



Mayor

John H. Lampe II

Mayor Pro-Tem

Andy Moore

Council Members

Emery Ashley

J. Perry Harris

Marlon Lee

Travis Scott

Charles A. Williams

Roger A. Wood

Town Attorney

Robert Spence, Jr.

Town Manager

Paul Sabiston

Finance Director

Greg Siler

Town Clerk

Shannan Williams

Town Council

Agenda

Packet

Meeting Date: Tuesday, March 3, 2015

Meeting Time: 7:00 p.m.

Meeting Place: Town Hall Council Chambers

350 East Market Street

Smithfield, NC 27577



**TOWN OF SMITHFIELD
TOWN COUNCIL AGENDA
REGULAR MEETING MARCH 3, 2015
7:00 PM**

Call to Order

Invocation

Pledge of Allegiance – Lead by Girl Scout Troop 3424 members: Sarah Gaskins and Clair McGeough

Approval of Agenda

Page

Presentation:

1. **2014 Smithfield Police Department’s Officer of the Year – Sean Cook**
(Chief of Police – Mike Scott) See attached information.....1

Public Hearings:

1. **RZ-15-01 Nell Howell Estate, Etal:** The applicant is requesting to rezone a 50.4 acre portion of a 66 acre tract of land from LI (Light Industrial) to B-3 (Business) and a 15.6 acre portion of a 66 acre tract of land from LI (Light Industrial) to R-8 (Residential). The request also includes the rezoning of a 28.8 acre portion of a 238.57 acre tract of land from R-6 (Residential) to B-3 (Business) and a 6.6 acre portion of a 238.57 acre tract of land from R-10 (Residential) to R-8 (Residential) and a 4.3 acre portion of a 238.57 acre tract of land from R-20A (Residential-Agriculture) to R-8 (Residential) and a 132.8 acre portion of a 238.57 acre tract of land from R-8 (Residential) to B-3 (Business) These properties are bound to the north by Buffalo Road, to the south by Ava Gardner Avenue to the east by US 70 Bypass and to the west by Booker Dairy Road. The properties considered for rezoning include only the portions of properties located within the Town of Smithfield Planning and Zoning Jurisdiction and are further identified as a 173.8 acre portion Johnston County Tax ID# 14057009 and the entire 66 acres of Johnston County Tax ID# 14054010F. (Planning Director – Paul Emblar) See attached information.....3
2. **CUP-15-01 NC 210 Car Lot:** The applicant is requesting a conditional use permit to construct and operate an automotive sales lot on property located within a B-3 (Business) zoning district. The property considered for approval is located on the

west side of the intersection of Swift Creek Road and NC Hwy 210. The property is further identified as Johnston County Tax ID# 15I09015H.

(Planning Director – Paul Embler) See attached information.....53

Citizens Comments: Please limit all comments to 3 minutes each.

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February 3, 2015 – Regular Meeting.....99

2. Special Event – First Missionary Baptist Church “3on3” Basketball Tourney to be held on May 16, 2015
(Planning Director – Paul Embler) See attached information.....107

3. Career ladder Promotion – Police Department. The Police Department is requesting approval to promote a Police Officer I to the rank of Police Officer II.
(Chief of Police – Mike Scott) See attached information.....109

4. Bid Award and purchase approval of a 2015 Chevrolet 1500 service truck to be utilized by the Public Works Department in the amount of \$24,3332.72. This is a FY2014-2015 budgeted item.
(Public Works Director – Lenny Branch) See attached information.....121

5. Bid Award and purchase approval of a 2015 F350 Flatbed Truck to be utilized by the Public Works Department in the amount of 32,801.00 and to allow staff to move 2,801.00 from the sanitation line item 10-5800-3400. \$30,000 was budgeted in FY2014-2015 for this purchase.
(Public Works Director – Lenny Branch) See attached information.....123

6. New Hire Report
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1. Consideration and approval to allow a Girls Scout Project to Paint a Mural on under Bridge of Highway Business 70 on the Buffalo Creek Greenway.
(Interim Parks and Recreation Director – Gary Johnson) See attached information.....127

2. Consideration and Approval for a Lease Agreement with Prosource of New Fitness Equipment for the Smithfield recreation and Aquatics Center.
(Interim Parks and Recreation Director – Gary Johnson) See attached information.....129

3. **Police Department Promotion and Change in structure** - Consideration and approval to authorize a change in department structure by eliminating the patrol commander position and approve the necessary promotions to two Captain's positions. It is also requested the Council approve the necessary sergeant and lieutenant back-fills created by the two Captain's promotions. It is requested these changes take effect upon the Chief promoting these positions, but not before March 09, 2015.
(Chief of Police – Mike Scott) See attached information.....131
4. **Budget Advisement for reallocation of \$41,000 in the Water & Sewer Department Capital Projects line for AMOS Asset Management and Geographic Information System (GIS).**
(Public Utilities Director – Ken Griffin) See attached information.....135
5. **Budget Advisement for reallocation of \$29,688 in the Water & Sewer Department Capital Projects line for purchase of a Grinder for Lift Station #3.**
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6. **Discussion regarding compensation for Volunteer Fire Department Personnel**
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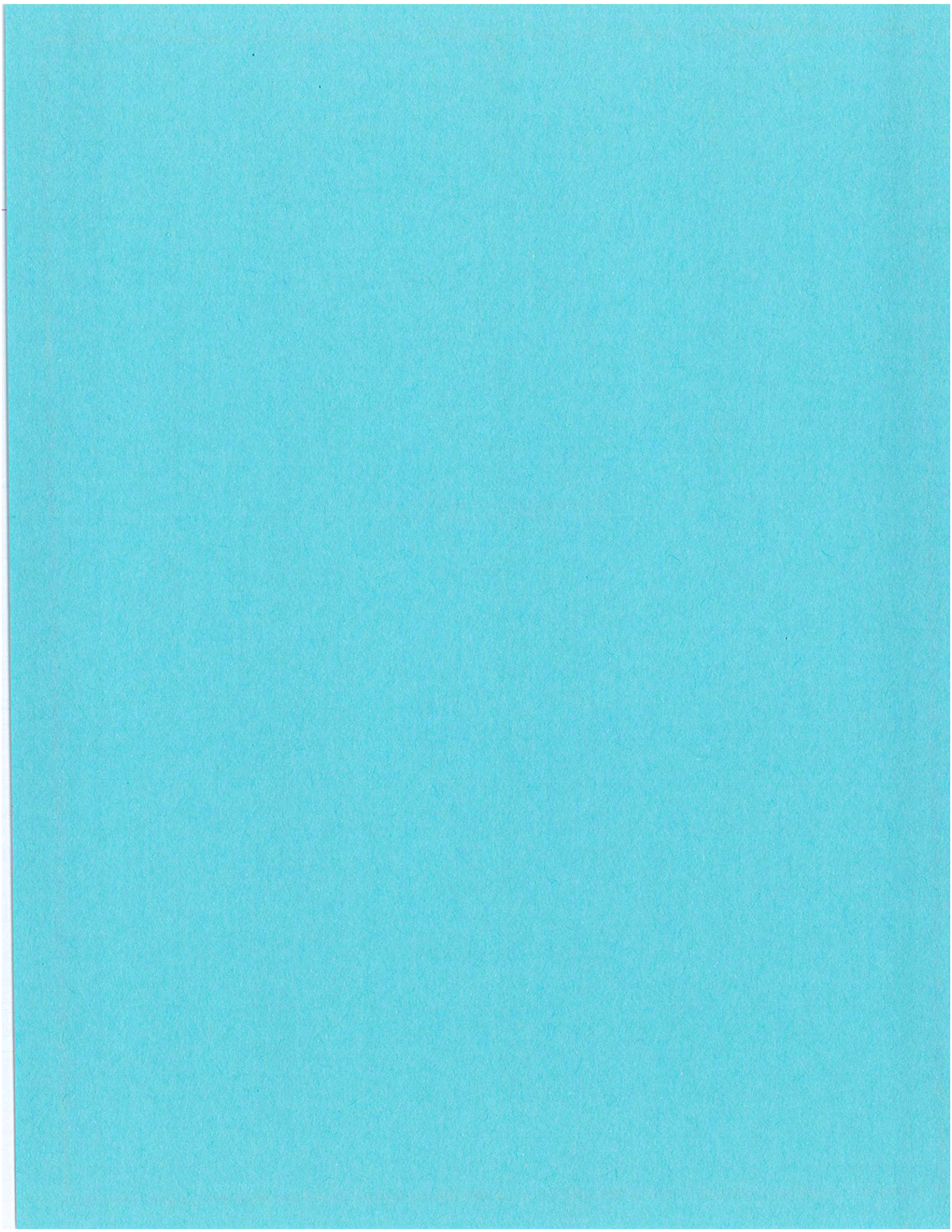
Councilmember's Comments

Town Manager's Report

- Financial Report (See attached information).....145
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- Manager's Report (Will be provided at the meeting)

Adjourn

Presentation



**Town of Smithfield
Town Council
Action Form**

Item: Recognition

Date of Meeting: March 03, 2015

Date Prepared: February 09, 2015

Staff Work By: Chief Michael L. Scott

Presentation: Town Manager's Discretion

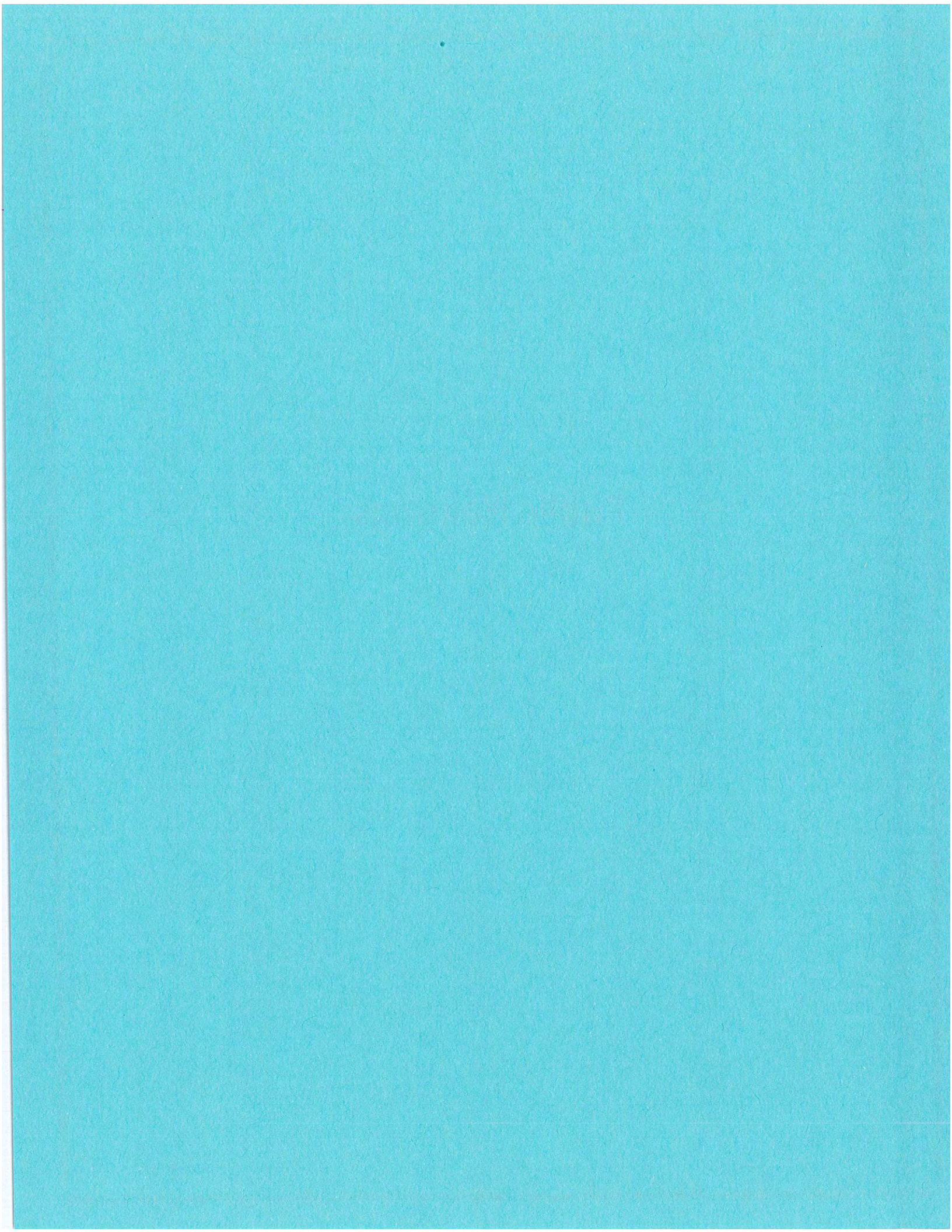
Presentation:

The police department recognizes one officer annually as "Officer of the Year." This employee is nominated by secret ballot, completed by every member of the police department. The officer receiving the most votes is then reviewed by a recognition committee consisting of four lieutenants and the Patrol Commander. The committee then makes a recommendation for Officer of the Year to the Police Chief, who has the final say as to this award. The Officer of the Year for the Smithfield Police Department, 2014 is Officer Sean Cook.

Action Requested:

Officer Cook is a member of Patrol Team "A". Officer Cook has been extremely dedicated to the department and its mission during 2014. Officer Cook often gives freely of his personal time to attend recognition announcements for new hires, as well as other officers. He has been very active in community policing events and has been an outstanding representative of the Smithfield Police Department. It is requested he be issued a plaque identifying him as the 2014 Police Officer of the Year and have his name placed on the annual plaque in the lobby of the police department, proclaiming him as the 2014 Smithfield Police Officer of the Year.

Public Hearings



**Nell Howell Estate, ETAL
RZ-15-01**

For Properties Located at:

The land that is bound to the north by Buffalo Road, to the south by Ava Gardner Avenue to the east by US 70 Bypass and to the west by Booker Dairy Road. The properties are further identified as Johnston County Tax ID# 14057009 and 14054010F.

**Property Owner:
Hope Panara & Allen Wellons**

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Rezoning Request
RZ-15-01**

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Exhibit A
Staff Report



Town of Smithfield
Planning Department
350 East Market Street
P.O. Box 761
Smithfield, NC 27577
Phone: 919-934-2116
Fax: 919-934-1134

STAFF REPORT

Application Number: RZ-15-01
Project Name: Nell Howell Estates, ETAL
TAX ID number: 14054010F and a portion of 14057009
Town Limits/ETJ: City and ETJ
Applicant: Nell Howell Estates, ETAL and Roberts and Wellons, INC
Owners: Nell Howell Estates, ETAL and Roberts and Wellons, INC
Agents: Ronnie L. Sutton
Neighborhood Meeting: none

PROJECT LOCATION: The land that is bound to the north by Buffalo Road, to the south by Ava Gardner Avenue to the east by US 70 Bypass and to the west by Booker Dairy Road. The properties and further identified as Johnston County Tax ID# 14054010F and a portion 14057009.

REQUEST: The applicant is requesting to rezone approximately 238.5 acres of land from predominantly residential and light industrial zoning districts to the B-3 (Business) district and R-8 (Residential) zoning districts.

SITE DATA:

Acreage: 238.5 acres
Present Zoning: R-20A (Residential-Agricultural), R-8 (Residential) and LI (Light Industrial)
Proposed Zoning: B-3 (Business) and R-8 (Residential)
Existing Use: Undeveloped land
Proposed Use: none

DEVELOPMENT DATA:

Proposed Use: none

ENVIRONMENTAL: The property considered for a rezoning has been identified by the Town of Smithfield Future Land Use Plan as containing a few acres of wetlands and a regulated stream.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	R-20A and B-3 (Business)
	Existing Use:	Professional Office
South:	Zoning:	B-3
	Existing Use:	Commercial / Retail
East:	Zoning:	US Hwy 70
	Existing Use:	Limited Access State Highway
West:	Zoning:	R-10 and R-20
	Existing Use:	Residential subdivisions and undeveloped R-20A zoned property

STAFF ANALYSIS AND COMMENTARY:

The property considered for rezoning is a large area of undeveloped land adjacent to, and west of, US Highway 70. The southern-most portion of the property is accessed from Ava Gardner Avenue while the north side of the property is accessed from Buffalo Road. The bulk of the property will be intersected by the proposed Booker Dairy Road Extension which will provide access to the subject property from the west. As proposed, the western most portions of the properties are to be zoned for medium density residential while the remainder of the property will be zoned for commercial land uses.

- **Consistency with the Strategic Growth Plan**

The Strategic Growth Plan has identified this property as being suitable for low density residential land uses. However, the Booker Dairy Road extension is identified on the plan and it is reasonable to assume that upon its construction this land will be attractive to commercial development.

- **Consistency with the Unified Development Code**

The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance provided that all proposed future land uses construct the minimum required parking and meet ADA accessibility standards. Any use requiring outdoor storage will require conditional use permit approval by Town Council.

- **Compatibility with Surrounding Land Uses**

The portion of the property considered for a rezoning is north of, and adjacent to, Smithfield Plaza and any future commercial development along the proposed Booker Dairy Road extension will be a logical expansion of this existing commercial district. The properties fronting on Booker Dairy road will remain zoned for residential and will serve as a buffer from any future commercial development to the east. The northern most portion of the property will be better served by the B-3 (Business) zoning district and will be positioned to capitalize on its close proximity to the US Highway 70 and Buffalo Road interchange.

OTHER:

FIRE PROTECTION: The Town of Smithfield Fire Department will provide fire protection.

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: Access from Ava Gardener Ave, Booker Dairy Rd and Buffalo Rd

WATER/SEWER PROVIDER: Town of Smithfield

ELECTRIC PROVIDER: Town of Smithfield

FINDINGS:

In connection with a legislative decision for a rezoning request, the Town Council may consider certain approval criteria. Please refer to attached "Approval Criteria". Planning Staff generally accepts these findings as fact as part of a complete application submitted by the petitioner.

Planning Department Recommendations: The Planning Department recommends approval of the request to rezone approximately 238.5 acres of land adjacent to US Hwy 70 from the R-20A (Residential-Agricultural), R-8 (Residential), and (Light-Industrial) zoning districts to the B-3 (Business) and R-8 (Residential) zoning districts.

Planning Board Recommendations: The Planning Board at its February 5, 2015 meeting unanimously voted to recommend approval of the request to rezone approximately 238.5 acres of land adjacent to US Hwy 70 from the R-20A (Residential-Agricultural), R-8 (Residential), and (Light-Industrial) zoning districts to the B-3 (Business) and R-8 (Residential) zoning districts.

Town Council Action Requested: The Smithfield Town Council is requested to review the proposal and make a decision in accordance with the approval criteria for the rezoning of 238.5 acres of land.

Exhibit B
Approval Criteria

Town of Smithfield

Rezoning Permit Application

Approval Criteria

Application No. RZ-15-01 Name: Nell Howell Estates, ETAL

Request: Zoning reclassification from R-20A (Residential-Agricultural), R-8 (Residential) and LI (Light-Industrial) to B-3 (Business) and R-8 (Residential).

Article 13 Section 13-17 of the Town of Smithfield Unified Development Ordinance requires all applications for a zoning map amendment to address the following eight findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application.

The Council has the responsibility to determine if the zoning map amendment is warranted. The Town Council of the Town of Smithfield shall decide the matter of this rezoning application by motion and vote on each of the following eight findings of fact. Any motion to find against the application must be supported by statement of specific reason or conclusions reached in support of the motion.

1. Finding One of Eight:

...The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield....

Circle One

A. Agree

The rezoning request from the low density residential and industrial zoning to a commercial driven zoning district all the while retaining the residential component along the North-South portion of Booker Dairy Road seems a reasonable response to the Booker Dairy Road extension project. The Future land use plan has identified this property as being suitable for low density residential development and open space. The plan, while identifying the need for the Booker Dairy Road Extension, does not address the demand for additional commercial zoned property that such a road project can support.

B. Disagree

The Future land use plan has identified this property as being suitable for low density residential development and open space. The additional commercial activity and the traffic generated by such intensive uses offered by the B-3 (Business) zoning district will allow for harmful and adverse impacts on the area in general.

2. Finding Two of Eight

....The rezoning petition is compatible with established neighborhood patterns of the surrounding area....

Circle One

A. Agree

The west most portion of the property considered for rezoning to residential is consistent with existing residential zoning and development patterns on the west side of Booker Dairy Road. The commercial component is a logical extension of an existing of an existing commercial district to the south. Rezoning the northern most portions of the property from an industrial zoning district to a commercial zoning district will better serve the community and may help pave the way for north-south connection between Book Dairy Road and Buffalo Road.

B. Disagree

Although no known compatibility issues with adjacent land uses have occurred in the past, rezoning the bulk of the property to the B-3 (Business) zoning district could create the potential for a new commercial corridor adjacent to US Highway 70 and bring with it additional retail shopping centers, restaurants, gas stations and urban sprawl in general.

3. Finding Three of Eight

....The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning....

Circle One

A. Agree

The rezoning request from the low density residential and industrial zoning to a commercial driven zoning district all the while retaining the residential component on along the north-South portion of Booker Dairy Road seems a reasonable response to the changing conditions in the area, namely the Booker Dairy Road extension.

B. Disagree

2 of 5

RZ-15-01

The rezoning petition is NOT compatible with the changing neighborhood conditions that might warrant a rezoning because the rezoning request will contribute to urban sprawl through the commercialization of every corridor entering and leaving the city.

4. Finding Four of Eight

...The rezoning request is in the community interest....

A. Agree

The rezoning will allow for a wider range of commercial and residential uses and provide additional areas for consideration of large scale commercial developments. The development that will occur from the rezoning will increase the tax base as an additional benefit.

B. Disagree

The denial of the rezoning will be in the best interest of Smithfield because it will maintain a reservoir of low density residential and industrial properties for future development.

5. Finding Five of Eight

...The request does not constitute "Spot Zoning"....

A. Agree

Given the large area proposed for rezoning, it is unlikely an argument could be made for "spot zoning" or "small scale" zoning.

B. Disagree

Since the rezoning does not meet the definition of spot zoning then there is no valid basis for denial.

6. Finding Six of Eight

...Present regulations deny or restrict the economic use of the property....

A. Agree

The property is currently zoned for residential and light industrial uses. However, additional office and commercial uses such as those permitted in the B-3 (Business) zoning district cannot occur unless the property is rezoned.

B. Disagree

There are limited considerations for residential development in the B-3 (Business) zoning district except for high density multi-family developments, these residential uses should be pursued in more depth prior to rezoning to commercial.

7. Finding Seven of Eight

....the availability of public services allows consideration of this rezoning request....

A. Agree

In addition to public water and sewer being available near the site, the property can be served with electricity by the Town of Smithfield. CenturyLink and Time Warner also serve the area with phone and cable respectively.

B Disagree

Since all the above utilities serve the area then there can be no justification to deny the petition.

8. Finding Eight of Eight

....Physical characteristics of the site prohibit development under present regulations....

A. Agree

There are no physical restraints to the area considered for rezoning such as wetlands, stream buffers, potential flood hazard areas and storm water that would outright prohibit development of the property. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc.).

B. Disagree

Since there are no physical features such as rock out crops that would render the rezoned *area undevelopable and given the fact that proper permits more than likely be obtained then there is no basis for denial based on physical characteristics.*

9. Once all findings have been decided one of the two following motions must be made.

Motion to Approve: Based upon satisfactory compliance with the above stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative I move to approve the Rezoning Petition RZ-15-01.

Motion to Deny: Based upon the failure to adequately address all of the above stated eight findings and for the reasons stated therein, I move to deny the Rezoning Petition RZ-15-01.

10. Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Town Council, Rezoning Petition RZ-15-01 is hereby:

Check one

_____ **Approved for the following reasons:**

_____ **Denied for the following reasons:**

Decision made this _____ day of _____, 20____ while in regular session.

John H. Lampe II, Mayor

Attest:

Shannan L. Williams, Town Clerk

5 of 5
RZ-15-01

Exhibit C
Planning Board Minutes/Actions

Planning Board Report for
RZ-15-01
Nell Howell Estate, ETAL

Public hearing held on February 5, 2015

(Excerpt from draft minutes)

After all persons giving testimony were duly sworn, Mr. Foy opened the public hearing.

Mr. Helmer stated the applicant is requesting to rezone a 50.4 acre portion of a 66 acre tract of land from LI (Light Industrial) to B-3 (Business) and a 15.6 acre portion of a 66 acre tract of land from LI (Light Industrial) to R-8 (Residential). The request also includes the rezoning of a 28.8 acre portion of a 238.57 acre tract of land from R-6 (Residential) to B-3 (Business) and a 6.6 acre portion of a 238.57 acre tract of land from R-10 (Residential) to R-8 (Residential) and a 4.3 acre portion of a 238.57 acre tract of land from R-20A (Residential-Agriculture) to R-8 (Residential) and a 132.8 acre portion of a 238.57 acre tract of land from R-8 (Residential) to B-3 (Business). These properties are bound to the north by Buffalo Road, to the south by Ava Gardner Avenue to the east by US 70 Bypass and to the west by Booker Dairy Road. The properties considered for rezoning include only the portions of properties located within the Town of Smithfield Planning and Zoning Jurisdiction and are further identified as a 173.8 acre portion Johnston County Tax ID#14057009 and the entire 66 acres of Johnston County Tax ID# 14054010F.

Mr. Helmer stated the applicant is requesting to rezone approximately 238.5 acres of land from predominantly residential and light industrial zoning districts to the B-3 (Business) district and R-8 (Residential) zoning districts. The property considered for a rezoning has been identified by the Town of Smithfield Future Land Use Plan as containing a few acres of wetlands and a regulated stream. The property considered is a large area of undeveloped land adjacent to, and west of, US Highway 70. The southern-most portion of the property is accessed from Ava Gardner Avenue while the north side of the property is accessed from Buffalo Road. The bulk of the property will be intersected by the proposed Booker Dairy Road Extension which will provide access to the subject property from the west. As proposed, the western most portions of the properties are to be zoned for medium density residential while the remainder of the property will be zoned for commercial land uses.

Mr. Helmer stated the Strategic Growth Plan has identified this property as being suitable for low density residential land uses. However, the Booker Dairy Road extension is identified on the plan and it is reasonable to assume that upon its construction this land will be attractive to commercial development. The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance (UDO) provided that all proposed future land uses construct the minimum required parking and meet ADA accessibility standards. Any use requiring outdoor storage will require conditional use permit approval by Town Council. The portion of the property considered for a rezoning is north of, and adjacent to, Smithfield Plaza and any future

commercial development along the proposed Booker Dairy Road extension will be a logical expansion of this existing commercial district. The properties fronting on Booker Dairy road will remain zoned for residential and will serve as a buffer from any future commercial development to the east. The northern most portion of the property will be better served by the B-3 (Business) zoning district and will be positioned to capitalize on its close proximity to the US Highway 70 and Buffalo Road interchange. The Town of Smithfield will provide fire protection as well as water/sewer and electric services.

Mr. Helmer stated in connection with a legislative decision for a rezoning request, the Planning Board may consider certain approval criteria. Planning staff generally accepts these findings as fact as part of a complete application submitted by the petitioner. The Planning Department recommends approval of the request to rezone approximately 238.5 acres of land adjacent to US Hwy 70 from the R-20A (Residential-Agricultural), R-8 (Residential), and LI (Light Industrial) zoning districts to the B-3 (Business) and R-8 (Residential) zoning districts. The Planning Board is requested to review the proposal and make a recommendation to Town Council for the rezoning of 238.5 acres of land.

Mr. Foy asked if anyone wanted to speak for or against the proposal.

Mr. Foy asked if the NCDOT Booker Dairy Road extension project is where the road turns towards Bright Leaf Boulevard out to 70 bypass.

Mr. Helmer stated the NCDOT road project would extend Booker Dairy Road further east and it would then curve to the south and tie into Ava Gardner Avenue.

Mr. Foy asked if there was any indication when this would start.

Mr. Helmer stated he hoped NCDOT would begin right-of-way acquisition within the next year or two.

Jack Matthews asked if Bayhill Drive would be extended as part of the NCDOT roadway project.

Mr. Helmer stated there are no plans to extend Bayhill Drive at this time.

Mark Lane asked who the property owners are.

Mr. Helmer stated Nell Howell Estate and Roberts and Wellons are the owners.

Teresa Daughtry asked how much of the property would be affected by the proposed Flood Insurance Rate Maps.

Mr. Helmer stated the proposed flood maps show some 100 year floodplain near the existing blue line stream located on the very southeast portion of the property. Mr. Helmer stated he

was confident that any future development proposal would be able to design and engineer around this environmentally sensitive area of the property.

Teresa Daughtry asked if NCDOT have been in contact with the land owners as far as purchasing land and what their plans are.

Mr. Helmer stated he did not know what the NCDOT schedule was for right-of-way acquisition but stated Ron Sutton is present and maybe able to shed some light on NCDOT timelines.

