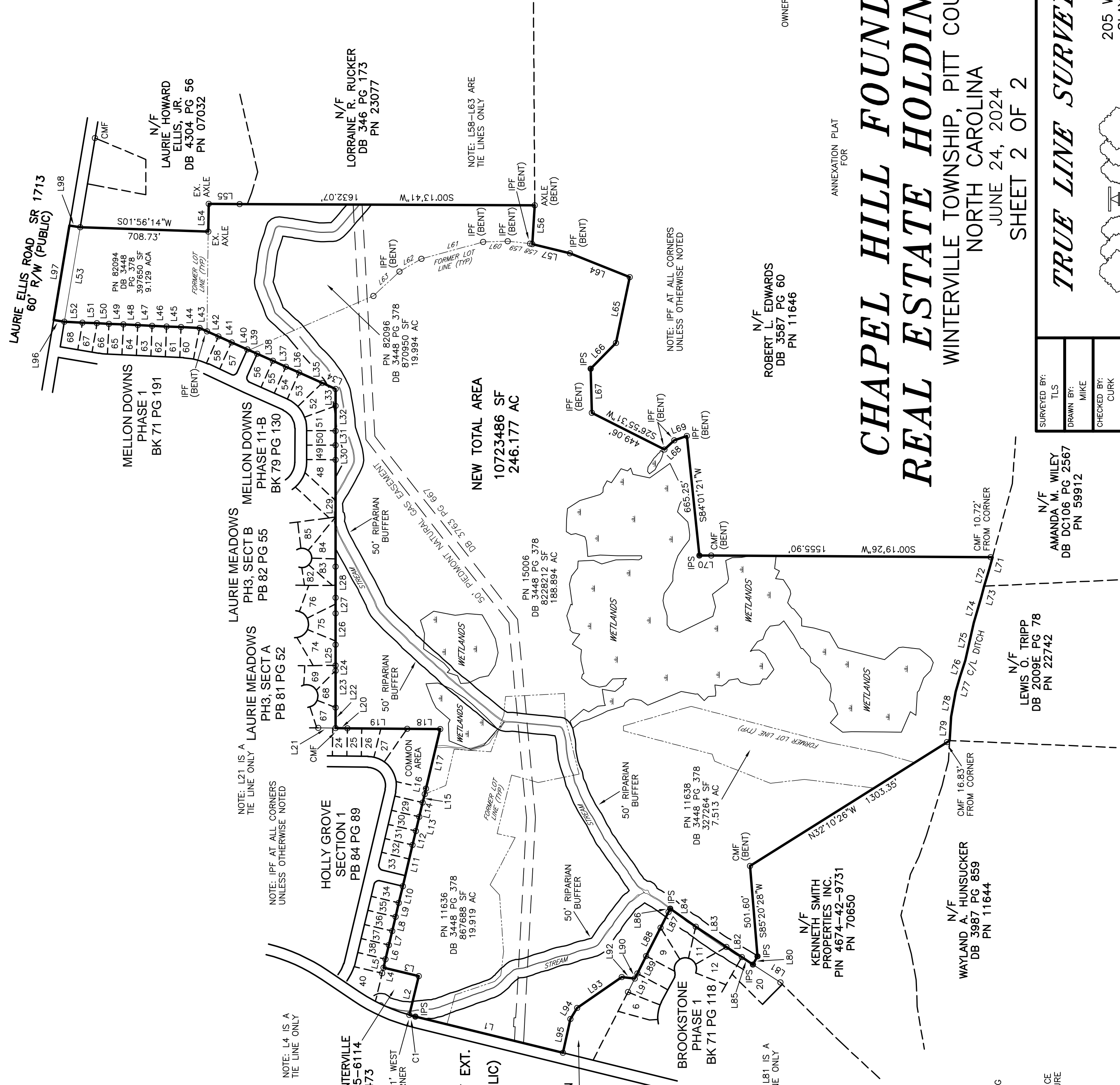
\_\_\_\_\_  
L. — 3990  
LICENSE NUMBER



VICINITY MAP (NOT TO SCALE)

LEGEND

- IRON PIPE FOUND
CMF CONCRETE MONUMENT FOUND
PKNF PARKER-KALON NAIL FOUND
PNS PARKER-KALON NAIL SET
COTTON SPIKE FOUND
COTTON SPIKE SET
CONTROL CORNER
POWER POLE
OVERHEAD POWER LINE
SOUTH WAY
SQUARE FEET
DEED BOOK
BOOK OF MAPS
LINEAR FEET
OFFSITE SEWER
RECOMBINATION LOT
STREET ADDRESS
LINES NOT SURVEYED



NEW TOTAL AREA
10723486 SF
246.177 AC

OWNER: CHAPEL HILL FOUNDATION
REAL ESTATE HOLDINGS, INC.
300 SOUTH BUILDING CN1000
CHAPEL HILL, N.C. 27599

N/F ROBERT L. EDWARDS
DB 3587 PG 60
PN 11646

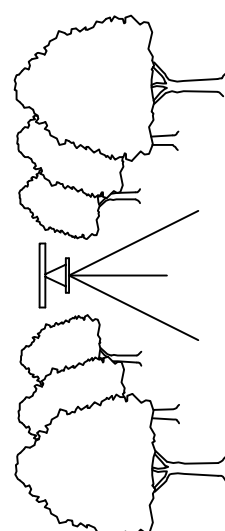
ANNEXATION PLAT
FOR

CHAPEL HILL FOUNDATION
REAL ESTATE HOLDINGS INC.

WINTERVILLE TOWNSHIP, PITT COUNTY
NORTH CAROLINA
JUNE 24, 2024

SHEET 2 OF 2

TRUE LINE SURVEYING, P.C.



205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
www.truelinesurveying.com

Table with 2 columns: Field Name, Value. Includes SURVEYED BY (TLS), DRAWN BY (MIKE), CHECKED BY (CURK), DRAWING NAME (ANNEXATION.DWG), SURVEY DATE (5-15-23), JOB NO. (2484.036).

N/F AMANDA M. WILEY
DB DC106 PG 2567
PN 59912

N/F LEWIS O. TRIPP
DB 2009E PG 78
PN 22742

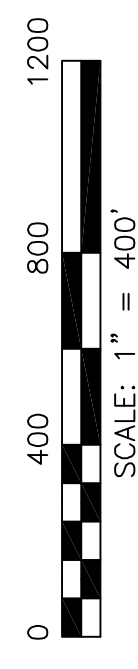
N/F WAYLAND A. HUNSUCKER
DB 3987 PG 859
PN 11644

N/F KENNETH SMITH
PROPERTIES INC.
PIN 4674-42-9731
PN 70650

N/F ANNIE MAE E. ALLEN
LIFE ESTATE
DB DC108 PG 1
PN 47393

N/F TOWN OF WINTERVILLE
PIN 4674-45-6114
PN 31473
IPF 0.61' WEST
OF CORNER

CHURCH STREET EXT.
SR 1714
60' R/W (PUBLIC)



STATE OF NORTH CAROLINA, PITT COUNTY
I, CURK T. LANE, DO HEREBY CERTIFY THAT THIS
PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN
ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED
DESCRIPTION RECORDED IN BOOK PAGE
ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY
INDICATED AS DRAWN FROM INFORMATION FOUND IN
BOOK PAGE THAT THE RATIO OF PRECISION
AS CALCULATED IS 1:10,000+; THAT THE GLOBAL POSITIONING
ACCURACY (GPS) OBSERVATIONS WERE PERFORMED TO THE
STANDARDS FOR GEODETIC NETWORKS AT THE 1 CM
STANDARDS FOR GEODETIC NETWORKS AT THE 1 CM
ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK
RTK NETWORK; THAT THIS PLAT WAS PREPARED IN ACCORDANCE
WITH G.S. 47-30 AS AMENDED, WITH MY ORIGINAL SIGNATURE
AND SEAL THIS DAY OF A.D. 2024

SURVEYOR
L. 3990
LICENSE NUMBER

Legal Description For  
Chapel Hill Foundation Real Estate Holdings LLC  
Winterville Township, Pitt County  
North Carolina

Commencing at a point, said point being an iron pipe found along the eastern right-of-way of Church Street Ext. (SR 1714) in Winterville Township, Pitt County, North Carolina. Point further described as the northwestern corner of the Annie Mae E. Allen Life Estate property as recorded in Deed Book DC108, Page 1, Pitt County Registry. Point also described as a western corner of the Chapel Hill Foundation Real Estate Holdings Inc. property as recorded in Deed Book 3448 Page 378 and the **POINT OF BEGINNING**. Thence along the eastern right-of-way of Church Street Ext. N 13°49'16" E a distance of 839.61 feet to an iron pipe found. Thence with a curve turning to the right with an arc length of 34.22 feet, with a radius of 970.00 feet, with a chord bearing of N 14°49'55" E, with a chord length of 34.22 feet to an iron pipe found. Thence S 76°40'42" E a distance of 221.56 feet to an iron pipe found. Thence N 13°21'42" E a distance of 199.94 feet to an iron pipe found. Thence S 76°41'35" E a distance of 48.55 feet to an iron pipe found. Thence S 76°43'28" E a distance of 79.97 feet to an iron pipe found. Thence S 76°41'04" E a distance of 80.06 feet to an iron pipe found. Thence S 76°43'38" E a distance of 80.00 feet to an iron pipe found. Thence S 76°38'17" E a distance of 79.88 feet to an iron pipe found. Thence S 76°42'13" E a distance of 95.07 feet to an iron pipe found. Thence S 76°53'54" E a distance of 233.88 feet to an iron pipe found. Thence S 76°11'58" E a distance of 80.03 feet to an iron pipe found. Thence S 76°18'57" E a distance of 79.91 feet to an iron pipe found. Thence S 76°44'16" E a distance of 81.00 feet to an iron pipe found. Thence S 76°02'02" E a distance of 48.73 feet to an iron pipe found. Thence S 77°35'50" E a distance of 31.28 feet to an iron pipe found. Thence S 76°36'08" E a distance of 338.06 feet to an iron pipe found. Thence N 00°31'39" E a distance of 182.63 feet to an iron pipe found. Thence N 00°29'08" E a distance of 330.30 feet to an iron pipe found. Thence N 00°38'02" E a distance of 65.26 feet to an concrete monument. Thence N 89°59'29" E a distance of 114.37 feet to an iron pipe found. Thence N 89°58'14" E a distance of 203.88 feet to an iron pipe found. Thence N 89°58'34" E a distance of 28.92 feet to an iron pipe found. Thence N 89°56'11" E a distance of 114.38 feet to an iron pipe found. Thence S 89°59'31" E a distance of 173.14 feet to an iron pipe found. Thence S 89°54'48" E a distance of 87.40 feet to an iron pipe found. Thence N 89°58'10" E a distance of 172.53 feet to an iron pipe found. Thence S 89°56'54" E a distance of 590.76 feet to an iron pipe found. Thence N 89°50'17" E a distance of 80.27 feet to an iron pipe found. Thence S 89°50'37" E a distance of 79.81 feet to an iron pipe found. Thence S 89°57'59" E a distance of 137.59 feet to an iron pipe found. Thence N 89°56'43" E a distance of 94.24 feet to an iron pipe found. Thence N 24°10'01" E a distance of 80.18 feet to an iron pipe found. Thence N 23°59'09" E a distance of 140.25 feet to an iron pipe found. Thence N 24°08'47" E a distance of 80.05 feet to an iron pipe found. Thence N 24°05'04" E a distance of 79.83 feet to an iron pipe found. Thence N 23°59'17" E a distance of 95.32 feet to an iron pipe found. Thence N 24°13'03" E a distance of 59.81 feet to an iron pipe found. Thence N 24°15'41" E a distance of 95.06 feet to an iron pipe found. Thence N 24°08'17" E a distance of 80.01 feet to an iron pipe found. Thence N 24°06'04" E a distance of 68.97 feet to an iron pipe found. Thence N 25°06'13" E a distance of 44.47 feet to an iron pipe found. Thence N 02°31'42" E a distance of 102.94 feet to an iron pipe found.



