



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

Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

Page

Presentations:

1. **Proclamation – In Memory of Norman Johnson**
(Mayor – John H. Lampe II.) See attached information.....1
2. **Recognition of Service by Regina Sanders expressing her appreciation to the Smithfield Fire Department, Four Oaks Fire Department and Johnston County EMS.**
(Councilman – Travis Scott) See attached information.....3
3. **Recognition of Police Officer Michael Gray for obtaining the Advanced Law Enforcement Certification from the North Carolina Education and Training Standards Commission.**
(Chief of Police – Mike Scott) See attached information.....5

Public Hearings:

1. **CUP-15-01 NC 210 Car Lot: Continued from the March 3rd Council Meeting.**
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 Emblar) See attached information.....11

- 2. **RZ-15-02 Larry Denning:** The applicant is requesting to rezone approximately 9.51 acres of land from the R-20A (Residential-Agricultural) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the south side of NC 210 Highway approximately 1,200 feet west of its intersection with Skyland Drive. The property is further identifies as Johnston County Tax ID# 15076012A.
(Planning Director – Paul Embler) See attached information.....57

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

Consent Agenda Items:

- 1. **Approval of Minutes:**
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 - March 3, 2015 – Regular Meeting
 - March 17, 2015 – Work Session
 - March 24, 2015 – Work Session
 - March 24, 2015 – Closed Session (Under Separate Cover).....97

- 2. **Special Event – Senior Project MS Event:** Madison Stewart is petitioning the Town for a special event as part of her senior project concerning a fund raising event for MS.
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- 3. **Consideration and approval of Resolution # 556 (05-2015)** declaring equipment as surplus personal property and the approval of the electronic auction of surplus personal property.
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- 4. **Consideration and approval of Resolution # 557 (06-2015) Opposing House Bill 51 – Justice for Rural Citizens Act**
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- 5. **Consideration to Amend the Municipal Records Retention Schedule as recommended by the NC Department of Cultural Resources and approval of Resolution # 558 (07-2015).**
(Town Clerk – Shannan Williams) See attached information.....137

- 6. **Budget Advisement for reallocation of budgeted capital items for three items for the Water Plant Department using savings realized.** *No additional dollars are requested.* The three items are as follows: as follows: 1) to expend \$49,965 with the Perkinson Company for design, purchase and installation of Loss of Head (LOH) and Rate of Flow(ROF) Water Filter controllers as recommended by the NC DENR; 2) to expend \$17,280 with R.D. Braswell of Smithfield, NC for the erection of the new

bulk storage tank that can be used to store either Alum or Ferric sulfate; and 3) To expend \$4,001 with Southern Corrosion for inspection and cleaning of the Town's 1 MG Clearwell.

(Interim Public Utilities Director – Pete Connet) See attached information.....145

- 7. Budget Advisement for reallocation of a portion of the FY 14-15 AMI/Smart Grid budgeted capital item from the Water & Sewer Fund for removal of sand and sediment and repair of the inflow/outflow piping in the Water Plant Raw Water Intake Pond.** The estimated cost to remove sand and sediment and repair the inflow/outflow piping in the Raw Water Intake Pond is \$330,000. The adopted FY 14-15 Budget allocated \$150,000 for this remedial work. A total of \$223,950 remains in the AMI/Smart Grid Project line item. This Budget Advisement seeks to allocate \$180,000 of these dollars to complete remediation of the Raw Water Intake Pond. *No additional dollars are requested.*

(Interim Public Utilities Director – Pete Connet) See attached information.....147

8. Advisory Board /Committee Appointments:

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9. Approval of Contract for Interim Public Utilities Director Pete Connet

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10. North Carolina Eastern Municipal Power Agency (NCEMPA) Board of Commissioners Appointment – Consideration to appoint Interim Public Utilities Director, Pete Connet, to serve as the First Alternate Commissioner representing the Town of Smithfield.

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11. New Hire Report

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1. Consideration of a Second Endowment from James P. George and approval of Resolution # 559 (09-2015)

(Town Manager – Paul Sabiston and Finance Director – Greg Siler)

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2. Approval of Resolution #560 (10-2015) to Modify the Electric Fund Revenue Bond Rate and Payment with Southern Bank.

(Finance Director – Greg Siler) See attached information.....177

3. Report on Merchant Account Comparison
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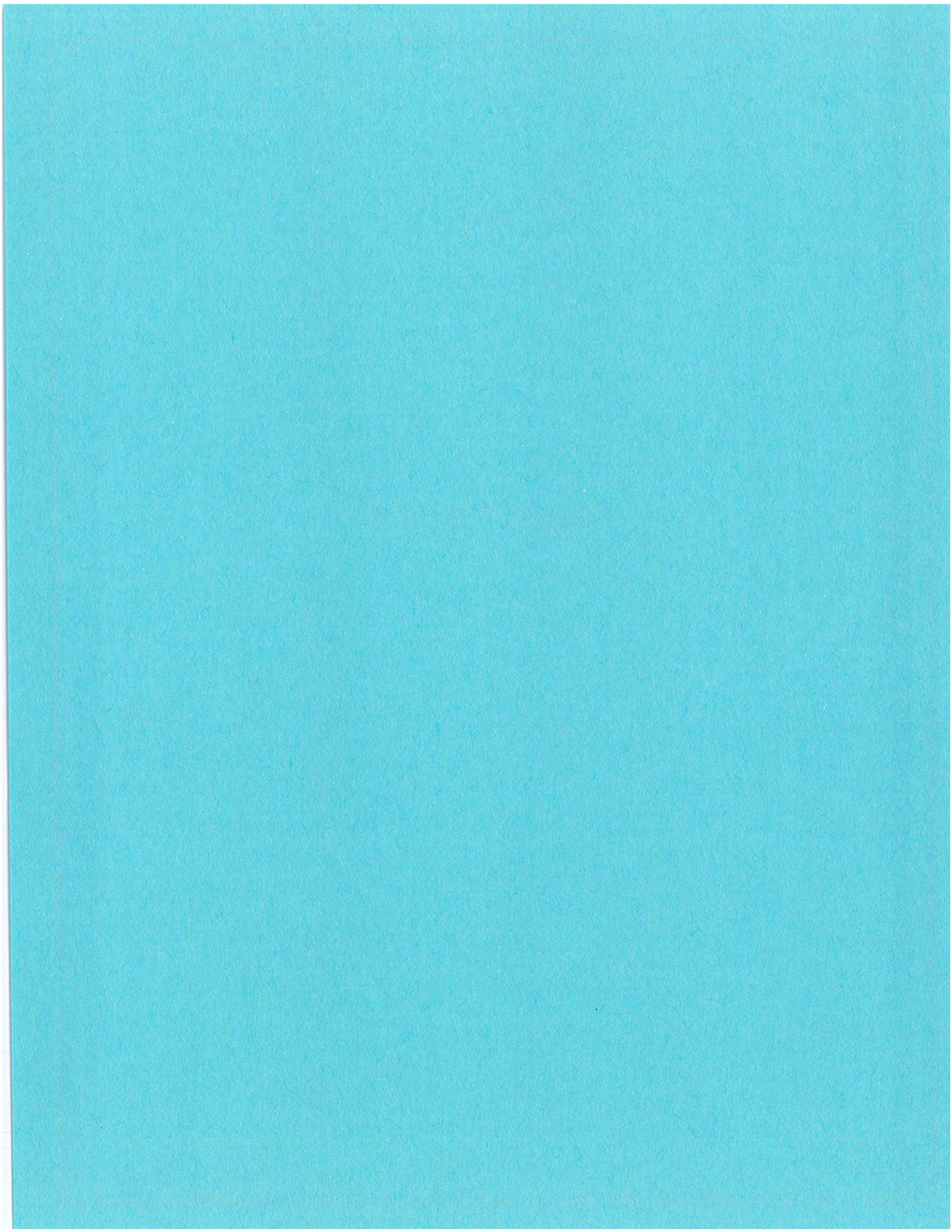
Councilmember’s Comments

Town Manager’s Report

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- Manager’s Report (Will be provided at the meeting)

Adjourn

Presentations



PROCLAMATION

In Memory of Norman R. Johnson

WHEREAS, on behalf of the Town of Smithfield, we wish to extend our sincere condolences to the family of Norman R. Johnson; and

WHEREAS, Mr. Johnson's passing leaves our community with a deep feeling of sorrow for the loss of such an honored and respected citizen; and

WHEREAS, the operation of local government is judged by the dedication, compassion and professionalism of its leadership and such leaders are judged by their ability, character, understanding and respect for their fellow man; and

WHEREAS, Norman R. Johnson exemplified these qualities as a member of the Smithfield Town Council serving from 1983-1991; serving as Mayor Pro-Tem from 2003-2005; and serving as Mayor from 2005-2009; and

WHEREAS, not only did Mr. Johnson serve on the Town Council, but he also served as the Town's first full time Fire Chief; and

WHEREAS, Mr. Johnson was later named as the Director of Emergency Services which included Fire, Rescue and Emergency Medical Services; and

WHEREAS, under his leadership, the department received numerous awards for Fire Prevention and Safety; and

WHEREAS, Mr. Johnson earned the respect, admiration and high regard of all with whom he came into contact, and our community has sustained a great loss in his passing;

WHEREAS, for his service and dedication, Mr. Johnson was awarded the Order of the Long Leaf Pine in December 2009.

NOW, THEREFORE, I, John H. Lampe II, Mayor of the Town of Smithfield along with the members of the Town Council, in recognition of Norman R. Johnson's many contributions to the Town and its citizens, we hereby express our deep appreciation for his dedication to the progress of the community and extend to his family our sincere sympathy upon his passing

John H. Lampe II, Mayor

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Smithfield on this Seventh day of April in the year of our Lord Two Thousand Fifteen.

**Town of Smithfield
Town Council
Advisement**

Presentation: Recognition of Service by Regina Sanders expressing her appreciation to the Smithfield Fire Department, Four Oaks Fire Department and Johnston County EMS

Information:

Councilman Scott was contact by Regina Sanders about a medical call (code Blue) that took place on December 24, 2014 at her home. Mrs. Sanders requested that she be able to express her appreciation to the members of the Johnston County EMS, Smithfield Fire Department and Four Oaks Fire Department for saving her life on Christmas Eve.

Mrs. Sanders and her husband, Daniel Sanders, are very active members of the Town of Smithfield. The efforts of the above mentioned agencies are greatly appreciated by not only Mrs. Sanders and her family, but also by those that have the pleasure of knowing and working with Mr. & Mrs. Sanders.

**Town of Smithfield
Town Council
Action Form**

Item: Recognition

Date of Meeting: April 07, 2015

Date Prepared: March 16, 2015

Staff Work By: Chief Michael L. Scott

Presentation: Town Manager's Discretion

Presentation:

The police department is asking to recognize Officer Mike Gray as he receives his Advanced Law Enforcement Certificate from the North Carolina Education and Training Standards Commission. Officer Gray joins seventeen (17) other members of the Smithfield Police Department that have earned this specific recognition. To earn the Advanced Certificate, Officers have to surpass several law enforcement thresholds, including having at least nine years of law enforcement experience and over 1200 hours of continued law enforcement training. Additional Information regarding the North Carolina Professional Certificate Program is attached.

Action Requested:

Officer Gray will be presented with the Advanced Law Enforcement Certification by the Mayor or his representative.



PROFESSIONAL CERTIFICATE PROGRAM

In order to recognize the level of competence of law enforcement in college education and professional law enforcement training programs, and to attract highly qualified people into a law enforcement career, the Criminal Justice Education and Training Standards Commission established the Law Enforcement Officers' Professional Certificate Program.

Under this program dedicated officers may receive statewide and experience.

The Commission makes these awards available under the authority granted pursuant to [North Carolina General Statutes, Chapter 17C](#), and in accordance with _____.

General Provisions

In order to be eligible for one or more of the professional awards, an officer shall first meet the following preliminary qualifications:

- The officer shall presently hold general law enforcement certification. A person serving under probationary certification is not eligible for consideration.
- The officer shall be familiar with and subscribe to the Law Enforcement

- The officer shall be a full-time, sworn, paid member of a law enforcement agency within the state.
- service law enforcement training which is not mandated by the Commission pursuant to [12 NCAC 09E.0102](#).
- Applicants shall not be given credit for satisfactory completion of Commission-mandated Basic Law Enforcement Training courses.

An officer can qualify for the Intermediate Certificate if he or she:

- has accumulated at least thirty-two (32) education and/or training points
- has accumulated at least forty (40) education and/or training points and at least six (6) years experience, or
- has accumulated at least forty-eight (48) education and/or training points and at least four (4) years experience, or
- has an Associate Degree issued by an academic institution recognized by the United States Department of Education and the Council for Higher Education Accreditation; has accumulated at least sixteen (16) training points and at least four (4) years experience, or
- has a Baccalaureate Degree issued by an academic institution recognized by the United States Department of Education and the Council for Higher Education Accreditation; has accumulated at least eight (8) training points and at least two (2) years experience.

Advanced Law Enforcement Certificate

An officer can qualify for the Advanced Certificate if he or she:

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- › has accumulated at least forty-eight (48) education and/or training points and at least twelve (12) years experience, or
- › has accumulated at least sixty (60) education and/or training points and at least nine (9) years experience, or
- › has an Associate Degree issued by an academic institution recognized by the United States Department of Education and the Council for Higher Education Accreditation; has accumulated at least thirty-six (36) training points and at least nine (9) years experience, or
- › has a Baccalaureate Degree issued by an academic institution recognized by the United States Department of Education and the Council for Higher Education Accreditation; has accumulated at least twenty-four (24) training points and at least six (6) years experience, or
- › has a Graduate or Professional Degree issued by an academic institution recognized by the United States Department of Education and the Council for Higher Education Accreditation; has accumulated at least sixteen (16) training points and at least four (4) years experience.

Point Computation Formula

(please see the Professional Certificate Brochure (F-6A) on the Forms page under Law Enforcement for more information)

Awards are based upon a formula which combines formal education, law enforcement training, and actual experience as a law enforcement officer. Points are computed in the following manner:

Education

each quarter hour shall equal two-thirds of a point.

Training – Twenty classroom hours of Commission-approved law

enforcement training shall equal one (1) point, exclusive of BLEET and Commission-mandated in-service training.

Experience – Only experience as a full-time, sworn, paid member of a law enforcement agency or the equivalent experience as determined by the Commission shall be acceptable for consideration.

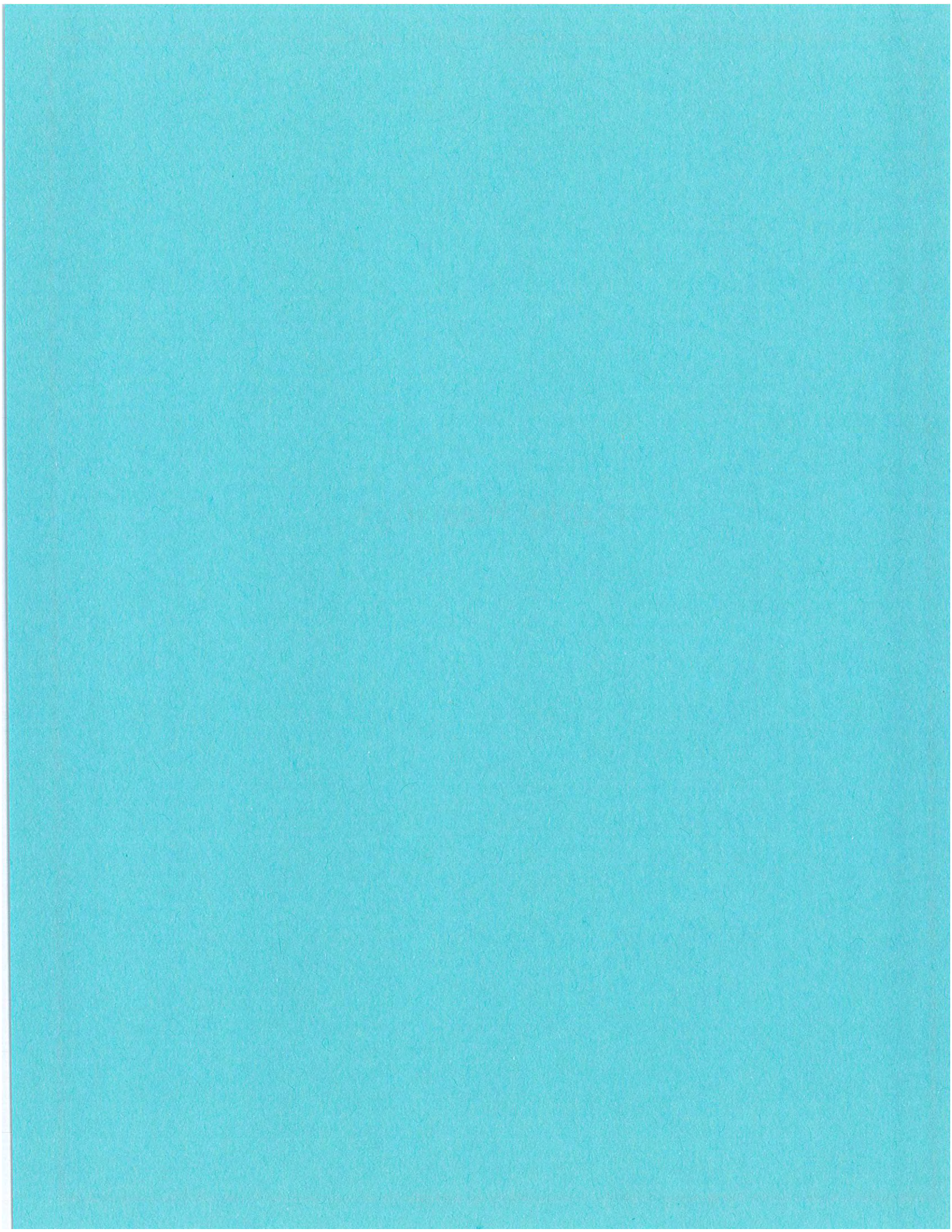
How To Apply For An Award

- If you are qualified to receive an award, request an Application Form (F-6) from your agency or the agency personnel officer or download one
- Complete the application fully and attach the necessary documents to verify your qualifications. Education and training **MUST BE** supported by transcripts, copies of diplomas, official training records, or other reliable documentary materials.
- Return the application to your agency head for his/her endorsement. No award will be issued unless the applicant is recommended by the agency head.
- Your agency will forward the application to the Criminal Justice Standards Division for processing.

If the Commission elects to grant the award, the proper certification will be forwarded to, and subsequently presented through, your agency. Applicants should note that Advanced Certificate applications must be presented to the Commission for approval at quarterly meetings. This requirement may result in a three- to four-month processing period for the Advanced award.

North Carolina Department of Justice / Roy Cooper, Attorney General (919) 716-6400

Public Hearings



**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**

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Conditional Use Permit
CUP-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: 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.

- **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.

- **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.

- **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.

- **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 Actions:

The Town Council, at its March 3, 2015, unanimously voted to continue the hearing until the April 7, 2015 meeting.

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.**

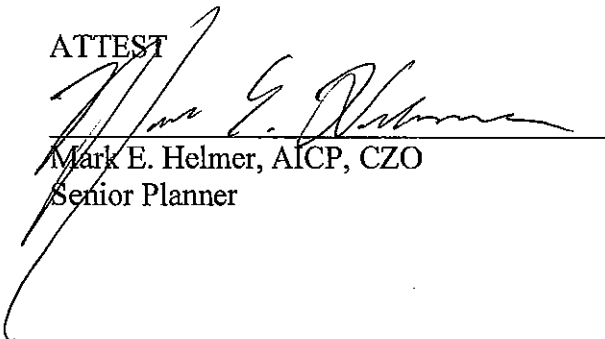
5. All other minimum requirements of the UDO be met to include paving of all areas to be used for automobiles.

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. 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, CUP-15-01, were notified by First Class Mail on 3-26-15.

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

26th day of March, 2015

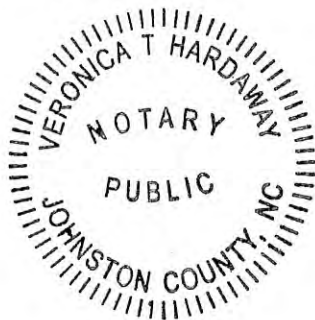
Veronica T Hardaway

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, April 7, 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-15-02 Larry Denning: The applicant is requesting to rezone approximately 9.51 acres of land from the R-20A (Residential-agricultural) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the south side of NC 210 Highway approximately 1,200 feet west of its intersection with Skyland Drive. The property is further identifies as Johnston County Tax ID# 15076012A.