Daniel Sanders asked if Army Corp Engineer has anything to do with this development.

Mr. Helmer stated the Army Corp will be the regulatory agency responsible for permitting development proposals affected by delineated wetlands and are a part of the development review process. However, there is no development proposal at this time and only a change in the zoning classification is being considered at this time.

Daniel Sanders asked how big the proposed highway is supposed to be.

Mr. Helmer stated the plans that he has been shown looks like a four lane divided highway on the extended portion of Booker Dairy Road.

Mark Lane asked what is the difference is between R-8 and R-10 zoning district.

Mr. Helmer stated that the R-10 zoning district is a medium density residential zoning district that is suitable for single family homes. The R-8 zoning district allows for a slightly smaller lot and allows for multi-family housing such as duplexes and apartment complexes.

Teresa Daughtry asked if the applicant is requesting all of this to be rezoned at one time.

Mr. Helmer stated that one petition is adequate to amend the official zoning map.

Ron Sutton, with Herring-Sutton Associates, is representing Nell Howell Family Trust as well as Mr. Wellons and partners who own the property being considered for rezoning. He stated he agrees with the recommendations that staff has presented and asked the Board if they had any questions he may answer for them.

Mr. Foy asked Mr. Sutton if he had anything he would like to add to what has already been said.

Mr. Sutton stated that NCDOT has delayed completion of the Booker Dairy Road plan about 180 days. They were supposed to be completed by December 31st of 2015 but that has not been confirmed to date. Once the plan is completed, a right-of-way acquisition has to be made but at this time there hasn't been one initiated. It is understood, in discussion, that NCDOT is looking to build two lanes at this time.

Teresa Daughtry asked if NCDOT is planning on making the proposed road a controlled road.

Mr. Sutton stated the environmental review that was approved for this project on Booker Dairy Road actually called for one point of access which crosses the Howell property.

Teresa Daughtry asked if a water main was being installed on the Wellons property.

Mr. Sutton stated he is not familiar with any utility expansion in that area.

Daniel Sanders asked Mr. Sutton if this would have to be presented back to the Board if NCDOT does not approve.

Mr. Sutton stated that NCDOT does not have any authority over how a piece of property is zoned.

Teresa Daughtry asked if changing the zoning would affect the price that NCDOT would have to pay the property owners.

Mr. Sutton stated he does not have that answer as he is not a real estate broker.

Mr. Foy closed the public meeting for RZ-15-01 and asked for a motion.

Stephen Upton made a motion, seconded by Daniel Sanders, to move to the Finding of Fact.

In connection with a legislative decision for a rezoning request, the Planning Board may consider certain approval criteria. Planning staff generally accepts these findings as fact as part of the complete application submitted by the petitioner.

Article 13 Section 13-17 of the Town of Smithfield Unified Development Ordinance requires all applications for a zoning map amendment to address the following eight findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application.

The Planning Board has the responsibility to determine if the zoning map amendment is warranted. The Planning Board shall recommend and Town Council of the Town of Smithfield shall decide the matter of this rezoning application by motion and vote on each of the following eight findings of fact. Any motion to find against the application must be supported by statement of specific reason or conclusions reached in support of the motion.

1. *The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:*

The existing land use plan of the Town of Smithfield indicates the property to be developed as commercial, office and institutional/high density residential, medium

density residential, and open space low density residential. It should be noted that the open/space low density residential area as shown on the future land use plan was zoned industrial in recent years and is located adjacent to US Highway 70. In discussions with the Town of Smithfield officials it was indicated that commercial land uses were compatible with current visions of the Town of Smithfield. **All members stated true.**

2. The rezoning petition is compatible with established neighborhood patterns of the surrounding area:

It is our opinion that the proposed rezoning request is compatible with established neighborhood patterns due to existing and proposed highway patterns and proposed buffering of commercial zoning adjacent to existing residential land uses. **All members stated true.**

3. The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:

The rezoning request as proposed is compatible with changing neighborhood patterns that will result from the proposed extension of Booker Dairy Road. **All members stated true.**

4. The rezoning request is in the community interest:

It is our opinion that this rezoning is in the communities best interest by providing opportunities for both commercial and multi-family land uses where the highway infrastructure can best support these types of land uses. **All members stated true.**

5. The request does not constitute "Spot Zoning":

In our opinion the proposed rezoning request does not in any way constitute "spot zoning" **All members stated true.**

6. Present regulations deny or restrict the economic use of the property:

While present regulations do not deny or restrict economic use of the property, the majority of the current zoning is not compatible with the presences of an/extensive multi-lane highway system or soil conditions that are not conducive to residential development on an economic or quality of life view point. **All members stated true.**

7. The availability of public services allows consideration of this rezoning request:

As previous stated the area of the proposed zoning request is bounded by an extensive highway system both existing and proposed. Also water, sewer, electrical and gas utilities are readily available to the site. **All members stated true.**

8. Physical characteristics of the site prohibit development under present regulations:

Due to the nature of the soils in the area and its properties proximity to existing US Highways and existing commercial land uses, the property is not conducive to being developed in a residential land use pattern. *All members stated true.*

Based upon satisfactory compliance with the above stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative;


Stephen Upton made a motion, seconded by Jack Matthews, to recommend approval to rezone approximately 238.5 acres of land from predominantly residential and light industrial zoning districts to the B-3 (Business) district and R-8 (Residential) zoning districts.

Duly adopted this the 19th day of February 2015.



Eddie Foy, Planning Board Chairman

ATTEST



Mark E. Helmer, AICP, CZO
Senior Planner

Exhibit D
Adjoining Property Owner Certification



PLANNING DEPARTMENT

Paul C. Emblar, Jr., Director

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, RZ-15-01, were notified by First Class Mail on 2-18-15.

Mark E. Helmer
Signature

Johnston County, North Carolina

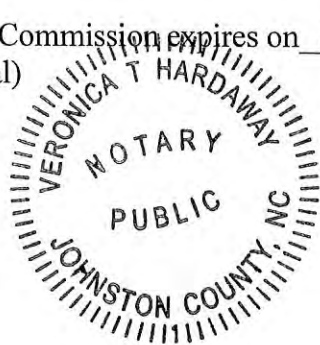
I, Veronica T. Hardaway, a Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

16th day of February, 2015

Veronica T Hardaway
Notary Public Signature

Veronica T Hardaway
Notary Public Name

My Commission expires on 1-14-18
(Seal)



Adjacent Property Owners of
RZ-15-01

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIP CODE
14054042A	260503-33-8587	ROBERTS & WELLONS INC	PO BOX 1046	SMITHFIELD	NC	27577-0000
14057009J	260410-36-4416	SILVA, RUTH M	12 HAZELWOOD CT	SMITHFIELD	NC	27577-0000
14056003	260406-38-2213	AUSTIN, DALE L	1116 E BOOKER DAIRY RD	SMITHFIELD	NC	27577-9416
14001015	260407-69-5794	DAVIS, JANE WILLIAMS	7111 E CREEK EDGE DRIVE	WILMINGTON	NC	28409-0000
14056004	260406-38-1350	LMR RENTALS A NC GENERAL	201 S BRIGHTLEAF BLVD STE 5	SMITHFIELD	NC	27577-4077
14057012A	260406-37-7911	RAY, LOIS B	1215 E BOOKER DAIRY RD	SMITHFIELD	NC	27577-0000
14057012A	260406-37-7911	RAY, LOIS B	1215 E BOOKER DAIRY RD	SMITHFIELD	NC	27577-0000
14057010	260406-38-6294	OLSEN, PAUL A	1211 BOOKER DAIRY RD	SMITHFIELD	NC	27577-9419
14057012	260406-38-8131	OLSEN, MARGIE B	P O BOX 681	SMITHFIELD	NC	27577-0000
14057151L	260406-37-3981	MOORE, JAMES H JR	713 CHESTNUT DR	SMITHFIELD	NC	27577-0000
14057012B	260406-38-6101	STANCIL, CARL THOMAS	1209 BOOKER DAIRY RD	SMITHFIELD	NC	27577-0000
14057013	260406-37-6933	RAY, LOIS B	1215 E BOOKER DAIRY RD	SMITHFIELD	NC	27577-0000
14057013A	260406-37-6929	OLSEN, PAUL A	P O BOX 681	SMITHFIELD	NC	27577-0681
14057016	260410-36-8508	PILKINGTON, CLIFTON JACKSON	P O BOX 355	GRIFTON	NC	28530-0355
14074002K	260410-46-4209	BAM PROPERTIES OF NC LLC	285 SHIPWASH DR	GARNER	NC	27529-0000
14074002L	260410-46-3314	BAM PROPERTIES OF NC LLC	285 SHIPWASH DR	GARNER	NC	27529-0000
14074002M	260410-46-1327	BOOKER DAIRY HOMEOWNERS ASSOC	6301 BRACK PENNY RD	RALEIGH	NC	27603-0000
14074002N	260410-46-2313	PITTMAN, HARRY M	151 VALLEYWOOD CIRCLE	SMITHFIELD	NC	27577-0000
14074002W	260410-46-0333	FOX, JOHN E JR	172 CREEKWOOD CIRCLE	SMITHFIELD	NC	27577-0000
14074002Y	260410-36-8331	JERRY GOWER CONSTRUCTION CO IN	7324 SEIMANS ROAD	WENDELL	NC	27591-0000
14074002C	260410-46-7237	BOTKIN, CARLOS EARL	368 BAYHILL DRIVE	SMITHFIELD	NC	27577-0000
14L09033L	260503-31-2956	BLACKWELL, CYNTHIA DIAN	5142 BALLANTINE DRIVE	SUMMERVILLE	SC	29485-0000
14L09042A	260503-43-0320	MILLER, HELEN JEAN	3164 BUFFALO RD	SMITHFIELD	NC	27577-0000
14L09042B	260503-43-0039	MILLER, HELEN JEAN	3164 BUFFALO RD	SMITHFIELD	NC	27577-0000
14L09034L	260503-32-3041	KIRKS, TRAVIS EDWARD	20531 BURWOOD CIR	KATY	TX	77449-5042
14L09042E	260503-42-0321	MILLER, HELEN JEAN	3164 BUFFALO RD	SMITHFIELD	NC	27577-0000
14M09029A	260406-38-2525	GEORGE C MCLAMB PROPERTIES LLC	5494 WILSONS MILLS RD	CLAYTON	NC	27520-0000
14N99005J	260503-32-5875	KIRKS, DENNIS L	303 ANDOVER RD	BILLERICA	MA	01821-0000
14N99009	260503-32-7596	WORLEY, KATHIE L	405 BAILEY AVE	KENLY	NC	27542-0000
14057032B	260411-76-1412	LEE 1996 FAMILY LTD PTNRP	PO BOX 237	SMITHFIELD	NC	27577-0237

Adjacent Property Owners of

RZ-15-01

14057008G	260410-36-4743	GILMORE, RODNEY	9 SHERWOOD CT	SMITHFIELD	NC	27577-4835
14057151S	260410-37-4365	BUTLER, RONNIE	1 EDEN DR	SMITHFIELD	NC	27577-4804
14057152D	260410-36-3976	BARBOUR, GAYLE C	8 ALPINE CT	SMITHFIELD	NC	27577-0000
14057151A	260406-37-4545	SHEEHAN, JEAN O	2 EDEN DRIVE	SMITHFIELD	NC	27577-0000
14057196C	260410-36-3874	LITTLEFIELD, HORACE C	7 SHERWOOD CT	SMITHFIELD	NC	27577-4835
14L10080	260411-66-5285	H O I LIMITED PARTNERSHIP	PO BOX 26405	GREENSBORO	NC	27404-0000
14057009H	260410-36-4353	EASTERLING, JULIEANNE G	10 HAZELWOOD CT	SMITHFIELD	NC	27577-0000
14074002E	260410-46-5337	NGUYEN, VU	521 INDUSTRIAL PARK DR	SMITHFIELD	NC	27577-6011
14057015	260410-36-6799	SULLIVAN, THOMAS E	1505 E BOOKER DAIRY ROAD	SMITHFIELD	NC	27577-0000
14057016A	260410-36-9850	SULLIVAN, THOMAS E	1505 BOOKER DAIRY RD	SMITHFIELD	NC	27577-0000
14054010P	260504-60-4924	SYSCO FOOD SERVICES OF RAL LLC	1032 BAUGH RD	SELMA	NC	27576-0000
14054041	260503-44-4393	ROBERTS & WELLONS	P O BOX 299	SMITHFIELD	NC	27577-0000
14057009	260407-57-1688	NELL M HOWELL REVOC TRUST	PO BOX 528	SMITHFIELD	NC	27577-0000
14054010F	260503-42-3243	ROBERTS & WELLONS, INC	P O BOX 986	SMITHFIELD	NC	27577-0000
14057151K	260406-37-4712	CHAPPELL, LUCILLE	1302 BOOKER DAIRY RD	SMITHFIELD	NC	27577
14056005	260406-38-0386	STIERS, HARRY A	586 HOLLEY BERRY LANE	SELMA	NC	27576-0000
14054010	260504-71-1691	WELLONS, ALLEN H	P O BOX 986	SMITHFIELD	NC	27577-0000
14057012D	260411-55-3715	WALMART REAL ESTATE TRUST	PO BOX 8050M MS 0555	BENTONVILLE	AR	72712-8050
14074002D	260410-46-7326	MILAZZOTTO, ANA LUCIA	388 BAYHILL DR	SMITHFIELD	NC	27577-9433
14057152E	260410-37-4062	BEAN, HOWARD B	116 PRINCESS ST	ALEXANDRIA	VA	22314-0000
14057152F	260410-37-4166	TAYLOR, LESLIE L III	P O BOX 1376	SMITHFIELD	NC	27577-4818
14057196	260410-36-3589	HIGGENBOTTOM, MICHAEL DAVID	8 SHERWOOD COURT	SMITHFIELD	NC	27577-0000
14057026	260412-76-5550	CREECH, MERLEON G	P O BOX 39	PINE LEVEL	NC	27568-0000
14057004D	260406-39-3596	E & F PROPERTIES INC	PO BOX 1352	SMITHFIELD	NC	27577-0000
14057152G	260410-37-3260	ELLIOTT, CHARLES WALLACE JR	7 ALPINE CT	SMITHFIELD	NC	27577-4818
14056002	260406-38-3184	EST	1700 WOODARD RD	PRINCETON	NC	27569-8309
14057004B	260406-38-3522	WALKER, EDWARD J	148 PONDEROSA RD	MOSHANNON	PA	16859-7330
14074002X	260410-36-9345	TITMUS, HENRY EDWARD	169 CREEKWOOD CIR	SMITHFIELD	NC	27577-9411
14057001G	260503-21-8681	HAYWOOD, MILES	4616 TALL TREE LN	WILMINGTON	NC	28409-3300
14074001M	260410-36-7441	JEMMA PROPERTIES LLC	3717 ROLSTON DR	RALEIGH	NC	27609-7226
14057001A	260503-20-9910	SULLIVAN, THOMAS E	1505 E BOOKER DAIRY RD	SMITHFIELD	NC	27577-0000



PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

Notice Of Public Hearings

Notice is hereby given that public hearings will be held before the Town Council of the Town of Smithfield, N.C., on Tuesday, March 3, 2015 at 7:00 P.M in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

CUP-15-01 NC 210 Car Lot: The applicant is requesting a conditional use permit to construct and operate an automotive sales lot on property located within a B-3 (Business) zoning district. The property considered for approval is located on the west side of the intersection of Swift Creek Road and NC Hwy 210. The property is further identified as Johnston County Tax ID# 15109015H.

RZ-15-01 Nell Howell Estate, Etal: The applicant is requesting to rezone a 50.4 acre portion of a 66 acre tract of land from LI (Light Industrial) to B-3 (Business) and a 15.6 acre portion of a 66 acre tract of land from LI (Light Industrial) to R-8 (Residential). The request also includes the rezoning of a 28.8 acre portion of a 238.57 acre tract of land from R-6 (Residential) to B-3 (Business) and a 6.6 acre portion of a 238.57 acre tract of land from R-10 (Residential) to R-8 (Residential) and a 4.3 acre portion of a 238.57 acre tract of land from R-20A (Residential-Agriculture) to R-8 (Residential) and a 132.8 acre portion of a 238.57 acre tract of land from R-8 (Residential) to B-3 (Business) These properties are bound to the north by Buffalo Road, to the south by Ava Gardner Avenue to the east by US 70 Bypass and to the west by Booker Dairy Road. The properties considered for rezoning include only the portions of properties located within the Town of Smithfield Planning and Zoning Jurisdiction and are further identified as a 173.8 acre portion Johnston County Tax ID# 14057009 and the entire 66 acres of Johnston County Tax ID# 14054010F.

You have been identified as a property owner in the area specified above and are being advised of this meeting as you may have interest in this matter. You are welcome to attend; however, you are not required to in order for the Board to act on this request. Additional information may be obtained by contacting the Town of Smithfield Planning Department at 919-934-2116.



PLANNING DEPARTMENT

Paul C. Emblar, Jr., Director

Notice Of Public Hearings

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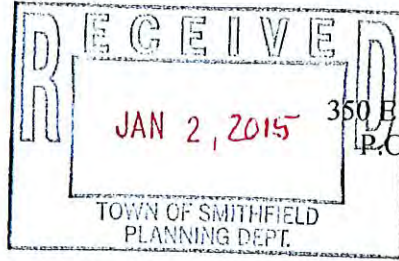
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All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiries regarding this matter may be directed to the Smithfield Planning Department at (919) 934-2116 or online at www.smithfield-nc.com.

Run "Legal Ad" in the Smithfield Herald on 2/18/15 and 2/25/15

Exhibit E
Rezoning Application



Town of Smithfield
 Planning Department
 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
 Phone: 919-934-2116
 Fax: 919-934-1134

REZONING APPLICATION

Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00 for a rezoning to a Standard District.

Name of Project: NELL HOWELL ESTATE, ETAL Acreage of Property: 248 +/- acres
 Parcel ID Number: 260407-57-1688 & 260503-42-3243 Tax ID: 14057009 & 1405401F
 Deed Book: 03334 & 01898 Deed Page(s): 0883 & 0361
 Address: P.O. BOX 528, SMITHFIELD, NC 27577 & P.O. BOX 986, SMITHFIELD, NC 27577
 Location: BOUNDED ON THE NORTH BY BUFFALO ROAD; ON THE EAST BY US HIGHWAY 70; ON THE SOUTH BY US HIGHWAY 301 AND ON THE WEST GENERALLY BY BOOKER DAIRY ROAD.
 Existing Use: PASTURE/AGRICULTURAL Proposed Use: COMMERCIAL/MULTI-FAMILY
 Existing Zoning District: B-3, R-8, R-10, R-20A & LI
 Requested Zoning District B-3 AND R-8
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): _____
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): _____

FOR OFFICE USE ONLY

File Number: RZ-15-01 Date Received: 1/2/15 Amount Paid: \$300.⁰⁰

OWNER INFORMATION:

Name: NELL HOWELL ESTATE; ROBERTS AND WELLONS, INC; AND RULDOPLH A. HOWELL
Mailing Address: P.O. BOX 528 SMITHFIELD, NC 27577 & P.O. BOX 986 SMITHFIELD, NC 27577
Phone Number: 919-934-0553 NHESI/919-934-0053 ROBERTS & WELLONS **Fax:** 919-934-4613 ROBERTS & WELLONS
Email Address: HOPE PANARA - hpanara@mac.com / ALLEN WELLONS - allen@wilkinswellon.com

APPLICANT INFORMATION:

Applicant: Same as Above
Mailing Address: Same as above
Phone Number: Same as above **Fax:** Same as above
Contact Person: Ronnie L. Sutton, P.E
Email Address: rsutton@herring-sutton.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

The following items must accompany a Conditional Use Permit application. This information is required to be present on all plans, except where otherwise noted:

- A map with metes and bounds description of the property proposed for reclassification.
- A list of adjacent property owners.
- A statement of justification.
- Other applicable documentation: _____

STATEMENT OF JUSTIFICATION

Please provide detailed information concerning all requests. Attach additional sheets if necessary.

THE PROPERTY REQUESTED TO BE REZONED IS ADJACENT TO AN ESTABLISHED SHOPPING CENTER/COMMERCIAL AREA AND IS GENERALLY BOUNDED ON THE SOUTH BY BRIGHTLEAF BLVD. (US HIGHWAY 301) AND ON THE WEST BY US HIGHWAY 70, ON THE NORTH BY BUFFALO ROAD (SR 1003) AND ON THE EAST BY BOOKER DAIRY ROAD (SR 19230. THE PROPOSED EXTENSION OF BOOKER DAIRY ROAD IS RESULTS IN VIRTUALLY SPLITTING THE PROPERTY PROPOSED TO BE REZONED IN HALF. SINCE THE 1990'S THE COMMUNITY AS LOOKED UPON THIS PROPERTY AS BEING COMMERCIAL WITH THE CHAMBER COMMISSIONING STUDIES AND PREPARATION OF SKETCH PLANS PROPOSING THE PROPERTY TO BE GENERALLY COMMERCIAL IN LAND USE. FROM THE INFORMATION WE HAVE GATHER THERE IS A PLANNING AND GROWTH OPINION THAT THIS TRACT OF LAND WILL BE THE NEXT COMMERCIAL GROWTH AREA IN SMITHFIELD. WITH THE PROPERTIES PROXIMITY TO US HIGHWAY 301, HIGHWAY 70 AND THE PROPOSED EXTENSION OF BOOKER DAIRY ROAD, THE MOST APPROPRIATE LAND USE IS COMMERCIAL AND SUPPORTING HIGH DENSITY RESIDENTIAL.

REQUIRED FINDINGS OF FACT

Article 13, Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for zoning map amendment to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

1. *The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:*

THE EXISTING LAND USE PLAN OF THE TOWN OF SMITHFIELD INDICATES THE PROPERTY TO BE DEVELOPED AS COMMERCIAL, OFFICE & INSTITUTIONAL/HIGH DENSITY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL, AND OPEN SPACE LOW DENSITY RESIDENTIAL. IT SHOULD BE NOTED THAT THE OPEN/SPACE LOW DENSITY RESIDENTIAL AREA AS SHOWN ON THE FUTURE LAND USE PLAN WAS ZONED TO INDUSTRIAL IN RECENT YEARS AND IS LOCATED ADJACENT TO US HIGHWAY 70. IN DISCUSSIONS WITH TOWN OF SMITHFIELD OFFICIALS IT WAS INDICATED THAT COMMERCIAL LAND USES WERE COMPATIBLE WITH CURRENT VISIONS OF THE TOWN OF SMITHFIELD.

2. *The zoning petition is compatible with established neighborhood patterns of the surrounding area:*

IT IS OUR OPINION THAT THE PROPOSED REZONING REQUEST IS COMPATIBLE WITH ESTABLISHED NEIGHBORHOOD PATTERNS DUE TO EXISTING AND PROPOSED HIGHWAY PATTERNS AND PROPOSED BUFFERING OF COMMERCIAL ZONING ADJACENT TO EXISTING RESIDENTIAL LAND USES.

3. *The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:*

THE REZONING REQUEST AS PROPOSED IS COMPATIBLE WITH CHANGING NEIGHBORHOOD PATTERNS THAT WILL RESULT FROM THE PROPOSED EXTENSION OF BOOKER DAIRY ROAD.

4. *The rezoning request is in the community interest:*

IT IS OUR OPINION THAT THIS REZONING IS IN THE COMMUNITIES BEST INTEREST BY PROVIDING OPPORTUNITIES FOR BOTH COMMERCIAL AND MULTI-FAMILY LAND USES WHERE THE HIGHWAY INFRASTRUCTURE CAN BEST SUPPORT THESE TYPES OF LAND USES.

5. *The request does not constitute "Spot Zoning":*

IN OUR OPINION THE PROPOSED REZONING REQUEST DOES NOT IN ANY WAY CONSTITUTE "SPOT ZONING".



Town of Smithfield
 Planning Department
 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
 Phone: 919-934-2116
 Fax: 919-934-1134

OWNER'S CONSENT FORM

Name of Project: Nell Howell Estate, ETAL

Submittal Date: 12/31/14

OWNERS AUTHORIZATION

RONNIE L. SUTTON, P.E.

I hereby give CONSENT to _____ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Signature of Owner

Hope Panara
 Print Name

12/31/14
 Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

Signature of Owner/Applicant

Ronnie L. Sutton, P.E.
 Print Name

12/31/14
 Date

FOR OFFICE USE ONLY

File Number: R2-15-07 Date Received: 1/2/15 Parcel ID Number: _____



Town of Smithfield
 Planning Department
 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
 Phone: 919-934-2116
 Fax: 919-934-1134

OWNER'S CONSENT FORM

Name of Project: Nell Howell REVOCABLE TRUST, ETAL

Submittal Date: 12/31/14

OWNERS AUTHORIZATION

I hereby give CONSENT to RONNIE L. SUTTON, P.E. (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

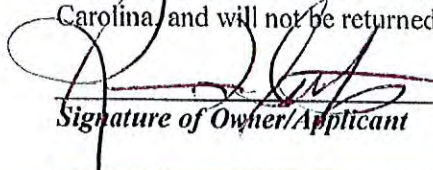

 Signature of Owner

ALLEN WELLONS
 Print Name

12/29/14
 Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.


 Signature of Owner/Applicant

Ronnie L. Sutton, P.E.
 Print Name

12/31/14
 Date

FOR OFFICE USE ONLY

File Number: R2-15-07 Date Received: 1/2/15 Parcel ID Number:

**NELL HOWELL REVOCABLE TRUST PROPERTY
REZONING DESCRIPTION
TRACTS 1-C, 1-D & 1-G
FROM B-3, R-6, R-8 AND R-20A
TO B-3**

Beginning at the common property corner of the property of Nell Howell Revocable Trust Property Deed Book 3334, Page 883 Johnston County Registry and property of Robert and Wellons as recorded in Deed Book 1898 Page 361 Johnston County Registry said common corner also being located in the westerly right of way of US Highway 70 running from Buffalo Road to US Highway 301 and thence from the POINT OF BEGINNING thus described as follows: along and with the westerly right of way line of US Highway 70 4952 feet +/- to the northerly most corner of the property of Lee 1996 Family LTD Partnership as recorded in Deed Book 2994, Page 746 Johnston County Registry, cornering; thence leaving the westerly right-of-way of US Highway 70 along and with the easterly property line of said Lee 1996 Family LTD Partnership 56.8 +/- feet to the northerly most corner of property of HOI Limited Partnership as recorded in Deed Book 1292, Page 464 Johnston County Registry, cornering; thence along and with said HOI Limited Partnership northerly and westerly property lines 1268.4 +/- feet to a point located in northerly property line of property of HLK Commercial LLC as recorded in Deed Book 3587, Page 627 Johnston County Registry, cornering; thence along and with the northerly property line of said HLK Commercial LLC and the northerly property line of William S. Ragsdale III recorded in Deed Book 1654 Page 124 Johnston County Registry 214.5 +/- feet to the easterly right of way line of Ava Gardner Avenue, cornering; thence along and with the easterly right of way line of Ava Gardner Avenue in a northerly direction 624.3 +/- feet to the end of the dedicated right of way of Ava Gardner Avenue, cornering; thence in a westerly direction along with the end of the Ava Gardner Avenue and the northerly property line of Walmart Real Estate as recorded in Deed Book 1751 Page 775 Johnston County Registry 1154.7 +/- feet to the easterly property line of Ana Lucia Milazzotto, recorded in Deed Book 4105, Page 207 Johnston County Registry, cornering; thence along and with the Milazzotto easterly property line 60.6 +/- linear feet to point in Milazzotto northerly property line, cornering; thence along and with the northerly line of the Booker Dairy Plantation Park Subdivision, recorded in Plat Book 60 , Page 323 Johnston County Registry 764.1 +/- feet to a point in property of Clifton Jackson Pilkington recorded in Deed Book 2538, Page 14 Johnston County Registry, cornering; thence along and with the easterly property line of said Clifton Jackson Pilkington and property of Thomas E. Sullivan, Deed Book 1075, Page 328 476.3 +/- feet to a point in the northerly property line of said

Sullivan property, cornering; thence along a new line across the property of the aforementioned Nell Howell Revocable Trust in both a easterly and northerly direction 989.9+/- feet to a point in the southerly property line of Margie B. Olsen recorded in Deed Book 929, Page 45 Johnston County Registry; thence along and with the easterly, northerly and westerly property lines of said Margie B. Olsen and the westerly property lines of Paul A. Olsen Deed Book 1269, Page 467 and Carl Thomas Stancil recorded in Deed Book 2465 Page 27 Johnston County Registry 1239 +/- feet to a point in the northeasterly right of way of East Booker Dairy Road, cornering; thence along and with the northeasterly right of way of East Booker Dairy Road 355.6 +/- feet to a point in the southerly property line of the property of Edward J. Walker recorded in Deed Book 1815 Page 149 Johnston County Registry, cornering; thence along with the southwesterly property line of said Edward J. Walker Property and the southerly property line of E&F Properties Inc. recorded in Deed Book 4377 Page 880 Johnston County Registry 884.6 +/- feet to a point in the easterly property line of said E&F Properties Inc., cornering; thence along and with the easterly property line of said E&F Properties, Inc. and property of Thomas E Sullivan Deed Book 968 Page 486 Johnston County Registry 2362 +/- feet to a point in the southerly property line of Robert and Wellons, Deed Book 1898, Page 361 Johnston County Registry, cornering; thence along and with the southerly property line of said Robert and Wellons Property 968.3 +/- feet to the westerly right of way of US Highway 70 the point and place of beginning containing 171 acres more or less and being a portion of the property having PIN # 260407-57-1688.