Thence N 02°35'22" E a distance of 79.97 feet to an iron pipe found. Thence N 02°40'37" E a distance of 80.02 feet to an iron pipe found. Thence N 02°38'11" E a distance of 79.90 feet to an iron pipe found. Thence N 02°38'58" E a distance of 80.02 feet to an iron pipe found. Thence N 02°37'12" E a distance of 80.03 feet to an iron pipe found. Thence N 02°36'39" E a distance of 65.77 feet to an iron pipe found. Thence N 02°37'37" E a distance of 80.53 feet to an iron pipe found. Thence N 02°34'45" E a distance of 100.31 feet to an iron pipe found along the southern right-of-way of Laurie Ellis Road (SR 1713). Thence across the right-of-way of Laurie Ellis Road N 09°30'52" E a distance of 60.00 feet to a point. Thence down the northern right-of-way of Laurie Ellis Road S 80°29'08" E a distance of 530.03 feet to a point. Thence across the right-of-way of Laurie Ellis Road S 09°30'52" W a distance of 60.00 feet to an iron pipe found. Thence S 01°56'14" W a distance of 708.73 feet to an existing axle. Thence S 88°58'00" E a distance of 152.87 feet to an existing axle. Thence S 00°09'02" W a distance of 171.26 feet to an iron pipe found. Thence S 00°13'41" W a distance of 1632.07 feet to an existing axle. Thence N 86°17'28" W a distance of 215.90 feet to an iron pipe found. Thence S 13°39'00" W a distance of 214.53 feet to an iron pipe found. Thence S 21°51'13" W a distance of 355.50 feet to an iron pipe found. Thence N 78°17'01" W a distance of 371.81 feet to an iron pipe found. Thence N 45°24'01" W a distance of 198.70 feet to an iron pipe set. Thence S 88°23'03" W a distance of 244.59 feet to an iron pipe found. Thence S 26°55'31" W a distance of 449.06 feet to an iron pipe found. Thence S 42°39'50" E a distance of 75.00 feet to an iron pipe found. Thence S 19°34'18" E a distance of 74.12 feet to an iron pipe found. Thence S 84°01'21" W a distance of 665.25 feet to an iron pipe set. Thence S 00°28'33" W a distance of 65.15 feet to a concrete monument. Thence S 00°19'26" W a distance of 1555.90 feet to an iron pipe found. Thence N 74°31'09" W a distance of 65.83 feet to an iron pipe found. Thence N 73°35'21" W a distance of 101.37 feet to an iron pipe found. Thence N 74°41'15" W a distance of 63.53 feet to an iron pipe found. Thence N 73°41'32" W a distance of 147.25 feet to an iron pipe found. Thence N 77°17'38" W a distance of 212.23 feet to an iron pipe found. Thence N 72°38'39" W a distance of 99.96 feet to an iron pipe found. Thence N 73°01'28" W a distance of 81.53 feet to an iron pipe found. Thence N 79°42'20" W a distance of 141.75 feet to an iron pipe found. Thence N 86°31'20" W a distance of 131.43 feet to an iron pipe found. Thence N 32°10'26" W a distance of 1303.35 feet to concrete monument. Thence S 85°20'28" W a distance of 501.60 feet to an iron pipe set. Thence N 61°11'51" W a distance of 51.66 feet to an iron pipe set. Thence N 33°16'57" E a distance of 74.40 feet to an iron pipe found. Thence N 33°16'57" E a distance of 101.95 feet to an iron pipe found. Thence N 33°32'17" E a distance of 202.81 feet to an iron pipe found. Thence N 35°14'59" E a distance of 173.09 feet to an iron pipe set. Thence N 62°59'38" W a distance of 20.21 feet to an iron pipe found. Thence N 62°59'38" W a distance of 97.24 feet to an iron pipe found. Thence N 63°12'47" W a distance of 176.47 feet to an iron pipe found. Thence N 63°11'09" W a distance of 108.02 feet to an iron pipe found. Thence N 63°18'50" W a distance of 31.73 feet to an iron pipe found. Thence N 06°25'46" E a distance of 72.99 feet to an iron pipe found. Thence N 34°39'10" W a distance of 299.54 feet to an iron pipe found. Thence N 58°37'40" W a distance of 71.17 feet to an iron pipe found. Thence N 77°23'18" W a distance of 192.29 feet to an iron pipe found and the **POINT OF BEGINNING** and containing 246.177 acres (10723486 square feet).

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

**SOUTHBROOK ANNEXATION  
PARCEL NUMBERS: 82582, 19880, 80704, 83029**

**WHEREAS**, petitions requesting annexation of an area described in said petitions were received June 25, 2024 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:

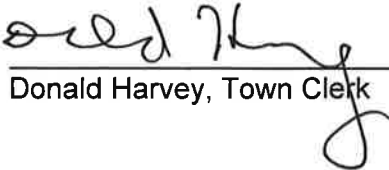
The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of the investigation.

Adopted this the 9<sup>th</sup> day of September 2024.



  
Richard E. Hines, Mayor

ATTEST:

  
Donald Harvey, Town Clerk

**CERTIFICATE OF SUFFICIENCY**

**SOUTHBROOK ANNEXATION  
PARCEL NUMBERS: 82582, 19880, 80704, 83029**

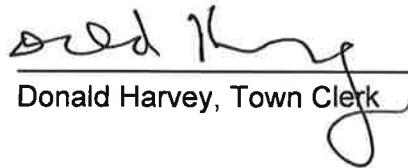
To the Town Council of the Town of Winterville, North Carolina:

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 10<sup>th</sup> day of September 2024.

ATTEST:



  
\_\_\_\_\_  
Donald Harvey, Town Clerk



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** November 4, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Villa Grande Phase 3 Annexation.

**Action Requested:** Schedule Annexation Public Hearing for December 9, 2024.

**Attachment:** Annexation Application, Annexation Map, Legal Description, Resolution Directing Town Clerk to Investigate Petition's Sufficiency, Certificate of Sufficiency.

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 10/23/2024

**ABSTRACT ROUTING:**

TC: 10/28/2024

TM: 10/28/2024

Final: tlp - 10/28/2024

**Supporting Documentation**

**Applicant:** Nolan Commercial Contractors, INC. Nolan W. Sydes.

**Location:** On Red Forbes Road, north of Villa Grande's existing homes.

**Parcel Numbers:** 82582, 19880, 80704, 83029.

**Site Data:** 22.733 Acres of Villa Grande and an additional 0.67 acres of Red Forbes Road in which the opposite side of the street is also annexed.

**Zoning District:** R-10.

**Staff Analysis:**

Villa Grande Phase 3 is currently under construction and will add 40 new residential lots. This annexation will include a small portion of Red Forbes Road in which the opposite side of the Street is within the Town of Winterville.

**Anticipated Annexation Schedule:**

9/9/24: Direct Town Clerk to Investigate Sufficiency.

11/4/24: Schedule Public Hearing.

12/9/2024: Hold Public Hearing.

**Budgetary Impact:** TBD.

**Recommendation:** Schedule Public Hearing for December 9, 2024.

**PETITION REQUESTING ANNEXATION**

Date: November 14, 2023

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.

- All owners of the property must sign.

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

Description

Being all of Pitt County Parcel Numbers 19880, 80704, and 82582. See attached legal description and map.

83029,

SV Pitt County, LLC

Nolan Commercial Contractors, Inc.

754 Ramsey Road, Suite F

Name By Nolan W. Sydes, President Address Jacksonville, NC 28546-9484

Signature *Nolan W. Sydes*

Name \_\_\_\_\_ Address \_\_\_\_\_

Signature \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Signature \_\_\_\_\_



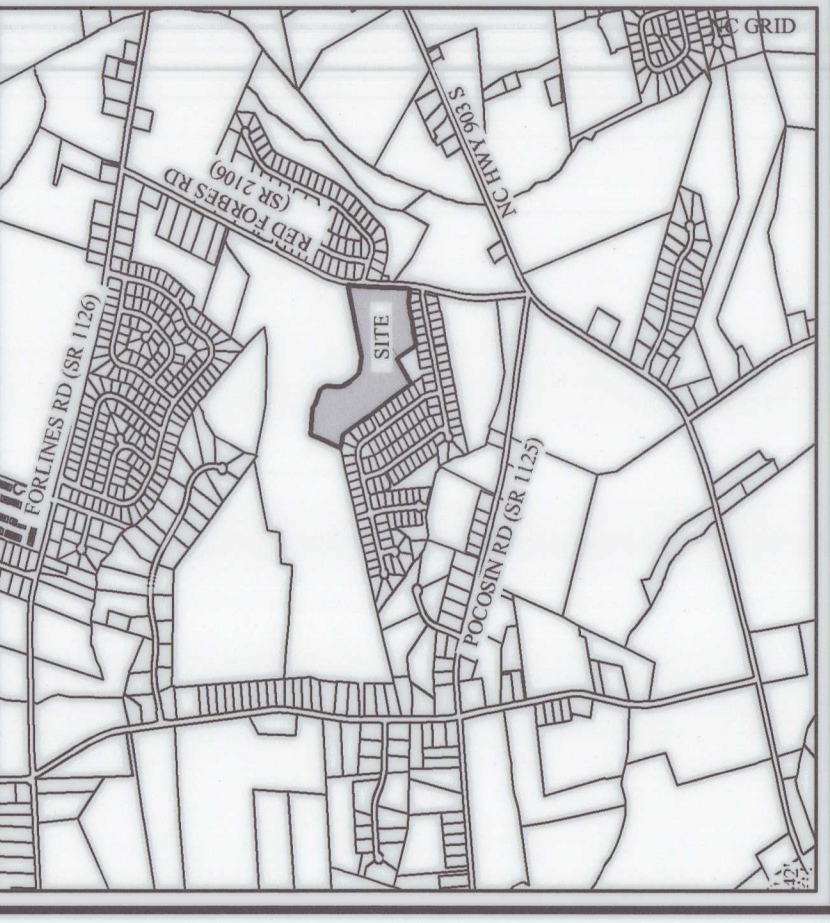
LOT #	ARCEL OWNER (NOW OR FORMERLY)	ADDRESS	DB	PG
36	ADAMS HOMES AEC LLC	2681 BRITTA LN	4106	350
37	ADAMS HOMES AEC LLC	2685 BRITTA LN	4106	350
38	ADAMS HOMES AEC LLC	2689 BRITTA LN	4106	350
39	ADAMS HOMES AEC LLC	2693 BRITTA LN	4106	350
40	ADAMS HOMES AEC LLC	2701 BRITTA LN	4106	350
42	CONSTABLE WILLIAM C III	2711 BRITTA LN	3978	863
43	AGE THOMAS	2719 BRITTA LN	4037	320
44	HAYNES YA SHEKA T	2725 BRITTA LN	3981	482
45	JAMES ROSEA	2731 BRITTA LN	4075	846
46	NGUYEN HUONG V	2737 BRITTA LN	4121	332
47	PHAY THONG	2745 BRITTA LN	3925	442
48	DOYON GUY W	2751 BRITTA LN	4019	521
49	HARRISON LINDSEY P III	2755 BRITTA LN	3986	351
75	ALAKVA ALI A	570 VILLA GRANDE DR	3737	511
76	MOORE SEAN D	568 VILLA GRANDE DR	3668	34
77	SOUTHWELL KENNETH CHARLES	554 VILLA GRANDE DR	3658	592
78	FREEMAN JAMES ROBERT	548 VILLA GRANDE DR	3715	614
79	THELLE RICHARD B	542 VILLA GRANDE DR	3658	117
80	DANIELS TOBY CHAKARIAN	536 VILLA GRANDE DR	3740	547
81	MOTTER ADAM C	530 VILLA GRANDE DR	3787	213
82	SQOOR NISREEN A	524 VILLA GRANDE DR	3803	546
83	FOYNER TWANA	518 VILLA GRANDE DR	3782	511
84	COX NATALEE	512 VILLA GRANDE DR	3667	712
85	KASCHAK STEVEN J	504 VILLA GRANDE DR	3745	277
COMMON AREA	NSD-COMPANY INC	0 VILLA GRANDE DR	3564	507
COMMON AREA	NSD-COMPANY INC	0 VILLA GRANDE DR	3564	507