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. Embler, Jr., Director

Notice Of Public Hearing

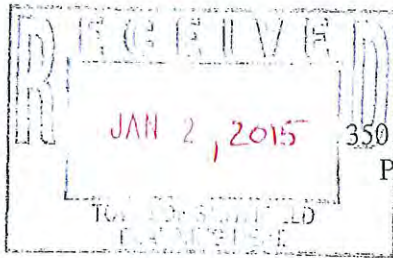
Notice is hereby given that a public hearing will be held before the Town Council of the Town of Smithfield, N.C., on Tuesday, April 7, 2015 at 7:00 P.M in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

RZ-15-02 Larry Denning: The applicant is requesting to rezone approximately 9.51 acres of land from the R-20A (Residential-agricultural) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the south side of NC 210 Highway approximately 1,200 feet west of its intersection with Skyland Drive. The property is further identified as Johnston County Tax ID# 15076012A.

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 3/25/15 and 4/1/15

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: <u>CU-15-02</u>	Date Received: <u>1/2/15</u>	Amount Paid: <u>\$300.00</u>
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OWNER INFORMATION:

Name: Charles Phillip and Jamie Tyler
Mailing Address: 5194 US Hwy 70 Bus., W Clayton, NC 27520
Phone Number: (919) 550-7711 Fax:
Email Address: phillip@carolinacomfortair.com

APPLICANT INFORMATION:

Applicant: SAME AS OWNER
Mailing Address:
Phone Number: Fax:
Contact Person: Chad Simmons, PE Triangle CivilWorks, PA
Email Address: chad.simmons@trcivil.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:

- All required plans (please see the plan requirements checklist).
- A signed and sealed traffic impact analysis.
- Verification of wastewater allocation (granted or requested).
- Driveway permits (Town of Smithfield or NCDOT encroachment with associated documentation).
- Other applicable documentation: _____

STATEMENT OF JUSTIFICATION

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

ATTACHED

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.

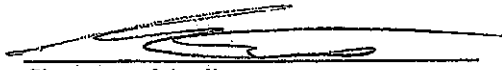
- 4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. The conditional use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts 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 Permt. 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: COP-15-02 Date Received: 1/2/15 Parcel ID Number: 167400-914-1487

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 TYLER AND JAMIE TYLER, 514 US HWY 70 SW, W. SMITHFIELD, NC 27581
- AC PIN: 1670059-1407
- DEED REFERENCE: DB 464 PG 038
- EXISTING USE: VACANT
- EXISTING ZONING: B3
- AREA: 2.24 AC (INCLUDING R/W)
- PARKING PROVIDED: 32 AUTOMOBILE SPACES, 8 SUPPLEMENTARY SPACES

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



SITE NOTES

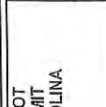
- EXISTING CONDITIONS SURVEY PREPARED BY JAMIE BARBOUR SURVEYING OF SMITHFIELD IN A MAP ENTITLED SURVEY FOR CHARLES PHILIP TYLER AND JAMIE TYLER DATED FEBRUARY 21, 2012
- SEWAGE SHALL BE DESIGNED AND INSTALLED PER TOWN OF SMITHFIELD UDO
- SITE LIGHTING SHALL BE DESIGNED AND INSTALLED PER TOWN OF SMITHFIELD UDO
- LANDSCAPING SHALL BE DESIGNED AND INSTALLED PER TOWN OF SMITHFIELD UDO
- ALL OTHER SITE ELEMENTS SHALL BE DESIGNED AND INSTALLED PER TOWN OF SMITHFIELD UDO
- GARBAGE COLLECTION SHALL BE BY ROOL OFF CONTAINER COLLECTION
- IT IS NOT EXPECTED THAT AVERAGE DAILY TRAFFIC GENERATION WILL EXCEED 800 TRIPS / DAY FOR THE PROPOSED USE
- WASTE WATER BY ON-SITE SEPTIC SYSTEM
- WATER SUPPLY BY TOWN OF SMITHFIELD
- ALL APPLICABLE NCDOT DRIVEWAY AND ENCROACHMENT PERMITS SHALL BE SECURED PRIOR TO CONSTRUCTION



SHEET NO. P-1
 OF 7
 PRELIMINARY NOT RELEASED FOR CONSTRUCTION
 12/23/14

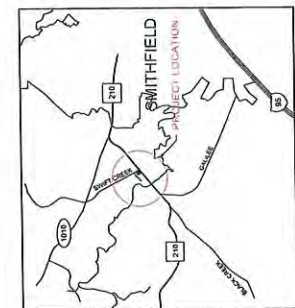
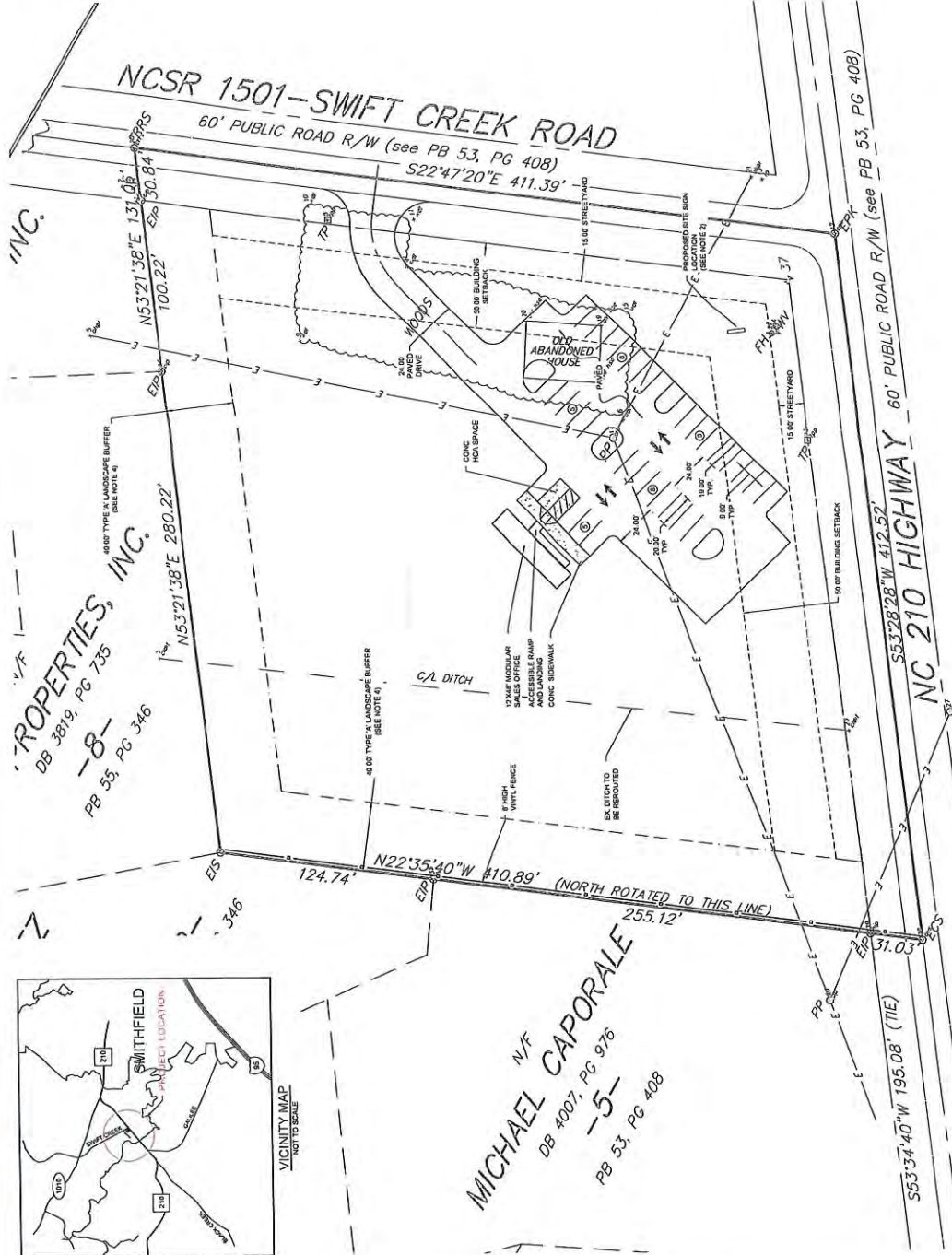
PRELIMINARY SITE PLAN LAYOUT
 1"=30'
 0 10 20 30 40 50

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



PROFESSIONAL ASSOCIATION
 411 DILLON DRIVE
 SMITHFIELD, NC 27577
 336-552-2424

NO.	DATE	DESCRIPTION	REVISIONS

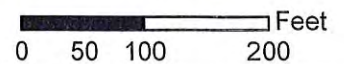




Vicinity Map for:
CUP-15-01
Applicant:
Charles Phillip &
Jamie Tyler



Map Created by Town of Smithfield
Geographic Information Services



**Glen Lake II
RZ-15-02**

For Properties Located at:

The property considered for rezoning is located on the south side of NC 210 Highway approximately 1,200 feet west of its intersection with Skyland Drive. The property is further identifies as Johnston County Tax ID# 15076012A.

**Property Owner:
Denning Family Trust #1**

**Table of Contents
Rezoning Request
RZ-15-02**

Staff Report	Exhibit A
Approval Criteria	Exhibit B
Planning Board Report / Actions	Exhibit C
Adjoining Property Owners Certification	Exhibit D
Rezoning 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: RZ-15-02
Project Name: Glen Lake II
TAX ID number: 15076012A
Town Limits/ETJ: City
Applicant: Penco Land Company, LLC
Owners: Denning Family Trust #1
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: South side of NC 210 Highway approximately 1,200 feet west of its intersection with Skyland Drive.

REQUEST: The applicant is requesting to rezone approximately 9.51 acres of land from the R-20A (Residential-Agricultural) zoning district to the B-3 (Business) zoning district.

SITE DATA:

Acreage: 9.51 acres
Present Zoning: R-20A (Residential-Agricultural)
Proposed Zoning: B-3 (Business)
Existing Use: Agriculture / Vacant
Proposed Use: N/A

DEVELOPMENT DATA:

Proposed Use: N/A - All uses permitted within the B-3 (Business) zoning district may be considered for future site plan approval.

ENVIRONMENTAL: The southernmost portion of property contains environmentally sensitive areas to include wetlands, floodplain and a small lake. Any future development proposal will be encouraged to limit encroachment into these areas and will be required to document riparian buffers, provide storm water facilities and elevate structures if they are located within the 100 year flood plain.

ADJACENT ZONING AND LAND USES:

North: Zoning: R-8 and R-20A
 Existing Use: Vacant / Agricultural

South: Zoning: R-20A
 Existing Use: Vacant / Wetlands

East: Zoning: B-3
 Existing Use: Vacant / Agricultural

West: Zoning: R-20A
 Existing Use: Single Family Dwelling

STAFF ANALYSIS AND COMMENTARY:

The property considered for rezoning contains is currently being used for agricultural endeavors. Rezoning the property to the B-3 (Business) will allow for all permitted use within the B-3 (Business) zoning district to be considered for future approval to included multifamily housing complexes, retail strip centers and convenience stores.

- **Consistency with the Strategic Growth Plan**

The proposed rezoning to the B-3 (Business) zoning district is consistent with the Strategic Growth Plan which recommends the property be zoned for high density residential development and office and institutional land uses.

- **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 property considered for a rezoning is located on a minor corridor entering the Town from the west and is in close proximity to other like zoning districts. Rezoning this property from residential to a commercial district will not create any compatibility issues with the adjacent commercial uses.

OTHER:

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

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: Approximately 630 feet or road frontage along NC 210 Highway.

WATER/SEWER PROVIDER: Town of Smithfield

ELECTRIC PROVIDER: Duke Energy

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 9.51 acres of land located on the south side of NC Highway 210 from the R-20A (Residential-agricultural) zoning district to the B-3 (Business) zoning district.

Planning Board Recommendations: The Planning Board, at its March 5, 2015 meeting unanimously voted to recommend approval of the request to rezone approximately 9.51 acres of land located on the south side of NC Highway 210 from the R-20A (Residential-agricultural) zoning district to the B-3 (Business) zoning district.

Town Council Action Requested: The Town Council is requested to review the petition and make a decision in accordance with the approval criteria for the rezoning of approximately 9.51 acres of land located on the south side of NC Highway 210 from the R-20A (Residential-agricultural) zoning district to the B-3 (Business) zoning district.

Exhibit B
Approval Criteria

Town of Smithfield

Rezoning Permit Application

Approval Criteria

Application No. RZ-15-02 Name: Glen Lake II

Request: Zoning reclassification from R-20A (Residential-Agricultural) to B-3 (Business)

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 Residential-Agricultural to the Business zoning district meets all the Town's plans and policies and will blend in well with the adjacent land uses. The Comprehensive Land Use Plan directly indicates the subject property is best suited for high density residential and office/institutional land uses.

B. Disagree

The rezoning request from the Residential-Agricultural to the Business zoning district does not necessarily meet all the Town's plans and policies because the Comprehensive Land Use Plan call for

high density residential and office/institutional land uses. High density residential land uses can be better achieved with the R-8 (Residential) zoning classification.

2. Finding Two of Eight

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

Circle One

A. Agree

The rezoning request is compatible with established neighborhood patterns which includes a commercial zoning district immediately east of and adjacent to the subject property. Existing high density residential and commercial properties and uses are approximately 1,200 feet east of the subject property.

Disagree

Although no known compatibility issues with adjacent land uses have occurred in the past, rezoning the property to the B-3 (Business) zoning district will allow for wider range of land uses to include professional offices, retail sales and storage yards with an approved conditional use permit request.

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 petition is compatible with the changing neighborhood conditions that might warrant a rezoning because the demand for multifamily housing and senior living facilities is creating a need for additional zoning districts that can support such uses.

B. Disagree

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....

2 of 5

RZ-15-02

A. Agree

The rezoning will allow for additional commercial zoning districts that can support high density residential and associated commercial land uses. 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 rezoning the property to a high density residential zoning district that does not allow for commercial uses may be a better alternative.

5. Finding Five of Eight

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

A. Agree

Since adjacent nearby properties are presently zoned B-3 (Business) then 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 R-20A (Residential-Agricultural). High density residential and commercial uses such as those permitted in the B-3 (Residential-Agricultural) zoning district cannot occur unless the property is rezoned.

B. Disagree

There are limited considerations for residential development in the R-20A (Business) zoning district. Rezoning the property to a zoning district that allows for multifamily housing while limiting commercial uses should be pursued in more depth prior to rezoning to B-3 (Business).

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 to the site, the property is served by Duke Power with electricity. 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

Much of the property is not affected by physical restraints such as wetlands, stream buffers, potential flood hazard areas and storm water. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc.) on the portion closest to NC 210 Highway.

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-15-02.

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-15-02.

10. Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Town Council, Rezoning Petition RZ-15-02 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

Exhibit C
Planning Board Minutes/Actions

Planning Board Report for
RZ-15-02
Larry Denning

Public hearing held on March 5, 2015

(Excerpt from draft minutes)

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

RZ-15-02 Larry Denning:

Mr. Helmer stated the applicant is requesting to rezone approximately 9.51 acres of land from the R-20A (Residential-Agricultural) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the south of NC 210 Highway approximately 1,200 feet west of its intersection with Skyland Drive. The property is further identified as Johnston County Tax ID# 15076012A.

Mr. Helmer stated the southernmost portion of property contains environmentally sensitive areas to include wetlands, floodplains and a small lake. Any future development proposal will be encouraged to limit encroachment into these areas and will be required to document riparian buffers, provide storm water facilities and elevate structures if they are located within the 100 year flood plain.

Mr. Helmer stated the property considered for rezoning is currently being used for agricultural endeavors. Rezoning the property to B-3 (Business) will allow for all permitted uses within the B-3 (Business) zoning district to be considered for future approval to include multifamily housing complexes, retailer strip centers and convenience stores with fuel. The proposed rezoning to the B-3 (Business) zoning district is consistent with the Strategic Growth Plan which recommends the property be zoned for high density residential development and office and institutional land uses. 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 property considered for rezoning is located on a minor corridor entering the Town from the west and is in close proximity to other like zoning districts. Rezoning this property from residential to a commercial district will not create any compatibility issues with the adjacent commercial uses. The Town 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 request to rezone approximately 9.51 acres of land located on the south side of NC Highway 210 from the R-20A (Residential-Agricultural) zoning district to the B-3 (Business) zoning district.

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

Teresa Daughtry asked how surrounding properties are zoned and remembered reviewing an apartment complex a few years back.

Mark Helmer stated the property immediately to the east is zoned B-3, property to the north is zoned R-8 and property to the west is zoned R-20A.

Stephen Upton asked how many units were included in Phase 1.

Mr. Helmer stated that a conditional use permit for a 72 unit multi-family housing project was issued by Town Council on May 7th of 2013.

Teresa Daughtry asked if any future phase of this project would require interconnectivity to the existing approved phase.

Mr. Helmer stated it remains to be seen how the phasing will work out but, staff will undoubtedly require interconnectivity particularly if required active and passive recreational spaces or storm water facilities are shared between the two phases.

Daniel Sanders asked if a traffic impact study will be required.

Mr. Helmer stated that a traffic study may be triggered at site plan approval phase but it is unlikely given the scale of phase 1.

Mr. Foy asked if there has been any opposition concerning the proposed rezoning.

Mr. Helmer stated that he was not aware of any and noted no opposition present at the hearing.

Mr. Foy closed the public meeting for RZ-15-02.

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

The rezoning request from the Residential-Agricultural to the Business zoning district meets all the Town's plans and policies and will blend in well with the adjacent land uses. The Comprehensive Land Use Plan directly indicates the subject property is best suited for high density residential and office/institutional land uses. **All members stated true.**

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

The rezoning request is compatible with established neighborhood patterns which includes a commercial zoning district immediately east of and adjacent to the subject property. Existing high density residential and commercial properties and uses are approximately 1,200 feet east of the subject property. **All members stated true.**

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

The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning because the demand for multifamily housing and senior living facilities is creating a need for additional zoning districts that can support such uses. **All members stated true.**

4. The rezoning request is in the community interest:

The rezoning will allow for additional commercial zoning districts that can support high density residential and associated commercial land uses. The development that will occur from the rezoning will increase the tax base as an additional benefit. **All members stated true.**

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

Since adjacent nearby properties are presently zoned B-3 (Business) then it is unlikely an argument could be made for "spot zoning" or "small scale" zoning. **All members stated true.**

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

The property is currently zoned R-20A (Residential-Agricultural). High density residential and commercial uses such as those permitted in the B-3 (Residential-Agricultural) zoning district cannot occur unless the property is rezoned. **All members stated true.**

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

In addition to public water and sewer being available to the site, the property is served by Duke Power with electricity CenturyLink and Time Warner also serve the area with phone and cable respectively. **All members stated true.**

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

Much of the property is not affected by physical restraints such as wetlands, stream buffers, potential flood hazard areas and storm water. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc.) on the portion closest to NC 210 Highway.

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 Teresa Daughtry to recommend approval to rezone approximately 9.51 acres of land from an R-20 (Residential-Agricultural) to a B-3 (Business) zoning district with the conditions included in the finding of facts.

Duly adopted this the 17th day of March 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, RZ-15-02, were notified by First Class Mail on 3-26-15.

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

26th day of March, 2015

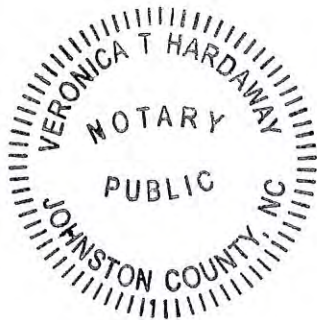
Veronica T Hardaway

Notary Public Signature

Veronica T Hardaway

Notary Public Name

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



Adjacent Property Owners of

RZ-15-02

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15077009	168400-84-5497	STRICKLAND, MARY F ET AL	FL0134	JACKSONVILLE	FL	32203-0062
15077008	168400-74-4498	KEENER LUMBER CO INC	1209 W MARKET ST	SMITHFIELD	NC	27577-2323
15076010	168400-73-3778	MOORE, MARILYN JONES	559 NC 210 HWY	SMITHFIELD	NC	27577-0000
15076012A	168400-73-8722	DENNING FAMILY TRUST #1	1206 CHESTNUT DR	SMITHFIELD	NC	27577-3606
15076012B	168400-83-5704	DENNING FAMILY TRUST #1	1206 CHESTNUT DR	SMITHFIELD	NC	27577-3606
15076013D	168400-73-8099	CORNERSTONE FAITH FELLOWSHIP	176 CHURCHILL DOWNS DR	CLAYTON	NC	27520-5536
15076011C	168400-62-5050	KEB ASSOCIATES	BOYETTE	SMITHFIELD	NC	27577-9154



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, April 7, 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-15-02 Larry Denning: The applicant is requesting to rezone approximately 9.51 acres of land from the R-20A (Residential-agricultural) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the south side of NC 210 Highway approximately 1,200 feet west of its intersection with Skyland Drive. The property is further identifies as Johnston County Tax ID# 15076012A.