**NELL HOWELL REVOCABLE TRUST PROPERTY
REZONING DESCRIPTION
TRACTS 1-E & 1-F
FROM R-10 AND R-20A TO R-8**

BEGINNING at the westerly common property corner of the property of Nell Howell Revocable Trust Property Deed Book 3334, Page 883 Johnston County Registry and the property of Thomas E. Sullivan as recorded in Deed Book 527 Page 126 Johnston County Registry, said common corner being located along the easterly right-of-way of Booker Dairy Road and thence from the POINT OF BEGINNING thus described as follows: Along and with the easterly right-of-way of Booker Dairy Road 953 +/- feet to a point in the southerly property line of Lois B. Ray as recorded in Deed Book 1204 Page 655 Johnston County Registry, cornering, thence along and with the southerly property line of Lois B. Ray and Margie B. Olsen as recorded in Deed Book 929 Page 45 Johnston County Registry 509.6 +/- feet to a point, cornering, thence along and with a new line across the property of Nell Howell Revocable Trust Property 989.9 +/- feet to a point in the northeasterly property corner of Thomas E. Sullivan as recorded in Deed Book 1075 Page 328 Johnston County Registry, thence along and with the northerly property line of Thomas E. Sullivan 471.8 +/- feet to point and place of BEGINNING containing 10.9 acres more or less and being a portion of the property having NC PIN # 260407-57-1688.

**ROBERTS AND WELLONS PROPERTY
REZONING DESCRIPTION
TRACT 1-A
FROM LI TO B-3**

Beginning at the common property corner of the property of Nell Howell Revocable Trust Property Deed Book 3334, Page 883 Johnston County Registry and property of Roberts and Wellons as recorded in Deed Book 1898 Page 361 Johnston County Registry said common corner also being located in the westerly right of way of US Highway 70 running from Buffalo Road to US Highway 301 and thence from the POINT OF BEGINNING thus described as follows: Along and with the northerly property line of Nell Howell Revocable Trust as recorded in Deed Book 3334, Page 883 Johnston County Registry 968.3 +/- feet to a point in the easterly property line of Thomas E. Sullivan Deed Book 968, Page 486 Johnston County Registry, cornering; thence along a new line across the property of Roberts and Wellons 936.2 +/- feet to a point in the southerly property of Helen Jean Miller Deed Book 857, Page 359 Johnston County Registry, cornering; thence along and with the easterly property line of said Helen Jean Miller 1535 +/- feet to the southerly right of way line of Buffalo Road, cornering; thence along and with the southerly right of way line of Buffalo Road 466.4 +/- feet to the westerly right of way of US Highway 70, cornering; thence leaving the southerly right of way of Buffalo Road in a southerly direction along and with the westerly right of way of US Highway 70 2601.1 +/- feet to the point and place of beginning containing 50.4 acres more or less and also being a portion of the property having NC PIN # 260503-42-3243.

**ROBERTS AND WELLONS PROPERTY
REZONING DESCRIPTION
TRACT 1-B
FROM LI TO R-8**

Beginning at the northerly common property corner of the property of Nell Howell Revocable Trust Property Deed Book 3334, Page 883 Johnston County Registry and property of Thomas E. Sullivan as recorded in Deed Book 968 Page 486 Johnston County Registry, said common corner being located along the southerly property line of Roberts and Wellons as recorded in Deed Book 1898 Page 361 Johnston County Registry and thence from the POINT OF BEGINNING thus described as follows: Along and with the northerly property line of Thomas E. Sullivan 753.2 +/- feet to a point, cornering, thence along and with the easterly property lines of Thomas E. Sullivan and Miles Haywood as recorded in Deed Book 1288 Page 401 Johnston County Registry 854.9 +/- feet to a point, cornering, thence along and with the southerly property lines of Miles Haywood, Kathie L. Worley as recorded in Deed Book 857 Page 358 Johnston County Registry and Helen Jean Miller as recorded in Deed Book 857 Page 359 Johnston County Registry 772.6 +/- feet to a point, cornering, thence along and with new line across the property of Roberts and Wellons 936.2 +/- feet to the point and place of BEGINNING containing 15.6 acres more or less and being a portion of the property having NC PIN # 260503-42-3243.

#1
NELL M H. HOWELL REVOC TRUST
DB 3334 PG 883
PIN 260407-57-1688

#1A
ROBERT & WELLONS
DB 1898 PG 361
PIN 260503-42-3243

#3
THOMAS E. SULLIVAN
DB 968 PG 486
PIN 260503-30-2910

#4
E&F PROPERTIES INC
DB 4377 PG 880
PIN 260406-39-3596

#5
EDWARD J. WALKER
DB 1815 PG 149
PIN 260406-38-3522

#6
CARL THOMAS STENCIL
DB 2465 PG 27
PIN 260406-38-6101

#7
PAUL A. OLSEN
DB 1269 PG 467
PIN 260406-38-6294

#8
MARGIE B. OLSEN
DB 929 PG 45
PIN 260406-38-8131

#9
LOIS B. RAY
DB 1204 PG 655
PIN 260406-37-6933

#10
THOMAS E. SULLIVAN
DB 527 PG 126
PIN 260410-36-6799

#11
THOMAS E. SULLIVAN
DB 1075 PG 328
PIN 260410-36-9850

#12
CLIFTON JACKSON PILKINGTON
DB 2538 PG 14
PIN 260410-36-8508

#13
BOOKER DAIRY HOMEOWNERS ASSOC
DB 3274 PG 19
PIN 260410-46-1327

#20
VU NGUYEN
DB 3072 PG 917
PIN 260410-46-5337

#21
ANA LUCIA MILAZZOTTO
DB 4105 PG 207
PIN 26D410-46-4326

#22
CARLOS EARL BOTKIN
DB 3367 PG 82
PIN 26D410-46-7237

#23
WALMART REAL ESTATE TRUST
DB 1751 PG 775
PIN 260411-55-3715

#24
CNL APF PARTNERSHIP LP
DB 4358 PG 625
PIN 260411-55-9495

#25
WILLIAM S. RAGSDALE III
DB 1654 PG 124
PIN 260411-65-16255

#26
HLK COMMERCIAL LLC
DB 3587 PG 627
PIN 260411-65-3605

#27
H O I LIMITED PARTNERSHIP
DB 1292 PG 464
PIN 260411-66-5285

#28
LEE 1996 FAMILY LTD PARTNERSHIP
DB 2994 PG 746
PIN 260411-76-1412

#29
MERLEON G. CRECH
DB 833 PG 510
PIN 260412-76-5550

#30
JANE WILLIAMS DAVIS
DB 3752 PG 594
PIN 260407-69-5794

#31
SYSCO FOODS SERVICES OF RALEIGH LLC
DB 2865 PG 843
PIN 260504-60-4924

#32
ROBERT & WELLONS
DB 619 PG 13
PIN 260503-44-4393

#33
HELEN JEAN MILLER
DB 857 PG 359
PIN 260503-43-0320

#34
HELEN JEAN MILLER
DB 857 PG 359
PIN 260503-43-0039

#35
HELEN JEAN MILLER
DB 857 PG 359
PIN 260503-42-0321

#36
KATHIE L. WORLEY
DB 857 PG 358
PIN 260503-32-7596

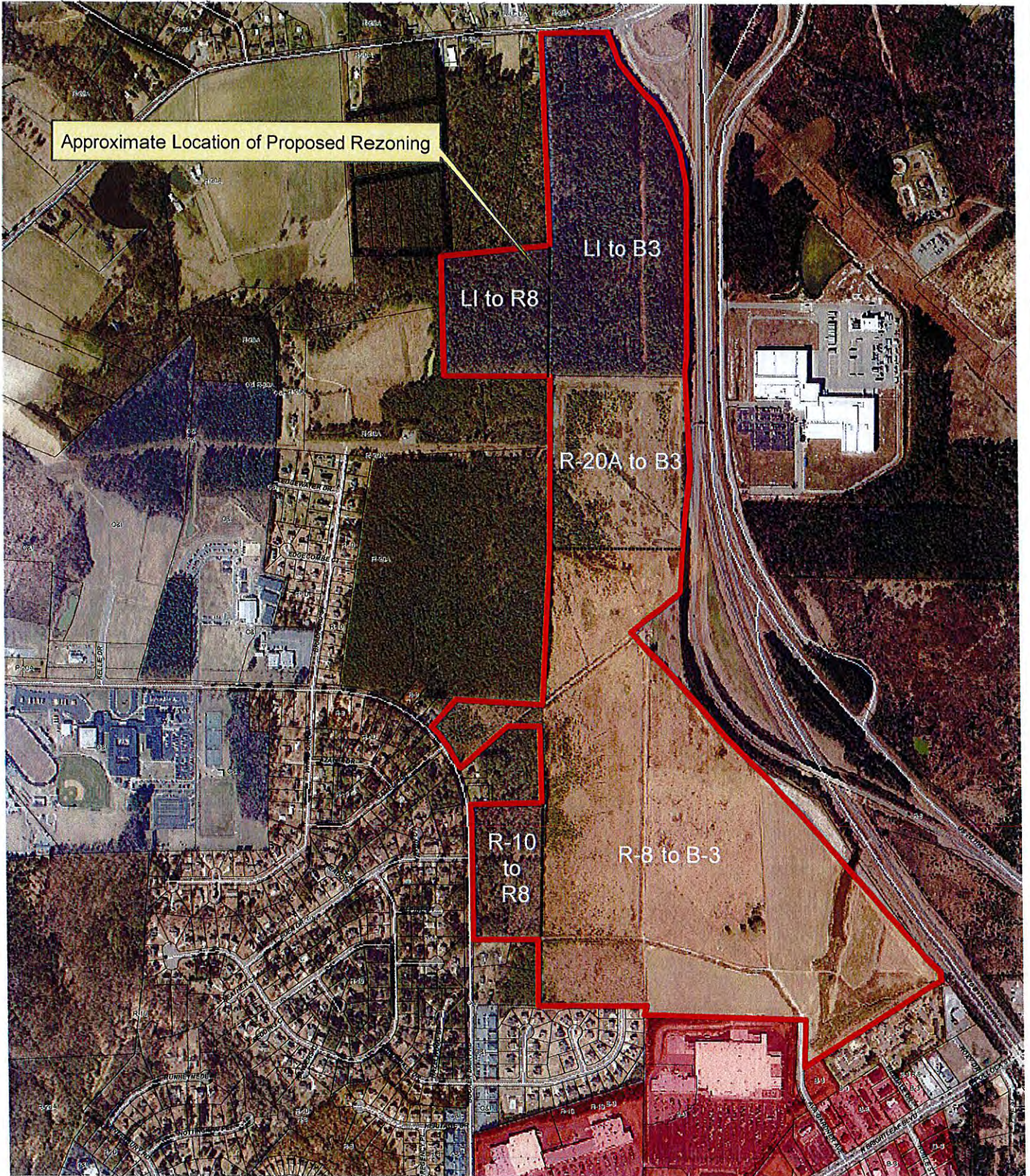
#37
MILES HAYWOOD
DB 128B PG 401
PIN 260503-21-8681

Herring-Sutton & Associates, P.A.
Engineers - Surveyors - Planners
2201 Nash Street NW, Wilson, North Carolina 27606 (919) 251-5887

Nell Howell Trust Property
Smithfield, NC

Rezoning Map

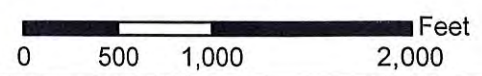
Date December 2014
Scale: NYS
Map No. 14-0041A
Sheet No. 2 of 2



Vicinity Map for:
 RZ-15-01
 Applicant:
 Nell Howell Estate, ETAL



Map Created by Town of Smithfield
 Geographic Information Services



**Automobile Sales Lot
CUP-15-01**

For Properties Located at:

West side of the intersection of Swift Creek Road and
NC Hwy 210 and further identified as Johnston County
Tax ID# 15I09015H.

**Property Owner:
Charles Phillip & Jamie Tyler**

Table of Contents
Conditional Use Permit
CUP-15-01

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Planning Board Report / Actions	Exhibit C
Adjoining Property Owners Certification	Exhibit D
Conditional Use Permit Application	Exhibit E

Exhibit A
Staff Report



Town of Smithfield
Planning Department
350 East Market Street
P.O. Box 761
Smithfield, NC 27577
Phone: 919-934-2116
Fax: 919-934-1134

STAFF REPORT

Application Number: CUP-15-01
Project Name: NC 210 Car Lot
TAX ID number: 15109015H
Town Limits/ETJ: ETJ
Applicant: Charles Phillip and Jamie Tyler
Owners: Charles Phillip and Jamie Tyler
Agents: Triangle Civil Works

PROJECT LOCATION: West side of the intersection of Swift Creek Road and NC Hwy 210.

REQUEST: The applicant is requesting a conditional use permit to operate an automotive sales lot designed to accommodate 20 cars for sale and located on property located within a B-3 (Business) zoning district.

SITE DATA:

Acreage: a portion of a 3.228 acre parcel
Present Zoning: B-3 (Business)
Proposed Zoning: N/A
Existing Use / Previous: Vacant / Undeveloped

DEVELOPMENT DATA:

Proposed Use: Automobile Sales Lot

ENVIRONMENTAL: There does not appear to be any environmentally sensitive areas on the property considered for a Conditional Use Permit to include flood plains or designated wetlands. The proposed facility will be required to comply with the Town of Smithfield Storm Water Regulations to include detention and nitrogen offset payments.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	R-20A (Residential-Agricultural)
	Existing Use:	Residential
South:	Zoning:	R-20A (Residential-Agricultural)
	Existing Use:	Residential
East:	Zoning:	B-2 (Business)
	Existing Use:	Residential
West:	Zoning:	R-20A (Residential-Agricultural)
	Existing Use:	Residential

STAFF ANALYSIS AND COMMENTARY: The proposed automobile sales lot is a permitted use within the B-3 (Business) zoning district with a Town Council approved conditional use permit. The applicant has provided a sketch plan of the 3.228 acre site showing improvements to the property to include a gravel parking area for 30 automobiles and 5 required parking spaces. A 30 foot wide driveway is proposed allowing access from NC Highway 210. Landscaping will be provided in accordance with the Unified Development Ordinance and will include a 40 foot landscape buffer and no privacy fence along southwestern property line. A location for a modular constructed building is shown on the plan. No building elevations have been provided by the applicant at this time. A lighting plan will be required showing all lamp fixture locations with required full cutoff design. This required lighting plan must also show that no more than 2 foot candles of light will be leaving the property at any given time. All areas for the storage of automobiles that can accommodate more than 5 vehicles must be paved in accordance with minimum development standards of the Town of Smithfield Unified Development Ordinance. A variance to the parking requirement must be requested and granted by the Town of Smithfield Board of Adjustment prior to staff approving a site plan with gravel parking. Staff recommends that the street yard landscaping be planted adjacent to the parking area and that vehicular screening be installed around all areas containing vehicular surface areas. On February 15, 2015 the applicant submitted a revised site plan that has labeled all improved surfaces as being paved.

- o **Consistency with the Strategic Growth Plan**

The proposed automobile sales lot is inconsistent with the recommendations of the Comprehensive Growth Management Plan which calls for low density residential development and uses near the intersection of NC Hwy 210 and Swift Creek Road.

- o **Consistency with the Unified Development Code**

An automobile sales lot is a permitted use within the B-3 (Business) zoning district with a valid conditional use permit. The applicant will be responsible for submitting a preliminary site plan that shows all applicable minimum development standards can and will be met prior to site plan approval and issuance of a valid zoning permit to include paved parking and vehicular storage.

- o **Compatibility with Surrounding Land Uses**

An automobile sales lot at this location will pose a compatibility issue with surrounding land uses given that it is in a rural setting and adjacent to establish residential homes.

o **Signs**

Signs shall be permitted in accordance with the Town of Smithfield Unified Development Ordinance which will allow for a maximum height of 6 feet and 75 square feet in area.

OTHER:

FIRE PROTECTION: Town of Smithfield
SCHOOL IMPACTS: NA
PARKS AND RECREATION: NA
ACCESS/STREETS: NC Hwy 210
WATER/SEWER PROVIDER: Town of Smithfield allocation
ELECTRIC PROVIDER: Duke / Progress

Planning Department Recommendations:

The Planning Department recommends approval of the proposed automobile sales lot providing that all parking spaces are paved and landscaping is installed in accordance with minimum developments standards and that vehicular surface screening is installed adjacent to all vehicular surface areas.

Planning Board Recommendations:

The Planning Board at its February 5th 2015 meeting unanimously voted to recommend approval of the Conditional Use Permit for an automobile sales lot at the west side of the intersection NC Hwy 210 and Swift Creek Road with the following conditions of approval:

1. An 8 foot white vinyl fence is installed on the west side of a reduced buffer yard.
 2. Street trees nearest the intersection are set back an additional 10 feet.
 3. Vehicular Surface Area is moved towards the public right-of-way.
 4. All VSA's be screened with a continuous row of shrubs planted 5 foot on center.
 5. All other minimum requirements of the UDO are met to include paving of all areas to be used for automobiles.
-

Town Council Requested Action:

The Town Council is requested to review the petition for a for Conditional Use Permit to allow for an automobile sales lot on property located with a B-3 (Business) zoning district and make a decision in accordance with the Finding of Fact for a Conditional Use Permit.

Exhibit B

Finding of Fact/Approval Criteria

Town of Smithfield
Conditional Use Permit Application
Finding of Fact / Approval Criteria

Application Number: CUP-15-01 **Name:** NC Hwy 210 car lot

Request: Applicant seeks a CUP for an automotive sales lot.

The Smithfield Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

1. Finding One of Four:

Circle One

A. Approval:

Based on the evidence and testimony presented it is the finding of the Town Council that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.

The proposed automobile sales lot at this location will not materially endanger the public were shown because the site has adequate parking available and layout of the site facilitates safe movement of automobiles and pedestrian traffic with little additional congestion.

B. Denial: (If denied, must include facts supporting denial)

Based on the evidence and testimony presented it is the finding of the Town Council that the application, if approved, will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved for the following stated reasons: (Applicant fails to meet the criteria for approval.)

The proposed automobile sales lot at this location may endanger the public were shown if more automobiles exist on the lot than what the site is designed to safely hold resulting in automobiles parking within the public right-of-way and within designated landscape yards and required buffer yards.

2. Finding Two of Four:

Circle One

A. **Approval:**

Based on the evidence and testimony presented it is the finding of the Town Council that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.

The proposed automobile sales lot at this location conforms to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinances providing the applicant submits a detailed site plan for planning staff approval that shows required landscaping, lighting, paved parking and utility connections prior to issuance of site plan approval and issuance of a valid zoning permit for an automobile sales lot.

B. **Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the Town Council that the application, fails to meet all required specifications or fails to conform to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations in the following ways or for the following reasons:

The proposed automobile sales lot at this location does not conform to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinances because the applicant has not provided a detailed site plan that shows required paved parking that meets minimum development standards and a lighting plan with utility connections. Furthermore, the landscaping provided will not adequately protect adjacent land owners from adverse impacts due to increased light, noise and traffic.

3. Finding Three of Four:

Circle One

A. **Approval:**

Based on the evidence and testimony presented it is the finding of the Town Council that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.

The proposed automobile sales lot at this location will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses providing required landscape buffers and street yards are installed and maintained in accordance with minimum development standards and that no more than 30 automobile sales for sale are on the lot at any given time. Automobiles for sale shall be no closer than 50 feet from the right-of-way of NC Hwy 210 and Swift Creek Road in accordance with the Town of Smithfield Unified Development Ordinance. All parking areas shall be paved or the applicant shall request a variance by the Town of Smithfield Board of Adjustment.

B. **Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the Town Council that the application, if approved, will substantially injure the value of adjoining or abutting property and/or will be detrimental to the use or development of adjacent properties or other neighborhood uses in the following ways or for the following reasons.

The proposed automobile sales lot at this location may be detrimental to the adjacent residential land use to the south due to increased traffic and noise generated by activities associated with automobiles sales.

4. Finding Four of Four:

Circle One

A. **Approval:**

Based on the evidence and testimony presented it is the finding of the Town Council that the application, if approved, would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.

The proposed automobile sales lot at this location will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development proving all minimum development standards are met to include landscaping, lighting, paved parking and all other minimum development standards.

B. **Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the Town of Smithfield that the application, if approved, would adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties in the following ways or for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

The proposed automobile sales lot at this location will adversely affect the adopted plans and policies of the Town of Smithfield, and violate the character of existing standards for development if automobile sales occur without minimum development standards being met to include paved parking, landscaping and lighting.

5. Once all findings have been decided one of the two following motions must be made:

Motion to Approve: Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to recommend approval of Conditional Use Permit Application # CUP-15-01.

Motion to Deny: Based upon failure to meet all of the above four stated findings and for reasons stated therein, I move to recommend denial of Conditional Use Permit Application # CUP-15-01 for the following stated reason:

6. Record of Decision:

Based on a motion and majority vote of the Town of Town Council for the Conditional Use Permit Application Number CUP-15-01 is hereby:

_____ recommended for approval upon acceptance and conformity with the following conditions; or,

_____ recommended for denial for the noted reasons.

Decision made this ____ day of _____, 20__ while in regular session.

John H. Lampe II, Mayor

ATTEST:

Shannan L. Williams, Town Clerk

Exhibit C
Planning Board Minutes/Actions

Planning Board Report for
CUP-15-01
NC 210 Car Lot

Public hearing held on February 5, 2015

(Excerpt from draft minutes)

After all persons giving testimony were duly sworn, Mr. Foy opened the public hearing.

Mr. Helmer stated the applicant is requesting a conditional use permit to construct and operate an automotive sales lot on property located within a B-3 (Business) zoning district. The property considered for approval is located on the west side of the intersection of Swift Creek Road and NC Hwy 210. The property is further identified as Johnston County Tax ID# 15I09015H.

Mr. Helmer stated the applicant requesting a conditional use permit to operate an automotive sales lot is designed to accommodate 30 cars for sale and located on property located within a B-3 (Business) zoning district. There does not appear to be any environmentally sensitive areas on the property considered for Conditional Use Permit to include flood plains or designated wetlands. The proposed facility will be required to comply with Town of Smithfield water regulations to include detention and nitrogen offset payments.

Mr. Helmer stated the proposed automobile sales lot is a permitted use within the B-3 (Business) zoning district with a Town Council approved conditional use permit. The applicant has provided a sketch plan of the 3.228 acre site showing improvements to the property to include a gravel parking area for 30 automobiles and 5 required parking spaces. A 30 foot wide driveway is proposed allowing access from NC Highway 210. Landscaping will be provided in accordance with the Unified Development Ordinance (UDO) and will include a 40 foot landscape buffer and no privacy fence along southwestern property line. A location for a modular constructed building is shown on the plan. No building elevations have been provided by the applicant at this time. A lighting plan will be required showing all lamp fixture locations with required full cutoff design. This required lighting plan must also show that no more than 2 foot candles of light will be leaving the property at any given time. All areas for the storage of automobiles that can accommodate more than 5 vehicles must be paved in accordance with minimum development standards of the Town of Smithfield UDO. A variance to the parking requirement must be requested and granted by the Town of Smithfield Board of Adjustment prior to staff approving site plan with gravel parking. Staff recommends that the street yard landscaping be planted adjacent to the parking area and that vehicular screening be installed around all areas containing vehicular surface areas.

Mr. Helmer stated the sales lot is inconsistent with the recommendations of the Comprehensive Growth Management Plan which calls for low density residential development

and uses near the intersection of NC Hwy 210 and Swift Creek Road. An automobile sales lot is a permitted use within the B-3 (Business) zoning district with a valid conditional use permit. The applicant will be responsible for submitting a preliminary site plan that shows all applicable minimum development standards can and will be met prior to site plan approval and issuance of a valid zoning permit to include paved parking and vehicular storage. An automobile sales lot at this location will pose a compatibility issue with surrounding land uses given that it is in a rural setting and adjacent to established residential homes. Signs shall be permitted in accordance with the Town of Smithfield UDO which will allow for a maximum height of 6 feet and 75 square feet in area. The Town of Smithfield will provide fire protection as well as water/sewer services. Duke Energy Progress will provide electric.

Mr. Helmer stated the Planning Department recommends approval of the proposed automobile sales lot providing that all parking spaces are paved and landscaping is installed in accordance with minimum development standards and that vehicular surface screening is installed adjacent to all vehicular surface areas. The Planning Board is requested to review the application and make a recommendation to Town Council based on the Finding of Fact for a conditional use permit for an automobile sales lot.

Mr. Foy asked if anyone wanted to speak for or against the proposal.

Daniel Sanders asked if this proposed property was zoned residential in the past.

Mr. Helmer stated the proposed project was rezoned to R-20A (Residential) and was rezoned to commercial a few years ago.

Mark Lane asked if the site plan shows a gravel driveway.

Mr. Helmer stated the site plan does show a gravel driveway however, Dan Simmons was notified earlier in the week that the driveway needs to be paved.

Daniel Sanders asked if NCDOT was in charge of the driveway.

Mr. Helmer stated NCDOT is the permitting authority since NC Hwy 210 is a State maintained highway.

Stephen Upton asked if a trailer will be used for the office building.

Mr. Helmer stated a modular constructed building built to State building code is proposed.

Dan Simmons, Triangle Civil Workers, stated the owner has no intentions of leaving the driveway gravel and will be paved. He stated he objected to moving the site forward towards the road because he does not agree with the UDO Article 17 item 7a which states "Vehicular surface areas used for parking and circulation, or commercial display or storage of motor vehicles which are located within 50 feet of a street right-of-way must have a planting screen

consisting of shrubs a minimum of 18 inches to 24 inches in height when installed with a minimum expected mature height of 36 inches. Shrubs shall be planted with gaps no greater than five feet. Forty percent of the shrubs may be deciduous. When practicable, plans to meet this requirement may be formulated in conjunction with the requirement of subsection (6)(b) above.”

Dan Simmons stated if this project is moved towards the road, a hedge needs to be placed which will prevent anyone from seeing the cars from the lot. There will be no maintenance on site; this is strictly a sales lot.

Stephen Upton asked about lighting.

Mr. Simmons stated lighting would basically be security lighting after dark. A lighting plan will be submitted to staff that would meet code requirements of 2ft candles. No lighting will flood neighboring properties.

Teresa Daughtry stated that dealerships have been increasing landscape.

Mr. Helmer stated that is correct.

Mr. Helmer pointed out that staff disagrees with the applicant. Planning staff requests that vehicular surface screening be installed around the entire perimeter of the vehicle surface area regardless whether it is within 50 feet of the right-of-way or not.

Mr. Helmer stated that prior to adoption of the UDO, car lots were exempt from vehicular surface screening while all other commercial properties were required to install it. Car lots began to take advantage of the policy and began moving vehicles into the planted areas near the street. With vehicular surface screening installed, this is not possible because the hedge that is formed creates a barrier between the paved area and landscaped area while blocking the view of the pavement. If the hedge row is maintained to a proper height, cars for sale will be seen from the public right-of-way.

Mr. Helmer reminded the Board that the standards found in the UDO are minimums and that conditions can be placed on the Conditional Use Permit that will hold the development to a higher standard if it will help reduce adverse impacts on adjacent properties and the area in general.

Mr. Helmer stated that proposed car lot looks as though it could benefit from vehicle surface screening since no parking lot landscaping is shown on the plan.

Teresa Daughtry stated she agreed with the vehicle surface screening due to heavy traffic on Highway 210 and Swift Creek Road that could pose dangerous.

Mark Lane asked if the landscaping is in the UDO or if that was a recommendation.

Mr. Helmer stated that vehicle surface screening (VSA) is required when the vehicular surface is within 50 feet of a public right-of-way. The applicant is attempting to avoid having to install the VSA landscaping by creating a grass strip between the street yard and vehicular surface area. Mr. Helmer stated that it can be anticipated that cars will be parked in this unpaved strip and that the property will be in violation of the permit from day one.

Mark Lane asked if the purpose of the screening is for safety.

Mr. Helmer stated that is correct and, that having cars all over the property is a safety concern.