LINE #	BEARING	DISTANCE
L1	S14° 24' 58"W	38.10'
L2	S12° 08' 18"W	51.96'
L3	S10° 13' 14"W	53.61'
L4	S10° 06' 45"W	52.39'
L5	S9° 37' 13"W	59.84'
L6	S9° 35' 42"W	59.69'
L7	S9° 45' 04"W	67.19'
L8	N79° 21' 19"W	59.45'

VILLA GRANDE PHASE TWO MB 86, PG 157-158

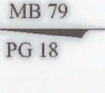
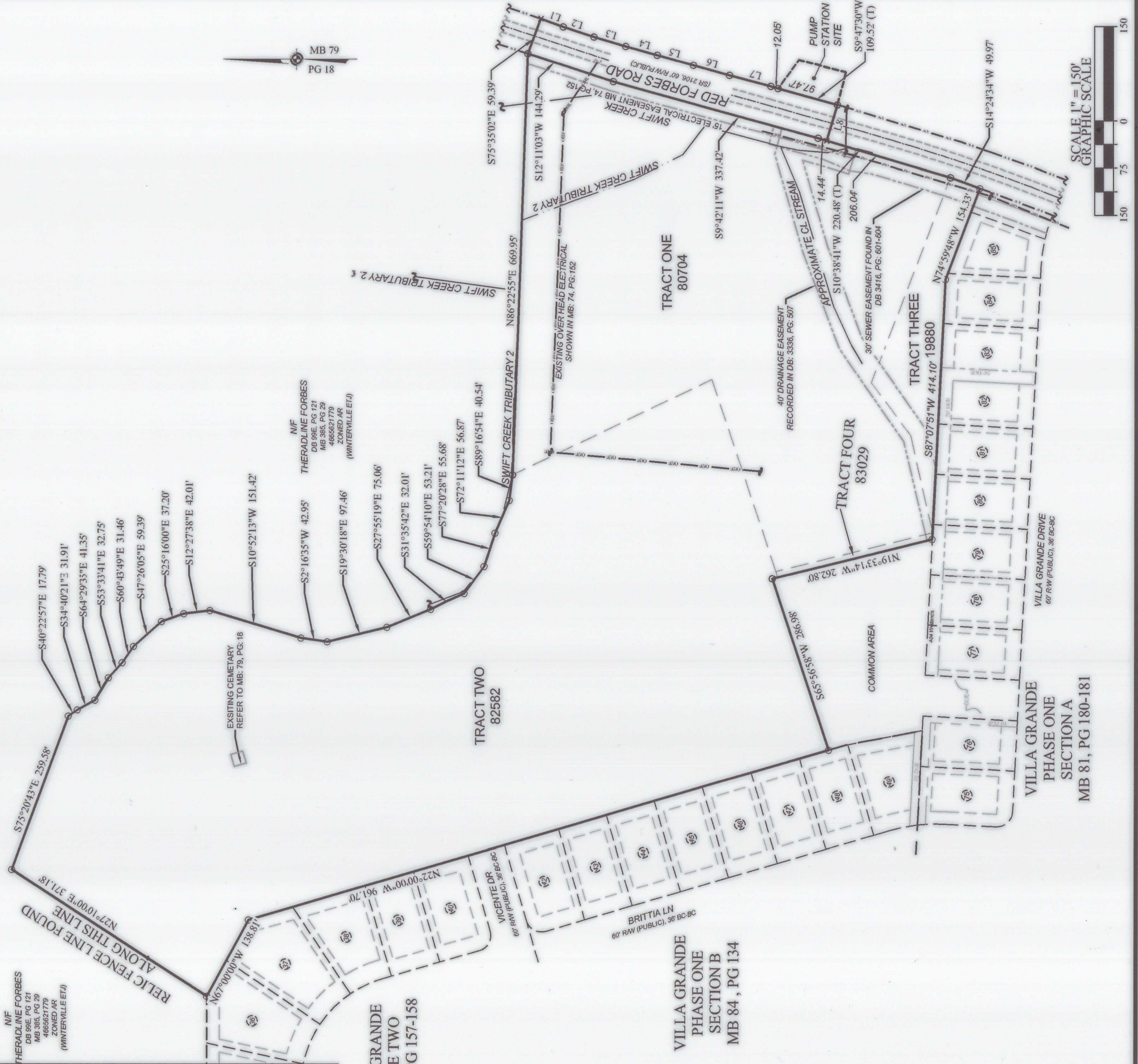
VILLA GRANDE PHASE ONE SECTION B MB 84, PG 134

VILLA GRANDE PHASE ONE SECTION A MB 81, PG 180-181



VICINITY MAP

- GENERAL NOTES**
- ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS. NO GRID FACTORS APPLIED.
  - DEED & MAP REFERENCES:  
DEED BOOK 2020E, PAGE 73.  
DEED BOOK 3416, PAGE 601-604.  
DEED BOOK 3767, PAGE 824.  
DEED BOOK 3336, PAGE 514.  
DEED BOOK 3336, PAGE 507.  
MAP BOOK 3, PAGE 261.  
MAP BOOK 74, PAGE 152.  
MAP BOOK 81, PAGE 18.  
PARCEL ID: 123456789.
  - TRACT ONE: 80704  
TRACT TWO: 82582  
TRACT THREE: 19880  
TRACT FOUR: 83029
  - ALL PROPOSED CORNERS ARE TO BE MARKED WITH IRON PIPES PORTIONS OF THIS PROJECT SCALES WITHIN ZONE "X" AND ZONE "A" PER FLOOD INSURANCE RATE MAP PANEL NO. 3720466500K DATED JULY 07, 2014, AS ESTABLISHED BY FEMA.



Physical Address: 1316-B Commerce Drive, New Bern, NC 28562  
Mailing Address: P.O. Box 1309, New Bern, NC 28563  
www.ThomasEnginr.com  
Office: 252.637.2727 Fax: 252.636.2448

**THOMAS ENGINEERING, PA est 1983**  
civil engineering • land surveying • project management

**ANNEXATION MAP**  
PITT COUNTY  
PARCEL ID NUMBERS  
19880, 80704, 82582 & 83029

TOWN OF WINTERVILLE    PITT COUNTY    NORTH CAROLINA  
CURRENT OWNER: SV PITT COUNTY LLC  
754 RAMSEY ROAD SUITE F  
JACKSONVILLE, NORTH CAROLINA 28846  
SCALE: 1" = 150'  
PROJECT #: 2015\_004  
DATE: 08.01.24  
SHEET: 1 of 1

**REVISIONS**

NO.	DESCRIPTION	BY	DATE

STATE OF NORTH CAROLINA  
PITT COUNTY

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: \_\_\_\_\_

CERTIFICATION OF REGISTRATION BY REGISTER OF DEEDS  
PITT COUNTY NORTH CAROLINA

FILED FOR REGISTRATION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024 A.D.  
AT \_\_\_\_\_ (COUNTY) AND DULY RECORDED IN PLAT CABINET \_\_\_\_\_, PAGE \_\_\_\_\_  
SLIDE(S) \_\_\_\_\_ AND BOOK \_\_\_\_\_, REGISTER OF DEEDS

**TYPICAL ELEMENT SYMBOLOLOGY**

- EXISTING IRON PIPE
- EXISTING IRON ROD
- SET/NEW IRON PIPE
- EXISTING MAG NAIL
- SET/NEW MAG NAIL
- EXISTING PK NAIL
- SET/NEW PK NAIL
- EXISTING CONCRETE MONUMENT
- SET/NEW CONCRETE MONUMENT
- CONTROL CORNER
- NON-MONUMENTED POINT
- TOTAL DISTANCE
- THE LINE
- RIGHT OF WAY
- CENTERLINE
- PROPERTY LINE
- ADJACENT BUILDING LINE
- CUL-DE-SAC
- FIRE HYDRANT
- WATER METER

**CERTIFICATE OF SURVEY & ACCURACY**

I, HERBERT J. NOBLES, JR., CERTIFY THAT THIS PLAN WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE BY ME FROM DESCRIPTION FOUND IN MAP BOOK 74, PAGE 152, AND MAP BOOK 79, PAGE 18, WAYNE COUNTY REGISTER OF DEEDS, THAT THE BOUNDARIES INDICATED ON THIS PLAN ARE CLEARLY INDICATED AS DRAWN FROM THE SURVEY RECORDS OF THE REGISTER OF DEEDS OF WAYNE COUNTY, NORTH CAROLINA, AND THAT THE PRECISION AS CALCULATED IS 1:15000. THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL, THIS 20th DAY OF August 2024, AT WINTERVILLE, NORTH CAROLINA.

HERBERT J. NOBLES, JR.  
PROFESSIONAL LAND SURVEYOR  
LICENSE NUMBER L-2703

THIS SURVEY DOES NOT CREATE A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATED PARCELS OF LAND.