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. Embler, Jr., Director

Notice Of Public Hearing

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

RZ-15-02 Larry Denning: The applicant is requesting to rezone approximately 9.51 acres of land from the R-20A (Residential-agricultural) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the south side of NC 210 Highway approximately 1,200 feet west of its intersection with Skyland Drive. The property is further identified as Johnston County Tax ID# 15076012A.

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 3/25/15 and 4/1/15

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: Glen Lake II Acreage of Property: 9.51 ±
 Parcel ID Number: 168400-73-8722 Tax ID: 15076012A
 Deed Book: 3363 Deed Page(s): 745
 Address: NC 210 HWY, Smithfield, NC
 Location: NC 210 HWY, Smithfield, NC

Existing Use: vacant, agriculture Proposed Use: multifamily (56 units)
 Existing Zoning District: R-20A
 Requested Zoning District: B-3
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): None
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): None

FOR OFFICE USE ONLY

File Number: <u>RZ-15-02</u>	Date Received: <u>1/22/15</u>	Amount Paid: <u>\$310.00</u>
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OWNER INFORMATION:

Name: Denning Family Trust # 1 (op Larry Denning)
Mailing Address: 1206 Chestnut Drive, Smithfield, NC 27577
Phone Number: 919-215-4593 Fax: _____
Email Address: _____

APPLICANT INFORMATION:

Applicant: Penco Land Company, LLC
Mailing Address: PO Box 19691, Raleigh NC 27619
Phone Number: 919-755-0558 Fax: _____
Contact Person: Frankie Pendergraph or Lee Vandecarr
Email Address: f.pendergraph@thepencos.com | Vandecarr@thepencos.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. see PIN# 15076012A
- A list of adjacent property owners. Denning Family Trust
- A statement of justification.
- Other applicable documentation: _____

STATEMENT OF JUSTIFICATION

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

The applicant is requesting that the subject parcel be re-zoned from R-20A to B-3. Currently all of the land in the surrounding area that has not been developed is zoned R-20A. Essentially, the R-20A zoning district allows low-density residential and agricultural uses. When property is planned to be developed, it is not uncommon for a re-zoning request to be pursued to allow for uses other than low-density residential or agricultural. The applicant is currently developing an adjacent parcel and the current re-zoning request is consistent with the development of the adjoining parcel.

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:

This zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield. During the development process for this parcel, the applicant will seek and procure all necessary permits from the Town, County and State.

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

This zoning petition is compatible with established neighborhood patterns. It involves a parcel that is directly adjacent to a parcel that is currently being developed for multi-family housing.

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

This rezoning petition is compatible with the changing neighborhood conditions. NC 210 Hwy heading west out of Smithfield is a growth area. New multi-family and other businesses are currently being developed.

4. The rezoning request is in the community interest:

This request is in the community interest in that it expands the possible uses from the limited R-20A district to B-3.

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

This request does not constitute spot zoning. The immediately surrounding area contains a mix of residential (single family), residential (multi-family), industrial, agricultural and other uses.

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

Currently the parcel is zoned R-20A which essentially is an agricultural and very low density residential district. Because of the growth potential of the DC 210 Hwy corridor, the highest and best use of the parcel is more higher density residential, such as apartments, or office and institutional type uses.

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

Public services and utilities are available and in close proximity to the subject parcel.

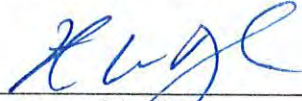
8. Physical characteristics of the site prohibit development under present regulations:

The physical characteristics of the site do not prohibit the development of the site.

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 zoning map amendment. 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.

Frankie W. Pendergraph
Print Name


Signature of Applicant

1/16/15
~~2/6/13~~
Date

Managing Member of
Penro Land Company, LLC



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: Glen Lake II Submittal Date: 1/22/15

OWNERS AUTHORIZATION

I hereby give CONSENT to Penco Land Company, LLC ^{and} Frankie Rodriguez (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.

Larry Denning Larry Denning 1-22-15
Signature of Owner *Print Name* *Date*

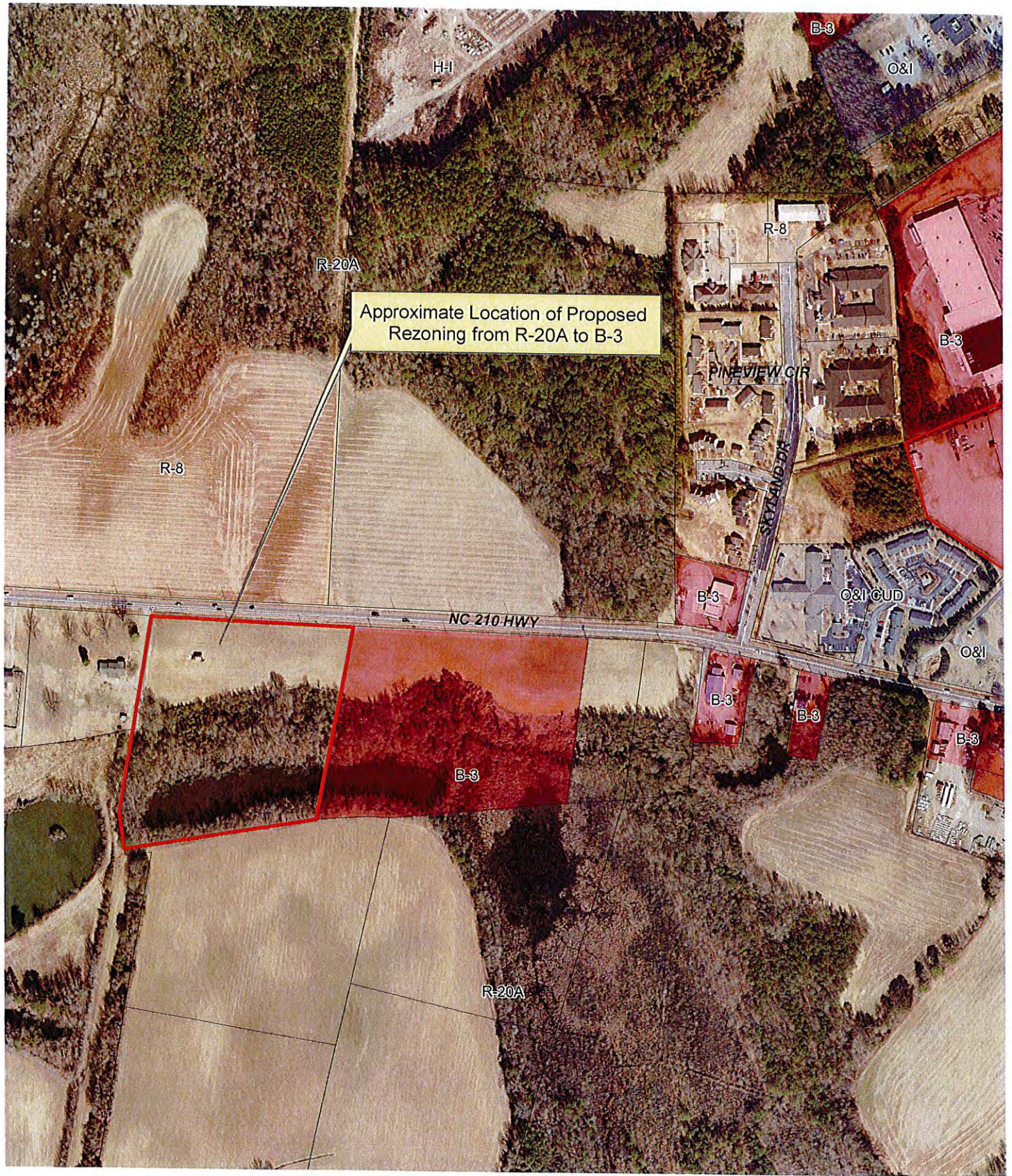
CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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.

Larry Denning Larry Denning 1-22-15
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number: RZ-15-02 Date Received: 1/22/15 Parcel ID Number: 168400-79-8722



Vicinity Map for:
RZ-15-02
Applicant:
Penco Land
Company, LLC

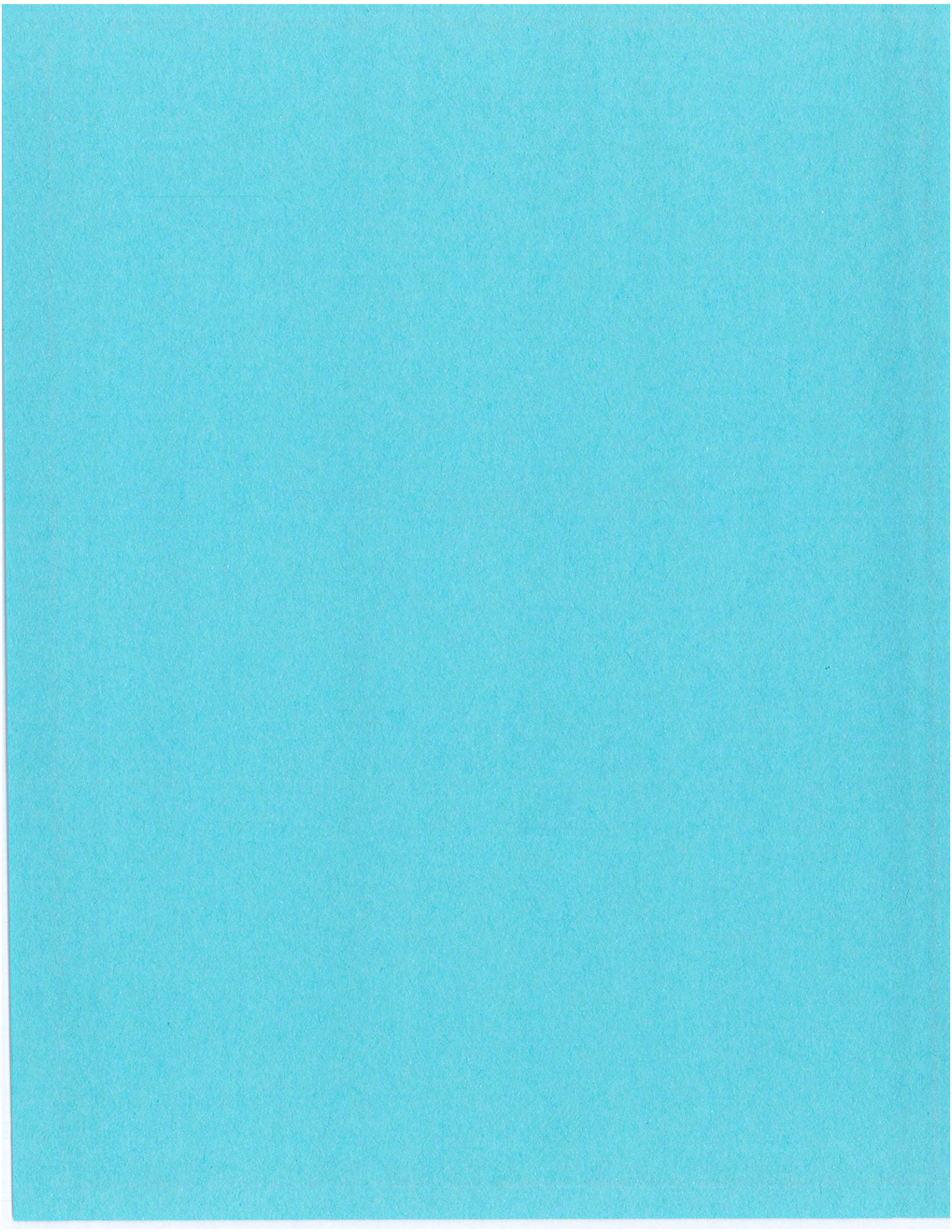


Map Created by Town of Smithfield
Geographic Information Services



0 250 500 Feet

Consent Agenda Items



The Smithfield Town Council held a work session on Monday, February 23, 2015, at 6:00 pm. in the Fire Station Training Room located at 111 South Fourth Street. Mayor John H. Lampe II presided.

Councilmen Present:

Marlon Lee, District 1
Travis Scott, District 3
Emery D. Ashley, At-Large
Charles A. Williams, At-Large

Councilmen Absent

M. Andy Moore, Mayor Pro-Tem
J. Perry Harris, District 2
Roger A. Wood, District 4

Administrative Staff Present

Paul Sabiston, Town Manager
Greg Siler, Finance Director
Lenny Branch, Public Works Director
Patrick Harris, Fire Chief
Mike Scott, Chief of Police
Shannan Williams, Town Clerk

Mayor Lampe called the meeting to order at 6:01 pm.

Approval of Agenda

Councilman Ashley made a motion, seconded by Councilman Williams, to approve the agenda as submitted. Unanimously approved,

Topics of Discussion:

- 1. Council discussion on amending the employee handbook to include life insurance benefits for current and retired Council members with 20 or more years of service starting before 2016.**

Town Manager Paul Sabiston informed the Council that a retired Councilmember recently inquired as to whether he was entitled to receive life insurance benefits paid by the Town on his behalf as part of his retirement from Town Services.

It was the consensus of the Council that life insurance benefits should not be paid by the Town for members of Council past or present. No formal action was taken.

- 2. Discussion regarding reimbursement for Volunteer Fire Department personnel**

Town Manager Paul Sabiston informed the Council that there was an issue with regards to the annual compensation for volunteer fire personnel. In years past, the Town used to reimburse volunteers with a flat reimbursement payment that did not withhold any taxes. More recently, withholdings were made but the amount of money paid to the volunteers was increased to offset these withholdings. This year, in an effort to correct what could have been perceived as an incorrect withholding amount, the annual payment for withholdings was adjusted to match the single payment to volunteers. This resulted in much less tax withholding being paid by the Town to the state and federal taxing authorities. This has caused concern by the volunteers who have inherited a larger tax liability for this year as opposed to recent tax years.

Staff was directed to bring to the Council at the March 3rd meeting two options that would resolve the issue.

- 3. Preliminary Budget Discussion**

- a. Police**

The following items were discussed:

- A request for five patrol vehicles. This would allow several aging vehicles to be removed from the fleet.
- Potential need for body cameras
- The creation of a substation in East Smithfield to improve the community relations.

b. Fire

The following items were discussed:

- The need for a new ladder truck and fire engine.
- Recommendation by Chief Harris to replace some of the positions that were removed from prior budgets.
- The need for additional Fire Stations in the future.

Town Manager Paul Sabiston asked for input from the Council concerning new fire trucks and potential fire stations. No direction was given by the Council.

c. Public Works

i. General Services – Appearance

The following items were discussed:

- The Appearance Commission is requesting a 50% increase (\$5,000) in the budget for additional projects. Council suggested that the Appearance Commission outline the projects that they would complete to justify the increase in funds.
- Replacement of HVAC units at the Hastings House and the Police Department.
- Replacement of a 1 ton flatbed truck
- Replacement of some Christmas decorations

ii. Streets

The following item were discussed:

- Replacement of a flatbed truck

iii. Garage

The following item was discussed:

- The need for diagnostic equipment in the garage.

iv. Sanitation

The following items were discussed

- The need for a new Knuckle boom truck
- Replacement of a pick-up truck

Mayor Lampe asked that staff look at the possibility of adding robotic arms to the garbage trucks.

Adjourn

There being no further business, Councilman Williams made a motion, seconded Councilman Ashley, to adjourn. Unanimously approved.

The meeting adjourned at approximately 9:15 pm.

John H. Lampe II, Mayor

ATTEST:

Shannan L. Williams, Town Clerk

The Smithfield Town Council met in regular session on Tuesday, March 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
Travis Scott, District 3
Roger A. Wood, District 4
Emery D. Ashley, At-Large
Charles A. Williams, At-Large

Councilmen Absent

J. Perry Harris, District 2

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. The Pledge of Allegiance was led by Girl Scout Troop 3424 members: Sarah Gaskins and Clair McGeough

APPROVAL OF AGENDA:

Councilman made a motion, seconded by Councilman Ashley, to move Business Item #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 to Consent Agenda Item 7.*

Unanimously approved.

Mayor Pro-Tem Moore made a motion, seconded by Councilman Wood, to add the following items to the Consent Agenda:

- Approval of amendments to the DSDC's Bylaws
- Approval of 3 Special Events and Street Closings by DSDC
 - The Civil War Sites Tour, March 21, 2015
 - The Ham and Yam Festival, May 1st and 2nd 2015
 - The Friends of the 4th Celebration, July 5th 2015

Unanimously approved.

Mayor Pro-Tem Moore made a motion, seconded by Councilman Scott, to move Business Item #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 to the Consent Agenda Item #10.*

Unanimously approved.

PRESENTATIONS:

1. 2014 Smithfield Police Department's Officer of the Year – Sean Cook

Chief of Police Mike Scott addressed the Council on the Smithfield Police Department's Officer of the Year, Officer Sean Cook. The police department recognizes one officer annually as "Officer of the Year." This employee was nominated by secret ballot, completed by every member of the police department. The officer receiving the most votes was reviewed by a recognition committee consisting of four lieutenants and the Patrol Commander. The committee made a recommendation for Officer of

the Year to the Police Chief, who has the final say as to this award. 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.

Mayor Lampe presented Officer Sean Cook with a plaque identifying him as the 2014 Police Officer of the Year.

2. Girl Scout Project:

Interim Parks and Recreation Director Gary Johnson and Girl Scout Troop 3424 members: Sarah Gaskins and Clair McGeough presented to the Council a rendering of a mural they will paint on the bridge underneath Business 70 at the Town Commons. This project is to earn their Silver Award for Girls Scouts. The mural would depict scenes along the Mountains to Sea trail 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.

PUBLIC HEARINGS:

Town Clerk Shannan Williams swore in persons wishing to offer testimony at the Public Hearings.

1. Rezoning Request - Nell Howell Estate, Etal (RZ-15-01):

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

Planning Director Paul Embler addressed the Council on a rezoning request by the Estate of Nell Howell. 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 Embler has incorporated his entire record and provided it to Council in written form in the March 3, 2015 agenda packet.

The Planning Board, at its February 5, 2015 meeting, recommended 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.

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.

Ron Suttons of Herring and Associates stated that he was in agreement with the testimony offered by Mr. Embler.

Mayor Lampe asked if there were any questions/from those in the audience that had been duly sworn to testify.

Earl Botkin of 368 Bayhill Drive stated that he was not against any development in the area. He questioned if the property is developed would that create more traffic on Bayhill Drive. Mr. Sutton responded that the intent is to cul-de-sac Bayhill Drive so that there isn't any access.

Mayor Lampe asked if there were any questions/comments from the Council.

Councilman Williams questioned if Town Houses could be constructed. Mr. Embler responded that multi-family structures could be constructed in the R-8 zoning district by conditional use permit approval..

Councilman Scott questioned if there would be a buffer between residential and commercial uses. Mr. Embler responded that there would be buffers to separate the two uses.

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

The Written Finding of Facts

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. At its March 3, 2015 regular meeting, the Town Council determined that the zoning map amendment is warranted.

- **Finding One of Eight: Agree**
The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield.

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.

- **Finding Two of Eight: Agree**
The rezoning petition is compatible with established neighborhood patterns of the surrounding area.

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.

- **Finding Three of Eight: Agree**
The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning.

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.

- **Finding Four of Eight: Agree**
The rezoning request is in the community interest.

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.

- **Finding Five of Eight: Agree**
The request does not constitute “Spot Zoning”.

Since adjacent nearby properties are presently zoned B-3 (Business) then it is unlikely an argument could be made for “spot zoning” or “small scale” zoning.

- **Finding Six of Eight: Agree**
Present regulations deny or restrict the economic use of the property.

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.

- **Finding Seven of Eight: Agree**
The availability of public services allows consideration of this rezoning request.

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.

- **Finding Eight of Eight: Agree**
Physical characteristics of the site prohibit development under present regulations.

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.).

Councilman Ashley made a motion, seconded by Councilman Wood, to vote in the affirmative to all of the above eight Finding of Facts. Unanimously approved.

Rezoning Permit Approval

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Moore, 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, move to approve the Rezoning Petition RZ-15-01. Unanimously approved.

2. Conditional Use Permit Request - NC 210 Car Lot (CUP-15-01)

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Moore, to open the public hearing. Unanimously approved.

Planning Director Paul Embler addressed the Council on a request for a Conditional Use Permit. 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 has incorporated his entire record and provided it to Council in written form in the March 3, 2015 agenda packet.

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.

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.

Dan Simmons of Triangle Civil Works stated that he was in agreement with the testimony provided by Mr. Embler. He further stated that the applicants have complied with all the necessary requirements.

Mayor Lampe asked if there were any questions/comments from those in the audience that had been duly sworn to testify.

Mike Caporale of 2190 NC Highway 210 testified that he has spent the last three years building his home and originally the proposed project site 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.

Esther Watson of 2267 Highway 210 testified that she and her husband live directly across the street from the proposed site. She further testified that the area is primarily residential and agricultural and Highway 210 is already heavily traveled. Mrs. Watson is concerned that a car lot at this intersection will cause numerous accidents and impact their quality of life.