Mr. Simmons stated he disagrees with staff regarding bushes being planted 5ft apart. They will need to be trimmed constantly to maintain 36" in height and will eventually grow together creating a solid screen. No other car lot in Smithfield is that way.

Mr. Helmer stated that every modern parking lot in Town has VSA screening except for car lots.

Teresa Daughtry stated she has concern with the height of the landscaping and site distances near the intersection of Swift Creek Road and Highway 210.

Mr. Helmer stated the applicant has submitted a plan showing small groupings of shrubs around the trees.

Dan Simmons stated unless the UDO is changed, those plantings have to be there.

Mr. Helmer stated if the Board wanted to place a condition to the corner of the lot and plant bushes instead of trees that could be done.

Teresa Daughtry asked if the tree on the corner can be removed and have bushes in its place.

Mr. Helmer stated the UDO requires street trees.

Teresa Daughtry stated trees are environmentally good but the safety of the intersection is also a concern.

Mr. Helmer stated that a typical 10 foot by 70 site distance triangle is required and appears to be met but the plan could be modified by moving landscaping even further back.

Teresa Daughtry asked if NCDOT would have a problem with not having a second driveway located on Swift Creek Road.

Mr. Simmons stated he spoke with NCDOT and they do not see this project as generating additional traffic and does not see the need for an additional driveway.

Teresa Daughtry asked how wide the driveway will be.

Mr. Helmer stated 30ft.

Mike Caporale, 2190 NC Highway 210, stated he has spent the last three years building his home and originally the proposed project was zoned as residential. He wouldn't have built such a large expensive home if he knew that land would be changed to commercial. His main concerns is having a used car lot right next door to him and have potential break-ins or people cutting through his property.

Mr. Foy asked where Mr. Caporale's house is in reference to the car lot.

Mr. Caporale stated he is right beside the proposed lot on the left. He stated he would like to see a white vinyl fence go up to separate the properties like the Family Dollar and State Employees Bank had done. Trees do nothing for his property and will be staring at this car lot from his home. The plantings look great on paper but it will take at least 10 years for the trees to mature. And as far as the traffic on Highway 210, tractor trailers hum by his home. He believes the intersection of Swift Creek Road and Highway 210 will be dangerous and feels the driveway should be moved to Swift Creek Road.

Ashley Spain asked if the applicant would be willing to accept the fence as a condition of approval.

Dan Simmons stated he would think they would if the standard reduction in buffer yard width applied.

Teresa Daughtry asked what the standard reduction is.

Mr. Helmer stated as much as 50% in area and plant material if a berm and a fence were installed. Only 20% if just a fence.

Teresa Daughtry asked what the height the fence would have to be.

Mr. Helmer stated 8ft.

Teresa Daughtry asked if the Town required the Family Dollar and State Employees buildings to install a white vinyl fence.

Mr. Helmer stated there is no particular code that states it has to be vinyl, wood, or any other material however, vinyl has more longevity and is more attractive.

Cathy Caporale, 2190 NC Highway 210, stated there is in fact heavy traffic on Highway 210 and can be very dangerous. She would like to see the driveway of the proposed site be accessed on Swift Creek Road as well as having the white vinyl fence installed.

Franklin Watson, 2267 Highway 210, stated he lives directly across the street from the proposed project. He stated he will see this car lot from his front door and there are single family homes surrounding this property. This project may not increase traffic but cars coming in and out of the lot will definitely affect traffic. He requests the Board to just think about the home owners.

Antonette Griffin, 363 Clayton Point Drive, stated her concern for decrease in property values and for possible traffic issues. She feels the driveway should be accessed on Swift Creek Road.

Daniel Sanders asked if the water was from the Town or County.

Mr. Helmer stated water was provided by the County.

Ashley Spain asked if the public sewer is available or would a septic tank system be used.

Mr. Helmer stated that public sewer is not available and that Johnston County Environmental Health would have to approve a septic system for the development.

Mr. Foy ask if anyone else wished to speak. There was none.

Mr. Foy closed the public meeting for CUP-15-01 and asked for a motion.

Stephen Upton made a motion, seconded by Teresa Daughtry, to move to the Finding of Fact.

The Smithfield Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

1. ***Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.***

The proposed use does not materially endanger the public health, safety or general welfare. Emergency services access is fully provided to the developed site. ***All members stated true.***

2. ***Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield UDO or***

other applicable regulations or is approved with the following additional stated conditions.

The proposed use shall meet all required conditions resulting from the application for conditional use authorization. All other applicable requirements of the Town of Smithfield UDO shall be met. ***All members stated true.***

- 3. *Based on evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.***

The proposed use does not restrict the existing uses or future development potential of adjacent properties. ***All members stated true.***

- 4. *Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.***

The proposed use is in conformance with other uses within the Town of Smithfield zoned B-3 highway entrance and abutting corridors bringing traffic into the Town of Smithfield. This use conforms to the commercial nodes designated in the future land use plan, at NC 210 and SR 1010. Due to that node's partial location in a flood plain, the intersection of Swift Creek Road and NC Hwy 210. ***All members stated true.***

Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative;

Teresa Daughtry made a motion, seconded by Jack Matthews to recommend approval of a conditional use permit to operate an automotive sales lot designated to accommodate 20 cars for sale and located on property located within a B-3 (Business) zoning district with the following conditions:

- 1. A vinyl fence is installed on the west side buffer yard at 8ft high.**
- 2. Street trees nearest the intersection are set back an additional 10 feet.**
- 3. Vehicular Surface Area is moved towards the public right-of-way.**
- 4. All VSA's be screened with a continuous row of shrubs planted 5 foot on center.**

5. All other minimum requirements of the UDO be met to include paving of all areas to be used for automobiles.

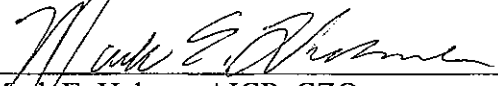
Motion unanimous.

Duly adopted this the 19th day of February 2015.



Eddie Foy, Planning Board Chairman

ATTEST



Mark E. Helmer, AICP, CZO
Senior Planner

Exhibit D
Adjoining Property Owner Certification



PLANNING DEPARTMENT
Paul C. Embler, Jr., Director

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, CUP-15-01, were notified by First Class Mail on 2-18-15.

Mark E. Helmer
Signature

Johnston County, North Carolina

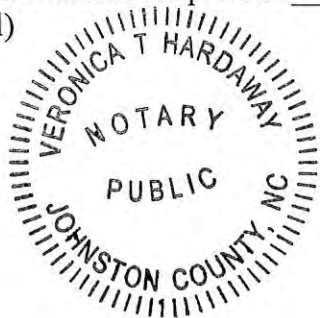
I, Veronica T. Hardaway, a Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

16th day of February, 2015

Veronica T Hardaway
Notary Public Signature

Veronica T Hardaway
Notary Public Name

My Commission expires on 1-14-18
(Seal)



Adjacent Property Owners of
CUP-15-01

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15I09015H	167400-91-1487	TYLER, CHARLES PHILLIP	5194 US 70 BUS HWY W	CLAYTON	NC	27520-6815
15I09015O	167400-81-9619	DJ'S PROPERTIES INC	1001 NC 210 HWY	SMITHFIELD	NC	27577-0000
15I09015P	167400-91-0894	DJ'S PROPERTIES INC	1001 NC 210 HWY	SMITHFIELD	NC	27577-0000
15I09016B	168400-00-2088	WATSON, FRANKLIN	2267 NC HWY 210	SMITHFIELD	NC	27577-0000
15I09015M	167400-91-3786	HOWLEY, HENRY T	104	NORTH PORT	FL	34287-3436
15I09016G	167400-91-2032	LOFTON, LEONARD CLIFTON	303 TRALEE DR	SMITHFIELD	NC	27577-0000
15J09014E	167400-91-5327	DAUGHTRY FARMS LLC	PO BOX 1264	SMITHFIELD	NC	27577-0000
15I09016F	167400-90-5749	WATSON, FRANKLIN	2267 NC HIGHWAY 210	SMITHFIELD	NC	27577-8200
15I09015W	167400-81-7436	DJ'S PROPERTIES INC A NC CORP	ATTN: DAVID JONES	SMITHFIELD	NC	27577-0000
15I09015V	167400-81-8516	CHAVEZ, ISIDRO RIVERA	91 WILLOW LN	SMITHFIELD	NC	27577-6936
15I09015N	167400-90-2916	JONES, CLINTON THOMAS JR	2365 HWY 210	SMITHFIELD	NC	27577-0000
15J09014G	167400-91-7045	DAUGHTRY FARMS LLC	PO BOX 1264	SMITHFIELD	NC	27577-0000
15I09015Q	167400-81-9265	CAPORALE, MICHAEL	2190 NC HIGHWAY 210	SMITHFIELD	NC	27577-6608



PLANNING DEPARTMENT

Paul C. Emblar, Jr., Director

Notice Of Public Hearings

Notice is hereby given that public hearings will be held before the Town Council of the Town of Smithfield, N.C., on Tuesday, March 3, 2015 at 7:00 P.M in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

CUP-15-01 NC 210 Car Lot: The applicant is requesting a conditional use permit to construct and operate an automotive sales lot on property located within a B-3 (Business) zoning district. The property considered for approval is located on the west side of the intersection of Swift Creek Road and NC Hwy 210. The property is further identified as Johnston County Tax ID# 15I09015H.

RZ-15-01 Nell Howell Estate, Etal: The applicant is requesting to rezone a 50.4 acre portion of a 66 acre tract of land from LI (Light Industrial) to B-3 (Business) and a 15.6 acre portion of a 66 acre tract of land from LI (Light Industrial) to R-8 (Residential). The request also includes the rezoning of a 28.8 acre portion of a 238.57 acre tract of land from R-6 (Residential) to B-3 (Business) and a 6.6 acre portion of a 238.57 acre tract of land from R-10 (Residential) to R-8 (Residential) and a 4.3 acre portion of a 238.57 acre tract of land from R-20A (Residential-Agriculture) to R-8 (Residential) and a 132.8 acre portion of a 238.57 acre tract of land from R-8 (Residential) to B-3 (Business) These properties are bound to the north by Buffalo Road, to the south by Ava Gardner Avenue to the east by US 70 Bypass and to the west by Booker Dairy Road. The properties considered for rezoning include only the portions of properties located within the Town of Smithfield Planning and Zoning Jurisdiction and are further identified as a 173.8 acre portion Johnston County Tax ID# 14057009 and the entire 66 acres of Johnston County Tax ID# 14054010F.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiries regarding this matter may be directed to the Smithfield Planning Department at (919) 934-2116 or online at www.smithfield-nc.com.

Run "Legal Ad" in the Smithfield Herald on 2/18/15 and 2/25/15



PLANNING DEPARTMENT

Paul C. Emblar, Jr., Director

Notice Of Public Hearings

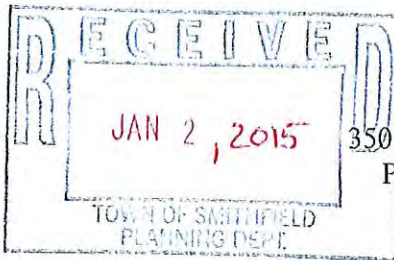
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You have been identified as a property owner in the area specified above and are being advised of this meeting as you may have interest in this matter. You are welcome to attend; however, you are not required to in order for the Board to act on this request. Additional information may be obtained by contacting the Town of Smithfield Planning Department at 919-934-2116.

Exhibit E
Conditional Use Permit Application



Town of Smithfield
 Planning Department
 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
 Phone: 919-934-2116
 Fax: 919-934-1134

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Article 13, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Conditional Use. Conditional Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

Conditional Use Permit applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00. All fees are due when the application is submitted.

SITE INFORMATION:

Name of Project: NC 210 Car Lot Acreage of Property: 3.228 AC
 Parcel ID Number: 167400-914-1487 Tax ID: 15109015H
 Deed Book: 4054 Deed Page(s): 0390
 Address: Unassigned
 Location: West corner of Intersection of Swift Creek Road (SR 1501) and NC Hwy 210.

Existing Use: Vacant Proposed Use: Auto Sales Lot
 Existing Zoning District: B-3
 Requested Zoning District: _____
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): N/A
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): N/A

FOR OFFICE USE ONLY

File Number: COP-15-01 Date Received: 1/2/15 Amount Paid: \$300.00

REQUIRED FINDINGS OF FACT

Article 13, Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for a Conditional Use Permit to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

- 1. That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;

THE PROPOSED USE DOES NOT MATERIALLY ENDANGER THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE.
EMERGENCY SERVICES ACCESS IS FULLY PROVIDED TO THE DEVELOPED SITE.

- 2. That the use meets all required conditions and specifications;

THE PROPOSED USE SHALL MEET ALL REQUIRED CONDITIONS RESULTING FROM THE APPLICATION FOR CONDITIONAL USE AUTHORIZATION. ALL OTHER APPLICABLE REQUIREMENTS OF TOWN OF SMITHFIELD UDO SHALL BE MET.

- 3. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and

THE PROPOSED USE DOES NOT RESTRICT THE EXISTING USES OR FUTURE DEVELOPMENT POTENTIAL OF ADJACENT PROPERTIES.

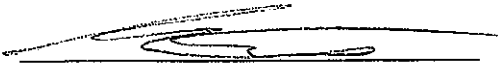
- 4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. The conditional use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project as required by GS 160A-382(b).

THE PROPOSED USE IS IN CONFORMANCE WITH OTHER USES WITHIN THE TOWN OF SMITHFIELD ZONED B-3 HIGHWAY ENTRANCE AND ABUTTING CORRIDORS BRINGING TRAFFIC INTO THE TOWN OF SMITHFIELD. THIS USE CONFORMS TO THE COMMERCIAL NODES DESIGNATED IN THE FUTURE LAND USE PLAN, AT NC 210 AND SR 1010. DUE TO THAT NODE'S PARTIAL LOCATION IN A FLOOD PLAIN, THE INTERSECTION OF SWIFT CREEK ROAD AND NC HWY 210.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Smithfield to approve the subject Conditional Use Permit. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

Phillip Tyler
Print Name


Signature of Applicant

12.22-14
Date



Town of Smithfield
 Planning Department
 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
 Phone: 919-934-2116
 Fax: 919-934-1134

OWNER'S CONSENT FORM

Name of Project: NC HWY 210 CAR LOT Submittal Date: JANUARY 2, 2015

OWNERS AUTHORIZATION

I hereby give CONSENT to AMOS D. SIMMONS, JR. (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Signature of Owner

Phillip Tyler
Print Name

12-22-14
Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

Signature of Owner/Applicant

Phillip Tyler
Print Name

12-22-14
Date

FOR OFFICE USE ONLY

File Number:	Date Received:	Parcel ID Number: 167400-914-1487
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December 31, 2014

STATEMENT OF JUSTIFICATION

RE: NC Hwy 210 Car Lot
Conditional Use Permit Application

PROPERTY DESCRIPTION:

This property is located in the southwest quadrant of the intersection of Swift Creek Road (NCSR 1501) and NC Highway 210 and is currently zoned B-3. Directly across Swift Creek Road is a 1.73 acres parcel zoned B-2 owned by Henry T. Howley and Lara DeJoy of North Port, Florida. The current owner of the subject 3.228 acres parcel is seeking to conditional use authorization to provide an automobile sales lot. The adjoining property to the west is a mobile home subdivision and the property adjoining it is a mobile home park. The property to the south is a single family residence. We believe conditional use authorization will allow this property to be utilized at its highest and best use.

PROTECTION OF ADJOINING PROPERTIES:

The adjoining properties will be adequately protected by the current buffer requirements of the Town's Unified Development Ordinance which requires a 40 foot buffer adjoining residential zoned property. The current planting requirements for the buffer are 2 trees per 1000 square feet with a minimum of 50% evergreen and 12 three foot high shrubs at planting per 1000 square feet. The shrubs are required to be a minimum of six feet high at maturity. Using these requirements the buffer would contain 58 trees and 345 shrubs. Adjacent parcels will be further protected through compliance with the Town of Smithfield's requirements for site lighting. See the attached Preliminary Landscape Plan, L-1, for a layout of how the required landscape plantings might appear for this project.

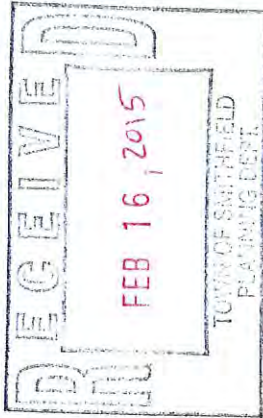
CONFORMANCE WITH UDO:

All other standards required by the Town of Smithfield's Unified Development Ordinance will be met through approval of the final construction plans at the time of site permitting.

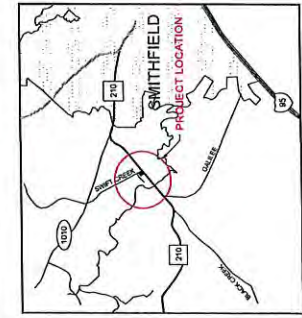
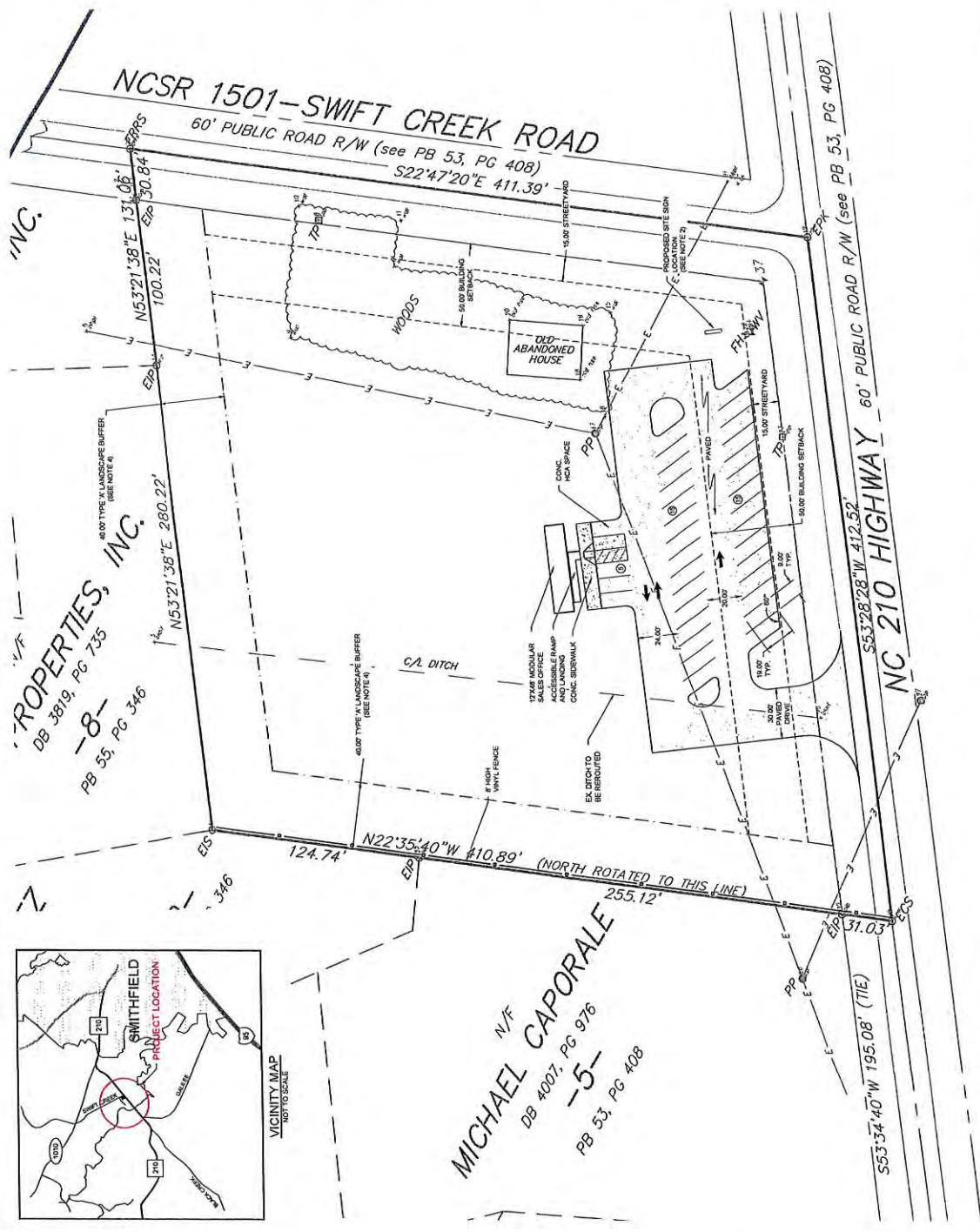


SITE DATA:
 TRACT PROPERTY INFORMATION
 CHARLES PHILIP AND JAMIE TYLER
 1000 S.W. CLAYTON, NC 27009
 AC PG. 10/20/99-1437
 DEED REFERENCE DB 3819 PG 080
 PROPOSED USE: AUTOMOBILE SALES LOT
 AREA: 3.77 AC (INCLUDING RW)
 3.29 AC (EXCLUDING RW)
 PARKING PROVIDED: 30 SPACES
 5 EMPLOYEE CUSTOMER SPACES

CONDITIONAL USE PERMIT APPLICATION SHEET LIST
 PRELIMINARY SITE PLAN LAYOUT P-1
 PRELIMINARY LANDSCAPE PLAN L-1



- SITE NOTES**
1. EXISTING CONDITIONS SURVEY PREPARED BY JAMIE BARBOUR SURVEYING OF SMITHFIELD IN A MAP ENTITLED 'SURVEY FOR CHARLES PHILIP TYLER AND JAMIE TYLER DATED FEBRUARY 21, 2012.
 2. SIGNAGE SHALL BE DESIGNED AND INSTALLED PER TOWN OF SMITHFIELD UDD.
 3. SITE LIGHTING SHALL BE DESIGNED AND INSTALLED PER TOWN OF SMITHFIELD UDD.
 4. LANDSCAPING SHALL BE DESIGNED AND INSTALLED PER TOWN OF SMITHFIELD UDD.
 5. ALL OTHER SITE ELEMENTS SHALL BE DESIGNED AND INSTALLED PER TOWN OF SMITHFIELD UDD.
 6. GARBAGE COLLECTION SHALL BE BY ROLL OFF CONTAINER COLLECTION.
 7. IF IT IS NOT EXPECTED THAT AVERAGE DAILY TRAFFIC GENERATION WILL EXCEED 600 TRIPS / DAY FOR THIS PROJECT, SEE NOTE 2.
 8. WASTE WATER BY CONCRETE SEPTIC SYSTEM.
 9. WATER SUPPLY BY TOWN OF SMITHFIELD.
 10. ALL APPLICABLE NCDOT DRIVEWAY AND ENCROACHMENT PERMITS SHALL BE SECURED PRIOR TO CONSTRUCTION.



MICHAEL CAPORALE
 N/E
 DB 4007, PG 976
 -5-
 PB 53, PG 408

SHEET NO.
P-1
 OF: 2

PRELIMINARY
 SITE PLAN LAYOUT
 NOT RELEASED
 FOR CONSTRUCTION
 12/21/14

NC HIGHWAY 210 CAR LOT
 CONDITIONAL USE PERMIT
 SMITHFIELD, NORTH CAROLINA



PROJECT DATE: JAN 2015
 PROJECT NO.:
 DATE FILED: 12/21/14
 FILED: 12/21/14

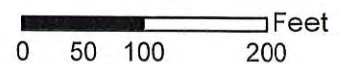
NO.	DATE	DESCRIPTION	BY



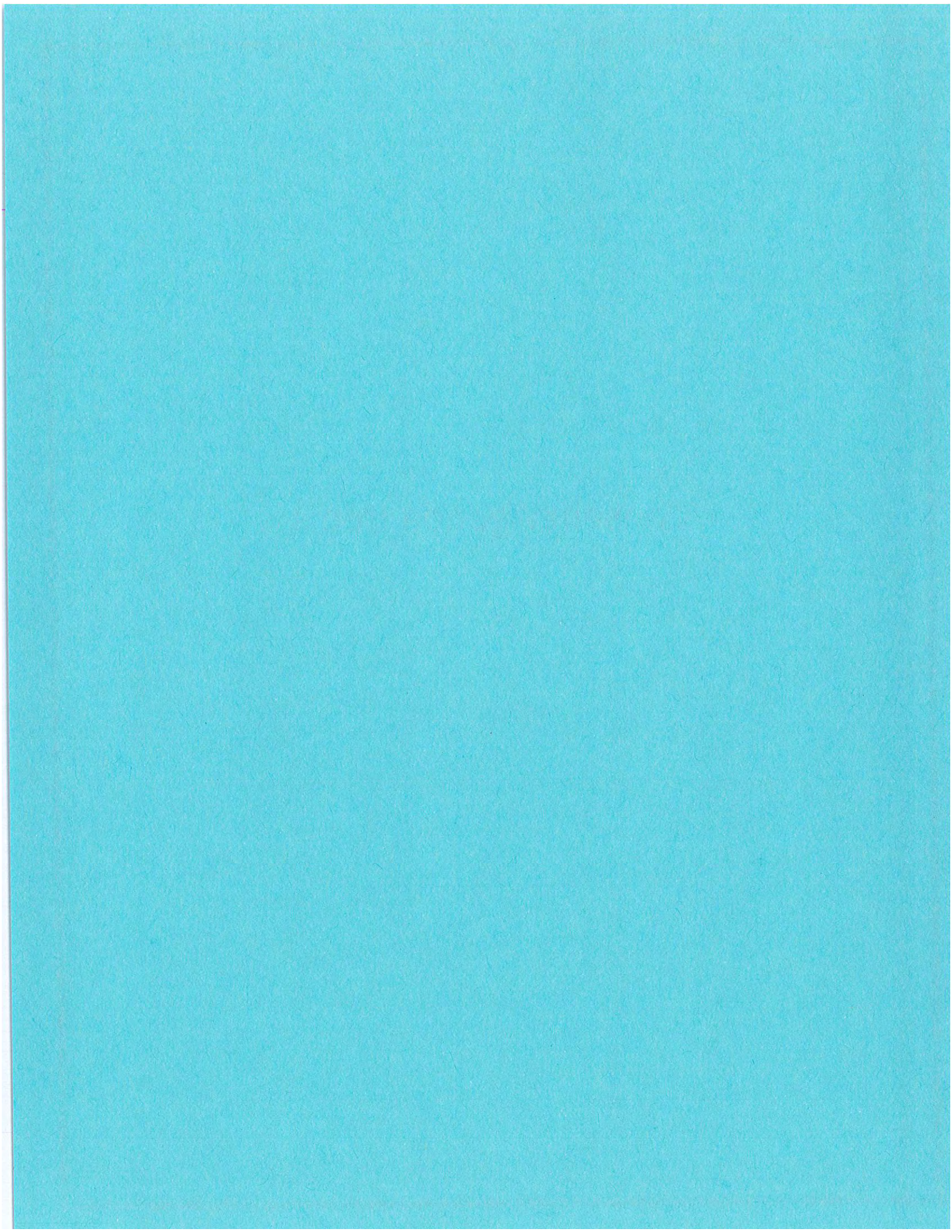
Vicinity Map for:
CUP-15-01
Applicant:
Charles Phillip &
Jamie Tyler



Map Created by Town of Smithfield
Geographic Information Services



Consent Agenda Items



The Smithfield Town Council met in regular session on Tuesday, February 3, 2015 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall. Mayor John H. Lampe II. presided.

Councilmen Present:

M. Andy Moore, Mayor Pro-Tem
Marlon Lee, District 1
J. Perry Harris, District 2
Travis Scott, District 3
Roger A. Wood, District 4
Emery D. Ashley, At-Large
Charles A. Williams, At-Large

Councilmen Absent

Administrative Staff Present

Paul Sabiston, Town Manager
Lenny Branch, Public Works Director
Paul Embler, Planning Director
Kenneth C. Griffin, Public Utilities Director
Patrick Harris, Emergency Services
Gary Johnson, Interim Parks & Rec Director
Tim Kerigan, Human Resources/PIO
Mike Scott, Police Chief
Greg Siler, Finance Director
Shannan Williams, Town Clerk

Present:

Bob Spence, Town Attorney

Staff Absent:

The invocation was given by Councilman Scott followed by the Pledge of Allegiance.

APPROVAL OF AGENDA:

Councilman Harris made a motion, seconded by Mayor Pro-Tem Moore to move the following items from the Business Items to the Consent Agenda:

2. *Bid Award and purchase approval of a commercial lawnmower to be utilized by the Public Works Department in the amount of \$8,910.00. This is a FY2014-2015 budgeted item.*
3. *Bid Award and purchase approval of a 2015 Chevrolet Tahoe four wheel drive utility vehicle to be utilized by the Fire Department in the amount of \$33,134.82. This is a FY 2014-2015 budgeted item.*
4. *Bid award and purchase approval of three squad cars for the Police Department in the amount of \$23,865 per vehicle. This is a FY 2014-2015 budgeted item.*

Unanimously approved.