Exhibit "A"  
Legal Description  
Parcel Numbers 19880, 80704, 82582 and 83029  
Winterville, Pitt County, North Carolina

Beginning at a Point, said Point being the northeastern most corner of Common Area 'B' as shown on that certain plat entitled "Final Plat Villa Grande Phase One Section "A" dated June 14, 2017 as recorded in Book 81, Page 180-181 in the Pitt County Register of Deeds

Thence, from said Point of Beginning, along North 74 degrees 59 minutes 48 seconds West for a distance of 154.33 feet to a point;

Thence, South 87 degrees 07 minutes 51 seconds West for a distance of 414.10 feet to a point;

Thence, North 19 degrees 33 minutes 14 seconds West for a distance of 262.80 feet to a point;

Thence, South 65 degrees 56 minutes 58 seconds West for a distance of 286.98 feet to a point;

Thence, turning to the northwest and along and with the eastern boundary line of the Villa Grande Phase One Section "B" as recorded in Map Book 84, Page 134 of the Pitt County registry, North 22 degrees 00 minutes 00 seconds West for a distance of 961.70 feet to a point;

Thence, North 67 degrees 00 minutes 00 seconds West for a distance of 138.81 feet to a point;

Thence, North 27 degrees 10 minutes 00 seconds East for a distance of 371.18 feet to a point;

Thence, South 75 degrees 20 minutes 43 seconds East for a distance of 259.58 feet to a point;

Thence, South 40 degrees 22 minutes 57 seconds East for a distance of 17.79 feet to a point;

Thence, South 34 degrees 40 minutes 21 seconds East for a distance of 31.91 feet to a point;

Thence, South 64 degrees 29 minutes 35 seconds East for a distance of 41.35 feet to a point;

Thence, South 53 degrees 33 minutes 41 seconds East for a distance of 32.75 feet to a point;

Thence, South 60 degrees 43 minutes 49 seconds East for a distance of 31.46 feet to a point;

Thence, South 47 degrees 26 minutes 05 seconds East for a distance of 59.39 feet to a point;

Thence, South 25 degrees 16 minutes 00 seconds East for a distance of 37.20 feet to a point;

Thence, South 12 degrees 27 minutes 38 seconds East for a distance of 42.01 feet to a point;

Thence, South 10 degrees 52 minutes 13 seconds West for a distance of 151.42 feet to a point;

Thence, South 02 degrees 16 minutes 35 seconds West for a distance of 42.95 feet to a point;

Thence, South 19 degrees 30 minutes 18 seconds East for a distance of 97.46 feet to a point;

Thence, South 27 degrees 55 minutes 19 seconds East for a distance of 75.06 feet to a point;

Thence, South 31 degrees 35 minutes 42 seconds East for a distance of 32.01 feet to a point;

Thence, South 59 degrees 54 minutes 10 seconds East for a distance of 53.21 feet to a point;

Thence, South 77 degrees 20 minutes 28 seconds East for a distance of 55.68 feet to a point;

Thence, South 72 degrees 11 minutes 12 seconds East for a distance of 56.87 feet to a point;

Thence, South 89 degrees 16 minutes 54 seconds East for a distance of 40.54 feet to a point;

Thence, North 86 degrees 22 minutes 55 seconds East for a distance of 669.95 feet to a point on the western right of way of Red Forbes Road;

Thence, and along and with the western right of way of Red Forbes Road, South 12 degrees 11 minutes 03 seconds West for a distance of 144.29 feet to a point;

Thence, South 09 degrees 42 minutes 11 seconds West for a distance of 337.42 feet to a point;

Thence, South 10 degrees 38 minutes 41 seconds West for a distance of 220.48 feet to a point;

Thence, South 14 degrees 24 minutes 34 seconds West for a distance of 49.97 feet to the Point of Beginning.

The above-described tract also being the same as shown on that certain map entitled "Boundary Survey for Nolan Commercial Contractors, Inc." as recorded in Book 87, Page 191 in the Pitt County Register of Deeds.

Containing 22.733 acres, more or less.

Red Forbes Road R/W...

Beginning at a Point, said Point being the following courses and distances from the northeastern most corner of Common Area 'B' as shown on that certain plat entitled "Final Plat Villa Grande Phase One Section "A" dated June 14, 2017 as recorded in Book 81, Page 180-181 in the Pitt County Register of Deeds:

Along and with the western right of way of Red Forbes Road (SR 2106), North 14 degrees, 24 minutes, 34 seconds East for a distance of 49.97 feet;  
Thence, North 10 degrees 38 minutes 41 seconds East for a distance of 206.04 feet to the Point of Beginning.

Thence, from said Point of Beginning, along and with the western right of way of Red Forbes Road (SR 2106), North 10 degrees 38 minutes 41 seconds East for a distance of 14.44 feet to a point;

Thence, North 09 degrees 42 minutes 11 seconds East for a distance of 337.42 feet to a point;

Thence, North 12 degrees 11 minutes 03 seconds East for a distance of 144.29 feet to a point;

Thence, leaving the western right of way of Red Forbes Road (SR 2106), South 75 degrees 35 minutes 02 seconds East for a distance of 59.39' feet to a point in the eastern right of way of Red Forbes Road (SR 2106);

Thence, along and with the eastern right of way of Red Forbes Road (SR 2106), South 14 degrees 24 minutes 58 seconds West for a distance of 38.10 feet to a point:

Thence, South 12 degrees 08 minutes 18 seconds West for a distance of 51.96 feet to a point;

Thence, South 10 degrees 13 minutes 14 seconds West for a distance of 53.61 feet to a point;

Thence, South 10 degrees 06 minutes 45 seconds West for a distance of 52.39 feet to a point;

Thence, South 09 degrees 37 minutes 13 seconds West for a distance of 59.84 feet to a point;

Thence, South 09 degrees 35 minutes 42 seconds West for a distance of 59.69 feet to a point;

Thence, South 09 degrees 45 minutes 04 seconds West for a distance of 67.19 feet to a point;

Thence, South 09 degrees 47 minutes 30 seconds West for a distance of 12.05 feet to a point;

Thence, South 09 degrees 47 minutes 30 seconds West for a distance of 97.47 feet to a point;

Thence, leaving the eastern right of way of Red Forbes Road (SR 2106), North 79 degrees 21 minutes 19 seconds West for a distance of 59.45 feet to the Point of Beginning.

Containing 0.67 acres, more or less.

End of Legal Description

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

**VILLA GRANDE PHASE 3 ANNEXATION  
PARCEL NUMBERS: 82582, 19880, 80704, 83029**

**WHEREAS**, petitions requesting annexation of an area described in said petitions were received November 14, 2023 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:

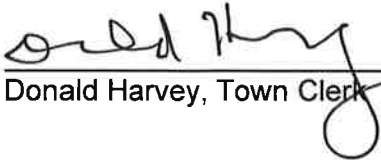
The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of the investigation.

Adopted this the 9<sup>th</sup> day of September 2024.



  
Richard E. Hines, Mayor

ATTEST:

  
Donald Harvey, Town Clerk

**CERTIFICATE OF SUFFICIENCY**

**VILLA GRANDE PHASE 3 ANNEXATION  
PARCEL NUMBERS: 82582, 19880, 80704, 83029**

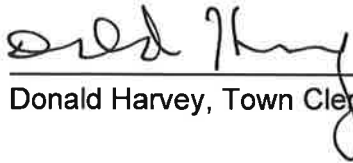
To the Town Council of the Town of Winterville, North Carolina:

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 10<sup>th</sup> day of September 2024.

ATTEST:



  
\_\_\_\_\_  
Donald Harvey, Town Clerk



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** November 4, 2024

**Presenter:** Anthony Bowers, Assistant Town Manager

**Item to be Considered**

**Subject:** Schedule a Public Hearing for the adoption of the new Stormwater Ordinance

**Action Requested:** Schedule a Public Hearing.

**Attachment:** None

**Prepared By:** Anthony Bowers, Assistant Town Manager

**Date:** 10/28/2024

**ABSTRACT ROUTING:**

TC: 10/28/2024

TM: 10/28/2024

Final: tlp - 10/28/2024

**Supporting Documentation**

The Town is required to update our Stormwater Ordinance to reflect new MS4 stormwater regulations. The ordinance was drafted by The Wooten Company and has been reviewed by Town staff. We are looking to schedule this public hearing at our December 9, 2024 meeting.

**Budgetary Impact:** NA.

**Recommendation:** Schedule Public Hearing for December 9, 2024.





**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** November 4, 2024

**Presenter:** Anthony Bowers, Assistant Town Manager

**Item to be Considered**

**Subject:** Adoption of the Resolution (24-R-111) Accepting the Financing from NCDEQ for the Sewer CIP

**Action Requested:** Staff recommends adopt of the resolution.

**Attachment:** Resolution (24-R-111)

**Prepared By:** Anthony Bowers, Assistant Town Manager

**Date:** 10/28/2024

**ABSTRACT ROUTING:**

TC: 10/28/2024

TM: 10/28/2024

Final: tlp - 10/28/2024

**Supporting Documentation**

The Town Council voted to apply for a loan with NCDEQ for the purpose of developing Long Range Capital Improvements Plan. NCDEQ awarded the Town with a 5 year 0% interest loan.

The Town then sent out an RFQ for the services and the contract was awarded to Rivers and Associates.

**Budgetary Impact:** Annual Debt Service of \$30,000.

**Recommendation:** Staff recommends adoption of the resolution accepting the interest free loan.

**RESOLUTION**

**AMERICAN RESCUE PLAN  
ASSET INVENTORY AND ASSESSMENT STUDY**

**WHEREAS**, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

**WHEREAS**, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$150,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and

**WHEREAS**, the Town of Winterville intends to perform said project in accordance with the agreed scope of work,

**NOW, THEREFORE, BE IT RESOLVED BY THE (GOVERNING BODY) OF THE TOWN OF WINTERVILLE:**

That the Town of Winterville does hereby accept the American Rescue Plan (ARP) offer of \$150,000.

That the Town of Winterville does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Terri L Parker, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 4<sup>th</sup> day of November 2024.

---

Richard E. Hines, Mayor

ATTEST:

---

Donald Harvey, Town Clerk

**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified Town Clerk of the Town of Winterville does hereby certify: That the above resolution is a true and correct copy of the resolution authorizing the undertaking of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town Council duly held on the 4th day of November 2024; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF,

I have hereunto set my hand this 4th day of November 2024.

---

Donald Harvey, Town Clerk



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Old Business

**Meeting Date:** November 4, 2024

**Presenter:** Terri L. Parker, Town Manager

**Item to be Considered**

**Subject:** Sutton Capital Group, LLC/Farmstead Subdivision: Utilities Service Issue

**Action Requested:** Accept Report from Sutton Capital Group and Take Action if so Desired.

**Attachment:** Any handouts will be given to Council at the Meeting

**Prepared By:** Terri L. Parker, Town Manager

**Date:** 10/28/2024

**ABSTRACT ROUTING:**

TC: 10/28/2024

TM: 10/28/2024

Final: tlp - 10/28/2024

**Supporting Documentation**

**Sutton Capital Group, LLC/Farmstead Subdivision: Utilities Service Issue.**

Members from the Sutton Capital Group, LLC and their Attorney, Christian Porter requested a Meeting with Mayor Hines, Keen Lassiter and me on September 4, 2024 after they had been made aware of the Council's decision on utility service in the August meeting.