Franklin Watson also of 2267 Highway 210 testified that he will see this car lot from his front door and there are single family homes surrounding this property. He testified that there are a lot of car lots in West Smithfield and he does not want to see something that like across the street from his property. He requested that the Board consider the home owners and how the proposed car lot would affect them.

Mayor Lampe asked if there were any questions/comments from the Council.

Councilman Ashley questioned if staff had considered the impact on adjacent property owners. Mr. Embler responded that the additional conditions that were recommended by the Planning Board could address the adjacent properties.

Councilman Scott questioned when the property was rezoned. Mr. Embler responded that the Council rezoned the property approximately two years ago.

Councilman Williams questioned if NCDOT approved the drive way access. Mr. Simmons responded that NCDOT has requested that the driveway be as far away as possible from the intersection.

Councilman Scott stated that he was concerned about the fifty foot setback because this would reduce the landscaping by 50% and negatively impact the adjacent property owners.

Councilman Wood made a motion, seconded by Councilman Williams, to close the Public Hearing. Unanimously approved.

The Written Finding of Facts

- **Finding One of Four: Pending more information**

Council requested that more information be obtained on the traffic impact and if the driveway access would be better suited on Swift Creek Road instead of on Highway 210.

- **Finding Two of Four: Approved**

Based on the evidence and testimony presented it is the finding of the Town Council that the application 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.

The Council found no reason to deny this finding.

- **Finding Three of Four: Pending more information**

The Council requested that more information be obtained on the how this would impact and injure the value of adjoining or abutting properties'

- **Finding Four of Four: Approved**

Based on the evidence and testimony presented it is the finding of the Town Council that the application 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.

The Council found no reason to deny this finding.

Councilman Ashley recommended that the Council delay a decision for this request and have this placed on the April 7th regular agenda.

Councilman Ashley, made a motion seconded by Councilman Williams, to continue the Public Hearing of Conditional Use Permit Request - NC 210 Car Lot (CUP-15-01) until the April 7, 2015 regular Council Meeting. Unanimously approved

CITIZENS COMMENTS: None

CONSENT AGENDA:

Mayor Pro-Tem Moore made a motion, seconded by Councilman Wood, to approve the following items as listed on the Consent Agenda:

1. Approval of Minutes:
February 3, 2015 – Regular Meeting
2. Special Event – Approval to allow First Missionary Baptist Church to conduct a “3on3” Basketball Tourney to be held on May 16, 2015.
3. Career ladder Promotion for the Police Department. Approval was granted to promote a Police Officer I to the rank of Police Officer II.
4. Bid Award and purchase approval of a 2015 Chevrolet 1500 service truck from Deacon Jones Auto Group to be utilized by the Public Works Department in the amount of \$24, 3332.72. This is a FY2014-2015 budgeted item.

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

5. Bid Award and purchase approval of a 2015 F350 Flatbed Truck from Capital Ford 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.

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

6. New Hire Report - The following positions were recently filled 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)

7. Police Department Promotion and Change in structure - Consideration and approval to authorize a change in department structure by eliminating the patrol commander position and approval of the necessary promotions to two Captain’s positions. Approval was also given to allow the necessary sergeant and lieutenant back-fills created by the two Captain’s promotions. The changes will take effect upon the Chief promoting these positions, but not before March 09, 2015.
8. Approval of amendments to the DSDC’s Bylaws
(Attached hereto and made an official part of the minutes is a true copy of the Downtown Smithfield Development Corporation’s Bylaws)
9. Approval of 3 Special Events and Street Closings by DSDC
The Civil War Sites Tour, March 21, 2015
The Ham and Yam Festival, May 1st and 2nd 2015
The Friends of the 4th Celebration, July 5th 2015

10. Approval to allow Sarah Gaskins and Clair McGeough of Girl Scout Troop 3424, to paint a mural under the HWY Business 70 Bridge on the Buffalo Creek Greenway.

Unanimously approved.

BUSINESS ITEMS:

1. 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 addressed the Council on a request to replace fitness equipment at the SRAC. The Smithfield Town Council appropriated \$35,000.00 in the capital outlay line item (106220.7400) to replace the existing fitness equipment. 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. Staff recommended that the Town 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.

Councilman Scott made a motion, seconded by Councilman Williams, to table this request until the March regularly scheduled work session. Councilman Scott, Councilman Williams, Councilman Ashley and Councilman Lee voted in favor of the motion. Mayor Pro-Tem Moore and Councilman Wood voted against the motion. Motion carried 4-2.

2. 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 addressed the Council on a request for reallocation of funds in the Water & Sewer Capital Projects line for AMOS Asset Management and GIS software. Mr. Griffin explained that 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).

Councilman Williams made a motion, seconded by Councilman Scott to approve 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. Unanimously approved.

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

Public Utilities Director Ken Griffin addressed the Council on a request for reallocation of funds in the Water & Sewer Capital Projects line for the purchase of a grinder for Lift Station #3. Mr. Griffin explained that Public Utilities staff 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. Staff 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.

Councilman Ashley made a motion, seconded by Councilman Williams, to approve the budget advisement for reallocation of the \$29,688 needed to purchase a grinder for Lift Station #3. Unanimously approved.

4. Discussion regarding compensation for Volunteer Fire Department Personnel

Finance Director Greg Siler addressed the Council on compensation for the Volunteer Fire Department Personnel. Mr. Siler explained that 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.

The two options that were to be considered by the Council are as follows:

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.

Councilman Ashley made a motion, seconded by Councilman Williams, to approve option 1 as stated above. Unanimously approved.

Councilmembers Comments:

- Councilman Scott requested that Chief of Police Mike Scott contact the wrecker services that do business in Town and remind them that they are responsible for removing debris at accident scenes. He stated that a lot of wrecker services are not doing this.

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 January 31, 2015 were \$2,479,035 and YTD revenues were \$ 8,663,376. The general fund expenditures for the month ending January 31, 2015 were \$1,123,919 and YTD expenditures were \$ 6,588,495.

- **Manager's Updates**

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

- Proposed renovations to the Finance Department
- Cost of Service Study and Rate Analysis

Adjourn

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

The meeting adjourned at approximately 9:11 pm.

John H. Lampe II, Mayor

ATTEST:

Shannan L. Williams, Town Clerk

The Smithfield Town Council held a work session on Tuesday, March 17, 2015, at 6:00 pm. in the Council Chambers of the Smithfield Town Hall. Mayor John Lampe, II. presided.

Councilmen Present:
Marlon Lee, District 1
J. Perry Harris, District 2

Councilmen Absent
M. Andy Moore, Mayor Pro-Tem
Travis Scott, District 3
Roger A. Wood, District 4
Emery D. Ashley, At-Large
Charles A. Williams, At-Large

Administrative Staff Present
Paul Sabiston, Town Manager
Greg Siler, Finance Director
Ken Griffin, Public Utilities Director
Gary Johnson, Parks and Rec Director
Shannan Williams, Town Clerk

Mayor Lampe called the meeting to order at 6:13 pm. Due to a lack of quorum, no actions were taken.

Discussion

1. Preliminary Budget Discussion

a. Non Departmental

Town Manager Paul Sabiston reviewed the Non-Departmental expenditures with the Council.

The following topics were discussed:

- Downtown Smithfield Development Corporation
- Projected Election Expenses
- The Town's contribution to the Ava Gardner Museum.
- The Town's contribution to the Chamber of Commerce.
- The Town's contribution to the Public Library of Johnston County and Smithfield.

Councilman Harris stated that he would like to have a report from the Raleigh Area Development Authority concerning the Talent Enhancement Grant now that the project was completed.

Councilman Williams stated that he would like to use some of the funds in the economic development budget to enhance the Town's website.

b. Public Utilities

i. Water Plant

Public Utilities Director Ken Griffin explained that there are three major projects that need to be completed for a more permanent solution to the sand infiltration problem. These projects will be costly, but they are necessary.

ii. Water/Sewer

Public Utilities Director Ken Griffin explained that funds will be needed for infrastructure repairs to water lines. Funds will also be needed to address the infiltration and inflow issues of the sewer lines.

iii. Electric

Public Utilities Director Ken Griffin informed the Council that there would only be one major capital project needed for the Electric Department. He explained that the upgrades will be done to the Brogden substation in order to phase out the old substation on Hospital Road.

Councilman Harris questioned the status on the agreement between NCEMPA and DEP. Mr. Sabiston responded that it is continuing to move forward with a target date for the closing to occur in July

Adjourn

The meeting adjourned at approximately 8:00 pm.

John H. Lampe, II , Mayor

ATTEST:

Shannan L. Williams, Town Clerk

The Smithfield Town Council held a work session on Tuesday, March 24, 2015, at 6:30 pm. 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
Emery D. Ashley, At-Large (left at 7:00 and returned at 8:00)
Charles A. Williams, At-Large

Councilmen Absent

Roger A. Wood, District 4

Administrative Staff Present

Paul Sabiston, Town Manager
Greg Siler, Finance Director
Lenny Branch, Public Works Director
Patrick Harris, Fire Chief
Gary Johnson, Parks and Rec Director
Shannan Williams, Town Clerk

Mayor Lampe called the meeting to order at 6:31pm. Mayor Lampe informed the Council that the work sessions were not functioning as planned. His recommendation was to suspend the scheduled work sessions for a few months to see if the extra meeting was actually needed.

Approval of Agenda

Mayor Lampe asked that a Close Session be added to the agenda pursuant to NCGS 143-318.11 (a) (6) to discuss a personnel matter.

Councilman Harris made a motion, seconded by Councilman Williams, to approve the agenda with the addition of a Closed Session. Unanimously approved,

Closed Session

Councilman Harris made a motion, seconded by Councilman Williams, to enter into Closed Session NCGS 143-318.11 (a) (6) to discuss a personnel matter. Unanimously approved at 6:35 pm.

Reconvene in Open Session

Councilman Harris made a motion, seconded by Councilman Williams, to reconvene in open session. Unanimously approved at 7:25 pm.

Topics of Discussion:

1. Bid award Bid Award for 2014-2015 Street Resurfacing Project

Public Works Director Lenny Branch addressed the Council on the 2014-2015 Street Resurfacing Project. Mr. Branch explained that the project would consist of seventeen streets (approximately 1.7 miles). Bids received were as follows:

ST Wooten Construction	\$420,266.27
Johnson Bros. Utility & Paving	\$403,892.49
Barnhill Construction Co	\$383,244.50
Turner Asphalt	\$350,989.30
Selco Construction	\$312,133.68

Mr. Branch asked that the Council consider awarding the bid and contract to Selco Construction. He also requested that Council allow staff to utilize the remaining \$12,866.32 to do asphalt repairs at the Town Hall parking lot and the parking lot beside Wells Fargo Bank.

Councilman Lee inquired as to how the streets were determined. Mr. Branch explained that an outside firm conducted a study and determined the order in which streets would need to be resurfaced.

Councilman Lee stated that Lemay Street had never been resurfaced. Mr. Branch responded that he would take a look at Lemay Street and determine where it was on the street resurfacing study.

Councilman Harris made a motion, seconded by Mayor Pro- Tem Moore to award the bid and contract for the 2014-2015 Street Resurfacing Project to Selco Construction in the amount of \$312,133.68 and to also look at Lemay Street. Remaining funds would not be utilized for parking lot repairs at this time. Councilman Harris, Mayor Pro-Tem Moore, Councilman Scott and Councilman Williams voted in favor of the motion. Councilman Lee voted against the motion. Motion carried 4-1.

2. Discussion on Cost of Service Study and Electric Rate Analysis

Town Manager Paul Sabiston addressed the Council on consideration on an electric Cost of Services Study and Electric Rate Design. Mr. Sabiston explained that with the forthcoming asset purchase agreement and purchase power agreement between NCEMPA and Duke Energy Progress (DEP), the Town is anticipating a significant reduction in cost for purchased power. Mr. Sabiston explained that Public Utilities staff felt that now was the best time to conduct the study and analysis. Bids received were as follows:

ElectriCities	\$25,700
Utility Financial Services	\$30,548
Power Services	\$37,000

Mr. Sabiston asked the Council to consider awarding the bid to ElectriCities in the amount of \$25,700 to conduct the Cost of Service Study and Electric Rate Analysis.

Mayor Pro-Tem Moore questioned if this was a service that the Town could partner with neighboring Towns to help share in the cost. Mr. Sabiston responded that the study and analysis are specific to each Town; therefore, partnering with neighboring Towns would not be an option.

Councilman Harris asked staff to look at how lowering the Town's electric rates to match DEP would affect operations. Mr. Sabiston responded that the study and analysis will be able to accurately show how rates would compare to DEP.

Councilman Scott stated that the Town was charging too much for electricity and he suggested that the Town's rates be lower to 5% over what DEP currently charges its customers. Mayor Lampe responded that DEP doesn't have the complex rate structure for commercial customers and that it would be nearly impossible to arbitrarily lower rates without a study.

Councilman Harris made a motion, seconded by Mayor Pro-Tem Moore, to award the bid to ElectriCities in the amount of \$25,700 to conduct a Cost of Services Study and Electric Rate Analysis with emphasis on how the Town can inexpensively sell Electric. Also, to instruct the Town Manager to deliver a draft budget that doesn't transfer any money from the Electric Fund to the General Fund. Unanimously approved.

<u>ELECTRIC FUND</u>	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
1. Expenditure			
31-7230-7400 Capital Outlay	\$ 563,239	\$ (20,700)	\$ 542,539
31-7230-0400 Professional Services	<u>7,000</u>	<u>20,700</u>	<u>27,700</u>
	<u>\$ 570,239</u>	<u>\$</u>	<u>\$ 570,239</u>

To fund the electric utility cost of service and rate design study.

3. Consideration and Approval for a Lease Agreement with Prosource of New Fitness Equipment for the Smithfield Recreation and Aquatics Center.

This item was tabled from the March 3, 2015 regular Council Meeting.

Parks and Recreation Director Gary Johnson addressed the Council on a request to approve a lease agreement with Prosource. Mr., Johnson explained that 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. Mr. Johnson stated that leasing the equipment would be more cost effective than purchasing equipment. Bids were received from the following:

<u>Prosource</u>	
Total Bid	\$98,377.00
LEASE INFORMATION:	36 MONTHS @ \$ 2,992.61 / MONTH \$35,911.00 PER YEAR \$1.00 BUYOUT AT END OF LEASE
<u>Carolina Sports and Fitness</u>	
Total Bid	\$113,370.00
LEASE INFORMATION:	36 MONTHS @ \$ 3,427.38 / MONTH \$41,124.00 PER YEAR \$1.00 BUYOUT AT END OF LEASE

Councilman Williams made a motion, seconded by Mayor Pro-Tem Moore award the bid to and enter into a three year lease agreement with Prosource 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 at the end of the lease.

Councilman Williams, Mayor Pro-Tem Moore, Councilman Ashley, Councilman Harris and Councilman Lee voted in favor of the motion. Councilman Scott voted against the motion. The motion passed 5-1.

4. Discussion concerning merging services

Town Manager Paul Sabiston asked the Council for direction on contacting the Town of Selma for a joint meeting to discuss the consolidation of certain services between the two Towns. Mr. Sabiston explained that the Council committee held a meeting and it was determined that they would like to discuss with the Town of Selma the possibility of consolidating some services, primarily Fire Department services at this time.

Councilman Scott stated that there are a lot of questions unanswered. Councilman Harris responded that the Town of Smithfield needed to know if the Town of Selma was even interested in pursuing a joint venture. Mr. Harris further stated that these would be very preliminary talks if a meeting with Selma occurred.

Fire Chief Patrick Harris expressed his concerns to the Council in regards to consolidating fire protection services with the Town of Selma.

It was the consensus of the Council to contact the Town of Selma to schedule a joint meeting.

5. Discussion regarding renovations to the Finance Department

Town Manager Paul Sabiston addressed the Council on proposed renovations and upgrades to the Finance Department. Mayor Lampe explained that this is a project that he would like completed because the Finance Department’s esthetic condition is poor and antiquated. Mr. Sabiston explained that Council budgeted \$35,000 for carpet and general office equipment. The total cost for renovations, furniture and equipment would be less than \$60,000.

Mayor Pro-Tem Moore made a motion, seconded by Councilman Williams to approve the proposed renovations in the amount of \$60,000 or less using budgeted funds of \$35,000 and redirecting remaining needed funds from the utility capital outlay for the AMI project. Unanimously approved.

Revenue

10-3980-1850 Transfer from Water/Sewer Fund	<u>\$ -</u>	<u>\$ 25,000</u>	<u>\$ 25,000</u>
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Expenditure

10-4200-7400 Finance - Capital Outlay	<u>\$ 35,000</u>	<u>\$ 25,000</u>	<u>\$ 60,000</u>
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To partially fund renovations in the finance department.

Expenditure

30-7220-7400 Wtr Distribution/Sewer Collection Capital Outlay	\$ 941,739	\$ (25,000)	\$ 916,739
30-7220-9103 Transfer to General Fund	<u>-</u>	<u>25,000</u>	<u>25,000</u>
	<u>\$ 941,739</u>	<u>\$ -</u>	<u>\$ 941,739</u>

To partially fund renovations in the finance department with unused AMI funds.

6. Budget Discussion

a. Parks and Recreation

The following items were discussed:

- Adding Community Park to the landscaping contract.
- Staff was directed to try to reduce the budget by \$100,000 without cutting service
- Amending the fees for residents and nonresidents. Resident fees should be ½ the cost of nonresidents

b. SRAC

The following items were discussed

- Councilman Ashley suggested that funds that are not utilized in a fiscal year in the maintenance and repair line item be allowed to be carried forward to the next year.

It was the consensus of Council that the next budget meeting be held on April 21st at 6:30.

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 9:15 pm.

ATTEST:

John H. Lampe II, Mayor

Shannan L. Williams, Town Clerk

**TOWN OF SMITHFIELD
Town Council
Action Form**

Applicant: Madison Stewart is petitioning the Town for a special event as part of her senior project concerning a fund raising for MS.

Date of Meeting: April 7, 2015

Date Prepared: March 27, 2015

Staff Work By: Paul Embler

Presentation By: Paul Embler

Presentation Description:

The petitioner is requesting approval of a special event to be held at the Amphitheater in the Town Commons. The event is a fund raiser for MS which is being planned and organized as part of a senior project by Madison Stewart a senior at the Early College Program at Johnston Community College.

The fund raising event will be held on April 18, 2015 starting at 10 am and be completed by 1:00 pm that same day. The event, a band concert will be held at the Amphitheater in the Town Commons. Setup for the event will begin at 9:00 am and clean-up will be completed by 1:30 pm. The SSS band will be playing, pre-packaged foods and drinks will be sold as well as the sale of tee-shirts, bracelets, etc. All proceeds will go to the fight against MS. There will be no need for police security for the event.

Action Requested:

The Town Council is asked to take this request under consideration and take action as to approval or denial of the events and the street closings.



Town of Smithfield's Planning Department
 P.O. Box 761 or
 350 East Market Street
 Smithfield, NC 27577
 Effective: January 2008

Temporary Use Permit Application

Completed applications should be submitted to the Town of Smithfield's Planning Department at least four weeks prior to the event. All applicants should read the following pages before completing all sections required. Incomplete applications may increase the permit processing time. If a person other than the property owner signs this application, a notarized written authorization from the property owner must be attached.

A site plan/diagram of event property MUST BE ATTACHED (see attachments)

TYPE OF EVENT

- Expansion or replacement of existing facilities
- Sale of agricultural products grown off-site
- Sale of fireworks
- Special event, over 100 people in attendance
- Athletic event on streets, greenways
- Other (please describe) _____

- Construction Trailer
- Real estate sales office or model home
- Sale of non-agricultural products, except fireworks
- Not-for-profit event, over 100 people in attendance
- Town recognized event _____
- Live Band / Concert _____

PERMIT FEE \$50.

Senior Project / DIY MS Event Town Commons (Amphitheater)
 Name of Event Location of Event (exact street address)

Applicant name MADISON STEWART E-mail address MSTE1328@jcsnc.org

Address 5772 Red Hill Church Rd., Coats, NC Zip 27521

Day phone 919.538.5378 Mobile phone 538.5378

Event set-up/start time/date 9am Event clean-up/end date/time 1:30pm 4/18

Sound amplification hours 10am - 2pm Will food or goods be sold? Yes

Security provided by Smithfield Police or private security (describe duties): No

Private agency name & phone, if applicable: None

Will any Town property be used (i.e., streets, parks, greenways)? Yes, Amphitheater

Do you wish to: Restrict animals at this event? (circle Yes No) Prohibit Fireworks? (circle Yes No)

I hereby certify that the information contained in this application is true to the best of my knowledge and I further certify that this event will be conducted per all applicable local laws. I certify that I have received the attached information concerning the regulations for Temporary Uses. I certify that I have notified all adjoining property owners of the planned temporary use.