Councilman Scott made a motion, seconded by Councilman Harris, to move the following item from the Consent Agenda to the Business Items:

5. *Renewal of FY 2015-2016 Employee Benefits/Broker*
 - *Approval of an agreement renewal with Mark III as the broker of record for Employee Primary Health Insurance, Dental Insurance & Life/AD&D*
 - *Approval of an agreement renewal with Municipal Benefits, Inc. as the broker of record for Employee Voluntary Insurance Options*

Unanimously approved.

PRESENTATIONS: None

PUBLIC HEARING:

1. **Public Input and Consideration to Close the Right of Ways on Two Alleys enclosed by South Brightleaf Blvd., Massey Street, Ninth Street and East Johnston Street and adoption of Resolution # 555 (04-2015)**

Councilman Scott made a motion, seconded by Councilman Harris, to open the Public Hearing. Unanimously approved.

Planning Director Paul Embler addressed the Council on a request by Cathy that the Town Council take under consideration the closing of two alley ways on property located internal to the block bound on the north by Massey Street, to the east by 9th Street, to the south by East Johnston Street and to the west by South Brightleaf Blvd. Mr. Embler explained that if the Council elects to close the alley ways, then they must direct staff to file a record of the closing with the Register of Deeds and a map of reversion of vested rights to adjacent property owners must also be filed.

Mayor Lampe asked if there were any questions/comments from anyone in the audience. There were none.

Mayor Lampe asked if there were any questions/comments from the Council. There were none.

Councilman Harris made a motion, seconded by Mayor Pro-Tem Moore, to close the Public Hearing. Unanimously approved.

Councilman Harris made a motion, seconded by Councilman Williams, to approve the closing of the right of ways on two alleys enclosed by South Brightleaf Blvd., Massey Street, Ninth Street and East Johnston Street and adoption of Resolution # 555 (04-2015). Unanimously approved.

RESOLUTION # 555 (04-2015)
ORDERING THE CLOSING OF THAT ALL ALLEYS BOUND BY THE CITY BLOCK OF
MASSEY STREET, E. JOHNSTON STREET, S. BRIGHT LEAF BOULEVARD, AND NINTH
STREET.

WHEREAS, on the 6TH day of January, 2015, the Town Council of the Town of Smithfield directed the Town Clerk to publish the Resolution of Intent of the Town Council to consider closing the alleys bound by the city block of Massey Street, E. Johnston Street, S. Bright Leaf Boulevard, and Ninth Street, in the Smithfield Herald newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in Council Chambers at the Town Hall, 350 E Market Street, Smithfield, NC 27577 on February 3, 2015; and

WHEREAS, the Town Council on the 6th day of January, 2015, ordered the (Town) Clerk to notify all persons owning property abutting that portion of alleys bound by the city block of Massey Street, E. Johnston Street, S. Bright Leaf Boulevard, and Ninth Street, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the Town Clerk has advised the Town Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing all of the alleys in the city block bound by Massey Street, E. Johnston Street, S. Bright Leaf Boulevard, and Ninth Street would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the Town Clerk has advised the Town Council that adequate notices were posted on the applicable streets as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on February 3, 2015; and

WHEREAS, it now appears to the satisfaction of the Town Council that the closing of said alleys is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his or her property;

NOW, THEREFORE, alleys that are bound by Massey Street, E. Johnston Street, S. Bright Leaf Boulevard and Ninth Street are hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

The Mayor and the Town Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed alleys.

The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Johnston County a certified copy of this resolution and order.

Upon motion duly made by Councilman Harris and duly seconded by Councilman Williams the above resolution was duly adopted by the Town Council at a meeting held on the 3rd day of February, 2015, in the Town Hall.

Upon call for a vote the following Councilmembers voted in the affirmative:

Councilman Harris	Councilman Williams
Mayor Pro-Tem Moore	Councilman Ashley
Councilman Lee	Councilman Scott
Councilman Wood	

Duly adopted this the 3rd day of February, 2015, at 7:10 pm

CITIZENS COMMENTS: None

CONSENT AGENDA:

Councilman Ashley made a motion, seconded by Councilman Williams, to approve the following items as listed on the Consent Agenda:

1. Approval of Minutes:

January 6, 2015 – Regular Meeting
January 6, 2015 – Closed Session
January 20, 2015 – Work Session

2. Special Event – Approval to allow the South Campus Middle School to conduct a community "Walk to School" event on February 18, 2015. This was approved as an annual event in 2014.
3. Special Event – Approval to allow Hope Floats NC-Kayak Club to hold its 4th annual fund raising event in association with Relay for Life. The club plans to stay overnight in Smithfield on the Town Commons and also utilize the amphitheater for a Bluegrass Concert. The event will be held on April 4-5, 2015.
4. Bid award and contract approval with "It's Gotta Go Tree Service" to remove five trees in the amount of \$7,675.00. This was a FY 2014-2015 budgeted project.
Bids received are as follows:

• It's Gotta Go Tree Service	\$7,675.00
• Mamie Stewart and Sons	\$10,750.00
• Stephenson Stump & Tree	\$13,950.00
• Town & Country	\$16,025.00

5. Advisory Board /Committee Appointments:

- Board of Adjustments: Stephen R. Upton was appointed to serve a 2nd Term
 - Planning Board: Teresa Daughtry was appointed to serve a 2nd Term
 - Parks & Recreation Advisory Commission: G. Earl Maretz was appointed to serve a 4th Term
 - Parks & Recreation Advisory Commission: David Lasater was appointed to serve a 2nd Term
 - Parks & Recreation Advisory Commission: Timothy Johnson was appointed to serve a 1st Term
6. New Hire Report - The following position was recently filled resulting from a vacancy in accordance with the Adopted FY 14-15 Budget.

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Firefighter	Fire	10-5300-0210	\$10.00

7. Bid Award and purchase approval of a commercial John Deer lawnmower from East Coast Equipment to be utilized by the Public Works Department in the amount of \$8,910.00. This is a FY2014-2015 budgeted item.

The estimates are as follows:

- | | | |
|-------------------------------------|---|-------------|
| • East Coast Equipment (John Deere) | - | \$8,910.00 |
| • Warren Lawn Supply (ExMark) | - | \$9,179.00 |
| • Bullock Brothers (Scag) | - | \$10,399.20 |

8. Bid Award and purchase approval of a 2015 Chevrolet Tahoe four wheel drive utility vehicle from Bobby Murray Chevrolet (State Contract Price) to be utilized by the Fire Department in the amount of \$33,134.82. This is a FY 2014-2015 budgeted item.

Bids were solicited from the following vendors:

- Deacon Jones Chevrolet - \$34,011.32
- Bobby Murray Chevrolet - \$33,134.82 (State Contract Price)

9. Bid award and purchase approval of three squad cars from Deacon Jones Dodge for the Police Department in the amount of \$23,865 per vehicle. This is a FY 2014-2015 budgeted item.

The two quotes are as follows:

- | | | |
|----------------------|----------|---|
| • Ilderton Dodge | \$24,014 | (1) vehicle (State Contract Dealership) |
| • Deacon Jones Dodge | \$23,865 | (1) vehicle |

Unanimously approved.

BUSINESS ITEMS:

- 1. ESA Acknowledgement of acquisition of the ESA Smithfield NC 1, LLC Solar Farm contract by BayWa RE from ESA Renewables; Acceptance of Scope of Services from Power Services for Design, Construction and Construction Inspection and Administration of the construction of the ESA Smithfield NC 1, LLC intertie with the Town of Smithfield's Brogden Road Substation; Setting of a monthly 1.0% of the Facilities Charge for the Town to maintain and replace the intertie components as needed; and approval of a budget amendment**

Public Utilities Director Ken Griffin addressed the Council on several requests relating to the solar farm project near Brogden Road. Mr. Griffin explained that during the September 3, 2013 Council Meeting, the Town Council approved an Interconnection Agreement between the Town and ESA Smithfield 1 NC, LLC. BayWa, RE has acquired the ESA Smithfield 1 NC, LLC from ESA Renewables and approval of this change of ownership is requested from the Town Council. He further explained that BayWa RE has given the Town a check in the amount of \$190,620.00 to cover the cost of design, construction, inspection and administration of the construction of the intertie between the ESA Smithfield 1 NC, LLC Solar Farm and the Town's Brogden Road Substation. Town staff requested a proposal from Power Services to provide these services and Power Services has agreed to do so for \$190,582.50. Town staff requests authorization for the Town Manager to execute the agreement with Power Services to provide these services for the proposed amount. Mr. Griffin explained that the

Town's electric rate schedule calls for a 1–2% excess facilities charge for maintenance and replacement of additional facilities beyond normally required equipment installed to service a customer. The Town will be installing an intertie at a cost \$190,582.50 that has been paid for by the applicant; but the Town is responsible for maintenance, repair and replacement of the intertie components. The Town is hereby requiring a monthly 1% Excess Facilities Charge of \$1,905.82 per month to be billed to and paid by BayWa RE for its ESA Smithfield NC 1, LLC intertie with the Town's Brogden Road Substation, commencing with completion of the construction of the intertie.

Councilman Scott questioned if the contractor was bonded. Mr. Sabiston explained that there is a lot of protection for the Town in the contract.

Councilman Ashley questioned if staff expects any surprises. Mr. Griffin responded that there shouldn't be any additional costs incurred and there should be no surprises.

Councilman Harris questioned if there was a certain time frame that the project must be complete. Mr. Sabiston responded that a schedule must be given to the Town that outlines the construction process.

Councilman Harris also questioned if staff felt the 1% excess facilities charge was adequate. Mr. Griffin responded that it was a fair charge.

Councilman Ashley made a motion, seconded by Councilman Wood, to 1) Approve the change in ownership of the ESA Smithfield 1 NC, LLC from ESA Renewables to BayWa RE. 2) Authorize the Town Manager to execute an agreement with Power Services to design, construct, inspect and administer the construction of the intertie between the ESA Smithfield 1 NC, LLC solar farm with the Town' Brogden Road Substation. 3) Require a monthly 1% Excess Facilities Charge of \$1,905.82 to be billed and paid by BayWa RE for its ESA Smithfield NC 1, LLC intertie with the Town's Brogden Road Substation, commencing with the completion of construction of the intertie. And 4) Approve the budget amendment to establish and fund revenues and expenses with the Solar Farm Agreement. Unanimously approved.

<u>ELECTRIC FUND</u>	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
1. Revenue			
31-3590-0002 ESA-BAYWA SOLAR	\$ _____ -	\$ <u>190,620</u>	\$ <u>190,620</u>
Expenditure			
31-7230-3504 ESA-BAYWA SOLAR	\$ _____ -	\$ <u>190,620</u>	\$ <u>190,620</u>

2. Update regarding the West Smithfield Beautification Project

Planning Director Paul Embler gave the Council an update on the West Smithfield Beautification Project. Mr. Embler stated that all information has been sent to NCDOT for review and consideration. Mr. Embler further stated that he has and will continue to follow up with NCDOT staff regarding this project.

3. Update on potential repair to Venture Drive

Public Works Director Lenny Branch updated the Council on the conditions of the roadway on Venture Drive. Mr. Branch explained that the Public Works Department had core test of the road structure performed. Ten different locations were drilled to depths of approximately 2 to 3 feet below the pavement surface. As expected, it was discovered that the base under the road is in poor condition. Two recommendations were offered by the engineering firm that conducted the core test. Mr. Branch recommended that Venture Drive be totally reconstructed. Mr. Branch further stated that the yearly

resurfacing project will begin in the near future and he will ask the contractor that is awarded the project to also look at Venture Drive.

Mayor Lampe suggested that good asphalt be considered. Mr. Branch stated that he does not recommend that approach for fear that the base would continue to be the source of the roadway's problems.

Councilman Williams questioned if the base of the road was the problem. Mr. Branch responded that the base is the problem and if the Town is going to fix it then it should be done right this time.

Mayor Lampe asked if concrete was a less expensive option. Mr. Branch responded that he is looking at every option for this project.

Mayor Pro-Tem Moore reminded the Council that this will be a very expensive but necessary project.

No action taken.

4. Renewal of FY 2015-2016 Employee Benefits/Broker

- **Approval of an agreement renewal with Mark III as the broker of record for Employee Primary Health Insurance, Dental Insurance & Life/AD&D**
- **Approval of an agreement renewal with Municipal Benefits, Inc. as the broker of record for Employee Voluntary Insurance Options**

Town Manager Paul Sabiston addressed the Council on a request by staff to renew the agreement with Mark III as the broker of records for Employee Primary Health Insurance, Dental Insurance & Life/AD&D and to renew the agreement with Municipal Benefits, Inc. as the broker of record for employee voluntary insurance options. Mr. Sabiston explained that Mark III and Municipal Benefits have both done an excellent job for the Town and the employees.

Human Resources Director Tim Kerigan explained that the broker is soliciting bids from the insurance carriers for health and dental quotes. Mr. Kerigan stated that he is very pleased with the services that Mark III has provided and would like to remain with Mark III because of the continuity of services staying with them provides.

Councilman Williams questioned if Mr. Kerigan has received any negative feedback .Mr. Kerigan responded that 99% of the feedback has been positive.

Councilman Scott questioned if Mark III assisted the Town with understanding the Affordable Care Act. Mr. Kerigan responded that they have done an excellent job of keeping the Town abreast of all changes due to the affordable Health Care Act.

Councilman Ashley made a motion, seconded by Councilman Wood, to approve the agreement renewal with Mark III as the broker of record for employee primary health insurance, dental insurance & life/AD&D and to approve the agreement renewal with Municipal Benefits, Inc. as the broker of record for employee voluntary insurance options. Unanimously approved.

Councilmembers Comments:

- Councilman Ashley expressed his appreciation to Town Manager Paul Sabiston and Interim Parks and recreation Director Gary Johnson for providing Council with a cost analysis for athletic programs.
- Councilman Scott questioned when the next Budget Session would be held. Mayor Lampe directed the Clerk to poll the Council for dates.

Town Manager's Report:

- **Department Reports**

- A highlight of each department's monthly activities was given to the Council.

- **Financial Report**

- General Fund revenues for the month ending December 31, 2014 were \$ 2,456,875 and YTD revenues were \$ 6,125,030. The general fund expenditures for the month ending December 31, 2014 were \$ 933,857 and YTD expenditures were \$ 5,464,578.

- **Manager's Updates**

Mr. Sabiston gave the Council a brief update on the following issues:

- Parks and Recreation cost analysis for programs.
- Complimented staff for the implementation of the online utility bill payments.
- NCEMPA asset sale and the need to do a Cost of Services study. The Towns of Benson, Clayton, Selma and Smithfield may be able to work together with Electricities to complete the study and rate recommendations for each Town.

Adjourn

There being no further business, Mayor Pro-Tem Moore made a motion, seconded Councilman Harris, to adjourn. Unanimously approved.

The meeting adjourned at approximately 7:49 pm.

ATTEST:

John H. Lampe II., Mayor

Shannan L. Williams, Town Clerk

TOWN OF SMITHFIELD
Town Council
Information Form

Overview:

First Missionary Baptist Church at 403 Caswell Street will be conducting a special event (3on3 Basketball Tourney) to be conducted in the church property and on a portion of Caswell Street between Fourth Street and Fifth Street.

Date of Meeting: March 3, 2015

Date Prepared: February 11, 2015

Staff Work By: Paul Embler

Presentation By: N/A

Presentation Description:

The First Missionary Baptist Church will be conducting its third annual 3on3 Basketball Tourney to be held May 16, 2015 from 10am to 5pm. Set up will begin at 8am on the 16th and all activities are anticipated to be completed and cleaned up by 5pm. There will be food and drinks served. The Church will be utilizing a PA/music system for the event. A street closing is required for the event by the closing of Caswell Street between Fourth Street and Fifth Street. Approval letters by neighbors impacted by the street closing will be provided before the street is closed by the Public Works Department.

Action Requested:

The Council approved the event as an annual event on March 5, 2013. This information is submitted for informational purposes only; no action is required by Council.

**Town of Smithfield
Town Council
Action Form**

Item: Promotion

Date of Meeting: March 03, 2015

Date Prepared: February 09, 2015

Staff Work By: Chief Michael L. Scott

Presentation: New Business

Presentation:

This is a request to promote one police officer from the rank of Police Officer One (PO I) to Police Officer II (PO II). Under the Town's Employee Handbook, all promotions to a higher pay grade will be accompanied by an increase to the next pay grade minimum salary or a 5% increase, whichever is greater. In this case the required salary increase for the current budget year will be \$510.00 (annually starting next year-\$1,892).

This officer has followed the attached career ladder policy found in the support documentation and has earned this promotion. The police chief recommends this promotion and a five percent salary increase, moving him to the next pay grade in the current Town salary schedule (also attached). This salary increase is an approved budgeted increase and will not require a budget amendment to the current salary line item for the police department, 10-5100-0200.

Action Requested:

It is requested this Officer be allowed this promotion.

TO: Paul Sabiston Town Manager
FROM: Michael L. Scott, Chief of Police
SUBJECT: Promotion
DATE: February 09, 2015

The police department is requesting permission to promote one officer. This promotion is from Police Officer One (PO I) to Police Officer Two (PO II). This promotion will move the officer from Pay Grade 16 to Pay Grade 17 in the current salary schedule (attached). It is recommended a five percent salary increase accompany this promotion. This equates to an annual increase of \$1,892. The promotion is requested to become effective March 09, 2015. The effect on the current annual budget will be \$510.

It is anticipated that one additional career ladder increase will be requested during the current fiscal year. (See attached policy on career ladder), However officers completing college degrees could advance the number. This career ladder increase was budgeted and approved for this budget cycle.

Thank you for your consideration regarding this promotion.

Town of Smithfield
Salary Schedule
July 1, 2009 thru June 30, 2010

(No COLA, No Marti for FY 09-10)

(52%)

Grade	JOB TITLE	F L S A	Pos Code	7/1/08 PROB Hourly Rate +3%	7/1/08 PROB Annual Salary	7/1/08 MIN Hourly Rate	7/1/08 MIN Annual Salary	7/1/08 MAX Annual Salary
6	General Maintenance Worker - Public Works		1003	9.65	19864.00	10.03	20862.40	31919.48
	General Maintenance Worker - Fire		3010					
7	Facility Maintenance Specialist - Parks & Rec		1002	10.03	20862.40	10.64	21923.20	33542.50
	Facility Maintenance Specialist - Public Works Sanitation Worker		1004					
8	Street Maintenance Worker		1005	10.54	21923.20	11.07	23026.60	35229.17
9	Collections Assistant		11	11.07	23026.60	11.63	24190.40	37011.32
	Meter Reader		1061					
	Administrative Secretary/Receptionist - Gen Govt Administrative Secretary/Receptionist - Police		20					
10	Meter Technician		1060	11.63	24190.40	12.22	26417.60	38668.93
	Street Signs Specialist		1031					
	Utility Line Mechanic		1046					
	Sr. Collections Assistant		13					
11	Sanitation Equipment Operator		1013	12.22	26417.60	12.64	26707.20	40862.02
	Equipment Operator Trainee							
12	Administrative Support Specialist - Fire		3019	12.64	26707.20	13.49	28058.20	42930.68
	Administrative Support Specialist - GenGovt		22					
	Administrative Support Specialist - Parks/Rec		2005					
	Administrative Support Specialist - Planning		23					
	Administrative Support Specialist - Police		3045					
	Administrative Support Specialist - CS - PubUtl		1085					
	Administrative Support Specialist - Public Works		1008					
	Animal Control Officer		3021					
	Compactor Operator		1014					
	Customer Service Representative		1097					
	Equipment Operator		1011					
	Finance Assistant		12					
	Meter Reader/PC Specialist		1062					
	Patent Accounts Representative - EMS		2059					
	Police Records Clerk		3040					
Pump Station Mechanic		1041						
Water Plant Operator I		1051						
Water Maintenance Technician		1048						
13	Equipment Mechanic		1021	13.49	28058.20	14.17	29473.60	45064.61
	Parks & Grounds Crew Leader		2012					
	Public Works Crew Leader		1012					
	Sr Customer Service Rep		1096					
	Water Plant Operator II		1052					
14	Facilities/Streets Maintenance Supervisor		2008	14.17	29473.60	14.88	30950.40	47354.12
	Facility Maintenance Supervisor		1010					
	Sanitation Crew Supervisor		1007					
	Water Plant Operator III		1053					
	Utility Line Crew Supervisor		1049					
	Wastewater System Technician		1047					
	Water System Technician		1043					

Grade	JOB TITLE	F L S A	Pos Code	7/1/08 PROB Hourly Rate +3%	7/1/08 PROB Annual Salary	7/1/08 MIN Hourly Rate	7/1/08 MIN Annual Salary	7/1/08 MAX Annual Salary
15	Electric Line Technician		1064	14.88	30950.40	16.63	32510.40	49740.92
	Engineering Technician		1070					
	Firefighter I (Day Shift)		3013	14.17	30947.28	14.68	32497.92	49721.82
	Firefighter I (ABC Shift - 42hrs/wk)		3012					
16	Accounts Payable Technician I		31	15.63	32510.40	16.42	34163.60	62266.01
	Zoning Enforcement Officer		61					
	EMT-Paramedic I		3001					
	EMT-Paramedic I (Part-Time Hry Pay)		3004					
(2340yr)	Firefighter II (Day Shift)		3017					
(2470yr)	Firefighter II (ABC Shift 42 hr/wk)		3015	14.88	32497.92	16.63	34135.92	62227.98
(2230yr)	Police Officer I (43 hr/wk)		3043	14.54	32811.44	15.27	34143.72	52239.90
17	Athletic Programs Supervisor		2008	16.42	34163.60	17.25	35880.00	64686.40
	Customer Services Supervisor		1098					
	EMT Paramedic II		3005					
	Fire Engineer (Day Shift)		3018					
	Minimum Housing Code Enforcement Officer		82					
	Payroll/Accounting Technician II		14					
	Purchasing Agent		48					
	Recreation Programs Supervisor		2011					
	Fire Engineer (42 hr/wk)		3011	15.63	34135.92	16.42	35881.28	64687.76
	Police Officer II (43 hr/wk)		3049	15.27	34143.72	16.04	35866.44	64674.13
18	Aquatics Center Supervisor		2016	17.25	35880.00	18.12	37889.60	57666.09
	Electric Line Crew Leader		1068					
	Fire Inspector I		3008					
	Planner/GIS Technician		60					
	Police Support Services Manager	E	3041					
	Senior EMT-Paramedic		3006					
Master Police Officer (43 hr/wk)		3047	16.04	35866.44	16.85	37676.60	57645.20	
19	Sr Planner		61	18.12	37889.60	19.03	39582.40	60561.08
	EMS Captain		2098					
	Fire Captain (42 hr/wk ABC Shift)		3016	17.26	37695.84	18.13	39595.82	60581.76
	Police Sergeant (43 hr/wk)		3044	16.85	37676.60	17.70	39577.20	60553.12
20	Chief Water Plant Operator		1085	19.03	39582.40	19.99	41579.20	63616.18
	IT Analyst/Billing Supervisor		36					
	Water Plant Chemist		1057					
21	Recreation Center Supervisor		2013	19.99	41579.20	20.99	43669.20	66798.58
	Police Lieutenant (43 hr/wk)		3048	18.89	41667.24	19.52	43646.72	66779.49
22	Fire Marshal		3007	20.99	43659.20	22.04	45843.20	70140.10
	Water Plant Superintendent	E	1059					
23	Electric Distribution Superintendent	E	1069	22.04	45843.20	23.15	48162.00	73672.68
	Emergency Services Division Chief / Fire Marshal		2097					
	Emergency Services Division Chief / EMS Div		2096					
	Police Captain	E	3057					
	Public Works Superintendent	E	1038					
	Recreation & Aquatics Center Director	E	2015					
Sr Athletics Programs Supervisor & Asst P/R Director	E	2004						
24	Water/Sewer Line Superintendent	E	1050	23.15	48162.00	24.31	50564.80	77384.16

Grade	JOB TITLE	FLRA	Pos Code	7/1/08 PROB Hourly Rate +3%	7/1/08 PROB Annual Salary	7/1/08 MIN Hourly Rate	7/1/08 MIN Annual Salary	7/1/08 MAX Annual Salary
25	Assistant Fire Chief / Deputy Chief	E	3002	24.31	50584.80	25.53	53102.40	61246.68
26	Town Clerk/Human Resources Director Planning Director	E	25 59	25.53	53102.40	26.81	55764.80	65320.16
27	Finance Director Parks/Recreation Director	E	48 2019	26.81	55764.80	28.15	58552.00	69584.56
28	Police Chief Public Utilities Director Fire Chief/Dir. Emergency Services City Manager	E	3089 1089 3009 89	28.15	58552.00	29.56	61484.80	94071.74



Chapter 500
Personnel Policy 504: Promotions & Career Development
Effective Date: January 1, 2014 Revised Date: August 1, 2014
Approved by: Chief Michael L. Scott

Michael L. Scott

I. POLICY STATEMENT

It shall be the policy of the Department to select the most qualified candidates to fulfill the duties and responsibilities of each position within the agency. All aspects of this policy are in keeping with the Department's goals as an equal opportunity employer.

II. COMMENTARY

The purpose of this directive is to establish guidelines for the administration of the Department's promotion process.

A career ladder program will provide for the advancement of police officers who demonstrate increasing levels of knowledge, skills, and abilities. Advancement and promotional processes will be administered fairly and impartially, using testing and evaluation mechanisms that evaluate past performance as well as future potential through the use of job-related criteria.

III. PROCEDURES

A. Administration

1. The Smithfield Police Department is responsible for the administration of the promotion process. When deemed necessary, assistance may be utilized from other entities within or outside of Town government.
2. The Chief of Police has the authority and responsibility for administering the Department's promotion process. All promotional materials will be maintained and secured in the Chief's office.
3. Responsibilities of the Chief of Police include:
 - a) Maintaining authority over all phases of the process
 - b) Determining the skills, knowledge, and abilities required for each position
 - c) Initiating promotional processes on an as-needed basis
 - d) Selecting a candidate for promotion at the completion of the process

4. The Chief of Police may delegate selected duties to other Departmental employees to facilitate the promotional process.

5. When it is deemed in the best interest of the Department, the Chief of Police may waive any of the prescribes qualifications or eligibility requirements, except those established by the North Carolina Criminal Justice Education and Training Standards Commission or other legal authority.

B. Vacancy Announcements

1. Prior to the commencement of any promotional process, the Department will post written notices announcing the following information:

- a) Description of the position to be filled;
- b) Description of eligibility requirements;
- c) Closing date

2. Personnel eligible to participate in the promotional process will submit a letter of intent through the chain of command to the Chief of Police. The candidate's supervisor and each person in the chain of command will indicate approval or disapproval of the candidate's suitability to participate in the process. Disapprovals must be justified in writing and forwarded to the Chief of Police.

3. Once the application period for the given position has been officially closed, all eligible applicants who meet the minimum requirements for the position will be considered for the Department's promotional process. The Chief of Police or designee will ensure the eligibility of the applicants prior to the beginning of the promotion process.

4. When deemed necessary, the Chief of Police has the authority to order a written test for any promotional process. Written tests given will be standardized, validated, and approved by the Town Human Resources Department.

5. An officer who is not recommended for promotion by his/her supervisor will receive a written recommendation for improvement and a follow-up date for review by the supervisor. The officer has the right to appeal through the appropriate chain of command to the Chief of Police.

C. Promotional Procedures

1. Chief of Police or designee will conduct a review of applicable Human Resources and Departmental personnel records in order to evaluate the promotional potential of the candidates. This review serves to verify law enforcement credentials, certifications, and work performance history of the applicants to ensure that the minimum qualifications have been met for each applicant. Candidates are not ranked at this point of the process; however, candidates who do not meet all the preferred qualifications for the position may be eliminated at this stage of the process. Candidates are ranked according to their promotional potential only at the completion of the assessment center phase of the promotion process.

2. The promotional process will consist of an assessment designed to measure each candidate's ability to perform the specific job; The assessment will evaluate each candidate's performance in handling job-related problems and situations through specially-developed simulation exercises; Promotional assessments may include, but are not limited to, written projects, oral presentations, oral interviews, conflict role plays, and counseling role plays.
3. Prior to each promotional process, promotional procedures will be reviewed to determine current applicability. A description of the selection process will be provided to each candidate.
4. The Chief of Police will evaluate the Department's promotional process as needed. The process will be evaluated for validity and effectiveness. All components of the promotion process will be job related and non-discriminatory. Tests used in the process will be purchased from a commercial vendor that have completed validity studies for job relatedness and non-discriminatory practices.
5. For general promotional purposes, lateral entry from other agencies for supervisory positions will not be commonly practiced. However, prior experience at another law enforcement agency may be used toward meeting the requirements for a higher level position after initial entry requirements (including probationary period) are met. Prior experience with another agency will be assessed and a lateral-entry candidate's eligibility for hire above the classification of entry level officer will be evaluated by the Chief of Police on a case-by-case basis. (Exception to this is the position of Chief of Police and any other senior management positions as determined by the Town Manager).
6. Newly hired and newly promoted personnel will serve a probationary period of six months as required by the Town of Smithfield *Personnel Policy*. An evaluation of performance will be conducted after the completion of six months for newly promoted personnel. Newly hired personnel will be evaluated in accordance with Departmental standards.