The Group requested how they might have an opportunity to present their "side" of the circumstances to Council and they were informed that they could do so at a Meeting if they request to do so.

The request was made and Sutton Capital Group will be speaking to Council to present their side pertaining to the utility service provision for Farmstead Subdivision.

**Budgetary Impact:** TBD.

**Recommendation:** Accept Report from Sutton Capital Group and Take Action if so desired.



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** Consent Agenda

**Meeting Date:** November 4, 2024

**Presenter:** Stephen Penn, Planning and Economic Development Director

**Item to be Considered**

**Subject:** Eli's Ridge Phase 5 Final Plat.

**Action Requested:** Consider Final Plat.

**Attachment:** Final Plat.

**Prepared By:** Stephen Penn, Planning and Economic Development Director

**Date:** 10/23/2024

**ABSTRACT ROUTING:**

TC: 10/28/2024

TM: 10/28/2024

Final: tjp - 10/28/2024

**Supporting Documentation**

**Applicant:** Stroud Engineering.

**Location:** Eli's Ridge Subdivision off of Worthington Road. .

**Parcel Numbers:** A portion of 84754

**Site Data:**

- This Phase 5.5089 acres.
- This Phase contains 14 Lots.

**Zoning District:** R-10.

**Staff Analysis:**

The Proposed Eli's Ridge Phase 5 Final Plat meets the standards and requirements of the Town of Winterville. This Final Plat has received Technical Review Committee Approval. The Planning and Zoning Board recommended approval of Eli's Ridge Phase 5 at their September 16 Meeting (Unanimous).

**Staff recommends the approval of Eli's Ridge Phase 5 Final Plat as its design meets all requirements of the Town of Winterville.**

\*\*\*\*Note: The "Clara Court" stub was added to allow the adjoining property owner access to their property. The pavement will not be completed unless the adjoining property is ever developed and is consistent with the Preliminary Plat. The property is located within floodplain and floodway and will likely not be developed in the future.

**Budgetary Impact:** TBD.

**Recommendation:** Staff recommends approval of Eli's Ridge Phase 5 Final Plat.



# RECEIVED

SD 9.6.24

**SITE DATA**

TOTAL AREA IN TRACT	5.8988 ACRES
NO. OF LOTS CREATED	14
CURRENT ZONING	R-10
LINEAR FEET IN STREETS	663 LF
AREA IN PARKS OR RECREATION	0.00 AC
COMMON AREA	0.39 AC
MAXIMUM IMPERVIOUS AREA PER LOT	4,400 SF

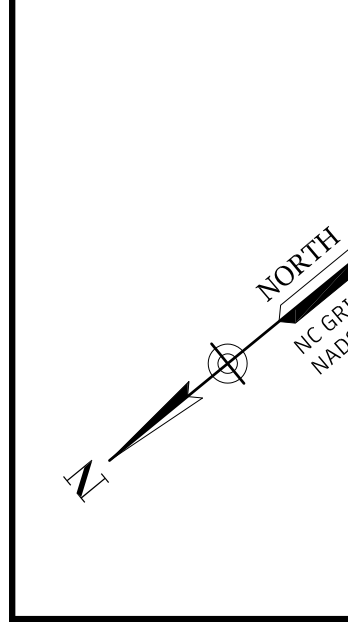
- GENERAL NOTES**
- AREAS CALCULATED BY COORDINATE GEOMETRY.
  - MINIMUM BUILDING SETBACKS:  
FRONT - 25'  
SIDE - 8'  
REAR - 20'
  - A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM.  
REFERENCE: FIRM 3720468400J, DATED 01/02/2004.
  - ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES IN US SURVEY FEET UNLESS OTHERWISE STATED.
  - DRAINAGE SWALES, COMMON AREA, AND RECREATION AREAS TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
  - THE DESIGNATION OVER WATER, SANITARY SEWER, DRAINAGE, AND ELECTRIC LINES ARE FOR THE PURPOSE OF ESTABLISHING THE WIDTH OF SAID EASEMENTS. THE EASEMENTS SHOWN ARE NOT EXCLUSIVE AND WILL PERMIT THE FUTURE INSTALLATION OF WATER, SANITARY SEWER, DRAINAGE, AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS.
  - NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND ADDITIONS OR APPURTENANCES THERETO, SIGNAGE, FENCES WALLS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, LANDSCAPE PLANTINGS, FILL MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, MAIL RECEPTACLES AND IMPERVIOUS SURFACES SHALL ENCRUCH WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR WRITTEN APPROVAL OF THE TOWN OF WINTERTVILLE.

ELI'S RIDGE HOMEOWNERS ASSOCIATION, INC.  
DB 4368, PG. 655  
MB 86, PG. 155

ALVA WAYNE WORTHINGTON, JR.  
ESTATE FILE 22E, SLIDE 696  
DB 1558, PG. 508

PN 87100  
ELI'S RIDGE HOMEOWNERS ASSOCIATION, INC.  
DB 4368, PG. 655  
MB 86, PG. 155

PN 36710  
ALVA WAYNE WORTHINGTON, JR.  
ESTATE FILE 22E, SLIDE 696  
DB 1558, PG. 508



**CURVE TABLE**

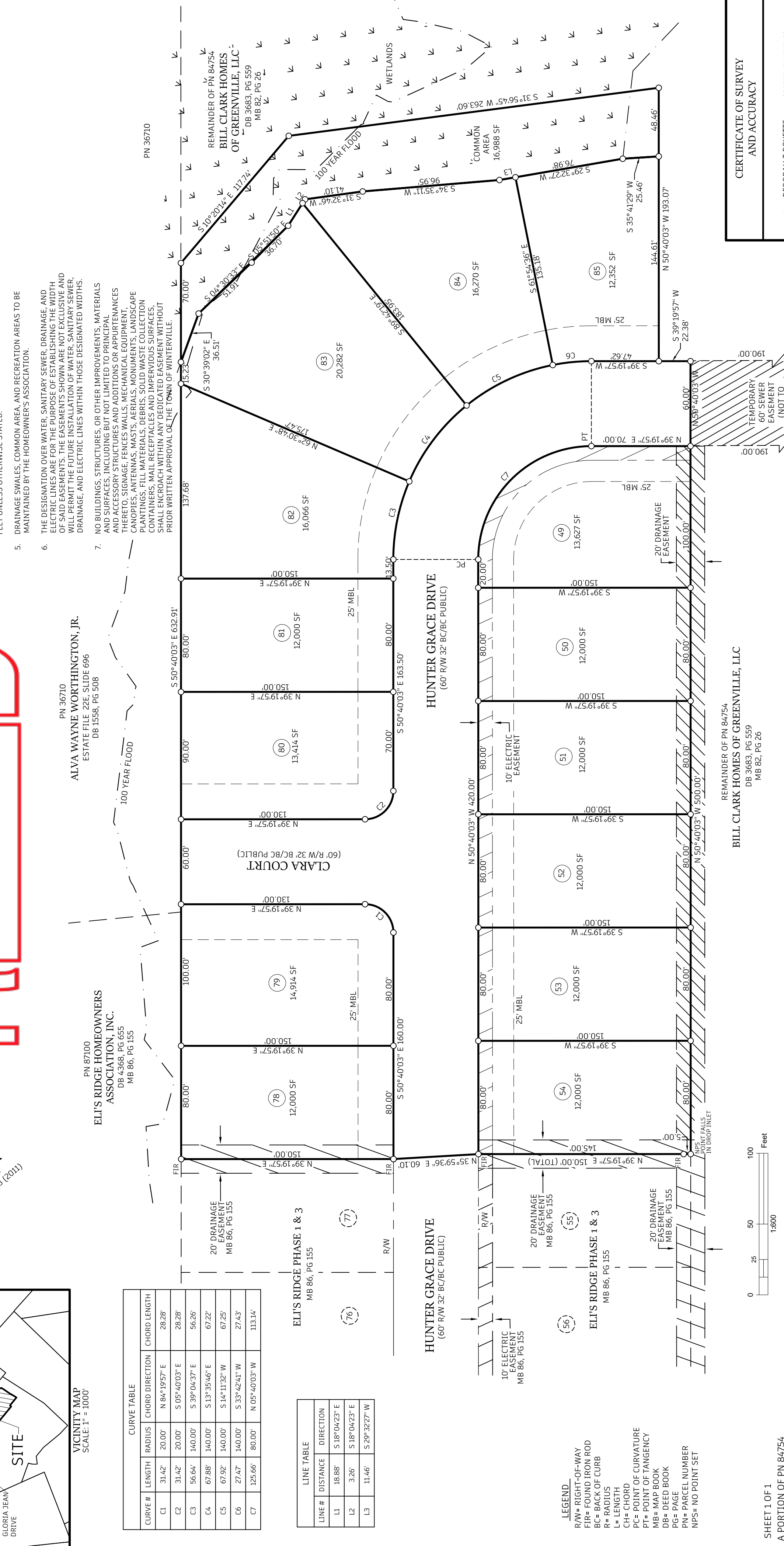
CURVE #	LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	31.42'	20.00'	N 84°19'57" E	28.28'
C2	31.42'	20.00'	S 05°40'03" E	28.28'
C3	56.64'	140.00'	S 39°04'37" E	56.26'
C4	67.88'	140.00'	S 13°35'46" E	67.22'
C5	67.92'	140.00'	S 14°11'32" W	67.25'
C6	27.47'	140.00'	S 33°42'41" W	27.43'
C7	125.66'	80.00'	N 05°40'03" W	113.14'

**LINE TABLE**

LINE #	DISTANCE	DIRECTION
L1	18.88'	S 18°04'23" E
L2	3.26'	S 18°04'23" E
L3	11.46'	S 29°32'27" W

**LEGEND**

R/W= RIGHT-OF-WAY  
FIR= FOUND IRON ROD  
BC= BACK OF CURB  
R= RADIUS  
L= LENGTH  
CH= CHORD  
PC= POINT OF CURVATURE  
PT= POINT OF TANGENCY  
MB= MAP BOOK  
DB= DEED BOOK  
PG= PAGE  
PN= PARCEL NUMBER  
NPS= NO POINT SET



**MAP FOR RECORD**  
**ELI'S RIDGE PHASE 5**

REFERENCE: A PORTION OF THE PROPERTY RECORDED IN DEED BOOK 3683, PAGE 559 OF THE PITT COUNTY REGISTRY

WINTERTVILLE, WINTERTVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

**OWNER:** BILL CLARK HOMES OF GREENVILLE, LLC  
ADDRESS: 200 E ARLINGTON BLVD GREENVILLE, NC 27858  
PHONE: (252) 355-5805

**CERTIFICATE OF SURVEY AND ACCURACY**

I, DEBORAH T. BOYETTE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM A FIELD SURVEY OF THE PROPERTY DESCRIBED IN SUPERVISION LOGS AND DESCRIPTIONS RECORDED IN BOOK, SEE PAGE PLAT, OR FROM BOOKS REFERENCED HEREON. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK, SEE PAGE PLAT, OR AS REFERENCED HEREON. THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:45,029, THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f)(1)(g), THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

SIGNED \_\_\_\_\_  
PROFESSIONAL LAND SURVEYOR L- 4146

**CERTIFICATE OF FINAL APPROVAL**

APPROVED FOR RECORDING BY THE TOWN COUNCIL OF THE TOWN OF WINTERTVILLE, NC ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024 PURSUANT TO AUTHORITY OF SECTION 154.13 IN THE SUBDIVISION REGULATIONS.