MADISON STEWART Madison Stewart 3/27/15
 Applicant's name (print) Signature Date

PLEASE RETURN THIS PERMIT TO INSPECTIONS AND PERMIT DEPARTMENT WITH \$50.00 FEE.

Method of payment: Cash _____ Check _____ Credit card _____ Amount \$ _____ HTE _____

Reviewing Planner: _____ Date: _____
 (Note: See attached letter)

**Town of Smithfield
Town Council
Action Form**

Item: Surplus Vehicle and Equipment

Date of Meeting: April 7, 2015

Date Prepared: March 27, 2015

Presentation: Consent Agenda

Presentation:

The General Government, Finance, Police and Electric Departments are requesting to have various items labeled as "surplus equipment" so the property can be disposed of and/or sold, thus removing them from the Town's inventory. Attached hereto is Resolution #556 (05-2015) which authorizes the disposal of surplus property by a public electronic auction system provided by GovDeals INC. after the required legal notice.

Action Requested:

It is requested that the listed vehicle and equipment be declared as surplus property and authorize staff to sell such items by electronic public auction utilizing www.GovDeals.com auction services after the required advertisement. Additionally, it is requested that the Resolution #556 (05-2015) be approved.

**TOWN OF SMITHFIELD RESOLUTION # 556 (05-2015)
AUTHORIZING THE SALE OF CERTAIN
PERSONAL PROPERTY AT PUBLIC AUCTION**

WHEREAS, the Town Council of the Town of Smithfield desires to dispose of certain surplus property of the Town in accordance with NC GS 160A-270; and

WHEREAS, the Town Council of the Town of Smithfield desires to utilize the auction services of a public electronic auction service.

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

1. The following described property is hereby declared to be surplus to the needs of the Town:

Vin/Ser.#	Description
1GNDT135722295608	2002 Chevy Blazer
CZK05215	Canon Copier Model Number3480l
JVK18149	Finisher for Canon Copier
	1 water bottle attachment – Canon Copier
	2 boxes of staples – Canon Copier
GPR- 23	3) Canon Toners - Black
GPR-23	3) Canon Toners - Magenta
GPR- 23	3) Canon Toners - Yellow
GPR-23	2) Canon Toners - Blue
GPR-16	3) Canon Toners - Black
GPR- 20	1) Canon Toner -Yellow
GPR- 20	3) Canon Toners - Black
GPR – 36	1) Canon Toner - Blue
GPR – 36	1) Canon Toner - Yellow
GPR – 36	1) Canon Toner - Magenta
2500046	Radio - M/A-Com PRS INC Model # D28LPX
22886187	Philips Magnavox TV w/ remote Model #19PR19C125
6A45250724	Panasonic Microwave Model #NN-3935BP
1749647	Dukane Projector Model # 28A663 w/ stand
MV96E02580	Emerson VCR w/ remote –Model # EV598
YBE0643124590	Spectroniq DVD w/remote Model #PD1100

2. The Town Manager or his designee is authorized to receive, on behalf of the Town Council, bids via public electronic auction for the purchase of the described property.
3. The public electronic auction will be held beginning no earlier than April 18, 2015.
4. The Town Council further authorizes the disposal of Town surplus property by use of a public electronic auction system provided by GovDeals Inc. The property for sale can be viewed at www.govdeals.com. Citizens wanting to bid on property may do so at www.govdeals.com. The terms of the sale shall be: All items are sold as is, where is, with no express or implied warranties; All items will be sold for cash or certified check only; Payment must be received for all items sold before they may be removed from the premises; All items sold must be paid for and removed from the site of the sale within 5 business days of the sale, or they will be subject to resale.
5. The Town Clerk shall cause a notice of the public auction for surplus property to be noticed by electronic means in accordance with G.S. 160A-270(c), available on the Town of Smithfield website www.smithfield-nc.com
6. The highest bid, if it complies with the terms of the sale, may be accepted by the Finance Director or his designee and the sale consummated.

Adopted this 7th day of April 2015.

John H. Lampe II, Mayor

ATTEST:

Shannan L. Williams, Town Clerk





COECO
104-1328

FAX NUMBER

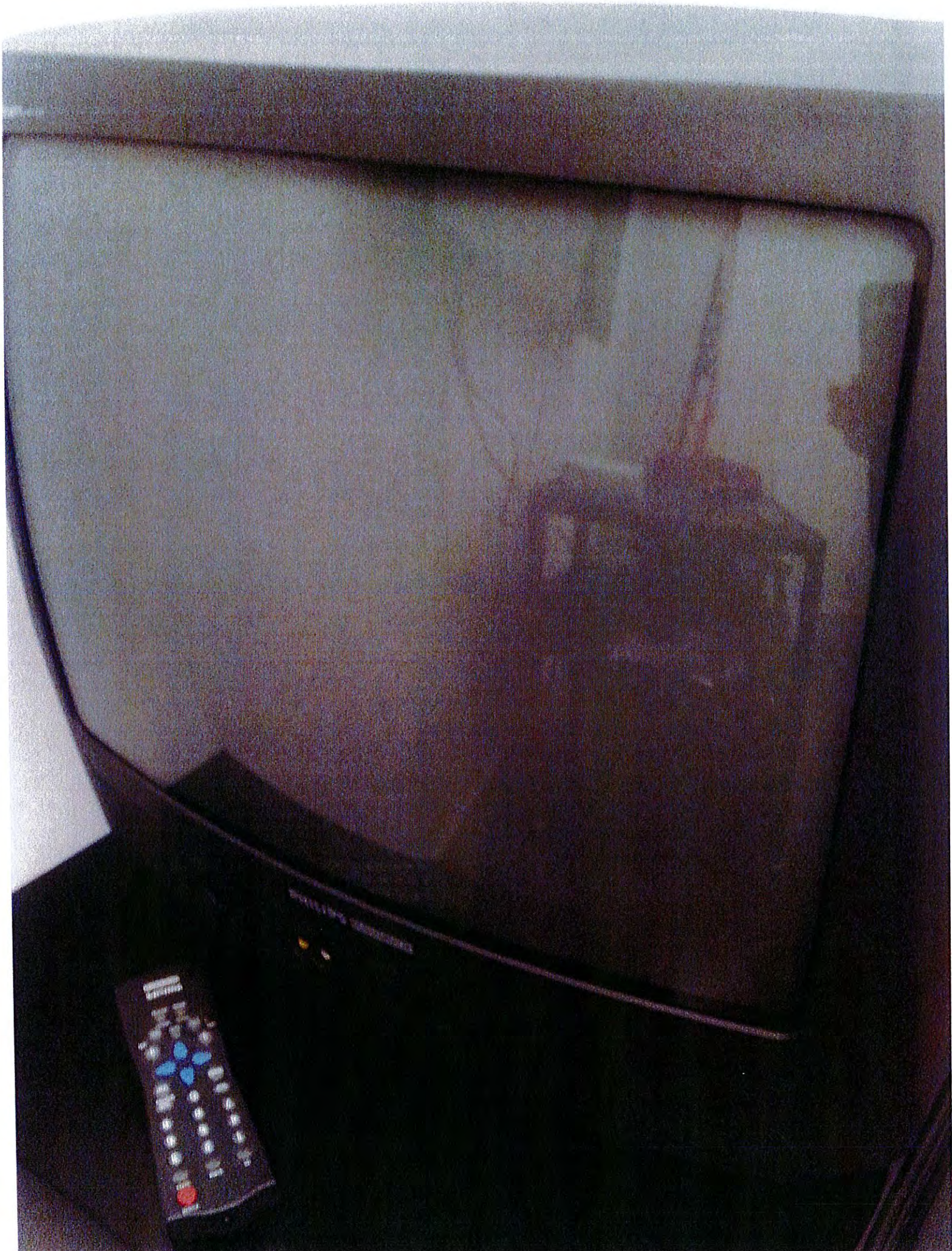
Canon

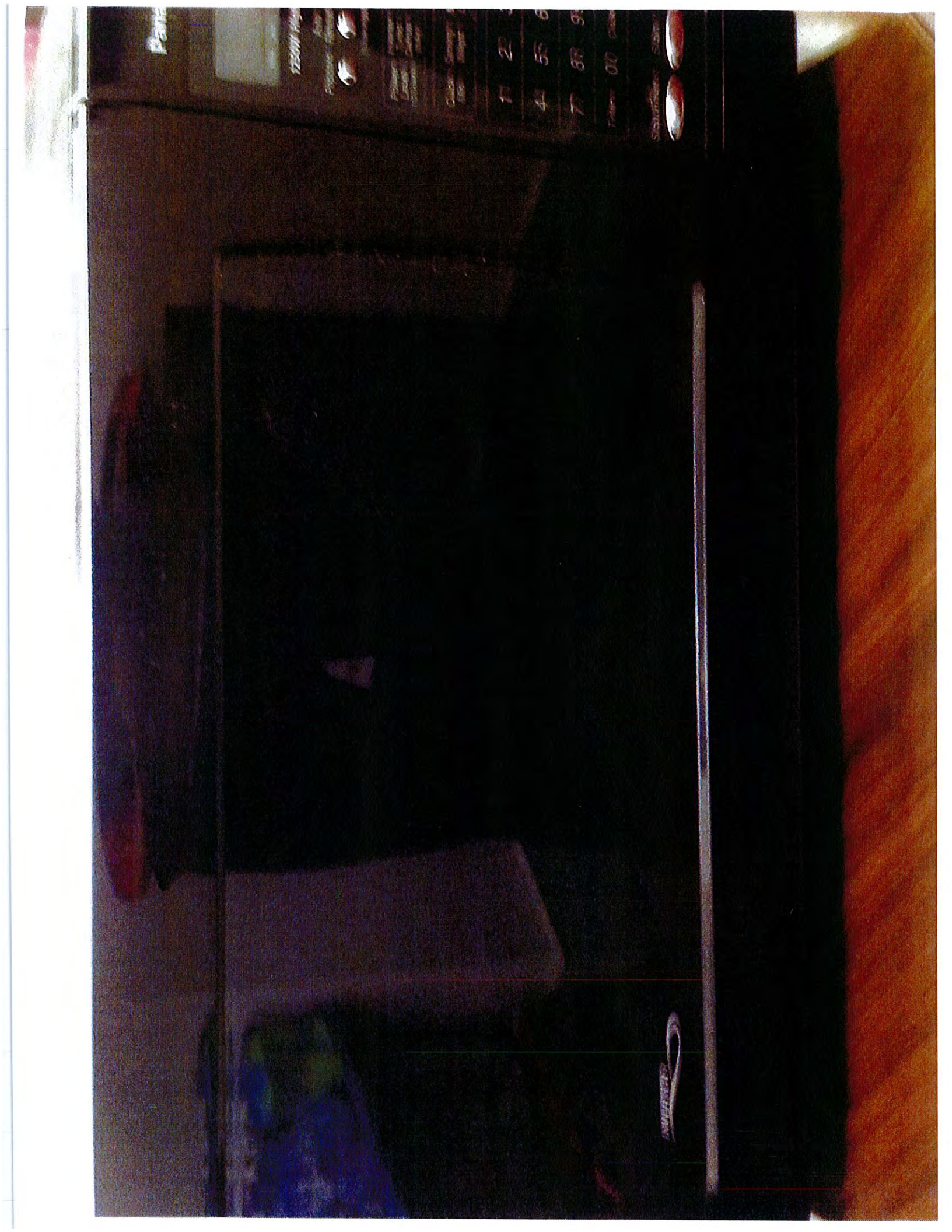


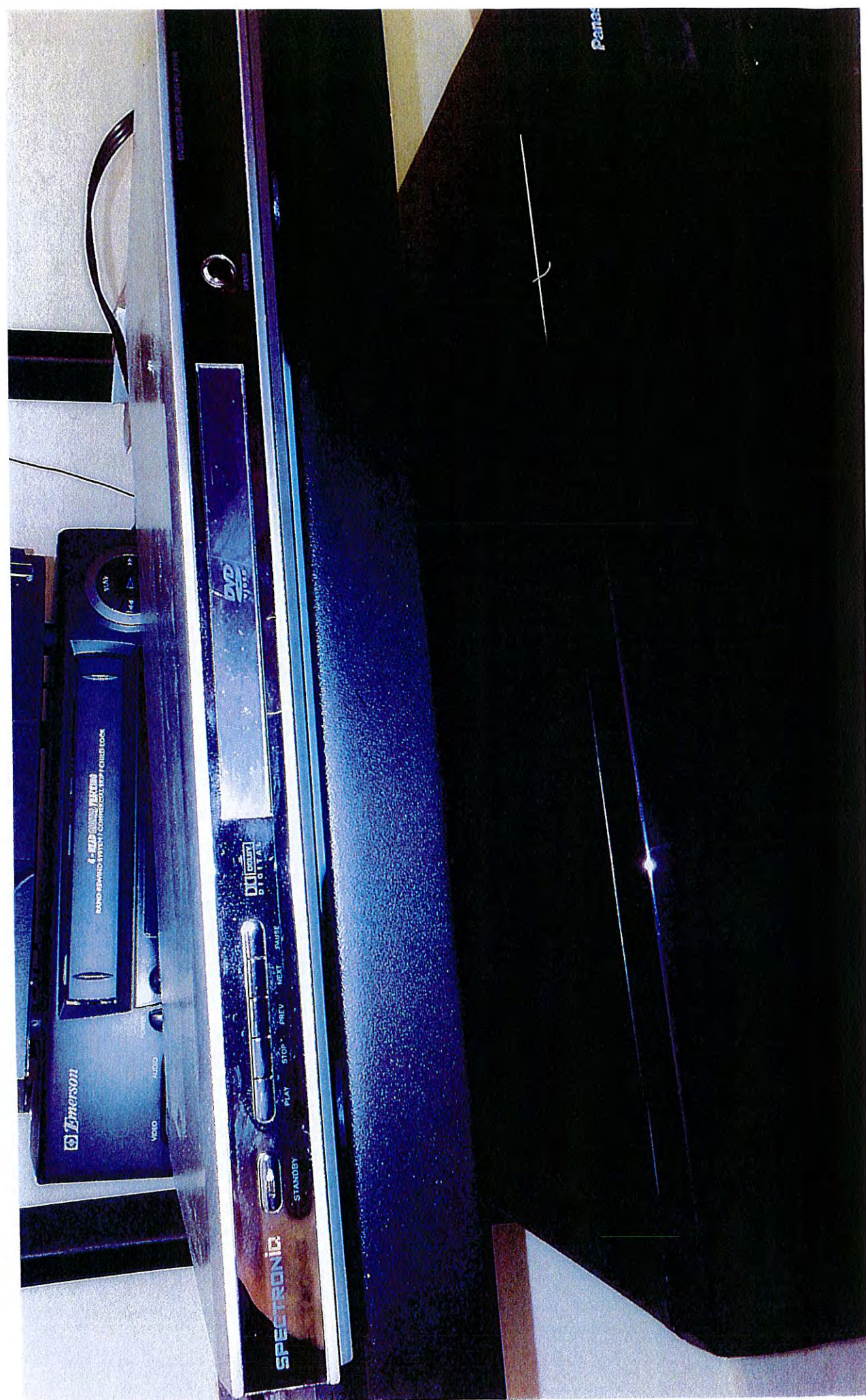
KAISER MASCHINEN

6









Auto Wash
DUKANE
Model 660
Instructions for
Using Appliances

TO REPLACE LAMP
ALL DRUM
TELESCOPE DOWN
DISCONNECT
POWER LEADS
LOOSEN BOTH
SCREWS AND
LIFT COVER
REPLACE LAMP
TIGHTEN
SCREWS
LIFT
CHANGE

SPARE 2





**Town of Smithfield
Town Council
Action Form**

Item: Resolution Opposing HB 51 Relating to ETJ

Date of Meeting: March 31, 2015

Date Prepared: March 31, 2015

Staff Work By: Town Manager/Clerk

Presentation: Business Items

Background: The attached documents were provided to the NC League of Municipalities relating to a recent NC House Bill seeking to eliminate and/or reduce the extra Territorial Jurisdictions presently existing in NC. Similar bills in the past have sought to eliminate the ETJs entirely, or to reduce such areas, and/or to grant voting rights to non-incorporated residents in municipal elections. All of these approaches will eliminate control of the border area zoning classifications surrounding towns or, if non-incorporated citizens are allowed to vote in municipal elections, will allow no-tax paying residents to influence municipal matters.

The ETJs in North Carolina have been a cornerstone of the state's planning and zoning laws and have worked extremely well for the last 60 years.

Action Requested: Approve the Resolution #557 relating to the opposition of HB 511 considering the elimination of ETJs in North Carolina.

RESOLUTION #557 (06-2015)
IN OPPOSITION OF HOUSE BILL 51
JUSTICE FOR RURAL CITIZENS ACT

WHEREAS, states have recognized municipalities' need to regulate their extraterritorial areas to protect public health and safety since the 1800s and a form of extraterritorial jurisdiction authority has existed in North Carolina since 1949;

WHEREAS, the U.S. Supreme Court has upheld the right of municipalities to exercise extraterritorial jurisdiction authority;

WHEREAS, extraterritorial jurisdiction rights are necessary to ensure that development at the edge of cities is compatible with development within cities is orderly, and promotes health and safety;

WHEREAS; extraterritorial jurisdiction eases the way for development on property that crosses municipal borders;

WHEREAS, extraterritorial jurisdiction helps us as local elected officials to make sure our residents' property values and enjoyment of their property is maintained. Even though we're small, it is our responsibility as local elected officials to keep the peace when people live close together;

WHEREAS, extraterritorial jurisdiction protects the quality of life for the municipality;

NOW, THEREFORE, BE IT RESOLVED that the Town of Smithfield adopts this resolution in opposition of House Bill 51, Justice for Rural Citizens Act;

FURTHER BE IT RESOLVED that copies of this resolution is transmitted to the members of the General Assembly representing the Town of Smithfield to let them know of our opposition to this issue.

Adopted this the 7th day of April, 2015.

John H. Lampe II., Mayor

ATTEST:

Shannan L. Williams, Town Clerk

**Town of Smithfield
Town Council
Action Form**

Item: Municipal Records Retention and Disposition Schedule

Date of Meeting: April 7, 2015

Date Prepared: March 25, 2015

Staff Work By: Shannan Williams

Presentation: Consent Agenda

Presentation:

In January 2013, the Town of Smithfield adopted, by Resolution, the Municipal Records Retention and Disposition Schedule. Recently, the North Carolina Department of Cultural Resources amended several items on the schedule.

Attached for your review and consideration are the amendments to the Municipal Records Retention and Disposition Schedule

Action Requested:

Approve Resolution # 558 (07-2015) accepting the amendments to the Municipal Records Retention and Disposition Schedule dated January 5, 2015.

**TOWN OF SMITHFIELD
RESOLUTION NO. 558 (07-2015)
ACCEPTING THE AMENDMENTS TO THE MUNICIPAL RECORDS
RETENTION AND DISPOSITION SCHEDULE
AMENDED JANUARY 5, 2015**

WHEREAS, The Municipal Records Retention and Disposition Schedule is endorsed by the Division of Archives and History and the Department of Cultural Resources; and

WHEREAS, The Town of Smithfield currently uses this system for record retention and disposal; and

WHEREAS, The Municipal Records Retention and Disposition Schedule was published on September 10, 2012; and

WHEREAS, the Town of Smithfield adopted the Municipal Records Retention and Disposition Schedule on January 3, 2013; and

WHEREAS, The Town of Smithfield recognizes the amendments to the Municipal Records Retention and Disposition Schedule dated January 5, 2015

NOW, THEREFORE, BE IT RESOLVED THAT THE SMITHFIELD TOWN COUNCIL accepts the Municipal Records Retention and Disposition Schedule Amendment issued by the North Carolina Department of Cultural Resources, Division of Archives and History, Archives and Records Section, Records Services Branch, dated January 5, 2015. Attached hereto are the amendments and they are as follows:

STANDARD 9. LAW ENFORCEMENT RECORDS

Amending item 136, Law Enforcement Audio and Video Recordings, as shown on substitute page 90.

STANDARD 12. PERSONNEL RECORDS

Amending item 19 Employee Eligibility Records as shown on substitute page 105.

Adopted this the 7th day of October 2015.

John H. Lampe II, Mayor

ATTEST:

Shannan L. Williams, Town Clerk

**Municipal
Records Retention Schedule Amendment**

Amending the Municipal Records Retention and Disposition Schedule published September 10, 2012.

STANDARD 9. LAW ENFORCEMENT RECORDS

Adding Item 136, Law Enforcement Audio and Video Recordings, as shown on substitute page 90.

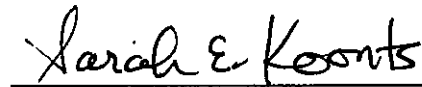
STANDARD 12. PERSONNEL RECORDS

Amending Item 19, Employee Eligibility Records, as shown on substitute page 105.