D. Minimum Qualifications for Promotion

1. Sergeant

To be eligible for promotion to the position of Sergeant, candidates must:

- a) Have served as a Police Officer II for two years;
- b) Have completed a total of 172 training hours;
- c) Within 12 months of promotion to Sergeant, an officer must complete 40 hours of supervisory training;
- d) Have been awarded the Intermediate Law Enforcement Certificate by the North Carolina Criminal Justice Education and Training Standards Commission;
- e) Have received a rating of "Better than Satisfactory" or higher on the last two annual performance appraisals or a rating of "Outstanding" on the last annual performance appraisal;
- f) The effect of disciplinary action on eligibility for advancement is at the supervisor's discretion.

2. Lieutenant

To be eligible for promotion to the position of Lieutenant, candidates must:

- a) Have served as a Sergeant for two years;
- b) Have completed a total of 80 hours of Management/Supervision Training;
- c) Have been awarded the Intermediate Law Enforcement Certificate by the North Carolina Criminal Justice Education and Training Standards Commission;
- d) Have received a rating of "Better than Satisfactory" or higher on the last two annual performance appraisals or a rating of "Outstanding" on the last annual performance appraisal;
- e) The effect of disciplinary action on eligibility for advancement is at the supervisor's discretion.

3. Captain

To be eligible for promotion to the position of Captain, candidates must:

- a) Have served as a Lieutenant with the Smithfield Police Department for two years;
- b) Have been awarded the Advanced Law Enforcement Certificate by the North Carolina Criminal Justice Education and Training Standards Commission;
- c) Have received a rating of "Better than Satisfactory" or higher on the last two annual performance appraisals or a rating of "Outstanding" on the last annual performance appraisal;
- d) The effect of disciplinary action on eligibility for advancement is at the supervisor's discretion.

7. Newly hired and newly promoted personnel will serve a probationary period of six months as required by the Town of Smithfield *Personnel Policy*. An evaluation of performance will be conducted after the completion of six months for newly promoted personnel. Newly hired personnel will be evaluated in accordance with Departmental standards.

E. Review and Appeal

1. Within (5) working days of the conclusion of a promotional process, candidates may review their performance results in each element of the promotional process to include:

- a) Review of the answer key to any written exams administered, unless prohibited by the leaseholder of the test
- b) Review of the written results of scored elements of the selection process
- c) Review of reports/materials used in the selection process

However, in accordance with NCGS 160A-168(C1), testing or examination materials may be withheld from disclosure to the employee or other persons if the material was used solely to determine qualifications for promotion and in the opinion of the agency the disclosure of such material would compromise the objectivity or the fairness of the testing or examination process.

2. Candidates may contest any results filed by requesting a meeting with the Chief of Police or designee administering the process. The Chief of Police or designee will conduct a review of the report(s) and discuss findings with all staff in the supervisory chain of command.

3. The Chief of Police or designee will inform the contesting employee of the final decision at the completion of the review.

4. If an employee feels that fair treatment has not been received during any portion of the promotional process, he/she is urged to use the Department's grievance procedures contained in Policy 507.

F. Career Ladder

1. The career ladder program will include the following classifications.

- a) Police Officer I
- b) Police Officer II
- c) Master Police Officer

2. Each level in the career ladder will have certain minimum requirements necessary to qualify for advancement or promotion to the next level. Upon fulfilling the requirements necessary for advancement to Police Officer II and Master Police Officer the officer will submit a memorandum to the Chief of Police containing the following information:

- a) Hire date
- b) Date of last advancement, if applicable
- c) Level of education
- d) Complete list of required classes and dates attended
- e) Date awarded applicable law enforcement certificate(s)

3. This memorandum must be endorsed by the officer's Team Commander and the appropriate Division Commander. The Division Commander will forward the memorandum to the Chief of Police after having verified the information contained therein.

4. An officer who is not recommended for advancement will receive a written recommendation for improvement and a follow-up date for review by the supervisor. The officer has the right to appeal through the appropriate chain of command to the Chief of Police.

5. After consideration of all factors deemed relevant by the Chief of Police, the officer will be notified of the advancement decision within 30 days following receipt of the memorandum by the Chief of Police.

G. Minimum Qualifications for Advancement

1. Police Officer I

Entry-level candidates must:

- a) Meet the basic requirements established by the North Carolina Criminal Justice Education and Training Standards Commission
- b) Meet minimal requirements for employment with the Town of Smithfield as set forth in the Town of Smithfield Personnel Policy
- c) Appear before a Department review board made up of officers selected by the Chief of Police
- d) Pass an extensive background investigation and successfully complete a psychological evaluation, physical examination, drug test, and polygraph examination

All finalists will be interviewed by the Chief of Police. Within the first two years of employment, officers are required to attend the following classes after completing Field Training:

- a) Officer Survival (minimum 24 hours)
- b) Standardized Field Sobriety Testing
- c) Public Speaking

2. Police Officer II

To be considered for advancement to Police Officer II, candidates must:

- a) Have completed the following time in grade as a Police Officer I, based on level of education:

No Degree - 3 years as a Police Officer I

Associate Degree - 2 years as a Police Officer I

Bachelors Degree - 1 year as a Police Officer I

An officer with a minimum of five years full-time previous law enforcement experience with another agency will be eligible for advancement to Police Officer II after one year of service with the Smithfield Police Department, provided that all other requirements for Police Officer II are met.

- b) Have completed a total of 160 training hours, including:

40 hours of Community Policing Training

40 hours of Traffic Enforcement Training

40 hours of Investigations Training

40 hours of training in any law enforcement topic

- c) Have been awarded the Basic Law Enforcement Certificate by the North Carolina Criminal Justice Education and Training Standards Commission
- d) Have received a rating of "Satisfactory" or higher on the last annual performance appraisal
- e) The effect of disciplinary action on eligibility for advancement is at the supervisor's discretion.

3. Master Police Officer

To be considered for advancement to Master Police Officer, candidates must:

- a) Have served as a Police Officer II for two years

An officer with a minimum of five years previous full time law enforcement experience with another agency will be eligible for advancement to Master Police Officer after one year of service with the Smithfield Police Department as a Police Officer II, provided that all other requirements for Master Police Officer are met.

- b) Have completed a total of 280 training hours, including:

40 hours of Management/Supervision Training

80 hours of Community Policing Training (includes 40 hours as Police Officer II)

160 hours of training in any law enforcement topic

- c) Have been awarded the Intermediate Law Enforcement Certificate by the North Carolina Criminal Justice Education and Training Standards Commission
- d) Have received a rating of "Better than Satisfactory" or higher on the last two annual performance appraisals or a rating of "Outstanding" on the last annual performance appraisal
- e) The effect of disciplinary action on eligibility for advancement is at the supervisor's discretion.



**Town of Smithfield
Town Council
Action Form**

Item Title: Purchase of a 2015 Chevrolet 1500 Service Truck

Date of Meeting:

March 3, 2015 Date Prepared: February 18, 2015

Staff Work By: Lenny Branch, Public Works Director,

Presentation By: Lenny Branch

Presentation Description:

In this year's (FY 14-15) budget, the Public Works Appearance Division was approved \$25,000 to purchase a new service truck. The new service truck will replace an F 150 pickup that is over 15 years old. Bids were solicited from the following vendors:

➤ Deacon Jones Auto Group	-	\$24,332.72
➤ Capital Ford Inc.	-	\$25,441.00
➤ Classic Ford	-	\$31,135.83

Action Requested: Council is requested to award the purchase of the service truck to the lowest bidder (Deacon Jones Inc.) in the amount of \$24,332.72.



**Town of Smithfield
Town Council
Action Form**

Item Title: Purchase of a 2015 F 350 Flatbed Truck

Date of Meeting:
March 3, 2015 Date Prepared: February 18, 2015

Staff Work By: Lenny Branch, Public Works Director,

Presentation By: Lenny Branch

Presentation Description:

In this year's (FY 14-15) budget, the Public Works Sanitation Division was approved \$30,000 to purchase a new 1ton Dump Body service truck. The new service truck will replace an F 350 Flatbed that is utilized in the recycling/debris removal operation. Bids were solicited from the following vendors:

➤ Capital Ford Inc. (State contract price)	-	\$32,801.00
➤ Deacon Jones Auto Group	-	\$33,664.14
➤ Classic Ford	-	\$35,857.18

If approved staff is requesting that the (\$2,801.00) over budgeted amount be removed from the Sanitation line #10-5800-3400 and placed in the Capital Outlay line #10-5800-7400.

Action Requested: Council is requested to authorize two actions. (1) Award the purchase of the service truck to the lowest bidder (Capital Ford Inc.) in the amount of \$32,801.00. (2) Allow staff to move \$2,801.00 from the Sanitation line #10-5800-3400 to the #10-5800-7400.

Town of Smithfield Town Council Information Form

Item: Filled Vacancies
Date of Meeting: March 03, 2015 **Date Prepared:** February 24, 2015
Staff Work By: Tim Kerigan, HR Director

Background

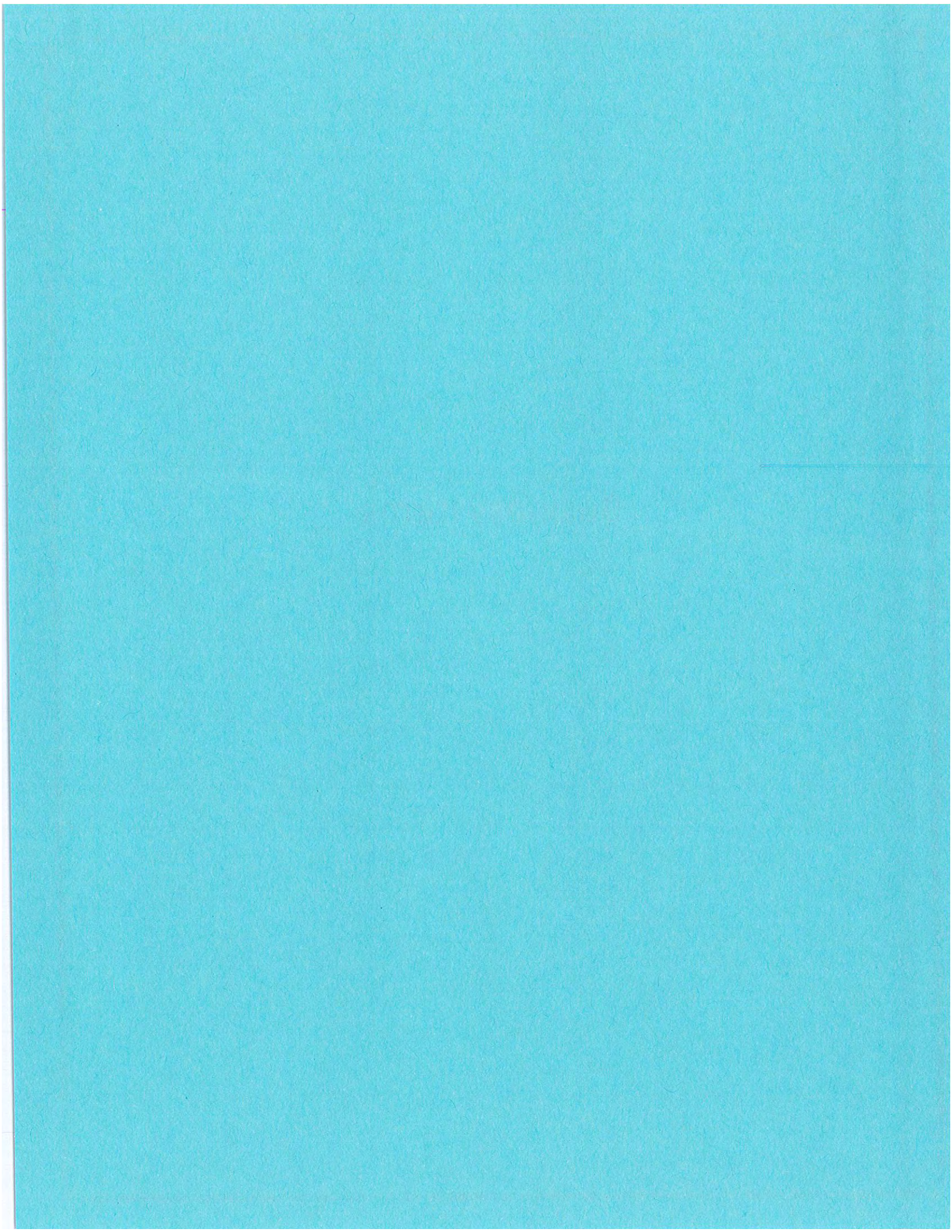
Per Policy, upon the hiring of a new or replacement employee, the Town Manger or Department Head shall report the new/replacement hire to the Council on the Consent Agenda at the next scheduled monthly Town Council meeting.

Action Requested

The Town Council is asked to acknowledge that the Town has successfully filled the following vacancies in accordance with the Adopted FY 14-15 Budget.

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Water Plant Operator I	PU – Water Plant	30-7200-0200	\$14.17/hr (\$29,473.60/yr)
Police Officer I	Police	10-5100-0200	\$16.034/hr (\$35,852.02/yr)
Sanitation Equipment Operator	PW – Sanitation	10-5800-0200	\$12.84/hr (\$26,707.20/yr)

Business Items



**Town of Smithfield
Town Council
Action form**

Item: Girls Scout Project to Paint a Mural on under Bridge of Highway Business 70 on the Buffalo Creek Greenway.

Date of meeting: March 3, 2015

Date prepared: February 16, 2015

Staff work by: Gary Johnson

Presentation: Gary Johnson

Presentation:

Sarah Gaskins and Clair McGeough have approached the Parks and Recreation Department and the Town of Smithfield with the request to paint a mural on the bridge underneath Business 70 at the Town Commons. This project is to earn their Silver Award for Girls Scouts. The Parks and Recreation Department is in full support of the mural and thinks that it would assist in curbing the graffiti problem we are currently challenged with.

The mural would depict scenes along the Mountains to Sea trail (in which the Buffalo Creek Greenway is under consideration for designation) including Boone, the Biltmore estate, Smithfield, Topsail Island and Cape Hatteras. Also included would be the Cardinal, Dogwood Flower, and Pine Tree (all State Symbols). The Smithfield Scene would depict the Hastings House, the WW1 Memorial at the Courthouse and the ties to Ava Gardner.

Action Requested:

Approve the request (upon NCDOT approval) to paint the mural under the 70 Business Bridge along the Buffalo Creek Greenway.

**Town of Smithfield
Town Council
Action form**

Item: Lease of New Fitness Equipment for SRAC

Date of meeting: March 3, 2015

Date prepared: February 16, 2015

Staff work by: Gary Johnson

Presentation: Gary Johnson

Presentation:

The Smithfield Town Council appropriated \$35,000.00 in the capital outlay line item (106220.7400) to replace the existing fitness equipment in the SRAC. The existing equipment has been in service since the opening of the building in 2009 and has far exceeded its life expectancy. Having equipment in proper working condition is a big key for new memberships, and more importantly, existing membership retention.

Two options were looked at:

The **purchase** of new equipment in which we would be able to purchase roughly 6 pieces of equipment. By doing this, it would take approximately 3 years to replace the existing equipment and would require a maintenance contract (currently \$2,310.00 / yr) to maintain the equipment in working order.

Enter into a three year **lease** to replace 16 pieces of equipment at \$35,911.00 per year for three years. The lease would carry an interest rate of 5% and the interest would be less than the maintenance contract that could be eliminated (3 year warranty on the new equipment) and all of the equipment could be replaced at the same time with the same models. At the end of the lease agreement, each piece of equipment would be bought for \$1.00 each in which we could continue to use it if still in proper working order, or replace with a new lease. This would take a three year commitment by the Town. Six Elliptical Machines were rebuilt earlier this year and would remain in service.

Action Requested:

The Parks and Recreation Department requests to enter into a lease agreement for the lease of 10 Treadmills, 5 Elliptical Machines and 1 Stair Climber in the amount of \$35,911 per year for 3 years with a \$1 buy out for each piece a the end of the lease. The Equipment would be provided by Prosource.

**SMITHFIELD RECREATION AND AQUATICS CENTERS
BIDS FOR FITNESS EQUIPMENT PURCHASE**

THREE COMPANIES WERE INVITED TO BID ON THE PURCHASE OF TREADMILLS W/TRADE IN.
THE QUOTES FOR PURCHASE WERE AS FOLLOWS:

PROSOURCE			
DESCRIPTION	QTY	PRICE	TOTAL
TRUE FITNESS Commercial Series 900 Treadmill	5	\$ 7,035.00	\$ 35,175.00
Trade-In for Existing True Fitness Treadmill	5	\$ (675.00)	\$ (3,375.00)
Trade-In for Existing True Fitness Recumbent Bike	2	\$ (200.00)	\$ (400.00)
Freight	1		\$ 870.25
Installation	1		\$ 600.00
SUBTOTAL			\$ 32,870.25

CAROLINA SPORT AND FITNESS			
DESCRIPTION	QTY	PRICE	TOTAL
PRECOR 880 Series Treadmill	5	\$ 7,495.00	\$ 37,475.00
Trade-In for Existing True Fitness Treadmill	5	\$ (500.00)	\$ (2,500.00)
Trade-In for Existing True Fitness Recumbent Bike	2	\$ (200.00)	\$ (400.00)
Freight	1		\$ 500.00
Installationi	1		\$ 750.00
TOTAL			\$ 35,825.00

CAROLINA SPORT AND FITNESS			
DESCRIPTION	QTY	PRICE	TOTAL
NO BID SUBMITTED			

**Town of Smithfield
Town Council
Action Form**

Item: Department Promotions

Date of Meeting: March 03, 2015

Date Prepared: February 09, 2015

Staff Work By: Chief Michael L. Scott

Presentation: New Business

Presentation:

The police department currently has a vacancy at its captain position. The department is requesting to eliminate its patrol commander position, replace it with a captain's title and fill the current captain's vacancy. The cost of promoting two existing lieutenants to two captains positions or one lieutenant to a Captain and one lieutenant to Patrol Commander is the same, each will receive a five percent increase in salary under the current employee handbook.

The department is also requesting permission to back fill the promoted positions by promoting one lieutenant and one sergeant position to back fill the future vacancies.

Action Requested:

It is requested the council approve a change in department structure by eliminating the patrol commander position and approve the necessary promotions to two Captain's positions. It is also requested the Council approve the necessary sergeant and lieutenant back-fills created by the two Captain's promotions. It is requested these changes take effect upon the Chief promoting these positions, but not before March 09. 2015.

Memorandum

TO: Paul Sabiston, Town Manager
FROM: Michael L. Scott, Chief of Police
DATE: February 09, 2015
SUBJECT: Police Administration Reorganization

The police department is in need of an administrative re-organization. Prior to 2009, the department maintained the Chief of Police, two Captains and an Administrative Assistant to the Chief of Police, an administrative position, as well as two additional support staff. Due to positions not being filled and the Support Services Administrator leaving the department, the current make-up of the agency includes the Chief, one Captain, and one Lieutenant who is acting as the Patrol Commander over four other lieutenants. This structure creates several problems. First it has the obvious problem of a person of the same rank supervising others of the same rank. This means that any discipline involved has to be completed by either myself or the other Captain. This tends to undermine the authority of the Patrol Commander and limits his effectiveness. It also creates problems during times of personnel evaluations, for similar reasons. These issues were brought up by the assessors during the exit interview as a structure that should be adjusted.

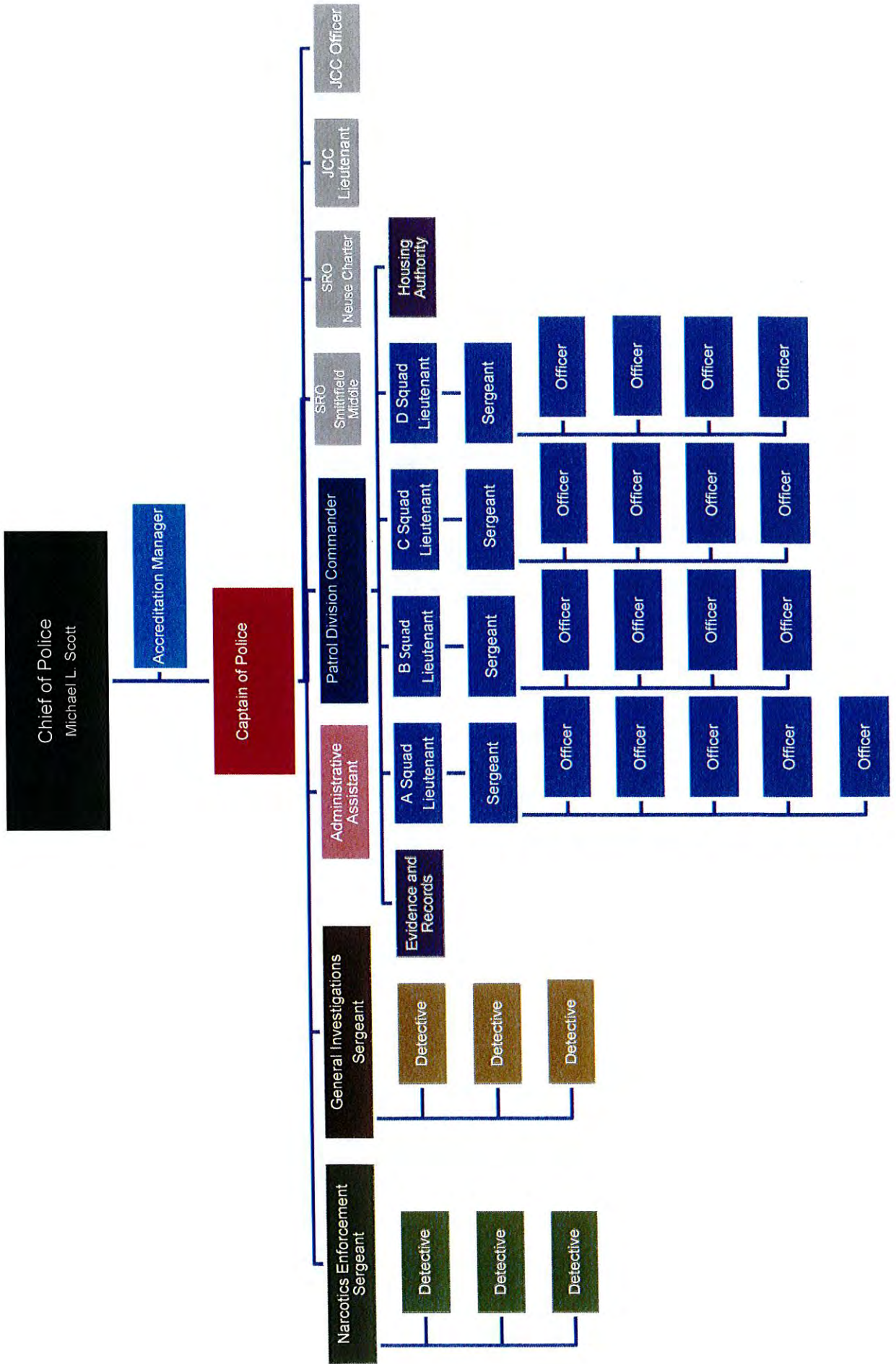
With the small numbers of administrators running the organization, we have a problem with cross training and overall effectiveness. Future planning and analysis is almost non-existent due to their not being adequate time and staff needed to complete these tasks. If a current administrator were to leave, we do not have anyone ready to assume the duties already being performed. This is especially true in the records function, where only one person is able to perform much of these tasks.

I am recommending a cost effective fix to these issues. Currently the department is in the promotional process for the vacant Captain position. I recommend the department eliminate the Patrol Commander Lieutenant position and replace this position with a Captain's title. The cost of replacing these two positions will be identical.

Both positions are salary positions that receive a five percent increase for promotion. When the patrol commander position was originally created, it received a five percent increase in salary, however, at that time the Captain position received a ten percent increase in salary. After the changes in promotional increases approved by the Council, all promotions now receive a five percent increase. To this end, this change in structure does not negatively impact the current budget or future budgets at all, when comparing two captains to one captain and one patrol commander.

I am recommending these changes be implemented on March 09, 2015. The cost of these changes will have zero impact when compared to the current administrative structure. These changes do several things, as mentioned. They also create opportunities for advancement where currently there are few, as well as positive changes within the organization that should assist with our goals of retention and recruitment. The department is in need of these significant changes if we wish to continue moving forward, create additional programs, enhance current ones, and allow for the needed quality control and authority over existing staff expected in a professional law enforcement organization.

Smithfield Police Department Organizational Chart



**Town of Smithfield
Town Council Action Form**

Business Item: Budget Advisement for reallocation of \$41,000 in the Water & Sewer Department Capital Projects line for AMOS Asset Management and Geographic Information System (GIS).

Date of Meeting: March 2, 2015

Date prepared: February 16, 2015

Staff Work by: Ken Griffin, PE, PhD

Presentation: Ken Griffin, Director of Public Utilities

Item: Public Utilities staff has continued to work to find the most cost effective solution for developing an Asset Management System that maximizes the useful life of the Town's assets by providing timely maintenance, repair and replacement of the Town's Water Distribution System of: pumps, tanks, lines, valves, and hydrants and for the Town's Wastewater Collection System of: lines, manholes, lift stations and air relief valves and at the same time be able to reference this asset information relative to the horizontal and vertical location within each system. The Town doesn't have an asset management system or a geographic system; but relies on anecdotal information provided by experienced Town employees and on paper maps that cover most, but not the entire Town.

The current FY 14-15 Budget provides \$56,000 for Valve GPS/Digital Mapping. This relies on a traditional consult-intensive approach that is used by larger utility departments and would only result in needed information on the valve portion of the Water Distribution System. The remaining assets (pumps, lines, tanks, hydrants) of the Water Distribution System and all of the assets of the Wastewater Collection System (lines, manholes, lift stations and air relief valves) would have to be added in future budget years at substantial cost and would also require expensive software and highly paid technical staff, not currently on Smithfield's payroll, nor likely to be. **This Budget Advisement proposes to use \$41,000 to cover the Town's full Water Distribution and Wastewater Collection systems for substantially less than allocated \$56,000 for just Water System Valves, to implement a highly cost effective asset management and geographic information solution. The recommended system is the AMOS (Asset Management and GIS) System designed for small utilities.** This AMOS system minimizes use of consultants and make maximum use of existing Smithfield staff, especially its Engineering Technician (at approx. half the cost of a traditional GIS Technician as employed by larger utility departments).

Specifically the \$41,000 would be expended as follows: 1) AMOS initial set-up and license - \$6,700; 2) \$450 monthly cloud based fee for the remaining 4 months of FY 14-15; 3) \$22,000 to transfer Public Utilities old CADD data files into AMOS (2004 software with the last data entry in 2009); input and geographic validation and referencing of all Smithfield Fire Department hydrant pressure, flow and location data; input of all asset and geographic data assembled for the Town's recent CBDG application;

training of the Town's Engineering technician, Water and Sewer Superintendent and Crew Leader and other key staff, who will be building and utilizing the AMOS Asset Management and Geographic Information System and 4) Purchase and ownership by the Town of a Hand held GPS unit with software, warranty and training that will be adequate for the level of accuracy required for collection of horizontal coordinates for all of the Town's Water Distribution System and Wastewater Collection System assets by the Town's Engineering Technician.

The AMOS Asset Management and Geographic Information system has been successfully used on a pilot basis in: Princeville, Robersonville, Windsor and Plymouth; adopted full scale in Ahoskie; and under consideration for full scale adoption by Selma, Princeville, Windsor, Edgecombe County.

AMOS is cloud-based software developed from the most frequently used Geographic Information System (GIS) software package in use by large municipalities, Arc Info/ArcView by ESRI (Earth Science Research Incorporated). The Wooten Company will back-up all Smithfield asset and location files and provide these annually to Smithfield in an ESRI-compatible format so that Smithfield has the ability to move to a different asset management/GIS system for any reason it chooses in the future.

Action Requested

Consent to the Budget Advisement for reallocation of the \$41,000 needed to implement AMOS Asset Management and Geographic Information System (GIS) for the Town's Water Distribution System and Wastewater Collection System and authorization for the Town Manager to sign the attached agreement with the Wooten Company for professional services and the AMOS License Agreement.

**Town of Smithfield
Town Council Action Form**

Business Item: Budget Advisement for reallocation of \$29,688 in the Water & Sewer Department Capital Projects line for purchase of a Grinder for Lift Station #3.