**REVIEW OFFICER'S CERTIFICATE**

I, \_\_\_\_\_, REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER \_\_\_\_\_  
DATE \_\_\_\_\_

**CERTIFICATE OF APPROVAL BY THE PLANNING BOARD**

I HEREBY CERTIFY THAT THIS FINAL PLAT WAS RECOMMENDED FOR APPROVAL BY THE PLANNING BOARD OF THE TOWN OF WINTERTVILLE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

DATE \_\_\_\_\_  
MAYOR \_\_\_\_\_

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, THAT THE PROPERTY IS WITHIN THE SUBDIVISION JURISDICTION OF THE TOWN OF WINTERTVILLE AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT AND HEREBY ESTABLISH ALL LOTS AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE \_\_\_\_\_  
OWNER \_\_\_\_\_  
CHAIRMAN, PLANNING BOARD \_\_\_\_\_

**MAP FOR RECORD**  
**ELI'S RIDGE PHASE 5**

REFERENCE: A PORTION OF THE PROPERTY RECORDED IN DEED BOOK 3683, PAGE 559 OF THE PITT COUNTY REGISTRY

WINTERTVILLE, WINTERTVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

**OWNER:** BILL CLARK HOMES OF GREENVILLE, LLC  
ADDRESS: 200 E ARLINGTON BLVD GREENVILLE, NC 27858  
PHONE: (252) 355-5805

**STROUD ENGINEERING, P.A.**  
107-B COMMERCE STREET, GREENVILLE, NC 27858  
(252) 756-9352  
LICENSE NO. C-0647

**APPROVED:** DTB  
**DATE:** 06/05/2024  
**CHECKED:** DTB  
**SCALE:** 1"=50'

**RECEIVED**

SD 9.6.24



**Town of Winterville  
Town Council  
Agenda Abstract**

**Item Section:** New Business

**Meeting Date:** November 4, 2024

**Presenter:** Anthony Bowers, Assistant Town Manager

**Item to be Considered**

**Subject:** Contract Amendment for PEAK Energy Natural Gas Hedging Option.

**Action Requested:** Approve the amendment.

**Attachment:** Contract Amendments.

**Prepared By:** Anthony Bowers, Assistant Town Manager

**Date:** 10/28/2024

**ABSTRACT ROUTING:**

TC: 10/28/2024

TM: 10/28/2024

Final: tlp - 10/28/2024

**Supporting Documentation**

The Town has two contracts for natural gas that is used to fuel the Kings Mountain Energy Plant. The plant is operated by Carolina Power Partners. The natural gas for this plant is purchased through contracts with PEAK Energy.

These amendments will be applied to our two Natural Gas contracts that are currently in place with PEAK Energy.

These amendments will allow the Town of Winterville to “Hedge” the gas markets in an attempt to protect the Town from extremely volatile movements in the natural gas market.

We will be allowed (2) hedges in the summer months and (3) hedges in the winter months.

The theory is to lock in a gas rate for some point in time in the future. For example, if we feel like natural gas prices are going to go up to \$30 per dekatherm then we may agree to purchase a certain amount of gas at a rate of \$25 per dekatherm. The timing of the transaction is critical. You will have to make a decision way in advance of the sell date. If you wanted to hedge for the month of December when the demand is the highest, you will most likely make that purchase in July or August prior.

This is a tool that the town will not use often but is good to have available to as an option with the natural gas markets become unstable.

**Budgetary Impact:** TBD.

**Recommendation:** Staff recommends approval of the amendments.

## FIRST AMENDMENT TO GAS SUPPLY CONTRACT

This FIRST AMENDMENT TO GAS SUPPLY CONTRACT (this “Amendment”) is entered into as of [\_\_\_\_], 2024, by and between PUBLIC ENERGY AUTHORITY OF KENTUCKY, a Natural Gas Acquisition Authority of the Commonwealth of Kentucky (“PEAK”), and Town of Winterville, North Carolina, a political subdivision of the state of North Carolina (“Gas Purchaser”). PEAK and Gas Purchaser are sometimes referred to herein collectively as the “Parties.” Capitalized terms used and not otherwise defined in this Amendment shall have the meanings specified in the Supply Contract (defined below).

### RECITALS

WHEREAS, Gas Purchaser and PEAK are parties to that certain Gas Supply Contract dated December 5, 2018, (the “Supply Contract”); and

WHEREAS, Gas Purchaser and PEAK now desire to amend the Supply Contract to allow Gas Purchaser to convert the Index Price (as defined below) to another price for quantities sold thereunder.

NOW, THEREFORE, in consideration of the premises above and the mutual covenants and agreements herein set forth, Gas Purchaser and PEAK agree as follows:

**Section 1. Amendments to Recitals.** The third paragraph of the recitals to the Supply Contract is amended and restated in its entirety as follows:

“WHEREAS, PEAK has planned and developed a project to acquire long-term Gas supplies originally from Morgan Stanley Capital Group Inc. (“MSCG”), a Delaware corporation and a wholly-owned subsidiary of Morgan Stanley, pursuant to a Prepaid Natural Gas Sales Agreement, dated as of December 6, 2018 (the “Prepaid Gas Agreement”), which Prepaid Gas Agreement was novated by MSCG to Morgan Stanley Energy Structuring, L.L.C. (“MSES”), a Delaware limited liability company, pursuant to that certain Novation Agreement, dated as of November 1, 2020, by and between PEAK, MSES and MSCG), to meet a portion of the Gas supply requirements of Gas Purchaser and other municipal utilities and joint action agencies through a gas prepayment project (the “Prepaid Project”); and”

**Section 2. Amendments to References to MSCG.** Except as expressly set forth in this Amendment, all references to MSCG in the Supply Contract are replaced with references to MSES.

**Section 3. Amendment to Section 1.2.** Section 1.2 (Definitions) is hereby amended by inserting the following defined terms in alphabetical order:

“**Alternate Price**” means a price that is not an Index Price, such as a fixed price, as established pursuant to Section 4.6, to be shown on Exhibit C-1 when applicable.

“**Alternate Price Portion**” means that portion of the Daily Contract Quantity of Gas for which the Alternate Price applies pursuant to Section 4.6.

“*Index Price*” means the index price determined pursuant to Exhibit C (or any substitute index price determined under Section 4.2) for the applicable Gas Day.

**Section 4. Amendment to Section 4.** Section 4.1 (Charge Per MMBtu Delivered) is hereby amended by deleting the first sentence thereof in its entirety and replacing it with the following:

For each MMBtu of Gas delivered by PEAK to Gas Purchaser at the Delivery Points, Gas Purchaser shall pay PEAK (the “Contract Price”) either (1) the Index Price applicable to the relevant quantity of Gas for the applicable Delivery Point minus the Monthly Discount, or (2) an Alternate Price under Section 4.6(a) applicable to the quantity of Gas requested by the submittal of Schedule C-1 and agreed upon pursuant to Section 4.6 for the applicable Delivery Point minus the Monthly Discount.

The remaining sentences of Section 4.1 shall remain unchanged and in full force and effect.

**Section 5. Amendment to Article IV.** Article IV (Pricing of Gas Supply Services) is hereby amended by inserting a new Section 4.6 as follows:

4.6 Alternate Price; Assignment of MTM Exposure Rights and Obligations; Number of Alternate Price Transactions.

(a) Alternate Price. If Gas Purchaser desires to convert the Index Price to an Alternate Price (or an Alternate Price to a different Alternate Price) for all or a portion of the Daily Contract Quantity (“Alternate Price Transaction”), it shall provide written request to PEAK and the Commodity Swap Counterparty in the form of Schedule C-1 at least twenty (20) business days prior to the proposed effective date, which request must specify the quantities and duration. Promptly following receipt of such request, PEAK shall seek indicative Alternate Price quotations from the Commodity Swap Counterparty, Morgan Stanley Capital Group Inc. (“MSCGI”) and Sequent Energy Management LLC (“Sequent”). PEAK shall respond to any such request from Gas Purchaser no later than five (5) days after Schedule C-1 has been provided and such response shall indicate the quotations, if any, received by PEAK and related commercial terms (which commercial terms shall include an additional charge of \$0.03 per MMBtu that would be included in the Alternate Price payable by Gas Purchaser hereunder for any Alternate Price Transaction entered into based on a MSCGI or Sequent quotation). For an Alternate Price Transaction to be effective, the following must occur:

(i) the Parties must mutually agree upon and enter into an amendment to this Contract with the relevant commercial terms, including the Alternate Price (which price may differ from the indicative Alternate Price proposed in this Section 4.6(a) based upon prevailing market conditions), which amendment shall include a new Exhibit C-1 to this Contract that lists the portion of the Daily Contract Quantity for which the Alternate Price applies and the portion, if any, of the Daily Contract Quantity for which the Index Price applies. To facilitate the timely execution of a new Exhibit C-1, the Parties shall agree upon a process for the collection and retention of signatures in escrow and release of such

signatures by email authorization. Any request for an Alternate Price Transaction using Schedule C-1, confirmation of agreement of terms of a new Exhibit C-1, signatures to be escrowed, and authorization to release escrowed signatures under this Section 4.6(a), shall be provided by email notice to each of PEAK and the Commodity Swap Counterparty at the following email addresses: [gballinger@peakgas.net](mailto:gballinger@peakgas.net), [FinancialContractsExternal@uk.bp.com](mailto:FinancialContractsExternal@uk.bp.com) and [GMuniPrepay@bp.com](mailto:GMuniPrepay@bp.com) and the receipt of such emails shall constitute delivery in satisfaction of the requirements in this subsection;

(ii) the Alternate Price must become effective on the first Gas Day of a Month; and

(iii) PEAK and the Commodity Swap Counterparty must execute an appropriate new transaction confirmation with the Commodity Swap Counterparty (any such confirmation, an "Alternate Price Confirmation").