APPROVAL RECOMMENDED

City/Town Clerk

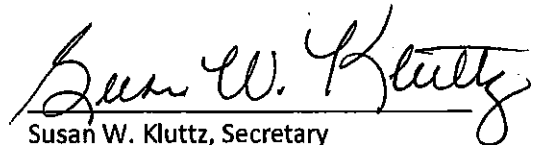
Chief Administrative Officer/
City Manager



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Mayor



Susan W. Kluttz, Secretary
Department of Cultural Resources

January 5, 2015

Proposed Changes

STANDARD 9: LAW ENFORCEMENT RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
134.	WORK RELEASE EARNINGS REPORTS Inmates' work release earnings reports submitted either to the N.C. Department of Corrections or the Clerk of Superior Court.	Destroy in office after 3 years.*	G.S. §148-32.1
135.	WRECKER SERVICE RECORDS Records concerning wrecker requests or calls. May include lists of wrecker company's towing and storage rates, rotation lists, notification records when vehicles are towed from private property, and other related records.	a) Destroy in office after 1 year if not made part of a case file. b) If record is made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES item 17, page 64; or CASE HISTORY FILE: MISDEMEANORS item 18, page 64.	
136.	LAW ENFORCEMENT AUDIO AND VIDEO RECORDINGS Tapes and digital recordings generated by mobile and fixed audio and video recording devices. Does not include ELECTRONIC/VIDEO RECORDINGS OF INTERROGATIONS (HOMICIDE) item 44, page 71. See also MOBILE UNIT VIDEO TAPES item 81, page 80.	a) Destroy in office after 30 days if not made part of a case file. b) If record is made part of a case file follow disposition instructions for CASE HISTORY FILE: FELONIES item 17, page 64; or CASE HISTORY FILE: MISDEMEANORS item 18, page 64. c) If record is made part of a citizen complaint follow disposition instructions for CITIZEN COMPLAINTS/ ADMINISTRATIVE INVESTIGATION RECORDS item 21, page 65. d) If record is made part of an internal investigation follow disposition instructions for INTERNAL AFFAIRS CASE RECORDS item 76, page 78.	Comply with applicable provisions of G.S. § 132-1.4 regarding confidentiality of criminal investigation records and G.S. §160a-168 regarding confidentiality of personnel records.

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." Please use the space provided.

Current Policy

STANDARD-9: LAW ENFORCEMENT RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
134.	WORK RELEASE EARNINGS REPORTS Inmates' work release earnings reports submitted either to the N.C. Department of Corrections or the Clerk of Superior Court.	Destroy in office after 3 years.*	G.S. §148-32.1
135.	WRECKER SERVICE RECORDS Records concerning wrecker requests or calls. May include lists of wrecker company's towing and storage rates, rotation lists, notification records when vehicles are towed from private property, and other related records.	a) Destroy in office after 1 year if not made part of a case file. b) if record is made part of a case file follow disposition instructions for <u>CASE HISTORY FILE: FELONIES</u> item 17, page 64; or <u>CASE HISTORY FILE: MISDEMEANORS</u> item 18, page 64.	

*See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS, page vi.
 † See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." Please use the space provided.

Proposed Changes

STANDARD 19. PERSONNEL RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.	<p>EMPLOYEE EDUCATIONAL ASSISTANCE PROGRAM RECORDS Includes records requesting tuition assistance, repayments, and other related records.</p> <p>See also PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p>	<p>Destroy in office 3 years after completion, denial, repayment, or removal from program.*</p>	
19.	<p>EMPLOYEE ELIGIBILITY RECORDS Includes the United States Immigration and Naturalization Services, Employment Eligibility Verification (I-9) forms.</p>	<p>Mandatory retention throughout the duration of an individual's employment. After separation, destroy records in office 3 years from date of hire or 1 year from separation, whichever occurs later.</p>	8 USC 1324a(b)(3)
20.	<p>EMPLOYEE EXIT INTERVIEW RECORDS See also PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p>	<p>Destroy in office after 1 year.</p>	
21.	<p>EMPLOYEE HEALTH CERTIFICATES Includes health or physical examination reports, or certificates created in accordance with Title VII and the Americans with Disabilities Act (ADA).</p>	<p>a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p> <p>b) Destroy in office all other records 2 years after resolution of all actions.</p>	

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.
 † See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." Please use the space provided.

Current Policy

STANDARD-12: PERSONNEL RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
18.	<p>EMPLOYEE EDUCATIONAL ASSISTANCE PROGRAM RECORDS Includes records requesting tuition assistance, repayments, and other related records.</p> <p>See also PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p>	<p>Destroy in office 3 years after completion, denial, repayment, or removal from program.*</p>	
19.	<p>EMPLOYEE ELIGIBILITY RECORDS Includes the United States Immigration and Naturalization Services, Employment Eligibility Verification (I-9) forms.</p>	<p>a) Destroy in office certificates, I-9 forms and statements, 3 years after individual was hired or 1 year from date of separation.</p> <p>b) Destroy in office registers after 2 years.</p>	8 USC 1324(b)
20.	<p>EMPLOYEE EXIT INTERVIEW RECORDS</p> <p>See also PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p>	<p>Destroy in office after 1 year.</p>	
21.	<p>EMPLOYEE HEALTH CERTIFICATES Includes health or physical examination reports or certificates created in accordance with Title VII and the Americans with Disabilities Act (ADA).</p>	<p>a) Transfer records as applicable to PERSONNEL RECORDS (OFFICIAL COPY) item 47, page 112.</p> <p>b) Destroy all other records in office 2 years after resolution of all actions.</p>	29 CFR 1602.31

*See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS**, page vi.
 † See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." Please use the space provided.

**Town of Smithfield
Town Council Action Form**

Business Item: Budget Advisement for reallocation of budgeted capital items for three items for the Water Plant Department using savings realized. No additional dollars are requested. The three items are as follows: as follows: 1) to expend \$49,965 with the Perkinson Company for design, purchase and installation of Loss of Head (LOH) and Rate of Flow(ROF) Water Filter controllers as recommended by the NC DENR; 2) to expend \$17,280 with R.D. Braswell of Smithfield, NC for the erection of the new bulk storage tank that can be used to store either Alum or Ferric sulfate; and 3) To expend \$4,001 with Southern Corrosion for inspection and cleaning of the Town's 1 MG Clearwell.

The Department has realized a savings of: 1) \$49,342 in purchase of a mixer for the Jones Brothers Water tank; 2) deferral of expenditure of the \$20,000 for replacement of the basin valves until the longer plant shutdown next FY as part of the sandblasting, priming and painting the inside of the 1 MG Clearwell; and 3) deferral of the expenditure of \$15,000 to repair the flocculator paddles, again until the longer plant shutdown next FY.

Date of Meeting: April 7, 2015

Date prepared: March 25, 2015

Staff Work by: Ken Griffin, PE, PhD

Presentation: Ken Griffin, Director of Public Utilities

Item: Budget Advisement for reallocation of budgeted capital items for three items for the Water Plant Department using savings realized. No additional dollars are requested. The three items are as follows: as follows: 1) to expend \$49,965 with the Perkinson Company for design, purchase and installation of Loss of Head (LOH) and Rate of Flow(ROF) Water Filter controllers. The NC DENR recommends this upgrade in control of our plant as part of their recent inspections of our Water Plant; 2) to expend \$17,280 with R.D. Braswell of Smithfield, NC for the erection of the new bulk storage tank that can be used to store either Alum or Ferric sulfate; and 3) To expend \$4,001 with Southern Corrosion for inspection and cleaning of the Town's 1 MG Clearwell.

The Department has realized a savings of: 1) \$49,342 in purchase of a mixer for the Jones Brothers Water tank; 2) deferral of expenditure of the \$20,000 for replacement of the basin valves until the longer plant shutdown next FY as part of the sandblasting, priming and painting the inside of the 1 MG Clearwell and 3) deferral of the expenditure of \$15,000 to repair the flocculator paddles, again until the longer plant shutdown next FY.

Action Requested

Approve the above Budget Advisement request

**Town of Smithfield
Town Council Action Form**

Business Item: Budget Advisement for reallocation of a portion of the FY 14-15 AMI/Smart Grid budgeted capital item from the Water & Sewer Fund for removal of sand and sediment and repair of the inflow/outflow piping in the Water Plant Raw Water Intake Pond. The estimated cost to remove sand and sediment and repair the inflow/outflow piping in the Raw Water Intake Pond is \$330,000. The adopted FY 14-15 Budget allocated \$150,000 for this remedial work. A total of \$223,950 remains in the AMI/Smart Grid Project line item. This Budget Advisement seeks to allocate \$180,000 of these dollars to complete remediation of the Raw Water Intake Pond.

Date of Meeting: April 7, 2015

Date prepared: March 26, 2015

Staff Work by: Ken Griffin, PE, PhD

Presentation: Ken Griffin, Director of Public Utilities

Item:

The Public utilities Department requests approval of a Budget Advisement for reallocation of a portion of the FY 14-15 AMI/Smart Grid budgeted capital item from the Water & Sewer Fund for removal of sand and sediment and repair of the inflow/outflow piping in the Water Plant Raw Water Intake Pond. The estimated cost to remove sand and sediment and repair the inflow/outflow piping in the Raw Water Intake Pond is \$330,000, which covers dredging of the estimated 530,000 cubic feet of sand and sediment by Jonathan Yopp and repair of the piping by R.D. Braswell of Smithfield, NC. The Departments has preliminarily arranged for trucking and use of the dredged material by a local contractor as part of the State Highway 210 Bridge Replacement Project. If successful, this reduces the cost of the remediation project significantly; but the estimated 530,000 cubic feet of sand and sediment is a very large quantity that accumulated over more than 40 of operation of a raw water intake on the sediment-laden Neuse River. The adopted FY 14-15 Budget allocated \$150,000 for this remedial work. A total of \$223,950 remains in the AMI/Smart Grid Project line item. The Department seeks to allocate \$180,000 of these dollars to complete remediation of the Raw Water Intake Pond.

Action Requested

Approve the above Budget Advisement request.

**Town of Smithfield
Town Council
Action Form**

Item: Board Appointments

Date of Meeting: April 7, 2015

Date Prepared: March 19, 2015

Staff Work By: Shannan Williams

Presentation: Consent Agenda

Presentation:

Current Board vacancies are as follows:

Appearance Commission – 5 positions

Historic Properties – 5 positions

Parks and Recreation Advisory Commission – 1 position

Planning Board – ETJ Alternate Member – 1 position

Board Appointment Considerations:

1. Sheila Bryant has submitted an application for consideration to be appointed to a first term on the Historic Properties Commission.
2. Gary Stewart has submitted an application for consideration to be appointed to a first term on the Appearance Commission.

There have been no other inquiries at this time.



Town of Smithfield
Board, Commission, or Committee
Application

Name: Bryant Sheila A.
Home Address: 3 A White Oak Dr. Smithfield NC 27577
Business Name & Address: Dept. of Social Services 806 North St.
Telephone Numbers: [Redacted]

Please check the Board(s) that you wish to serve on:

- Appearance Commission
Board of Adjustment In Town Resident
Board of Adjustment ETJ Member
Historic Properties Commission
Library Board of Directors
Parks/Recreation Advisory Commission
Planning Board In-Town Resident
Planning Board ETJ Resident
Other:

Interests & Skills: Helped renovate and restore three historic properties in the York Chester Neighborhood Gastonia NC
Member of Residents of Old Wilmington Historical Society

Circle highest level of education completed: (High School) 10 11 12 GED College 1 2 3 4 5 6

Recent Job Experiences: I am a Child Protective Social Worker at Johnston County DSS

Civic or Service Organization Experience: Church Circle Little Theatre
RDW (Residents of Old Wilmington) member

Town Boards previously served on and year(s) served: N/A

Please list any other Boards/Commissions/Committees on which you currently serve:
Women's Commission and Downtown Revitalization Committee Member in Gaston Co.

Why are you interested in serving on this Board/Commission/Committee?

Lived in Historic District of Prestonia & Wilmington
Love Historic Homes & Properties and Preservation

Affirmation of Eligibility:

Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes No If yes, please explain disposition: _____

Is there any conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Smithfield Town Council? Yes No If yes, please explain: _____

I understand this application is public record and I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all statements contained herein as deemed appropriate and if necessary. I further authorize all information concerning my qualifications to be investigated and release all parties from all liability for any damages that may result from this investigation. I understand and agree that any misstatement may be cause for my removal from any Board/Commission/Committee. I understand regular attendance to any Council Board/Commission/Committee is important and, accordingly, I further understand that if my attendance is less than the standards established for any such body that this is cause for removal. Lacking any written standards for attendance by any Board/Commission/Committee, it is expected that I will attend at least 75% of all meetings during any one calendar year to maintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the City Clerk and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee. Further, I have received a copy of the Policy adopted 03-04-2008 and understand its contents.

Printed Name: Sheila Bryant

Signature: Sheila Bryant Date: 2/28/15

Return completed for to:
Shannan Williams
Town Clerk
P. O. Box 761
Smithfield, North Carolina 27577
Phone: (919) 934-2116 Fax: (919) 989-8937 E-Mail: shannan.williams@smithfield-nc.com

Applicants are required to be a resident of the Town of Smithfield for In-Town positions and within the Town's ETJ for ETJ positions



Town of Smithfield
Board, Commission, or Committee
Application

Name: Stewart Gary A

Home Address: (Last) 520 S. 5TH (First) ST SMITHFIELD 27579 (MI)

Business Name & Address:

Telephone Numbers: (Home) (Mobile) (Email)

Please check the Board(s) that you wish to serve on:

- Appearance Commission
Board of Adjustment In Town Resident
Board of Adjustment ETJ Member
Historic Properties Commission
Library Board of Directors
Parks/Recreation Advisory Commission
Planning Board In-Town Resident
Planning Board ETJ Resident
Other:

Interests & Skills: WALKING, GOLF, NEW HOME SALES, RETAIL CORRECTIONS

Circle highest level of education completed: (High School) 10 11 12 GED College 1 2 3 4 5 6

Recent Job Experiences: NC CORRECTIONAL OFFICER, ALSO OPERATE TAX PREPARATION SERVICE

Civic or Service Organization Experience: HOMELESS MINISTRIES AT WOODSTREAM CHURCH IN LARGO MD. ALSO SERVED ON USHER BOARD

Town Boards previously served on and year(s) served: N/A

Please list any other Boards/Commissions/Committees on which you currently serve: N/A

Why are you interested in serving on this Board/Commission/Committee? I WANT TO HELP
IMPROVE APPEARANCE OF THE TOWN.

Affirmation of Eligibility:

Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes No If yes, please explain disposition: _____

Is there any conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Smithfield Town Council? Yes No If yes, please explain: _____

I understand this application is public record and I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all statements contained herein as deemed appropriate and if necessary. I further authorize all information concerning my qualifications to be investigated and release all parties from all liability for any damages that may result from this investigation. I understand and agree that any misstatement may be cause for my removal from any Board/Commission/Committee. I understand regular attendance to any Council Board/Commission/Committee is important and, accordingly, I further understand that if my attendance is less than the standards established for any such body that this is cause for removal. Lacking any written standards for attendance by any Board/Commission/Committee, it is expected that I will attend at least 75% of all meetings during any one calendar year to maintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the City Clerk and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee. Further, I have received a copy of the Policy adopted 03-04-2008 and understand its contents.

Printed Name: GARY A STEWART
Signature: Gary A Stewart Date: 3-6-2015

Return completed for to:
Shannan Williams
Town Clerk
P. O. Box 761
Smithfield, North Carolina 27577
Phone: (919) 934-2116 Fax: (919) 989-8937 E-Mail:

Applicants are required to be a resident of the Town of Smithfield for In-Town positions and within the Town's ETJ for ETJ positions

**Town of Smithfield
Town Council
Action Form**

Item: Approval of Contract for Interim Public Utilities Director Pete Connet

Date of Meeting: April 7, 2015

Date Prepared: March 30, 2015

Staff Work By: Paul Sabiston

Presentation: Consent Agenda

Background:

As you are aware, Ken Griffin, the Public Utilities Director, resigned from his position with the Town. Staff is requesting that the Council approve a contract with Pete Connet to serve as the Interim Public Utilities Director as needed until a replacement is hired.

Action Requested:

Approve the contract for Interim Public Utilities Director Pete Connet.

**JOHNSTON COUNTY
NORTH CAROLINA**

AGREEMENT FOR EMPLOYMENT AS INTERIM UTILITIES DIRECTOR

THIS AGREEMENT for Employment as Interim Utilities Director (hereinafter "Agreement") is made and entered into effective as of this the 30 day of March, 2015 by and between the Town of Smithfield, North Carolina (hereinafter "Town"), by and through the City Manager of Smithfield (hereinafter "Manager") and Peter T. Connet, (hereinafter "Utilities Director"), to establish and set forth the terms and conditions of the employment of the Utilities Director as the Interim Utilities Director of the Town.

WITNESSETH:

WHEREAS, the Manager and Utilities Director believe it is important to thoughtfully consider guidelines that will be consistent with both the letter and the spirit of State law, and to the extent applicable, the Town's charter and personnel policies, that will uphold the principle of "serving at the pleasure of the "Manager" that will clearly define and incorporate the benefits to the community and organization, and that will address the protection of the Utilities Director through provisions that are reasonable in nature and scope when compared to professional practices and local/regional market conditions and appropriately funded within the Town's budget;

WHEREAS, the Town desires to employ the services of the Utilities Director as the Interim Utilities Director of the Town, pursuant to the terms, conditions and provisions of this Agreement;

WHEREAS, the Utilities Director has agreed to accept employment as the Interim Utilities Director of the Town, subject to and on the terms, conditions, and provisions agreed to and set forth in this Agreement;

NOW, THEREFORE, in consideration of the Utilities Director accepting employment with the Town, and other good and valuable consideration, including the mutual covenants herein contained, the receipt and legal sufficiency of which are hereby acknowledged, the Town and the Utilities Director hereby contract, covenant, and agree as follows:

Section 1. Duties.

The Manager hereby employs the Utilities Director as Interim Utilities Director to perform the duties and functions as specified in the Town Charter, the Laws of the State of North Carolina, this Agreement, and as the Manager shall, from time to time, assign to the Utilities Director consistent with the intent of this Agreement.

The Utilities Director shall report for work and the duties as well as employment of the Utilities Director shall commence on November 13, 2013 (the "Commencement Date").

The Utilities Director shall assist any subsequently hired Utilities Director in his/her transition for a reasonable amount of time, as may be required by Manager.

Section 2. Term.

Subject to earlier termination as provided for in Section 8, Subsection D hereof, the term of this Agreement shall continue, and Utilities Director shall serve as Interim Utilities Director, until a permanent Utilities Director commences work, but in no event later than February 28, 2014.

Section 3. Salary.

Town agrees to pay the Utilities Director forty-five dollars (\$45.00) per hour, payable in weekly pay periods or at the same time as other employees of the Town are paid.

Section 4. Automobile, Lodging, Meals, and Cell Phone.

The Town will reimburse the Utilities Director for miles traveled outside Johnston County on Town business at the IRS allowable rate per mile from the Town of Smithfield. The Utilities Director will be reimbursed for any necessary and reasonable lodging, meal expenses, and incidentals that are related to his employment hereunder.

The Utilities Director will provide his own vehicle while conducting Town business in the Town and within Johnston County. Unless otherwise specifically provided for herein, auto expenses and the use of personal cell phone are included in the Utilities Director's hourly rate. Utilities Director will be reimbursed at the IRS allowable rate per mile for the use of his personal vehicle on Town business outside of Johnston County from the Town of Smithfield.

Section 5. Benefits.

It is mutually agreed that the Utilities Director is not entitled to any Town employee benefits except those mentioned herein.

- Town Paid Holidays which fall on his work day

Section 6. Indemnification.

To the fullest extent permitted by law and except as specifically limited by Town Ordinances, the Town shall defend, save harmless and indemnify the Utilities Director against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Utilities Director's duties, and shall obtain and keep in full force and effect liability insurance, or risk pool coverage, including Public Officials coverage on a "wrongful act" basis, in sufficient amounts to assure accomplishment of such hold harmless and indemnification; provided that this section shall not be construed as creating any right, cause of action, or claim of waiver or estoppels for or on behalf of any third party, nor shall it be construed as a waiver or modification of the availability of the defense of governmental immunity or any other legal defense available to either the Town or the Utilities Director as to any third party; and provided further that the Town shall not indemnify or hold harmless the Utilities Director from and with respect to any claim or liability for which the conduct of the Utilities Director is found by the courts to have been outside the course and scope of employment or his official capacity as Interim Utilities Director, grossly negligent or intentionally wrongful. The Town may compromise and settle any such claim or suit, and will pay the amount of any settlement reached or judgment rendered on such claim or suit, for which the Town has a duty to defend, save harmless and indemnify the Utilities Director hereunder as hereinbefore more specifically provided. This indemnification shall extend beyond and survive the termination of employment and the expiration of this Agreement.