Date of Meeting: March 2, 2015

Date prepared: February 16, 2015

Staff Work by: Ken Griffin, PE, PhD

Presentation: Ken Griffin, Director of Public Utilities

Item: As promised in your October 2014 Town Council Meeting, Public Utilities staff has continued to work to find a cost effective solution for replacement of the grinder for Lift Station #3 and if possible complete this replacement in FY 14-15. We have found a solution that is significantly less expensive than the previously quoted price of nearly \$50,000. The key breakthrough involves: 1) using the existing rail system for support of this grinder, 2) using the electrical controls and 3) using a 'muffin monster' type grinder that has been highly effective at shredding disposable wipes that are causing Smithfield and other utilities significant difficulties. Public Utilities staff worked with JWC Environmental and JWC will custom design a grinder that will fit our existing rail system and electrical control system, thus elimination costly replacement of both. The cost of this grinder is \$29,688, significantly below the \$50,000 quote received in October that required replacement of the rail system and control panel as well.

The \$29,688 price will be covered using: 1) \$14,352 remaining from the initial \$25,000 allocation for this grinder (in October 2014 the Council authorized \$10,648 of this \$25,000 allocation be used for the immediate need for replace the submersible pump for Lift Station #3); 2) \$4,700 remaining from the \$340,000 allocated for the purchase of the Vactor Truck; 3) \$4,480 remaining from the \$35,000 allocated for replacement of the Wilson Street 2" water main; and 4) \$6,156 from the \$28,000 allocated to repair Lift Station #9 pump

Action Requested

Consent to the Budget Advisement for reallocation of the \$29,688 needed to purchase a grinder for Lift Station #3

**Town of Smithfield
Town Council
Action Form**

Item: Volunteer Firemen Stipend

Date of Meeting: March 3, 2015

Date Prepared: February 25, 2015

Staff Work By: Finance Director

Presentation: Regular Agenda

Background: The Town Council requested the Finance Director to present two solutions regarding a year-end tax filing issue and the grossing up of the annual volunteer firemen stipend. The phrase "Grossing Up" means to increase a net amount to include deductions, such as taxes, that would otherwise be incurred by the receiver. It is most frequently used in terms of salary: an employee can receive his salary grossed up, meaning the employee would receive the full salary promised to him without deductions for tax. The deductions are paid by the employer as an additional benefit.

In the past, the Town of Smithfield paid volunteer firemen an annual stipend based on rank and the number of emergency calls responded to during the year. The intent of the stipend is to reimburse volunteer firemen for any cost associated with responding to emergency calls. Fire Chief, Patrick Harris, determines the net stipend amount paid to each volunteer fireman and gives it to the payroll department to increase the net amount (gross up). This would include tax deductions incurred by the receiver. Attached is the stipend payout for the 2013 calendar year (Exhibit A).

Example:

Volunteer Firemen John is to receive a \$3,000 stipend. One thousand dollars is added to the stipend (referred to as "grossing up") so that the volunteer firemen clear \$3,000. A W2 for \$4,000 is issued at year end for tax filing purposes, but the employer paid the taxes.

The issue at hand is how much to gross up the net amount to cover taxes. Simply put, payroll systems tax income based on annual income, which is how the volunteers are paid. This year, for the first time, the stipends were grossed up using a pay frequency of annual payment, so the tax liability gross up was less when compared to prior years were the stipend was grossed up on a percentage basis or the equivalent of a monthly payment (See Exhibit B). Said another way, if the payroll system is told that \$3000 is paid out once a year, the tax liability is much less than if the system is told that the \$3000 is paid out monthly or biweekly.

The gross up calculator used in exhibit A for 2013 is no longer available. Gross up calculators available today are more accurate and allow for greater variable input, like pay frequency and number of exemptions claimed by each volunteer. The town paid out some 26k less in grossed up stipends (in taxes) as a result of the current calculator being used. This, however, has caused concern with many of the volunteer firemen as the end result when filing year end taxes mean a lesser tax refund or some tax liability.

Should the Town Council decide to use last year's grossed up method, then I offer these two options

Option 1 - Do a one-time adjustment for all volunteer firemen: Use the 2013 grossed up percentages and pay the difference to each volunteer through payroll. Payments will be taxed, issued and reported in the 2015 calendar year. While this solution will not alter the 2014 tax liability, it will provide the volunteers with additional dollars to offset any difference. Going forward the stipend will be grossed up as directed by Town Council.

Option 2 - Do a one-time adjustment on a case-by-case basis: Have volunteers who have to pay back Federal or State taxes document their liability with a prepared tax return and the Town will do a one-time adjustment check up to the same percentages as used in 2013. This check will be taxed, issued and reported during the 2015 calendar year. While this solution will not alter the 2014 tax liability, it will provide the volunteers with additional dollars to offset some or all of their tax liability. This will be a more tedious effort.

Following this decision and during the budget process, staff will present viable options for the upcoming budget year.

Action Requested: Staff recommends option 1 for now.

Attachments: Exhibit A – 2013 Stipend List

Exhibit B – 2014 Stipend List

Exhibit C – Gross Pay Calculator

Exhibit A

2013

Volunteer Fire Department

Employee Number Name	Member Total	Gross Pay	Social Security	Medicare	Fed W/H	State W/H	Equipment Deduction	Net
	3,000.00	4,264.39	264.39	61.83	639.66	298.51	-	3,000.00
	2,934.90	4,171.85	258.55	60.49	625.78	292.03	-	2,934.90
	2,575.00	3,660.27	226.94	53.07	549.04	256.22	-	2,575.00
	2,700.00	3,837.95	237.95	55.65	575.69	268.66	-	2,700.00
	3,300.00	4,690.83	290.83	68.02	703.62	328.36	-	3,300.00
	3,600.00	5,117.27	317.27	74.20	767.59	358.21	-	3,600.00
	3,000.00	4,264.39	264.39	61.83	639.66	298.51	-	3,000.00
	1,350.00	1,918.98	118.98	27.83	287.85	134.33	-	1,350.00
	3,600.00	5,117.27	317.27	74.20	767.59	358.21	-	3,600.00
	2,700.00	3,837.95	237.95	55.65	575.69	268.66	-	2,700.00
	2,700.00	3,837.95	237.95	55.65	575.69	268.66	-	2,700.00
	2,255.04	3,205.46	198.74	46.48	480.82	224.38	-	2,255.04
	3,600.00	5,117.27	317.27	74.20	767.59	358.21	-	3,600.00
	2,845.00	4,044.07	250.73	58.64	606.61	283.08	-	2,845.00
	2,836.63	4,032.17	249.99	58.47	604.83	282.25	-	2,836.63
	2,700.00	3,837.95	237.95	55.65	575.69	268.66	-	2,700.00
	2,945.75	4,187.28	259.61	60.72	628.09	293.11	-	2,945.75
	2,700.00	3,837.95	237.95	55.65	575.69	268.66	-	2,700.00
	3,000.00	4,264.39	264.39	61.83	639.66	298.51	-	3,000.00
	2,905.45	4,129.99	256.06	59.88	619.50	289.10	-	2,905.45
	3,000.00	4,264.39	264.39	61.83	639.66	298.51	-	3,000.00
	2,325.00	3,304.90	204.90	47.92	495.74	231.34	-	2,325.00
	2,325.00	3,304.90	204.90	47.92	495.74	231.34	-	2,325.00
	2,988.84	4,248.53	263.41	61.60	637.28	297.40	-	2,988.84
	2,575.00	3,660.27	226.94	53.07	549.04	256.22	-	2,575.00
	1,725.00	2,452.03	152.03	35.55	367.80	171.64	-	1,725.00
	400.00	568.59	35.25	8.24	85.29	39.80	-	400.00
	2,992.56	4,253.82	263.74	61.68	638.07	297.77	-	2,992.56
	75,579.17	107,433.07	6,660.85	1,557.78	16,114.96	7,520.31	-	75,579.17

6.2% 1.45% 15% 7%

Account 10-5300-0410

Exhibit B

2014

Fire Department		Fed Filing Status	State Filing Status	Member Total	Gross Pay	Social Security	Medicare	Fed W/H	State W/H	Aflac (59)	Firemen Ded (55)	Net
		M 0	S 0	3,600.00	3,898.21	241.69	56.52	-	-	-	-	3,600.00
		S 0	S 0	3,600.00	4,098.37	254.10	59.43	184.84	-	-	-	3,600.00
		M 1	S 0	3,300.00	3,573.36	221.55	51.81	-	-	-	-	3,300.00
		M 1	M 0	2,700.00	2,923.66	181.27	42.39	-	-	-	-	2,700.00
		S 0	S 0	2,475.00	2,732.24	169.40	39.62	48.22	-	-	-	2,475.00
		S 0	S 0	3,000.00	3,369.77	208.93	48.86	111.98	-	-	-	3,000.00
		S 0	S 0	2,700.00	3,005.47	186.34	43.58	75.55	-	-	-	2,700.00
		S 0	S 0	3,000.00	3,369.77	208.93	48.86	111.98	-	-	-	3,000.00
		M 0	S 0	3,000.00	3,248.51	201.41	47.10	-	-	-	-	3,000.00
		M 0	S 0	2,700.00	2,923.66	181.27	42.39	-	-	-	-	2,700.00
		M 0	M 0	2,700.00	2,923.66	181.27	42.39	-	-	-	-	2,700.00
		S 3	S 0	3,050.00	3,302.65	204.76	47.89	-	-	-	-	3,050.00
		S 0	S 0	3,000.00	3,369.77	208.93	48.86	111.98	-	-	-	3,000.00
		M 0	M 3	3,000.00	3,248.51	201.41	47.10	-	-	-	-	3,000.00
		S 0	S 0	3,000.00	3,369.77	208.93	48.86	111.98	-	-	-	3,000.00
		M 0	S 0	3,000.00	3,248.51	201.41	47.10	-	-	-	-	3,000.00
		M 3	S 0	3,000.00	3,369.77	208.93	48.86	111.98	-	-	-	3,000.00
		M 6	S 0	3,000.00	3,248.51	201.41	47.10	-	-	-	-	3,000.00
		M 0	S 0	2,700.00	2,923.66	181.27	42.39	-	-	-	-	2,700.00
		S 0	S 0	3,000.00	3,369.77	208.93	48.86	111.98	-	-	-	3,000.00
		M 0	S 0	3,000.00	3,248.51	201.41	47.10	-	-	-	-	3,000.00
		M 1	M 0	850.00	920.42	57.07	13.35	-	-	-	-	850.00
		S 0	S 0	300.00	324.85	20.14	4.71	-	-	-	-	300.00
		S 0	S 0	1,875.00	2,030.32	125.88	29.44	-	-	-	-	1,875.00
		S 0	S 0	2,250.00	2,459.02	152.46	35.66	20.90	-	-	-	2,250.00
		S 5	S 2	500.00	541.42	33.57	7.85	-	-	-	-	500.00
		S 1	S 0	300.00	324.85	20.14	4.71	-	-	-	-	300.00
		S 0	S 0	2,450.00	2,701.89	167.52	39.18	45.19	-	-	-	2,450.00
				74,050.00	81,317.39	5,041.74	1,179.07	1,046.58				74,050.00
						6.20%	1.45%					

GL Account #
10-5300-0410

Exhibit C

Payroll Payroll Calculator

www.payrollcalculator.com/gross_up_calculator.htm

Apps | MyWm | Google | Facebook | AT&T Home Page | Amazon

Printer's / Home | Pin It | Newsletter | Work/E Imported | Personal

Payroll Guide

Web-Based Payroll (Online) Demo

Payroll Resources / Blog

Employer Liability - Payroll by states

Payroll Taxes

Payroll Calculators

Payroll Services by Industry

Workers Comp Insurance

Log In - Online Payroll

Contact Us - at Payroll USA

Free Calculator

Free Calculator

Free Calculator

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Free Calculator

Free Calculator

Free Calculator

Here you can determine the amount of gross wages before taxes and deductions are withheld, given a specific take-home pay amount.

We also have other types of free paycheck calculators available on our Payroll Calculator page such as the paycheck payroll calculator, the bonus payroll calculator, (percentage method), the bonus payroll calculator (percentage method), and the 501(c)(3) payroll calculator.

If you prefer to outsource payroll to a payroll service, we're happy to help.

There is no charge to use our paycheck calculators. Simply click on a paycheck calculator below. Then enter your payroll information to estimate your paychecks. Use our payroll calculators as often as you need to.

The Gross Pay Calculator

Calculation based on: Tax Year: 2014 For: North Carolina

Instructions: Click an item's name for help on contents.

General Information

Net Pay
 Gross Salary YTD
 Pay Frequency
 Federal Filing Status
 # of Federal Allowances
 Additional Fed. Withholding \$
 Round Federal Withholding Yes No
 I am exempt from: Federal Tax FICA Medicare

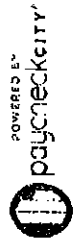
State and Local Information for North Carolina

Filing status
 Allowances
 Additional State With

Voluntary Deduction Section

Use: [] voluntary deduction(s) for my paycheck.

Deduction #1 Name
 Deduction #1 Amount
 Ded. #1 Exempt from: Federal FICA State Local
 Deduction #2 Name
 Deduction #2 Amount
 Ded. #2 Exempt from: Federal FICA State Local

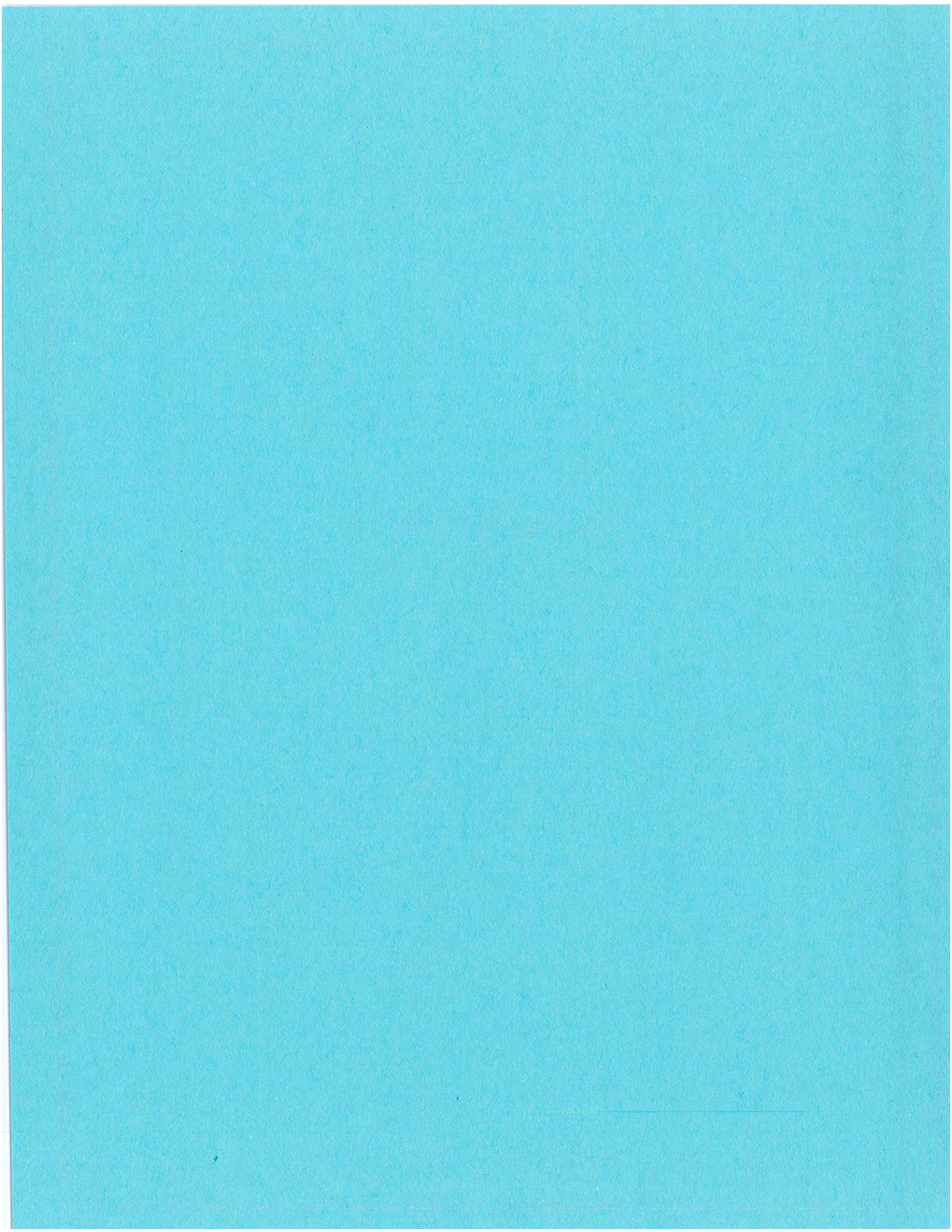


POWERED BY paycheckcity
Calculator ©1998-2015 Symmetry Software. Powered by PaycheckCity.

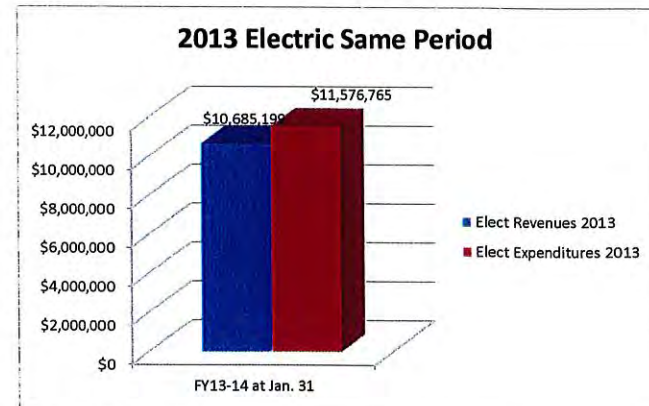
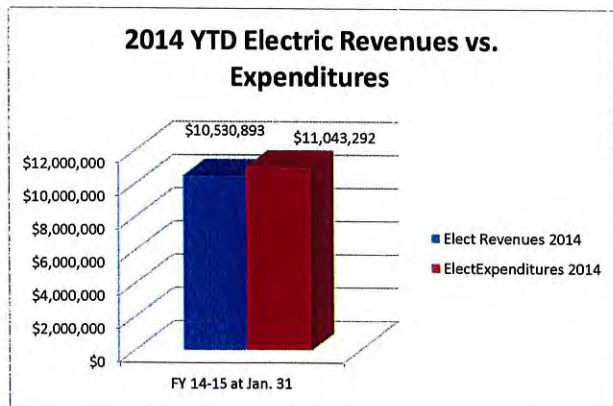
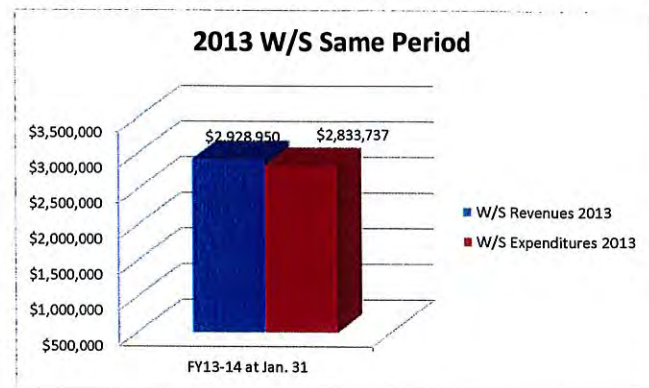
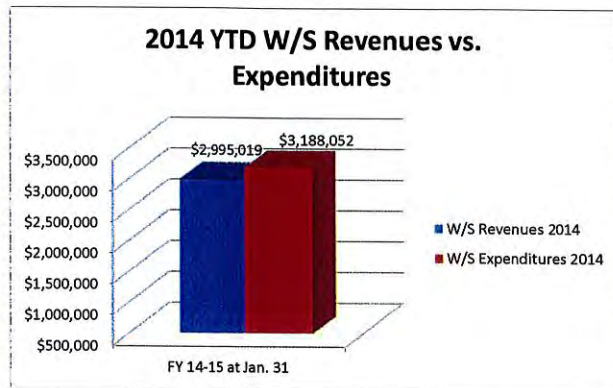
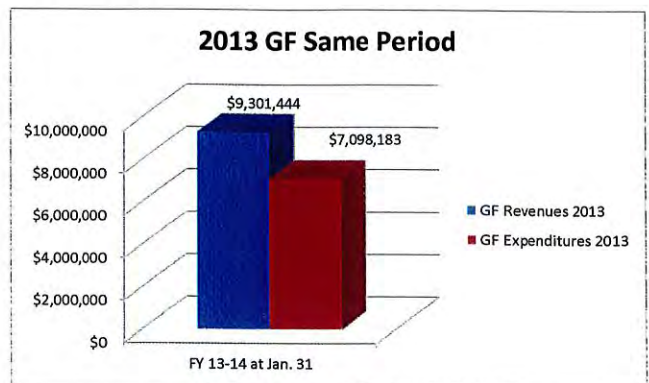
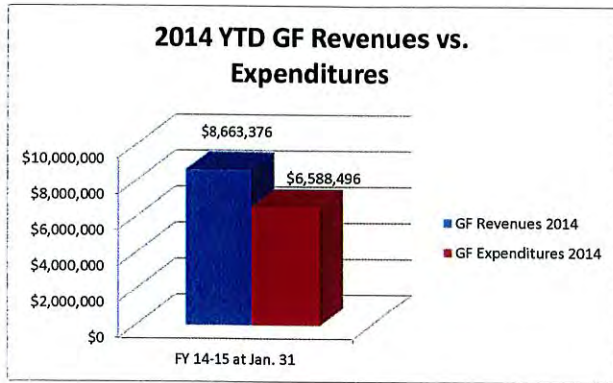
Important Information: The calculator that is provided on this web site is only meant to provide general guidance and estimates about the payroll process. It should not be relied upon to calculate exact taxes, payroll or other financial costs. If they do not match your Payroll USA results precisely and is not intended to provide tax or legal advice. You should consult with a professional advisor or accountant concerning your specific concerns.

Many different website options but all use this format

Financial Report



Town of Smithfield Revenues vs. Expenditures



**TOWN OF SMITHFIELD
MAJOR FUNDS FINANCIAL SUMMARY REPORT**

January 31, 2015

Gauge: 7/12 or 58.33 Percent

58.33%

GENERAL FUND

Revenues	Actual	Budget	Actual to Date	YTD %
	FY '13-14	FY '14-15	FY '14-15	Collected
Current & Prior Year Property Taxes	\$ 5,598,314	\$ 5,456,656	\$ 5,183,417	94.99%
Motor Vehicle Taxes	577,077	397,000	325,743	82.05%
Utility Franchise Taxes	812,577	829,000	228,138	27.52%
Local Option Sales Taxes	1,956,092	1,900,000	894,158	47.06%
Aquatic and Other Recreation	851,734	901,100	443,495	49.22%
Sanitation	1,327,104	1,301,200	678,258	52.13%
All Other Revenues	2,814,011	2,136,924	910,167	42.59%
Fund Balance Appropriated	-	9,000	-	0.00%
Total	\$ 13,936,909	\$ 12,930,880	\$ 8,663,376	67.00%

Expenditures	Actual	Budget	Actual to Date	YTD %
	FY '13-14	FY '14-15	FY '14-15	Spent
General Gov.-Governing Body	\$ 508,374	\$ 286,529	\$ 250,132	87.30%
Non Departmental	1,092,064	1,244,867	510,541	41.01%
Debt Service	1,511,857	1,387,757	931,123	67.10%
Finance	270,954	150,911	75,259	49.87%
Planning	288,246	378,983	173,539	45.79%
Police	3,065,645	3,341,688	1,813,604	54.27%
Fire	1,281,128	1,407,927	776,020	55.12%
EMS	2,754	-	658	#DIV/0!
General Services/Public Works	491,956	514,491	258,448	50.23%
Streets	757,815	876,818	270,374	30.84%
Motor Pool/Garage	83,475	89,192	45,727	51.27%
Sanitation	992,136	1,066,367	553,378	51.89%
Parks and Rec	816,585	821,624	431,098	52.47%
SRAC	868,672	972,415	498,594	51.27%
Contingency (Previously Part Of Gen Gov)	-	391,311	-	0.00%
Appropriations/Contributions	-	-	-	0.00%
Total	\$ 12,031,661	\$ 12,930,880	\$ 6,588,495	50.95%

YTD Fund Balance Increase (Decrease) - -

58.33%

WATER AND SEWER FUND

Revenues	Actual	Budget	Actual to Date	YTD %
	FY '13-14	FY '14-15	FY '14-15	Collected
Water Charges	\$ 2,772,525	\$ 2,100,000	\$ 1,072,331	51.06%
Water Sales (Wholesale)		\$ 650,000	\$ 383,492	59.00%
Sewer Charges	2,785,945	2,750,000	1,407,526	51.18%
Tap Fees	14,225	16,000	9,062	56.64%
All Other Revenues	11,124	12,800	36,827	287.71%
Loan Proceeds	-	415,585	85,781	20.64%
Fund Balance Appropriated	336,809	530,515	-	0.00%
Total	\$ 5,920,628	\$ 6,474,900	\$ 2,995,019	46.26%

Expenditures	Actual	Budget	Actual to Date	YTD %
	FY '13-14	FY '14-15	FY '14-15	Spent
Water Plant	\$ 1,554,964	\$ 1,942,518	\$ 889,587	45.80%
Water Distribution/Sewer Coll (Less Transfers)	3,498,839	4,056,647	2,295,280	56.58%
Transfer to General Fund	357,841	85,404	-	0.00%
Transfer to W/S Capital Proj. Fund	372,810	-	-	#DIV/0!
Debt Service	136,174	183,235	3,184	1.74%
Contingency	-	207,096	-	0.00%
Total	\$ 5,920,628	\$ 6,474,900	\$ 3,188,051	49.24%

ELECTRIC FUND

Revenues	Actual	Budget	Actual to Date	YTD %
	FY '13-14	FY '14-15	FY '14-15	Collected
Electric Sales	\$ 19,554,076	\$ 19,270,000	\$ 9,966,676	51.72%
Penalties	425,863	375,000	265,883	70.90%
All Other Revenues	29,700	225,620	222,734	98.72%
Loan Proceeds	-	75,600	75,600	
Fund Balance Appropriated	-	-	-	
Total	\$ 20,009,639	\$ 19,946,220	\$ 10,530,893	52.80%

Expenditures	Actual	Budget	Actual to Date	YTD %
	FY '13-14	FY '14-15	FY '14-15	Spent
Administration/Operations	\$ 2,012,095	\$ 2,101,386	\$ 1,316,307	62.64%
Purchased Power	16,438,243	16,212,548	9,358,098	57.72%
Debt Service	368,887	378,247	368,887	97.53%
Capital Outlay	36,443	563,239	-	
Contingency	609	447,258	-	
Transfers to General Fund	400,400	243,542	-	0.00%
Total	\$ 19,256,677	\$ 19,946,220	\$ 11,043,292	55.37%