(b) Assignment of MTM Exposure Rights and Obligations. In consideration of PEAK and the Commodity Swap Counterparty's execution of any Alternate Price Confirmation, PEAK assigns and delegates to and Gas Purchaser assumes and agrees to perform, as applicable, the obligation of PEAK to pay the Commodity Swap Counterparty and the right of PEAK to receive from the Commodity Swap Counterparty, as applicable, the mark-to-market payment obligation, if any, as calculated by the Commodity Swap Counterparty pursuant to and arising as a result of the termination of any Alternate Price Confirmation ("MTM Exposure") due to: (i) the failure by Gas Purchaser to perform any obligation under this Contract or the termination of this Contract for any reason whatsoever; or (ii) the failure of the Commodity Swap Counterparty to perform any obligation under an Alternate Price Confirmation. Accordingly, Gas Purchaser agrees to pay the Commodity Swap Counterparty or, as the case may be, the Commodity Swap Counterparty shall be obligated pursuant to the applicable Alternate Price Confirmation to pay Gas Purchaser, in immediately-available funds by electronic-funds transfer, any MTM Exposure calculated and invoiced by the Commodity Swap Counterparty ("MTM Invoice") pursuant to any Alternate Price Confirmation by the payment due date under any Alternate Price Confirmation and specified in the MTM Invoice, which shall be accompanied by all supporting documentation acceptable in industry practice. For further clarity, PEAK agrees that any Alternate Price Confirmation entered into consistent with this Section 4.6 shall require the Commodity Swap Counterparty to: (i) deliver any MTM Invoice reflecting an MTM Exposure obligation directly to Gas Purchaser; (ii) include payment instructions in any such MTM Invoice to the extent that payment is owed by Gas Purchaser to the Commodity Swap Counterparty; and (iii) provide that the Commodity Swap Counterparty shall pay any MTM Exposure obligation owed by the Commodity Swap Counterparty directly to Gas Purchaser consistent with this Section 4.6(b). The MTM Exposure shall be determined by the Commodity Swap Counterparty in a manner consistent with how the Commodity Swap Counterparty would determine the Close-out Amount under and as defined in the 2002 ISDA Master Agreement. Gas Purchaser acknowledges and agrees that its sole recourse



shall be against the Commodity Swap Counterparty for any MTM Exposure due from the Commodity Swap Counterparty.

(c) Number of Alternate Price Transactions. The Parties hereby agree that Gas Purchaser shall be entitled to submit a maximum of two (2) Gas hedge requests corresponding to volumes for any or all Month(s) for each Summer Gas Season (each a “Summer Gas Hedge Request”) and a maximum of three (3) Gas hedge requests corresponding to volumes for any or all Month(s) for each Winter Gas Season (each a “Winter Gas Hedge Request”), which limits shall apply to any hedging requests delivered by Gas Purchaser pursuant to the applicable provisions of (A) this Contract and (B) Gas Purchaser’s Gas Supply Contract with PEAK, dated February 14, 2019. For the avoidance of doubt, only an executed hedging transaction shall count towards the aforementioned maximum hedge request limits. For purposes of this clause (c), “Summer Gas Season” shall mean the Months of April through October and “Winter Gas Season” shall mean the Months of November through March.

(d) Market-Based Adjustment for Alternate Price Gas. Notwithstanding any provision in this Contract to the contrary, if for any reason, including Force Majeure, breach or loss of load, PEAK is unable to sell and deliver or Gas Purchaser is unable to purchase and receive all or any portion of the Daily Contract Quantity for which the Alternate Price applies, the following provisions shall apply:

(i) if the Index Price exceeds the Alternate Price, PEAK shall pay Gas Purchaser the difference between the Index Price and the Alternate Price for each MMBtu of such Gas not delivered and/or received on the relevant Gas Day(s);

(ii) if the Alternate Price exceeds the Index Price, Gas Purchaser shall pay PEAK the difference between the Alternate Price and the Index Price for each MMBtu of such Gas not delivered and/or received on the relevant Gas Day(s);

(iii) solely for the purpose of determining any replacement damages due under Section 6.1 (Cost of Replacement Gas) of this Contract, if applicable, the price per MMBtu that would have been applicable to the undelivered Gas shall be deemed to be the Index Price; and

(iv) for the purpose of this Section 4.6(d), the first Gas through the meter on the relevant Gas Day(s) shall be deemed to be the Alternate Price Portion.

**Section 6. Amendment to Section 5.2.** Section 5.2 (Early Termination Before End of Primary Term) of the Supply Contract is hereby amended by inserting “or the Alternate Price, as applicable” in the last sentence thereof immediately after the words “the applicable index price identified”.

**Section 7. Amendment to Section 14.7.** Section 14.7 (Third-Party Beneficiaries) of the Supply Contract is hereby amended by adding the following as a new final sentence to Section 14.7: “The Commodity Swap Counterparty shall be a third-party beneficiary of this Contract with the right to enforce the provisions of Section 4.6 and shall have all rights of enforcement with



respect to any amounts due from Gas Purchaser under Section 4.6(b). No waiver, amendment, modification or release with respect to this Contract by the Parties or a Party, as the case may be, that could reasonably be expected to adversely affect the Commodity Swap Counterparty shall be effective unless and until the Commodity Swap Counterparty receives written notice and a copy of such proposed waiver, amendment, modification or release and the Commodity Swap Counterparty provides written notice to the Parties that it does not object thereto.”

**Section 8. Amendment to Article XVIII.** Article XVIII (Notices) is hereby amended by adding the following notice information for the Commodity Swap Counterparty:

Commodity Swap Counterparty:

BP Energy Company  
201 Helios Way  
Houston, Texas 77079  
Attention: Contract Services  
Telephone: 713-323-2000  
Email: [financialcontractsexternal@uk.bp.com](mailto:financialcontractsexternal@uk.bp.com)  
and [gmuniprepay@gp.com](mailto:gmuniprepay@gp.com)

**Section 9. Representations and Warranties.** Each Party represents to the other Party as follows:

(a) it is duly organized and validly existing under the laws of the jurisdiction of its organization or incorporation and, if relevant under such laws, in good standing;

(b) it has the power to execute this Amendment and any other documentation relating to this Amendment to which it is a party, to deliver this Amendment and any other documentation relating to this Amendment that it is required by this Amendment to deliver and to perform its obligations under this Amendment, including any future amendments necessary to implement an Alternate Price, and it has taken all necessary action to authorize such execution, delivery and performance;

(c) such execution, delivery and performance do not violate or conflict with any law applicable to it, any provision of its organic documents, any order or judgment of any court or other agency of government applicable to it or any of its assets or any contractual restriction binding on or affecting it or any of its assets;

(d) its obligations under this Amendment constitute its legal, valid and binding obligations, enforceable in accordance with their respective terms, subject to applicable bankruptcy, reorganization, insolvency, moratorium or similar laws affecting creditors' rights generally and subject, as to enforceability, to equitable principles of general application (regardless of whether enforcement is sought in a proceeding in equity or at law); and

(e) it has not failed to pay any amounts when due under the Supply Contract.

**Section 10. Miscellaneous.**

(a) Except as specifically amended herein, the Supply Contract shall be and remain in full force and effect. All definitions in the Supply Contract apply to those defined terms used in this Amendment. This Amendment may be executed in counterparts, which together shall constitute one and the same instrument.

(b) Article XIX (Choice of Law), Article XX (Modifications), Section 25.2 (Headings), Section 25.3 (Severability) and Section 25.4 (Limited Liability) of the Supply Contract are incorporated herein by reference, *mutatis mutandis*, as if fully set forth herein.

[Signature page follows.]

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date first written above.

**PUBLIC ENERGY AUTHORITY OF  
KENTUCKY**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**TOWN OF WINTERVILLE, NORTH  
CAROLINA**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**SCHEDULE C-1 – Alternate Price Transaction**

Alternate Price Target: \$ \_\_\_\_\_ MMBtu

Index Price Portion of DCQ: \_\_\_\_\_ MMBtu

Alternate Price Portion of DCQ: \_\_\_\_\_ MMBtu

Indicate whether a Summer or Winter Gas Hedge Request:

Summer Gas Hedge Request

Winter Gas Hedge Request

Note: Gas Purchaser shall be entitled to submit a maximum of two (2) Gas hedge requests corresponding to volumes for any or all Month(s) for each Summer Gas Season and a maximum of three (3) Gas hedge requests corresponding to volumes for any or all Month(s) for each Winter Gas Season.

Start Date of Alternate Price hedge period: \_\_\_\_\_ \*

Termination Date of Alternate Price hedge period: \_\_\_\_\_ \*\*

\* Must be first Gas Day of a Month.

\*\* Must be the last Gas Day of a Month.

## FIRST AMENDMENT TO GAS SUPPLY CONTRACT

This FIRST AMENDMENT TO GAS SUPPLY CONTRACT (this “Amendment”) is entered into as of [\_\_\_\_], 2024, by and between PUBLIC ENERGY AUTHORITY OF KENTUCKY, a Natural Gas Acquisition Authority of the Commonwealth of Kentucky (“PEAK”), and Town of Winterville, North Carolina, a political subdivision of the state of North Carolina (“Gas Purchaser”). PEAK and Gas Purchaser are sometimes referred to herein collectively as the “Parties.” Capitalized terms used and not otherwise defined in this Amendment shall have the meanings specified in the Supply Contract (defined below).

### RECITALS

WHEREAS, Gas Purchaser and PEAK are parties to that certain Gas Supply Contract dated February 14, 2019, (the “Supply Contract”); and

WHEREAS, Gas Purchaser and PEAK now desire to amend the Supply Contract to allow Gas Purchaser to convert the Index Price (as defined below) to another price for quantities sold thereunder.

NOW, THEREFORE, in consideration of the premises above and the mutual covenants and agreements herein set forth, Gas Purchaser and PEAK agree as follows:

**Section 1. Amendments to Recitals.** The third paragraph of the recitals to the Supply Contract is amended and restated in its entirety as follows:

“WHEREAS, PEAK has planned and developed a project to acquire long-term Gas supplies originally from Morgan Stanley Capital Group Inc. (“MSCG”), a Delaware corporation and a wholly-owned subsidiary of Morgan Stanley, pursuant to a Prepaid Natural Gas Sales Agreement, dated as of February 14, 2019 (the “Prepaid Gas Agreement”), to meet a portion of the Gas supply requirements of Gas Purchaser and other municipal utilities and joint action agencies through a gas prepayment project (the “Prepaid Project”); and”

**Section 2. Intentionally Omitted.**

**Section 3. Amendment to Section 1.2.** Section 1.2 (Definitions) is hereby amended by inserting the following defined terms in alphabetical order:

“**Alternate Price**” means a price that is not an Index Price, such as a fixed price, as established pursuant to Section 4.6, to be shown on Exhibit C-1 when applicable.

“**Alternate Price Portion**” means that portion of the Daily Contract Quantity of Gas for which the Alternate Price applies pursuant to Section 4.6.

“**Index Price**” means the index price determined pursuant to Exhibit C (or any substitute index price determined under Section 4.2) for the applicable Gas Day.

**Section 4. Amendment to Section 4.** Section 4.1 (Charge Per MMBtu Delivered) is hereby amended by deleting the first sentence thereof in its entirety and replacing it with the following:

For each MMBtu of Gas delivered by PEAK to Gas Purchaser at the Delivery Points, Gas Purchaser shall pay PEAK (the “Contract Price”) either (1) the Index Price applicable to the relevant quantity of Gas for the applicable Delivery Point minus the Monthly Discount, or (2) an Alternate Price under Section 4.6(a) applicable to the quantity of Gas requested by the submittal of Schedule C-1 and agreed upon pursuant to Section 4.6 for the applicable Delivery Point minus the Monthly Discount.

The remaining sentences of Section 4.1 shall remain unchanged and in full force and effect.