Section 7. Hours of Work and Time Off.

It is recognized that the Utilities Director will work a cumulative total of no more than three (3.5) days per week, with one day equal to eight (8) hours ending at 5:00 pm and normally beginning at 8:00 am with one hour excluded for lunch. The Utilities Director may work in half-day increments. Based upon need and necessity, the Utilities Director will work additional hours per week. It is anticipated that the Utilities Director will normally begin his work week at or before noon on Mondays and end his work week at 5:00 pm on Thursdays, but the parties may adjust that schedule so that he may be available and working on days, or parts thereof, on which Council has scheduled a meeting of Council. Utilities Director shall be paid at his regular pay for attending Council meetings and other required meetings, not held during his regular work day.

The Utilities Director agrees to be available by telephone for consultation and advice on days that he is not physically working in the Town. The Utilities Director also agrees to respond to the Town for emergency situations. For limited consultation of 15 or 20 minutes there shall be no charge for consultation and advice on days he is not working in the Town. For more complex consultation and advice, Utilities Director shall be paid at his regular pay scale. The Utilities Director retains the right to determine whether a matter is billable as more complex consultation and advice.

Section 8. General Provisions.

- A. Governing Law. This Agreement shall be construed in accordance with, and governed by, the laws of the State of North Carolina. Venue shall lie exclusively in Johnston County, North Carolina.
- B. Entire Agreement. This Agreement incorporates all the agreements, covenants and understandings between the Town and the Utilities Director concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Agreement. No other prior agreements or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.
- C. Amendment. This Agreement shall not be modified or amended except by a vote of the Council and, upon approval of the Council, a written instrument executed by the Utilities Director and the City Manager
- D. Resignation/Termination. Notwithstanding anything herein to the contrary, the Utilities Director serves at the pleasure of the Manager and this Agreement may be terminated and canceled by Manager, with or without cause, at any time and without recourse from the Utilities Director. This Agreement shall be null and void upon receipt of a written notice from either the Manager or the Utilities Director requesting termination of the Agreement.

(Signatures on following page)

IN WITNESS WHEREOF, the Town and the Utilities Director have executed this Agreement effective as of the date first written above.


PRE-AUDIT CERTIFICATE

This Agreement has been pre-audited pursuant to North Carolina General Statute § 159-28 in the manner required by the Local Governmental Budget and Fiscal Control Act.

THE TOWN OF SMITHFIELD

Chief Financial Officer

TOWN OF SMITHFIELD, NORTH CAROLINA



City Manager

ATTEST:

City Clerk

(Town Seal)

AGREED AND ACCEPTED this the 27th day of March, 2015



Peter T. Connet, Interim Utilities Director

**Town of Smithfield
Town Council
Action Form**

**Consent Item: North Carolina Eastern Municipal Power Agency
(NCEMPA) Board of Commissioners Appointment**

Date of Meeting: April 7, 2015 **Date Prepared:** March 27, 2015

Consent Agenda Item:

The Town of Smithfield is allowed to appoint one Commissioner and up to two Alternate Commissioners to the NCEMPA. Town Manager, Paul Sabiston, is currently serving as the NCEMPA Commissioner representing the Town of Smithfield. The First Alternate Commissioner position was previously held by Public Utilities Director, Ken Griffin.

Action Requested

Staff is requesting that the Council consider appointing Interim Public Utilities Director, Pete Connet, as the First Alternate Commissioner to the NCEMPA Board of Commissioners.

OATH

I, _____, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully and impartially execute and discharge the duties of my office as first alternate commissioner of North Carolina Eastern Municipal Power Agency, and that I will adhere to and abide by the Electricities' Ethical and Professional Code of Conduct, so help me God.

First Alternate Commissioner

Sworn to and subscribed before me,
this _____ day of _____, 2013.

Notary Public

My Commission Expires:

(NOTARY SEAL HERE)

Town of Smithfield Town Council Information Form

Item: Filled Vacancies

Date of Meeting: April 07, 2015 **Date Prepared:** March 30, 2015

Staff Work By: Tim Kerigan, HR Director

Background

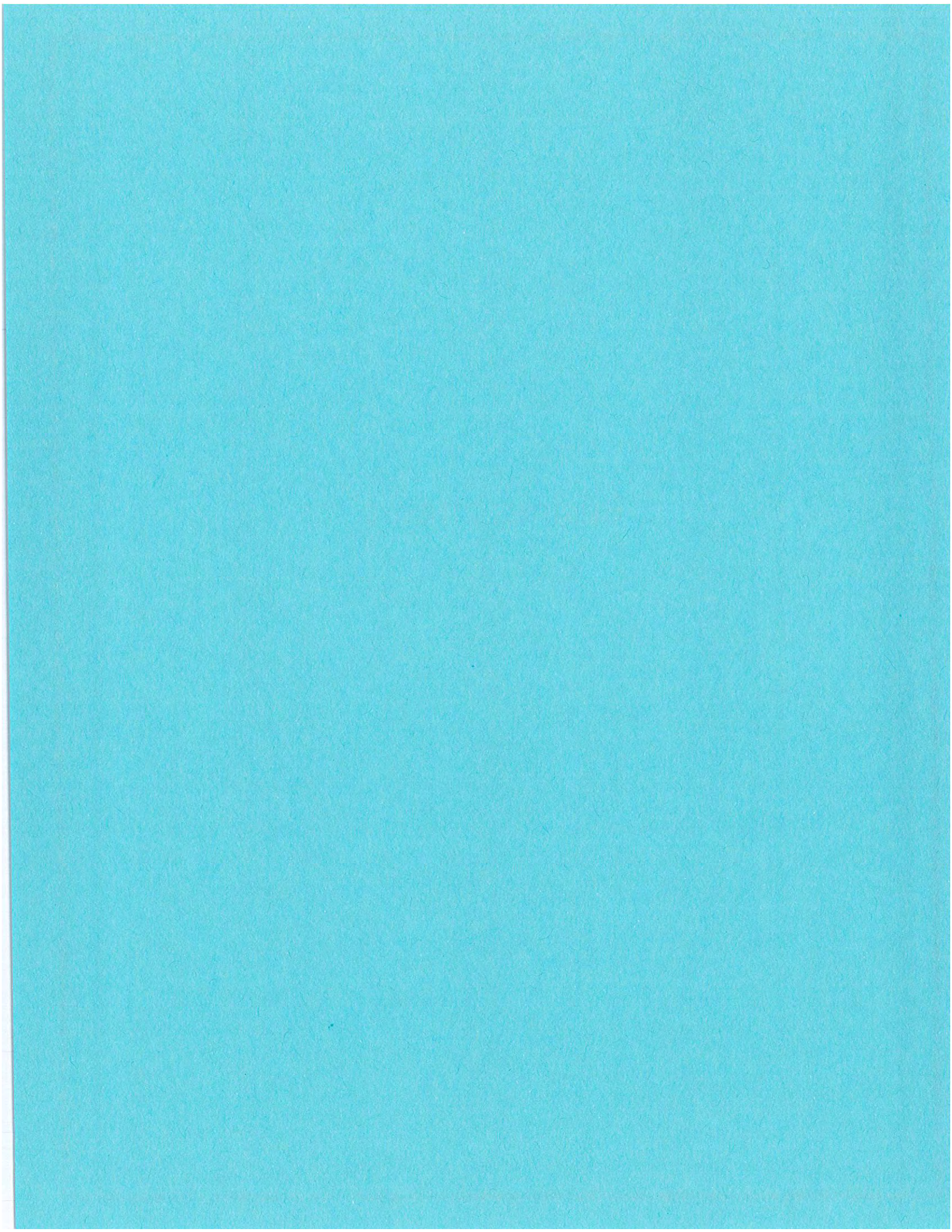
Per Policy, upon the hiring of a new or replacement employee, the Town Manger or Department Head shall report the new/replacement hire to the Council on the Consent Agenda at the next scheduled monthly Town Council meeting.

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>
PT Pool Staff	P&R – Aquatics	10-6220-0220	\$8.00/hr
PT Pool Staff	P&R – Aquatics	10-6220-0220	\$7.50/hr.
PT Instructor	P&R – Aquatics	10-6220-0230	\$14.00/hr
Water Plant Trainee	PU – Water Plant	30-7200-0200	\$12.84/hr (\$26707.20/yr)
WP Superintendent	PU – Water Plant	30-7200-0200	\$24.039/hr (\$50,001.12/yr)
Streets Maint. Worker	PW – Streets	10-5600-0200	\$11.07/hr (\$23,025.60/yr)

Business Items



**Town of Smithfield
Town Council
Action Form**

Item: Consideration of a Second Endowment from J. P. George

Date of Meeting: April 7, 2015

Date Prepared: March 26, 2015

Staff Work By: Greg Siler, Finance Director
Paul Sabiston, Town Manager

Presentation: Regular Agenda

Background: James P. George requests to establish a second endowment of approximately \$25,000 with the Town of Smithfield to support tree projects undertaken by the Town. The donation will be held in perpetuity as a permanent endowment with only the dividends or interest expended for projects. A draft agreement from Mr. George outlining the terms of the endowment is attached. If accepted, the monies will come to the town in the form of preferred stocks and/or bonds held by an investment broker of Mr. George's choice and will be maintained as such. Mr. George has stated that the dividend from the investment is approximately \$1,500 per year as presently invested. The intent of Mr. George and staff is to allow these funds to remain in an interest bearing investment account for as long as possible as opposed to reinvesting in an account that returns a low interest rate. North Carolina restricts how towns may invest their cash funds to avoid risk. The result is typically a low return of interest. The LGC has indicated its approval of the Town investing these funds in their present account if this is the desire of Mr. George. However, if such account is converted to cash then the standard rule for investments will apply.

Staff is getting approval to add language to the agreement indicating that the \$25,000 donation will remain in the present fund and give the Town flexibility to handle and invest funds in the future in similar investment vehicles. Staff believes this will be approved and authorized by the LGC.

Action Requested: Accept the donation and direct staff as to how to proceed and authorize the Mayor to execute the Agreement with the above referenced appropriate language and as approved by the Town Attorney. Also approve Resolution #559 (09-2015).

Town of Smithfield, North Carolina

Resolution # 559 (09-2015)

Approving an Endowment Agreement – J.P. George Tree Lined Street Fund

WHEREAS, James P. George desires to establish a second endowment of approximately \$25,000 entitled the J.P. George Tree Lined Street Fund; and

WHEREAS, the donation will be held in perpetuity as a permanent endowment with only the dividends or interest expended for project; and

WHEREAS, attached hereto is the agreement outlining the terms of the endowment.

NOW, THEREFORE BE IT RESOLVED, by the Town of Smithfield’s Town Council approves the endowment agreement with James P. George and accepts the donation subject to the terms of the Agreement.

Adopted this the 7th day of April, 2015.

John H. Lampe II, Mayor

ATTEST:

Shannan L. Williams, Town Clerk

JAMES P. GEORGE ENDOWMENT AGREEMENT
April 15, 2015

THIS ENDOWMENT AGREEMENT IS BETWEEN James P. George (Donor) and The Town of Smithfield, North Carolina. The donor wishes to establish an endowment of approximately Twenty Five thousand dollars (\$25,000.00) in value as of April 15, 2015 as well as an agreement which the Town of Smithfield shall administer. All persons and organizations making contributions to this endowment fund, and those WHO ADMINISTER it shall be bound by the terms of this Agreement.

Terms of Agreement:

1. **Name of Fund:** The endowment fund hereby created shall be known as the “J. P. George Tree Lined Street Fund” herein referred to as J.P. George Fund or as the FUND.

2. **Investment and Expenditure of Principal and Earnings:** It is the intent and purpose of the parties to this Agreement that the principal of approximately Twenty five thousand dollars (\$25,000.00) as of April 15, 2015, and any following “subsequent additions” as such will be maintained in perpetuity as a permanent endowment fund to support tree projects undertaken by and at the direction of The Town of Smithfield consistent with the provisions of this Agreement. Only the ‘Town’ shall be responsible for the investment of the fund, security and the disbursement of the earnings from the endowment.

3. **Purpose and uses of the Fund:** The Fund is to be used to support tree projects undertaken by the Town of Smithfield to beautify ‘neighborhood streets’, Market Street, Bright Leaf Boulevard and other through fares within the town’s contiguous limits. Any Smithfield home owner or citizen who want trees on his/her street shall be given consideration (See Exhibit A). Any income that is not spent by the end of the fiscal year CAN be carried over to the following fiscal year(s) for future projects. The term “fiscal year” shall mean the Town of Smithfield’s fiscal year. This Fund is an “ADDITION”, not to supplant any other funds or Town expenditures for trees. This is **not** a tree removal fund. The Endowment Fund principal will **NOT** be spent.

4. **Types of Projects:** The type of projects on which the earned income may be expended in this Agreement are as follows:

a. The planting of deciduous trees, evergreen trees, Italian Cypress trees, and (shrubs, flowers and mulch) around these tree plantings areas. CREPE MYRTLES ARE NOT TO BE PLANTED WITH THESE FUNDS. The cost of non-Town labor, materials (fertilizer, stakes, wire, dirt), transportation and other site preparation expenses (including cutting down trees and grinding up its stump for replacement only of another tree)” are permissible. If a tree dies or is missing then it should be replaced within a couple of years with this fund’s income.

b. Any items **NOT LISTED** in section (a.) are **FORBIDDEN** as qualified expense.

c. These funds **CANNOT** be used for salaries or pay of town employees, which includes administrative, clerical, manual, supervision OR any legal expenses OR consultation fees. The Town of Smithfield will assume responsibility for future maintenance of the projects upon completion. This includes regular pruning, watering and other necessary actions to maintain the trees in their original condition.

d. This Agreement **MUST** be posted in its entirety (including exhibits) on the Town Web site in the Appearance Commission section {**LEGAL NOTICE**}.

5. **Annual Report:** Within thirty days (30) days from the end of the Town's fiscal year, the Public Works Director or Town Manager or his designate **SHALL** issue a detail annual summary of the income, projects, expenditures from the J.P. George Fund for that fiscal year just ended. This annual report (See Exhibit B) shall also contain mandatory photos. This annual report is a public document under N.C. General Statute 132-1 and shall be given to the Town Manager, Mayor, Town Council and **posted** on the Town's Internet Web site in the Appearance Commission section. This report shall be archive in the Appearance section on the town web site. The J.P. George Fund shall also be included as a **separate** identity in the annual town financial statement of the Town of SMITHFIELD, and a separate listing of the **FUND** in the annual audit report. Copies of all reports shall be made available to the public upon request.

6. **Amendments:** This Agreement may be amended in part or in total with the agreement of the Town Council and the Donor.

7. **Language:** This Agreement will be printed and posted in the Town reports and on Town web site in **ENGLISH** only (**Legal Notice**).

8. **Smithfield Citizens:** Any lawful resident of the Town of Smithfield shall have standing to enforce the compliance of the provisions of this Agreement and is entitled to reasonable legal fees if he or she proves that monies from the J.P. George Endowment Fund were spent contrary to the terms of this Agreement.

9. **Matching Funds:** The Town can use matching funds from other governmental funds, individuals and business community, etc. for more compressive tree projects.

10. **Reimbursement:** The Town shall reimburse the "J. P. George Endowment Fund" for misappropriations or expenditures of this Fund not approved in accordance with the provisions of this Agreement.

11. **Null and Void:** If any part of this Agreement is found to be null and void by the judicial system then the other sections shall remain legally binding upon the parties.

12. **Documents:** The documents that make up this Agreement consist of the following:
- (a) The terms and conditions as contain herein above;
 - (b) Exhibit A (Page 5) Request Form for Street Tree Planting
 - (c) Exhibit B (Page 6) The Annual Report and mandatory photos given to the Town Manager, Mayor, and Town Council and posted on the Town Web site under the Appearance section.

IN TESTIMONY WHERE OF, said party have hereunto set his hand and seal this day and year.

By the First Party

_____/_____/_____

James P. George (Donor)

And By Parties of the Second Part:

_____/_____/_____
John Lampe, Town Mayor

_____/_____/_____
Paul Sabistan, Town Manager

Attested by:

_____(Seal)
Shannon Williams, Town Clerk

**TOWN OF SMITHFIELD'S TOWN COUNCIL
350 Market Street
Smithfield, NC**

April 7, 2015

PHOTO

Page 4 of 7

Initials _____

Exhibit A

(Sample Format)

REQUEST FORM FOR NEIGHBORHOOD TREE PLANTING

I would like to request that _____ trees be planted in the
(PREFERENCE if any)

_____ Block of _____ Street or Highway or Avenue etc. I understand that this

Is just a request and does not guarantee planting! This request is to be submitted before June 30th
of this year.

Name

Home Address

Date

I can best be contacted at my home address OR

By telephone _____ OR

Email address _____ OR

Other _____

Mail To: Town of Smithfield
350 East Market St.
P.O. Box 761
Smithfield, NC 27577
Attn: Pubic Works Director

Telephone: 919-934-2116
Fax: 919-934-1134
E-mail: lenny.branch@smithfield-nc.com

Exhibit B

ANNUAL REPORT

The Annual report to the Mayor, Town Council and Town Manager **MUST** contain the following information. The Endowment Balance; earned annual income; expenditures, projects, carry over income, and photos. This report will be posted on the Town Website with **PHOTOS**.

Format Wording

Mayor and Town Council
Town Manager

Dear Councilmen,

This ANNUAL REPORT is to inform you of action by the Town regarding the "J. P. George Tree Lined Street Fund" for the fiscal year July 1, 2___ to June 30, 2___.

The Endowment Principal ending on July 1, 2___ was \$_____.

The annual earned income for the year through June 30, 2___ was \$_____ plus carry over income from the last fiscal year of \$_____ for a total available income of \$_____.

There were no projects/expenditures/disbursements during the year; therefore, the earned income of \$_____ will be carried over to the following year for other projects.

(OR)

There were expenditures (\$_____) for Cherry trees on College RD and (\$_____) for Dogwood trees on Brightleaf Blvd. Unspent income \$_____ will be carried over to the following year for other projects.

This Annual report will be posted on the Town's Website with the enclosed photos of completed projects. If you need any more information please contact me.

Sincerely,

Public Works Director
(919-934-2116)
Enc: Photos

Page 6 of 7

Initials _____

North Carolina, Johnston County

I, the undersigned, a Notary Public, do hereby certify that Shannon Williams personally came before me this day and acknowledged that she is the Town Clerk of the Town of Smithfield, a North Carolina municipal corporation, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by its Town Manager, sealed with its corporate seal and attested by her as its clerk.

Witness my hand and official seal, the _____ day of _____, 2015.

Notary Public

My Commission Expires _____

North Carolina, Johnston County

I, the undersigned, a Notary Public, certify that James P. George, personally appeared before me this day and acknowledged the execution of the forgoing instrument.

Witness my and and official seal this the _____ day of _____, 2015.

Notary Public

My Commission Expires _____

Page 7 of 7

Initials _____

February 25, 2015

There are three (3) reasons why I did not want to plant Crepe Myrtle trees utilizing these monies from this Fund.

First, the town (Public Works Director) has town funds to plant these trees.

Second, The Appearance Commission has set up a fund for individuals to contribute toward planting only Crepe Myrtles. *(donate A tree project)*

Third, The Josephine B. George Beautification Fund has (any type of) trees listed that can be planted.

**Town of Smithfield
Town Council
Action Form**

Item: Resolution to Modify the Electric Fund Revenue Bond Rate and Payment with Southern Bank

Date of Meeting: April 7, 2015

Date Prepared: March 17, 2015

Staff Work By: Greg Siler, Finance Director

Presentation: Regular Agenda

Background: For a second time, Southern Bank has agreed to reduce the Town's rate of interest on the Electric Revenue Bond loan (from 3.25% to 2.89%). The original 20 year loan of \$5M was taken out in August, 2007, at 4.03%, but was negotiated down to 3.25% in May, 2014. The negotiations saved the Town 239K or \$18,395 per year over 13 years. The principal balance outstanding today is 3.668M with 13 remaining annual payments. Interest will continue to accrue at the current rate of 3.25% until April 8, 2015. After this date, the interest would accrue at the new rate of 2.89%. This fiscal year's principal and interest payment of \$368,887 has already been paid, so in order to avoid paying additional accrued interest (approximately \$79,485 at closing - which was not budgeted), the next scheduled payment on August 15, 2015, will remain at the current amortized payment of \$350,491. Hence, no additional savings will be realized in FY16, but each year thereafter the reduce payment will be \$343,054. Meaning, after FY16 the saving will be approximately \$7,437 per year or approximately \$89,244 (less closing cost) over the remaining 12 years. This is in addition to the 239k savings realized in the last modification. Below is the loan history in chart form.