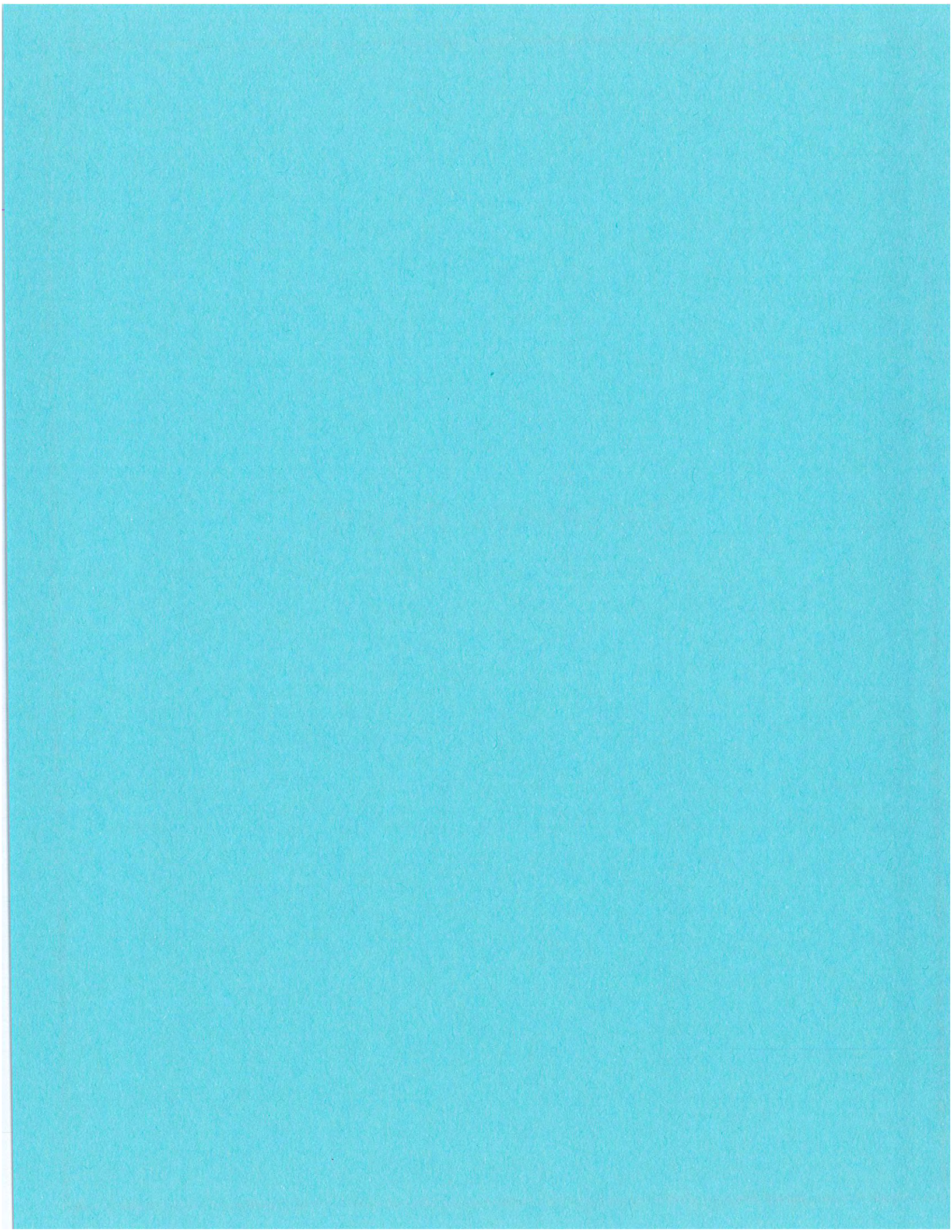
CASH AND INVESTMENTS

General Fund (Includes P. Bill)	7,390,950			
Water and Sewer Fund	4,917,584			Interest Rate
Electric Fund*	5,679,430			
Capital Project Fund: Wtr/Sewer (45)	24,008	1st CITIZENS	10,904,666	0.20%
Capital Project Fund: General (46)	(163,550)	NCCMT	2,236,245	0.080%
Capital Project Fund: Electric (47)	5,836	FOUR OAKS	2,580,270	0.30%
Firemen Relief Fund (50)	184,825	KS BANK	2,335,717	.2 & .05%
Fire District Fund (51)	120,821	BB&T	-	0.12%
JB George Endowment (40)	98,451	PNC BANK	201,457	0.10%
Total	\$ 18,258,355		\$ 18,258,355	

*Plug

Account Balances Confirmed By Finance Director on 1/15/2015

Department Reports





FINANCE DEPARTMENTAL REPORT FOR JANUARY, 2015

SUMMARY OF ACTIVITIES:

Daily Collections.....	\$4,389,424
Tax & Vehicle License.....	53,006
Franchise Tax.....	0
Sales & Use Tax.....	177,667
Powel Bill.....	0
Total Revenue	\$4,620,097

Expenditures: General, Water, Electric and Firemen's Fund..... \$3,559,128

FINANCE:

- Compiled and submitted monthly Retirement Report on January 30, 2015
- Issued 30 purchase orders
- Processed 721 vendor invoices for payment and issued 375 accounts payable checks
- Prepared and processed 3 regular payrolls. Remitted federal and state payroll tax on 1/2/15, 1/16/15 and 1/30/15 respectively
- Issued 5 new privilege licenses; collected \$254 in payments
- Processed 77 Debt Setoff letters for a total of \$18,666
- Calendar year-to-date bad debt collections total \$4,525 (EMS = \$1,245 ; SRAC = \$1,742; and Utility = \$1,538)
- Other month end data report attached

FINANCE DIRECTOR

- Attended Town Council meeting on January 6, 2015
- Held a Finance Department meeting on January 8, 2015 at 8 a.m.
- Attended Department Head meeting on January 8, 2015 at 10 a.m.
- Attended the Firemen Relief Board meeting on January 13, 2015
- Attended a Customer Service Training workshop on January 28, 2015
- Online Bill Pay officially up and running on January 5, 2015
- Submitted the Annual Financial Information Report (AFIR) to the LGC on January 2, 2015
- Invoiced Smithfield Housing Authority and Johnston Community College for resource officers
- Invoiced 2grave openings
- Reviewed outstanding balances on privilege license accounts in September. Collected \$0 in past dues this month bringing the total collected to \$1,222.50
- Completed and submitted USDA report to satisfy their audit requirements
- Completed and submitted the Annual Municipal Certification Report (TR2) to NC Dept. of Revenue
- Issued FY16 budget packets to department heads
- Entered Auditors FY14 Adjusting Journal Entries (AJE's)

Finance Department totals for January 2015

Meter Reading

Actual Meters Read	10,005
Meters Loaded to Hand Held	10,226

Billing/Collections

Bills Mailed	6,071	\$2,410,237.53
Area Lights Billed	929	\$36,902.69
JoCo Wholesale water	38,860,000	\$54,408.97
Load Mgmt AC credit	0	\$0.00
Load Mgmt water heater credit	592	-\$3,624.00
Adjustments	99	-\$10,092.50
Delinquent Accts/Late Fees	1,870	\$36,201.26
NSF - Utility Only	13	\$6,058.92
Refund Checks Issued	19	\$2,062.51
Door Hangers	49	
Disconnect for non-pay	89	
Reconnect for payment received	83	
Bank Drafts	675	\$390,621.49
Lockbox	1,306	\$591,863.17
ECO Payment Totals		
	IVR-phone	
	On-Line (website)	
	253	\$44,720.18 BOTH
Cash Window Transactions/Payments	4,535	\$3,346,707.56
Accts collected from Debt setoff	0	\$0.00
Accts submitted to Debt setoff	13	\$4,393.36 utility
	64	\$14,272.50 Srac

Service Orders

Requested Orders	230
Completed Orders	230
Terminated Accounts	93
Meters Rechecked	26
New Turn on Accounts	82
Meter Tamper / Meter Missing	0

Phone Call Usage

CSR - Elaine

		Duration
Inbound	1052	24:50:42
Outbound	320	7:11:33

CSR/Collections - Audrey

Inbound	765	16:55:49
---------	-----	----------

Outbound	238	3:37:40
Collections - Cash Window#2		
Inbound	332	5:25:02
Outbound	23	0:55:26
Switch Board Operator x1101		
Inbound	990	7:05:14
Outbound	110	4:03:13
Total Town (Trunk Lines)		
Inbound	6,860	184:54:01
Outbound	2,856	114:57:51



Town of Smithfield
 Planning Department
 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
 Phone: 919-934-2116
 Fax: 919-934-1134

BOARD ACTIONS REPORT - January 2015

	January	Calendar Year to date
Town Council		
Rezoning	0	0
Conditional Use	0	0
Ordinance Amendment	0	0
Major Subdivisions	0	0
Annexations	0	0
Special Events	1	1
Planning Board		
Rezoning	0	0
Condition Use	0	0
Ordinance Amendment	0	0
Subdivisions	0	0
Annexations	0	0
Board of Adjustment		
Variance	0	0
Admin Appeal	0	0



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PERMITS ISSUED MONTHLY REPORT- January 2015

	Permit Fees	Permits Issued
Site Plan Major Site Plan	\$1,350	3
Site Plan Minor Site Plan	\$75	3
Zoning Land Use	\$500	5
Zoning Sign	\$350	7
Report Period Total:	\$2,275	18
YTD Total:	\$12,305	151

Permit#	Type	Sub Type	Business Name	Project Address
Z15-000002	Zoning	Sign	Little Caesars	1202 North BRIGHTLEAF Boulevard
Z15-000003	Zoning	Land Use	C&S Auto Sales, LLC	511 South BRIGHTLEAF Boulevard
Z15-000001	Zoning	Sign	Worldwide Financial Service	822 North Brightleaf Boulevard
Z15-000004	Zoning	Land Use	Fit 24 Fitness Center	721 North BRIGHTLEAF Boulevard
Z15-000005	Zoning	Land Use	Select Search	101 East Market Street
SP15-000002	Site Plan	Minor Site Plan	SFD Addition	107 West PARKER Street
SP15-000003	Site Plan	Minor Site Plan	SFD	156 FOX CHASE Lane
Z15-000006	Zoning	Land Use	Smithfield Power Equipment	937 North BRIGHTLEAF Boulevard
SP15-000001	Site Plan	Major Site Plan	Nitro Solar	1873 YELVERTON GROVE Road
Z15-000007	Zoning	Sign	Fit 24	721 North BRIGHTLEAF Boulevard
Z15-000008	Zoning	Sign	C&S Auto Sales	511 South BRIGHTLEAF Boulevard
Z15-000009	Zoning	Sign	North State Acceptance	921 North Brightleaf Boulevard
Z15-000010	Zoning	Sign	DUNN & DUNN CPA	202 East CHURCH Street
Z15-000011	Zoning	Land Use	Brightleaf Welding	2838 South BRIGHTLEAF Boulevard
SP15-000005	Site Plan	Minor Site Plan	SFD Addition	111 THAIN Place
Z15-000012	Zoning	Sign	The Meeting place	135 North THIRD Street



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CODE COMPLIANCE MONTHLY REPORT 2015

	Jan-15	Calendar Year To date
Written Violations	61	61
Resolved Violations	59	59
On Site Meetings	72	72
Temporary Signs Violations	86	86
Temporary Signs Removed	86	86
Condemned Structures Removed	2	2
Volunteers	0	0
Families Helped By Volunteers	0	0



**TOWN OF SMITHFIELD
POLICE DEPARTMENT
MONTHLY REPORT
MONTH ENDING January 31, 2015**

I. STATISTICAL SECTION

Month Ending Jan. 31, 2015	Jan-15	Jan-14	Total 2015	Total 2014	YTD Difference
Calls For Service	1842	2315	1842	2315	-473
Incident Reports Completed	189	154	189	154	35
Cases Closed	159	143	159	143	16
Accident Reports	61	52	61	52	9
Arrest Reports	131	105	131	105	26
Burglaries Reported	13	21	13	21	-08
Drug Charges	21	21	21	21	0
DWI Charges	07	07	07	07	0
Citations Issued	313	302	313	302	11
Speeding	91	96	91	96	-05
No Operator License	77	91	77	91	-14
Registration Violations	36	37	36	37	-01

II. PERSONNEL UPDATE

Department has made one conditional offer to fill the existing sworn vacancy. One officer left the employ of the Smithfield Police Department to take a position with the Orange County Sheriffs Office. The department is continuing the promotional process to fill the existing Captain vacancy.

III. MISCELLANEOUS

The department received its CALEA Assessment back from the CALEA Commission. The results were very favorable and should pave the way for the department to receive its first national accreditation in March. The department changed the manner in which it is recording calls for service. This will likely record fewer calls throughout the calendar year 2015 when compared to 2014. The department is continuing with the budget process. The 2014 annual reports should be completed in March.

REPORTED UCR OFFENSES FOR THE MONTH OF JANUARY 2015

PART I CRIMES	January		+/-	Percent Changed	Year-To-Date		+/-	Percent Changed
	2014	2015			2014	2015		
MURDER	0	0	0	N.C.	0	0	0	N.C.
RAPE	0	1	1	N.C.	0	1	1	N.C.
ROBBERY	2	3	1	50%	2	3	1	50%
Commercial	2	0	-2	-100%	2	0	-2	-100%
Individual	0	3	3	N.C.	0	3	3	N.C.
ASSAULT	2	1	-1	-50%	2	1	-1	-50%
* VIOLENT *	4	5	1	25%	4	5	1	25%
BURGLARY	19	13	-6	-32%	19	13	-6	-32%
Residential	9	8	-1	-11%	9	8	-1	-11%
Non-Resident.	3	4	1	33%	3	4	1	33%
Commercial	7	1	-6	-86%	7	1	-6	-86%
LARCENY	44	57	13	30%	44	57	13	30%
AUTO THEFT	2	1	-1	-50%	2	1	-1	-50%
ARSON	0	0	0	N.C.	0	0	0	N.C.
* PROPERTY *	65	71	6	9%	65	71	6	9%
PART I TOTAL:	69	76	7	10%	69	76	7	10%
PART II CRIMES								
Drug	21	31	10	48%	21	31	10	48%
Assault Simple	10	20	10	100%	10	20	10	100%
Forgery/Counterfeit	0	2	2	N.C.	0	2	2	N.C.
Fraud	6	12	6	100%	6	12	6	100%
Embezzlement	0	1	1	N.C.	0	1	1	N.C.
Stolen Property	2	2	0	0%	2	2	0	0%
Vandalism	9	9	0	0%	9	9	0	0%
Weapons	5	2	-3	-60%	5	2	-3	-60%
Prostitution	0	0	0	N.C.	0	0	0	N.C.
All Other Sex Offens	0	1	1	N.C.	0	1	1	N.C.
Gambling	0	0	0	N.C.	0	0	0	N.C.
Offn Agnst Faml/Chld	1	1	0	0%	1	1	0	0%
D. W. I.	6	6	0	0%	6	6	0	0%
Liquor Law Violation	2	0	-2	-100%	2	0	-2	-100%
Disorderly Conduct	0	2	2	N.C.	0	2	2	N.C.
Obscenity	0	0	0	N.C.	0	0	0	N.C.
Kidnap	0	0	0	N.C.	0	0	0	N.C.
All Other Offenses	4	6	2	50%	4	6	2	50%
PART II TOTAL:	66	95	29	44%	66	95	29	44%
GRAND TOTAL:	135	171	36	27%	135	171	36	27%

N.C. = Not Calculable

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Town of Smithfield
Fire Department
 Month Ending: January 2015

I. Statistical Section

Responded to:

<u>8</u>	Total Structure Fires Dispatched
<u>0</u>	Confirmed Structure Fires (Our District)
<u>1</u>	Confirmed Structure Fires (Other Districts)
<u>104</u>	EMS/Rescue Calls
<u>0</u>	Vehicle Fires
<u>7</u>	Motor Vehicle Accidents
<u>3</u>	Fire Alarms (Actual)
<u>7</u>	Fire Alarms (False)
<u>13</u>	Misc./Other Calls
<u>7</u>	Mutual Aid (Received)
<u>6</u>	Mutual Aid (Given)

142 TOTAL EMERGENCY RESPONSES

Conducted	<u>78</u>	Fire Inspections/Compliance Inspections
Conducted	<u>2</u>	Public Fire Education Programs
	<u>5</u>	Adults in Attendance
	<u>2</u>	Children in Attendance
Conducted	<u>0</u>	Plans Review Construction/Renovation Projects
Issued	<u> </u>	Fire Code Citations
Issued	<u> </u>	Fire Lane Citations
Completed	<u>2</u>	Consultation/Walk Through
Completed	<u>11</u>	Re-Inspections
Completed	<u> </u>	Fire Investigations

II. Major Revenues

Inspections: \$ 1,650.00

III Major Expenses for the Month:

We continue to have numerous truck repairs as a result of an aging fleet. Average fire apparatus age is 14 years old.

IV Personnel Update:

V. Narrative of monthly departmental activities:

- The Smithfield Firemen's Relief Fund Board of Trustees held their annual meeting.
- Staff attended a planning meeting at the Johnston County Airport to discuss plans for a full scale disaster exercise with Johnston County Emergency Management.

**Town of Smithfield
Public Works Department
January 31, 2015**



197 Total Work Orders completed by the Public Works Department

2 Burials, at \$700.00 each = \$1,400.00

0 Cremation Burial, \$400.00 each = \$0

\$0 Sunset Cemetery Lot Sales

\$0 Riverside Extension Cemetery Lot Sales

355.94 tons of household waste collected

82 tons of yard waste collected

10.1 tons of recycling collected

31 Animal Control work orders completed

12 Cats transported to Animal Shelter

9 Dogs transported to Animal Shelter

**Town of Smithfield
Public Works Appearance Division
Cemetery, Landscapes, and Grounds Maintenance
Buildings, Facilities, and Sign Division
Monthly Report
January 31, 2015**



I. Statistical Section

- 2 ___ Burials
- 10 ___ Works Orders – Buildings & Facilities Division
- 11 ___ Work Orders – Grounds Division
- 24 ___ Work Orders – Sign Division

II. Major Revenues

Sunset Cemetery Lot Sales:	\$0.00
Riverside Ext Cemetery Lot Sales:	\$0.00
Grave Opening Fees:	\$1,400.00
Total Revenue:	\$1,400.00

III. Major Expenses for the Month:

\$550.00 to Power Mulch System, mulch was placed in landscape beds on East Market Street.

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The overall duties include daily maintenance on cemeteries, landscapes, right-of-ways, buildings and facilities. The Public Works Safety/Staff Training this month was covering "Morale Issues, Communication, Being Positive in the Workplace, and Dependability".

**Town of Smithfield
Public Works Drainage/Street Division
Monthly Report
January 31, 2015**



I. Statistical Section

- a. All catch basins in problem areas were cleaned on a weekly basis
- b. 9 - Work Orders – 10.19Tons of Asphalt was placed in 8 utility cuts and 2 gator areas.
- c. Removed 7 dead trees along greenway trail.
- d. 4 - Work Orders -365 Linear Feet of ditches were cleaned
- e. 18- Work Orders – 875lbs. of Cold Patch was used for 28 Potholes.
- f. 31 - Work Orders were completed regarding Animal Control related issues.
12 Cats and 9 Dogs were transported to the Animal Control Shelter.

II. Major Revenues

None for the month.

III. Major Expenses for the Month:

\$3,250 to Barbour Beaver Control, 2nd Qtr. for beaver management.

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The Public Works Safety/Staff Training this month was covering "Morale Issues, Communication, Being Positive in the Workplace, and Dependability".

**Town of Smithfield
Public Works Department
January 2015 Drainage Report**

Location: 319 Pace Street.
Starting Date: 1/6/2015
Completion Date: 1/6/2015
Description: Cleaned 480LF of ditch bank for positive drainage. Cleaned 40LF of driveway culvert with jet truck.
Man-hours: 19hr.
Equipment: Jet truck and 402 pickup with hand tools.
Materials: N/A

Location: Dirt road that runs between Mill Street and Crump Street.
Starting Date: 1/8/2015
Completion Date: 1/8/2015
Description: Hauled in 57 stone, scraped path for positive drainage.
Man-hours: 7.5hrs.
Equipment: 420 Cat backhoe, 405 dump truck.
Materials: 28.22 tons of 57 stone.

Location: Bridge and Front, Venture and Outlet Center Drive, 809-633-259-388- Venture Drive, 910 Berkshire Road, Cambridge and Berkshire, Vermont and Holding, Crescent and Hood, Rosewood and Wellons, 514 S 2nd, Park Ave behind cleaners, Police Dept parking lot, Front and E Market, Massey and Collier, Collier and Rogers Cir.
Starting Date: 1/8/2015
Completion Date: 1/30/2015
Description: Repaired 28 potholes with Perma Patch asphalt.
Man-hours: 16hrs.
Equipment: 404 pickup plus hand tools.
Materials: 17.5 bags of Perma Patch.

Location: Vermont and Holding.
Starting Date: 1/13/2015
Completion Date: 1/13/2015
Description: Repaired large washout area beside catch basin.
Man-hours: 18hrs.
Equipment: Jet truck, 402 pickup plus hand tools.
Materials: 1.5 yards of 3000psi concrete.

Location: Market Street at Dots parking lot.
Starting Date: 1/15/2015
Completion Date: 1/15/2015
Description: Cut dead tree in front landscape bed.
Man-hours: 4hrs.
Equipment: 420 Cat backhoe, 406 dump truck plus hand tools.
Materials: N/A

Location: Rose and 6th Street.
Starting Date: 1/15/2015
Completion Date: 1/15/2015
Description: Cleaned 75LF of ditch and 25LF of storm drain.
Man-hours: 15hrs.
Equipment: 420 Cat backhoe, 406 flatbed, jet truck.
Materials: N/A

Location: Police dept. and Smithfield Crossing.
Starting Date: 1/7/2015
Completion Date: 1/28/2015
Description: Removed handicap stencil in Parking lot of PD with grinder. Crews removed turn arrows at Smithfield Crossing as well.
Man-hours: 13hrs.
Equipment: 402 pickup, Paint grinding machine.
Materials: N/A

Location: Holding and Walnut, Broadway and Ward, Hancock beside Social Services, 721 NBL, 610 E Church, 601 E Davis, 412 SBL, Massey and 7th, 350 E Market.
Starting Date: 1/20/2015
Completion Date: 1/21/2015
Description: Repaired 8 utility cuts and 2 gator areas in roadways.
Man-hours: 34hrs.
Equipment: 420 Cat backhoe, 406 dump truck, 402 pickup with roller.
Materials: 10.19 tons of 12 asphalt.

Location: West and Midway.
Starting Date: 1/26/2015
Completion Date: 1/26/2015
Description: Cleaned 150LF of storm drain line for positive drainage.
Man-hours: 9hrs.
Equipment: Jet truck, 402 Pickup plus hand tools.
Materials: N/A

Location: Greenway.
Starting Date: 1/29/2015
Completion Date: 1/30/2015
Description: Removed 7 dead trees near path of greenway.
Man-hours: 18hrs.
Equipment: 420 Cat backhoe, 402 pickup plus chainsaws.
Materials: N/a

Location: Boat Ramp.
Starting Date: 1/30/2015
Completion Date: 1/30/2015
Description: Put down #4 stone in parking area at boat ramp.
Man-hours: 7.5hrs.
Equipment: 420 Cat backhoe, 406 dump truck.
Materials: 14.85 tons of #4 stone.

**Town of Smithfield
Public Works Fleet Maintenance Division
Monthly Report
January 31, 2015**



I. Statistical Section

 2 Preventive Maintenances

 0 North Carolina Inspections

 60 Work Orders

II. Major Revenues

None for the month

III. Major Expenses for the Month:

Car Quest was paid \$2,899.99 for an air compressor. Bana Logic Corp. was paid \$960.75 for 1 yr. bumper to bumper maintenance support coverage.

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The shop employee performed preventive maintenances on all Town owned generators. The Public Works Safety/Staff Training this month was covering "Morale Issues, Communication, Being Positive in the Workplace, and Dependability".

**Town of Smithfield
Public Works Sanitation Division
Monthly Report
Jan. 31, 2015**



I. Statistical Section

The Division collected from approximately 4100 homes, 4 times during the month

- a. Sanitation forces completed 30 work orders
- b. Sanitation forces collected 355.94 tons of household waste
- c. Sanitation forces disposed of 41 loads of yard waste and debris at Spain Farms Nursery
- d. Recycling forces collected 0 tons of clean wood waste (pallets)
- e. Town's forces collected 2.34 tons of construction debris (C&D)
- f. Town's forces disposed of 150 scrap tires
- g. Recycling forces collected 4.60 tons of recyclable plastic
- h. Town's forces collected 2,040 lbs. of cardboard
- i. A total of 0 gallons of cooking oil was collected at the convenience site
- j. Disposed of 3,100 lbs. of plastics & glass
- k. Disposed of 1.69 tons of newspapers in December, 2014
- l. Disposed of 1.31 tons of newspapers in January, 2015

II. Major Revenues

- a. Received \$0.00 from Omni Source for disposal of 0 lbs. of Appliances/Loose Scrap
- b. Received \$41.89 from Sonoco Products for cardboard material
- c. Sold 0 lbs. of aluminum cans for \$0.00
- d. Sold 0 lbs. of shredder steel for \$0.00 to Omni Source
- e. Received \$0.00 from News and Observer for disposal of 0 lbs. of newspaper.

III. Major Expenses for the Month:

Spain Farms Nursery was paid \$3,968.00 for disposal of yard debris. Solid Waste Systems, Inc. was paid \$876.50 for lids, wheels and axles.

IV. Personnel Update:

Dustin Chinn and Patrick Moore resigned as Sanitation Equipment Operators. We have Sanitation Equipment Operator positions that are open.

V. Narrative of monthly departmental activities:

The department worked closely with Parks & Recreation and Downtown Development on providing traffic control devices and event containers for special events. The Public Works Safety/Staff Training this month was covering "Morale Issues, Communication, Being Positive in the Workplace, and Dependability".



**PARKS & RECREATION
SMITHFIELD RECREATION AND AQUATICS CENTER
MONTHLY REPORT
JANUARY, 2015**

I. Parks and Recreation and SRAC Programs/Events

Programs/Events in progress of recently completed: **32**
Total Contacts with Program Participants: **6711** *(does not include spectators)
SRAC member visits > **6406***(does not include spectators, meeting attendees, etc.)
SRAC paid day pass visitors > **785 (\$ 5,273.00)**
SRAC complimentary day pass visitors > **2**
SRAC Facility Rentals (Banquet Room, Gym, M-P Room, Pool,) > **37 Rentals (\$ 5,949.00)**
P&R Athletic games, practices and tournaments > **96** (participants included in "Total" above)
P&R Facility Rentals (fields, shelters, etc.) > 112 (2 Rentals)
TOTAL DIRECT CONTACTS > 14,677

II. Budget Information

Through 1/31/15 & YTD:
Parks and Recreation Expenditures > approximately 53%
SRAC Expenditures > approximately 53%
SRAC Revenues collected > approximately 46%

III. Highlights

Hosted Bridge to Sports Wheelchair Basketball Tournament
Hosted 6 High School Swim Meets



**Utilities Department
Monthly Report
January 2015**

- **Statistical Section**
 - Electric CP Demand was 26,746 kW relative to December's demand of 20,159 kW.
 - Electric System Reliability for was 100.00% relative to December's 100.00%. **This is the second month in a row with 100.00% reliability!**
 - Raw water treated on a daily average was 3.707 MG relative to 3.869 MG for December with maximum demand of 4.150 MG relative to December's 4.770 MG.
 - Total finished water to the system was 99.188 MG relative to December's 94.317 MG. Average daily for the month was 3.022 MG relative to December's 3.042 MG. Daily maximum was 3.511 MG (Tuesday, January 20), relative to December's 3.797 MG. Daily minimum was 2.647 MG (Thursday, January 1), relative to December's 2.129 MG.

- **Miscellaneous Revenues**
 - Electrical sales were \$1,651,724 relative to December's sales of \$1,532,788.
 - Water sales were \$167,576 relative to December's \$50,746.
 - Sewer sales were \$229,456 relative to December's \$77,255.
 - Johnston County Water purchases were \$54,509 relative to December's \$83,918. **Sales were higher in October, November and December as Johnston County had shut down one of their filters for major maintenance and is purchasing a large amount of water from us.**

- **Major Expenses for the Month**
 - Electricity purchases were \$1,400,824 relative to December's \$1,269,011.
 - **Johnston County sewer charge was \$337,279 for 110.72 MG relative to December's \$332,559 for 109.19 MG. January rainfall was 4.83 inches relative to normal January precipitation of 3.62 inches.**

- **Personnel Changes**
 - **Our new Water Treatment Plant Superintendent (a NC Class "A" Water Treatment Surface License) started on February 16, 2015. Our new Water Treatment Plant Operator (a NC Class "C" Water Treatment Surface License) on February 9, 2015. Our new Water Plant Trainee (a NC Class "C" Wastewater Treatment Biological License) will start on Monday, March 2, 2015. As a trainee he must work under the direct supervision of a Licensed Water Treatment Plant Operator; but with his existing Wastewater Treatment Plant Operator License, we believe that he can complete the internship period, complete the required class and pass the required exam in 6 months, instead of the usual 12, thus providing us with scheduling flexibility once he has his NC Water Treatment Plant Operator License.**



**Town Of Smithfield
WATER AND SEWER
Monthly Report
JANUARY 2015**

I. Statistical Section

- REPLACED 13 WATER METERS
- SET 1 METERS FOR NEW ACCOUNTS
- REPAIRED 8 LEAKS
- REPAIRED 5 SEWERS
- WASHED 1050 FEET SEWER LINES
- MADE 1 WATER TAPS, AND 0 SEWER TAP

II. Major Revenues

- NA
-

III. Major Expenses for the Month:

IV. Personnel Update

-

V. Miscellaneous Activities:

- RODDED 20 SEWER SERVICES
- REPAIRED 0 FIRE HYDRANTS
- SERVICE CALLS 130
- LOCATES 111
- CHECK 18 LIFT STATIONS DAILY
- FLUSHED DEAD ENDS 1 TIME



**Town of Smithfield
Electric Department
Monthly Report
January, 2015**

I. Statistical Section

- Street Lights repaired -36
- Area Lights repaired -19
- Service calls - 32
- Underground Electric Locates -79
- Poles changed out or installed -10
- Underground Services Installed -2

II. Major Revenues

- N/A

III. Major Expenses for the Month:

- N/A

IV. Personnel Update:

- Safety meeting on Protective Equipment/Lockout Tagout.

V. Miscellaneous Activities:

- Removed all Christmas Decorations.