**Section 5. Amendment to Article IV.** Article IV (Pricing of Gas Supply Services) is hereby amended by inserting a new Section 4.6 as follows:

4.6 Alternate Price; Assignment of MTM Exposure Rights and Obligations; Number of Alternate Price Transactions.

(a) Alternate Price. If Gas Purchaser desires to convert the Index Price to an Alternate Price (or an Alternate Price to a different Alternate Price) for all or a portion of the Daily Contract Quantity (“Alternate Price Transaction”), it shall provide written request to PEAK and the Commodity Swap Counterparty in the form of Schedule C-1 at least twenty (20) business days prior to the proposed effective date, which request must specify the quantities and duration. Promptly following receipt of such request, PEAK shall seek indicative Alternate Price quotations from the Commodity Swap Counterparty, Morgan Stanley Capital Group Inc. (“MSCGI”) and Sequent Energy Management LLC (“Sequent”). PEAK shall respond to any such request from Gas Purchaser no later than five (5) days after Schedule C-1 has been provided and such response shall indicate the quotations, if any, received by PEAK and related commercial terms (which commercial terms shall include an additional charge of \$0.03 per MMBtu that would be included in the Alternate Price payable by Gas Purchaser hereunder for any Alternate Price Transaction entered into based on a MSCGI or Sequent quotation). For an Alternate Price Transaction to be effective, the following must occur:

(i) the Parties must mutually agree upon and enter into an amendment to this Contract with the relevant commercial terms, including the Alternate Price (which price may differ from the indicative Alternate Price proposed in this Section 4.6(a) based upon prevailing market conditions), which amendment shall include a new Exhibit C-1 to this Contract that lists the portion of the Daily Contract Quantity for which the Alternate Price applies and the portion, if any, of the Daily Contract Quantity for which the Index Price applies. To facilitate the timely execution of a new Exhibit C-1, the Parties shall agree upon a process for the collection and retention of signatures in escrow and release of such signatures by email authorization. Any request for an Alternate Price Transaction using Schedule C-1, confirmation of agreement of terms of a new Exhibit C-1, signatures to be escrowed, and authorization to release escrowed signatures under this Section 4.6(a), shall be provided by email notice to each of PEAK and the Commodity Swap Counterparty at the following email addresses: [gballinger@peakgas.net](mailto:gballinger@peakgas.net), [FinancialContractsExternal@uk.bp.com](mailto:FinancialContractsExternal@uk.bp.com) and



[GMuniPrepay@bp.com](mailto:GMuniPrepay@bp.com) and the receipt of such emails shall constitute delivery in satisfaction of the requirements in this subsection;

(ii) the Alternate Price must become effective on the first Gas Day of a Month; and

(iii) PEAK and the Commodity Swap Counterparty must execute an appropriate new transaction confirmation with the Commodity Swap Counterparty (any such confirmation, an “Alternate Price Confirmation”).

(b) Assignment of MTM Exposure Rights and Obligations. In consideration of PEAK and the Commodity Swap Counterparty’s execution of any Alternate Price Confirmation, PEAK assigns and delegates to and Gas Purchaser assumes and agrees to perform, as applicable, the obligation of PEAK to pay the Commodity Swap Counterparty and the right of PEAK to receive from the Commodity Swap Counterparty, as applicable, the mark-to-market payment obligation, if any, as calculated by the Commodity Swap Counterparty pursuant to and arising as a result of the termination of any Alternate Price Confirmation (“MTM Exposure”) due to: (i) the failure by Gas Purchaser to perform any obligation under this Contract or the termination of this Contract for any reason whatsoever; or (ii) the failure of the Commodity Swap Counterparty to perform any obligation under an Alternate Price Confirmation. Accordingly, Gas Purchaser agrees to pay the Commodity Swap Counterparty or, as the case may be, the Commodity Swap Counterparty shall be obligated pursuant to the applicable Alternate Price Confirmation to pay Gas Purchaser, in immediately-available funds by electronic-funds transfer, any MTM Exposure calculated and invoiced by the Commodity Swap Counterparty (“MTM Invoice”) pursuant to any Alternate Price Confirmation by the payment due date under any Alternate Price Confirmation and specified in the MTM Invoice, which shall be accompanied by all supporting documentation acceptable in industry practice. For further clarity, PEAK agrees that any Alternate Price Confirmation entered into consistent with this Section 4.6 shall require the Commodity Swap Counterparty to: (i) deliver any MTM Invoice reflecting an MTM Exposure obligation directly to Gas Purchaser; (ii) include payment instructions in any such MTM Invoice to the extent that payment is owed by Gas Purchaser to the Commodity Swap Counterparty; and (iii) provide that the Commodity Swap Counterparty shall pay any MTM Exposure obligation owed by the Commodity Swap Counterparty directly to Gas Purchaser consistent with this Section 4.6(b). The MTM Exposure shall be determined by the Commodity Swap Counterparty in a manner consistent with how the Commodity Swap Counterparty would determine the Close-out Amount under and as defined in the 2002 ISDA Master Agreement. Gas Purchaser acknowledges and agrees that its sole recourse shall be against the Commodity Swap Counterparty for any MTM Exposure due from the Commodity Swap Counterparty.

(c) Number of Alternate Price Transactions. The Parties hereby agree that Gas Purchaser shall be entitled to submit a maximum of two (2) Gas hedge requests corresponding to volumes for any or all Month(s) for each Summer Gas Season (each a “Summer Gas Hedge Request”) and a maximum of three (3) Gas hedge requests

corresponding to volumes for any or all Month(s) for each Winter Gas Season (each a “Winter Gas Hedge Request”), which limits shall apply to any hedging requests delivered by Gas Purchaser pursuant to the applicable provisions of (A) this Contract and (B) Gas Purchaser’s Gas Supply Contract with PEAK, dated December 5, 2018. For the avoidance of doubt, only an executed hedging transaction shall count towards the aforementioned maximum hedge request limits. For purposes of this clause (c), “Summer Gas Season” shall mean the Months of April through October and “Winter Gas Season” shall mean the Months of November through March.

(d) Market-Based Adjustment for Alternate Price Gas. Notwithstanding any provision in this Contract to the contrary, if for any reason, including Force Majeure, breach or loss of load, PEAK is unable to sell and deliver or Gas Purchaser is unable to purchase and receive all or any portion of the Daily Contract Quantity for which the Alternate Price applies, the following provisions shall apply:

(i) if the Index Price exceeds the Alternate Price, PEAK shall pay Gas Purchaser the difference between the Index Price and the Alternate Price for each MMBtu of such Gas not delivered and/or received on the relevant Gas Day(s);

(ii) if the Alternate Price exceeds the Index Price, Gas Purchaser shall pay PEAK the difference between the Alternate Price and the Index Price for each MMBtu of such Gas not delivered and/or received on the relevant Gas Day(s);

(iii) solely for the purpose of determining any replacement damages due under Section 6.1 (Cost of Replacement Gas) of this Contract, if applicable, the price per MMBtu that would have been applicable to the undelivered Gas shall be deemed to be the Index Price; and

(iv) for the purpose of this Section 4.6(d), the first Gas through the meter on the relevant Gas Day(s) shall be deemed to be the Alternate Price Portion.

**Section 6. Amendment to Section 5.2.** Section 5.2 (Early Termination Before End of Primary Term) of the Supply Contract is hereby amended by inserting “or the Alternate Price, as applicable” in the last sentence thereof immediately after the words “the applicable index price identified”.

**Section 7. Amendment to Section 14.7.** Section 14.7 (Third-Party Beneficiaries) of the Supply Contract is hereby amended by adding the following as a new final sentence to Section 14.7: “The Commodity Swap Counterparty shall be a third-party beneficiary of this Contract with the right to enforce the provisions of Section 4.6 and shall have all rights of enforcement with respect to any amounts due from Gas Purchaser under Section 4.6(b). No waiver, amendment, modification or release with respect to this Contract by the Parties or a Party, as the case may be, that could reasonably be expected to adversely affect the Commodity Swap Counterparty shall be effective unless and until the Commodity Swap Counterparty receives written notice and a copy of such proposed waiver, amendment, modification or release and the Commodity Swap Counterparty provides written notice to the Parties that it does not object thereto.”

**Section 8. Amendment to Article XVIII.** Article XVIII (Notices) is hereby amended by adding the following notice information for the Commodity Swap Counterparty:

Commodity Swap Counterparty:

BP Energy Company  
201 Helios Way  
Houston, Texas 77079  
Attention: Contract Services  
Telephone: 713-323-2000  
Email: [financialcontractsexternal@uk.bp.com](mailto:financialcontractsexternal@uk.bp.com)  
and [gmuniprepay@gp.com](mailto:gmuniprepay@gp.com)

**Section 9. Representations and Warranties.** Each Party represents to the other Party as follows:

(a) it is duly organized and validly existing under the laws of the jurisdiction of its organization or incorporation and, if relevant under such laws, in good standing;

(b) it has the power to execute this Amendment and any other documentation relating to this Amendment to which it is a party, to deliver this Amendment and any other documentation relating to this Amendment that it is required by this Amendment to deliver and to perform its obligations under this Amendment, including any future amendments necessary to implement an Alternate Price, and it has taken all necessary action to authorize such execution, delivery and performance;

(c) such execution, delivery and performance do not violate or conflict with any law applicable to it, any provision of its organic documents, any order or judgment of any court or other agency of government applicable to it or any of its assets or any contractual restriction binding on or affecting it or any of its assets;

(d) its obligations under this Amendment constitute its legal, valid and binding obligations, enforceable in accordance with their respective terms, subject to applicable bankruptcy, reorganization, insolvency, moratorium or similar laws affecting creditors' rights generally and subject, as to enforceability, to equitable principles of general application (regardless of whether enforcement is sought in a proceeding in equity or at law); and

(e) it has not failed to pay any amounts when due under the Supply Contract.

**Section 10. Miscellaneous.**

(a) Except as specifically amended herein, the Supply Contract shall be and remain in full force and effect. All definitions in the Supply Contract apply to those defined

terms used in this Amendment. This Amendment may be executed in counterparts, which together shall constitute one and the same instrument.

(b) Article XIX (Choice of Law), Article XX (Modifications), Section 25.2 (Headings), Section 25.3 (Severability) and Section 25.4 (Limited Liability) of the Supply Contract are incorporated herein by reference, *mutatis mutandis*, as if fully set forth herein.

[Signature page follows.]

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date first written above.

**PUBLIC ENERGY AUTHORITY OF  
KENTUCKY**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**TOWN OF WINTERVILLE, NORTH  
CAROLINA**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**SCHEDULE C-1 – Alternate Price Transaction**

Alternate Price Target: \$ \_\_\_\_\_ MMBtu

Index Price Portion of DCQ: \_\_\_\_\_ MMBtu

Alternate Price Portion of DCQ: \_\_\_\_\_ MMBtu

Indicate whether a Summer or Winter Gas Hedge Request:

Summer Gas Hedge Request

Winter Gas Hedge Request

Note: Gas Purchaser shall be entitled to submit a maximum of two (2) Gas hedge requests corresponding to volumes for any or all Month(s) for each Summer Gas Season and a maximum of three (3) Gas hedge requests corresponding to volumes for any or all Month(s) for each Winter Gas Season.

Start Date of Alternate Price hedge period: \_\_\_\_\_\*

Termination Date of Alternate Price hedge period: \_\_\_\_\_\*\*

\* Must be first Gas Day of a Month.

\*\* Must be the last Gas Day of a Month.