Loan Date/ Mod. Date	Loan/Prin. Amount	Payment	Interest Rate	New Payment Effective Date
8/15/2007	\$5,000,000	\$368,886.76	4.03	N/A
5/10/2014	3,888,730	350,491.03	3.25	8/15/2015
4/8/2015	3,668,555	343,053.98	2.89	8/15/2016

This rate and payment modification will not amend the provision in the bond agreement to maintain 120% debt service coverage ratio that was noted in the Town's FY13 audit.

Attachments: 1) Resolution to Approve Modification

2) Modification Agreement

Action Requested: Approve as presented

Modification Agreement

THIS MODIFICATION AGREEMENT is dated as of April 8, 2015, and is by and among the **Town of Smithfield, North Carolina** (the “Town”), **Southern Bank and Trust Company** (the “Bank”), and the **North Carolina Local Government Commission** (the “LGC”), a division of the Department of the North Carolina State Treasurer.

The Modification Agreement modifies and amends a \$5,000,000 Electric System Revenue Bond, Series 2007 (the “Bond”), which the Town issued to the Bank. The Town and the Bank now desire to modify the Bond to reduce the interest rate. The LGC joins in this Agreement to evidence its approval of the modification effected by this Agreement.

This is a second modification by which the parties are reducing the interest rate. The first reduction was made pursuant to a Modification Agreement dated as of May 10, 2014 (the “2014 Agreement”).

Now, for and in consideration of the premises, the parties agree as follows:

1. Notwithstanding any contrary provision in the 2014 Agreement, in the Bond, or in the Town’s resolution of August 15, 2007, providing for the issuance of the Bond (the “Series Resolution”), the Bond will bear interest from and after April 8, 2015, at an annual rate of 2.89% until paid.

2. (a) On August 15, 2015, the Town will make a regularly-scheduled payment on the Bond of \$350,491.03. The Bank will apply this payment (i) first to interest accrued on the Bond through April 7, 2015, at the original annual rate of 3.25%, (iii) then to interest accrued from April 8, 2015, to the payment date at the new annual rate of 2.89%, and (iii) then to principal of the Bond.

(b) Promptly after the August 15 payment, the Bank will prepare a new schedule of the remaining annual payments on the Bond. Payments will continue to be due annually on August 15 through and including August 15, 2027. The outstanding balance will be amortized for those remaining 12 payments on a level-payments basis. The Bank will provide the schedule to the Town and the LGC, and the parties agree to work together to resolve any dispute as to whether the new schedule properly reflects the principles set out in this paragraph.

3. The Town and the Bank waive any other provisions of the 2014 Agreement, the Series Resolution, and the Bond Order pursuant to which the Bond is

issued or any other agreement between them requiring additional formalities, requirements or procedures for the modification carried out by this Agreement. This waiver extends only to the modification carried out by this Agreement; both the Town and the Bank reserve all further rights to require performance of the terms of the Bond Order and the Series Resolution.

4. The Bank will provide for a copy of this Modification Agreement to be attached to the original Bond. The Bank will provide for a legend in substantially the following form to be inscribed on the original Bond:

This Bond has been modified by a Modification Agreement dated as of April 8, 2015.

In addition, the Bank will provide for a copy of the new payment schedule referenced in paragraph 2(b) to be attached to the original Bond promptly after the Bank prepares the schedule.

5. Except as provided by this Modification Agreement, the parties ratify, approve and confirm the terms of the Bond, the Bond Order and the Series Resolution.

6. This Modification Agreement may be executed in counterparts, including separate counterparts, but all together constitute a single agreement.

7. This Modification Agreement takes effect as of April 8, 2015.

[The remainder of this page has been left blank intentionally.]

Town of Smithfield, North Carolina

By: _____
Paul Sabiston
Town Manager

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act.

Greg Siler
Finance Director
Town of Smithfield, North Carolina

Southern Bank and Trust Company

By: _____

Printed name: _____

Title: _____

North Carolina Local Government Commission

By Greg C. Gaskins, Secretary

By: _____
[Greg C. Gaskins or Designated Assistant]

[Modification Agreement dated as of April 1, 2015]

Resolution #560 (10-2015)
Approving an Agreement To Further Reduce the Interest Rate
On the Town's Existing Electric System Revenue Bond

WHEREAS --

The Town has previously issued its \$5,000,000 Electric System Revenue Bond, Series 2007 (the "Bond"), to Southern Bank and Trust Company (the "Bank") to provide financing for the construction of an electric substation. In 2014, the Bank agreed to lower the interest rate on the Bond from 4.03% to 3.25%.

At the Town's request, the Bank has agreed to again reduce the annual interest rate on the Bond, this time from 3.25% to 2.89%. The other terms of the Bond will remain unchanged, except that the amount of future annual payments will go down to reflect the lower interest rate.

There has been presented to this Council a draft of a Modification Agreement to be dated as of April 8, 2015, to carry out this rate reduction.

BE IT THEREFORE RESOLVED by the Town Council of the Town of Smithfield, North Carolina, as follows:

1. ***Approval of Rate Modification*** -- The Council approves the interest rate reduction described above.
2. ***Approval of Modification Agreement*** -- The Mayor or the Town Manager (or either of them) is authorized to execute and deliver the Modification Agreement in its final form. The Modification Agreement in its final form must be in substantially the form submitted to this meeting, which is hereby approved, with such changes as the officer signing the final form agreement may approve.
3. ***Ratification of Existing Proceedings*** -- Except as described in this resolution and the Modification Agreement, the Town ratifies and confirms the remaining provisions of the Bond and of the Bond Order and the Series Resolution, each adopted by the Council on August 7, 2007, which provided for the issuance of the Bond.
4. ***Miscellaneous Provisions*** -- All Town officers and employees are authorized to take all further action as they may consider appropriate in furtherance of the purposes of this resolution. All such prior actions of the Town officers and employees are ratified. All other Council proceedings or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

I certify as follows: that the foregoing resolution was properly adopted at a meeting of the Town Council of the Town of Smithfield, North Carolina; that this meeting was properly called and held on April 7, 2015; that a quorum was present and acting throughout the meeting; and that this resolution has not been modified or amended, and remains in full effect as of today.

WITNESS my signature and the seal of the Town of Smithfield, North Carolina, this _____ day of April, 2015.

[SEAL]

Shannan L. Williams, Town Clerk
Town of Smithfield, North Carolina

**Town of Smithfield
Town Council
Action Form**

Item: Report on Merchant Account Comparison

Date of Meeting: April 7, 2015

Date Prepared: March 27, 2015

Staff Work By: Greg Siler, Finance Director

Presentation: Consent Agenda

Background: In March, 2014, Town Council approved PNC Bank, the lowest bidder, as its merchant services provider (debit and credit card transactions). Attached is a ten month comparison of service charges between PNC Bank and our former provider, FCB. Note: The Town wasn't eligible for FCB's reduced charges through their VISA Utility Program until eligibility requirements could be met. If eligibility could have been achieved, the Town could expect savings of \$21,700 annually (see FCB Merchant Pricing Analysis). The Town has already achieved that savings threshold after being with PNC for ten (full) months. Savings to date is \$24, 874 (see attachment) and is expected to reach \$30,000 by the twelfth month. The Town can expect to annually realize this amount of savings.

Action Requested: None Required



Town of Smithfield

Merchant Pricing Analysis

Analysis based on data from: December 2013

<u>Current Rates</u>		<u>Proposed Rates</u>	
Discount Rates			
\$3,606.21	Total Discount Fees		\$457.97
Services Provided			
	<u>Other Fees</u>		
included in discount	Interchange		1,041.69
included in discount	Assessments		228.89
0.00	Gateway Monthly Fee		25.00
0.00	Gateway Transaction Fee		104.70
61.50	Terminal Rental		0.00
\$61.50			\$1,400.28
\$3,667.71	Subtotal Existing Services		\$1,858.25
1.76%	Effective Rate		0.89%
Volume	\$208,167.37		
Average Ticket	\$198.82		
First Citizens Estimated Monthly Advantage			\$1,809.46
First Citizens Estimated Annual Advantage			\$21,713.54

Note: Estimated savings are based on Merchant supplied information reflecting transaction volume, average transactions, estimated annual sales, and known costs per transaction. Savings estimates are not a guarantee of future transaction expenses.

Rates applicable as of the date of this proforma and may change without notice.

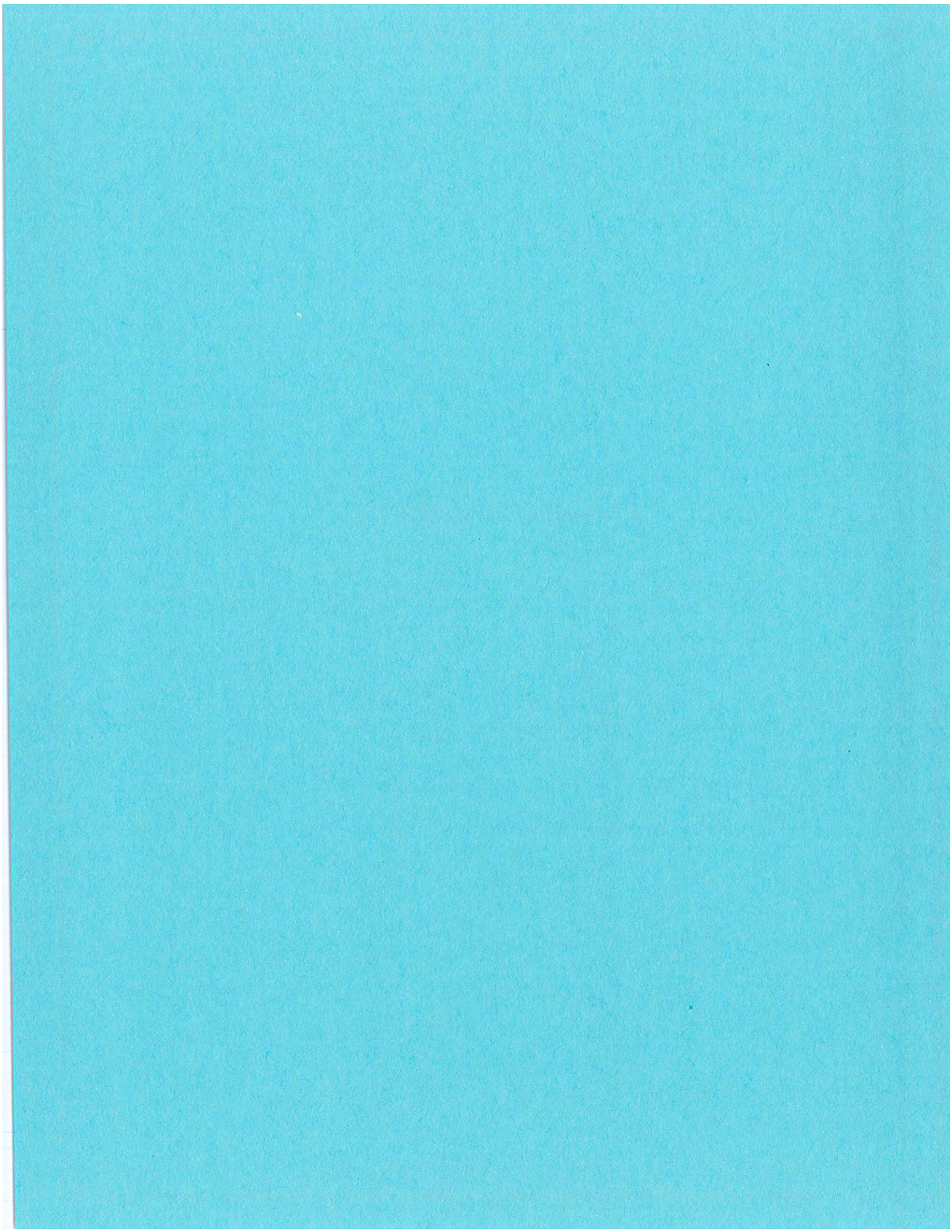
FCB

PNC

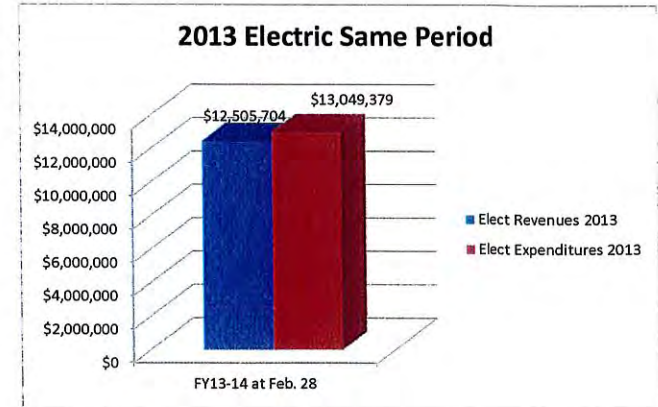
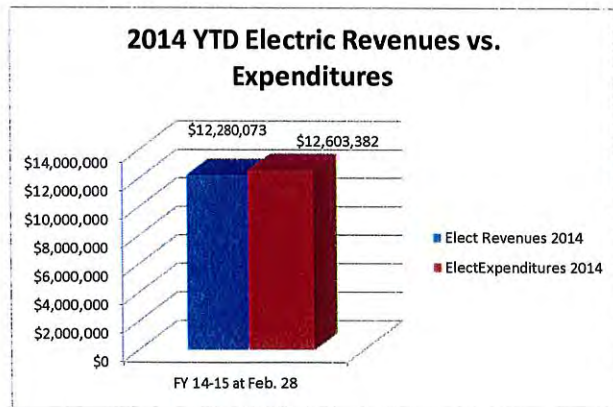
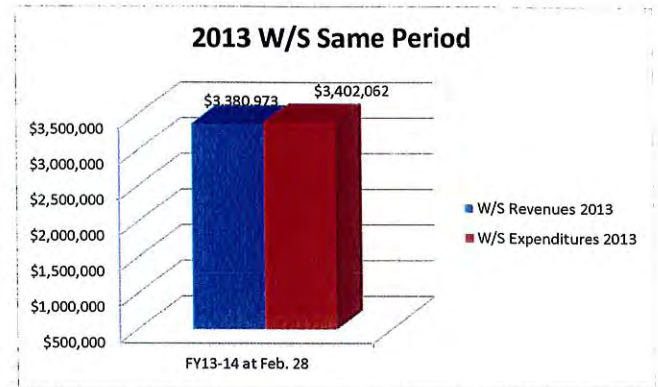
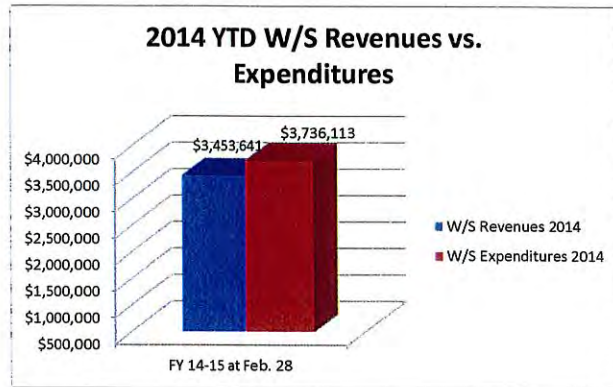
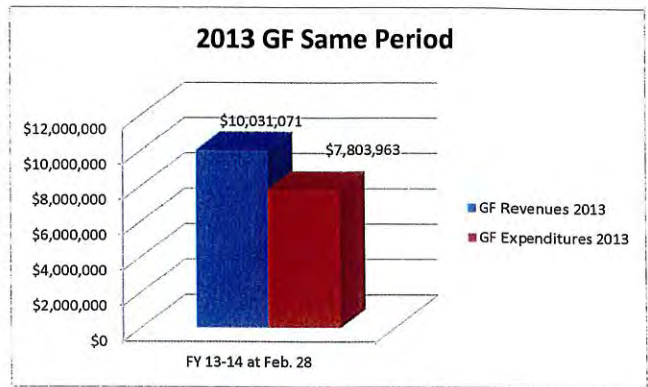
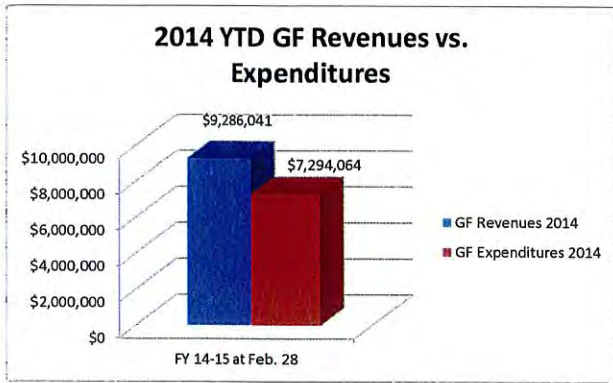
	TRANSACTION VOLUME	MONTHLY CHARGE		TRANSACTION VOLUME	MONTHLY CHARGE	Savings
May, 2013			May, 2014			
UTILITIES	351,576.72	7897.25		363,060.95	3,712.70	1.02%
SRAC	43562.35	925.95		0.00	790.00	0.22%
						4,320.50
June, 2013			June, 2014			
UTILITIES	243,491.46	5,232.40		346,984.83	4,555.68	1.31%
SRAC	52,626.16	1,060.77		0.00	790.00	0.23%
						947.49
July, 2013			July, 2014			
UTILITIES	280,517.51	5,968.97		379,327.56	4,716.09	1.24%
SRAC	43,491.11	998.84		632.50	806.78	0.21%
						1,444.94
August, 2013			August, 2014			
UTILITIES	309,191.74	6,549.92		348,203.79	4,609.23	1.32%
SRAC	38,094.31	848.17		15,848.80	273.93	0.08%
						2,514.93
Sept., 2013			September, 2014			
UTILITIES	313,129.74	6,806.26		311,939.93	4,109.31	1.32%
SRAC	31,949.45	721.27		27,684.64	592.34	0.19%
						2,825.88
October, 2013			October, 2014			
UTILITIES	321,563.58	6,522.44		346,347.94	4,643.44	1.34%
SRAC	33,299.99	746.69		27,299.15	461.62	0.13%
						2,164.07
November, 2013			November, 2014			
UTILITIES	256,740.55	5,371.21		285,123.03	3,916.59	1.37%
SRAC	26,882.20	633.70		26,356.07	443.69	0.16%
						1,644.63

	December, 2013		December, 2014		January, 2015		February, 2015		
UTILITES	208,167.37	3,667.71	1.76%	311,145.38	4,623.50	1.49%	269,801.24	3,576.27	1.33%
SRAC	28,414.90	660.83	2.33%	29,613.99	521.14	0.17%	32,753.30	541.61	0.20%
UTILITES	404,263.34	9,784.99	2.42%	257,773.47	3,630.07	1.41%	269,801.24	3,576.27	1.33%
SRAC	28,741.32	680.80	2.37%	31,257.91	517.34	0.20%	32,753.30	541.61	0.20%
UTILITES	349,867.34	6,908.46	1.97%	269,801.24	3,576.27	1.33%	269,801.24	3,576.27	1.33%
SRAC	33,854.52	718.93	2.12%	32,753.30	541.61	0.20%	32,753.30	541.61	0.20%
10 Month Total		72,705.56			47,831.33			47,831.33	
									24,874.23

Financial Report



Town of Smithfield Revenues vs. Expenditures



TOWN OF SMITHFIELD
MAJOR FUNDS FINANCIAL SUMMARY REPORT
February 28, 2015
Gauge:8/12 or 66.67 Percent

66.67%

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	\$ 5,319,840	97.49%
Motor Vehicle Taxes	577,077	397,000	370,266	93.27%
Utility Franchise Taxes	812,577	829,000	228,138	27.52%
Local Option Sales Taxes	1,956,092	1,900,000	1,072,057	56.42%
Aquatic and Other Recreation	851,734	901,100	508,920	56.48%
Sanitation	1,327,104	1,301,200	678,258	52.13%
All Other Revenues	2,814,011	2,136,924	1,108,561	51.88%
Fund Balance Appropriated	-	9,000	-	0.00%
Total	\$13,936,909	\$ 12,930,880	\$ 9,286,040	71.81%

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	\$ 264,258	92.23%
Non Departmental	1,092,064	1,244,867	550,549	44.23%
Debt Service	1,511,857	1,387,757	931,123	67.10%
Finance	270,954	150,911	86,367	57.23%
Planning	288,246	378,983	196,453	51.84%
Police	3,065,645	3,341,688	2,044,156	61.17%
Fire	1,281,128	1,407,927	889,387	63.17%
EMS	2,754	-	932	#DIV/0!
General Services/Public Works	491,956	514,491	305,573	59.39%
Streets	757,815	876,818	304,790	34.76%
Motor Pool/Garage	83,475	89,192	52,683	59.07%
Sanitation	992,136	1,066,367	625,371	58.65%
Parks and Rec	816,585	821,624	475,004	57.81%
SRAC	868,672	972,415	567,418	58.35%
Contingency (Previously Part Of Gen Gov)	-	391,311	-	0.00%
Appropriations/Contributions	-	-	-	0.00%
Total	\$12,031,661	\$ 12,930,880	\$ 7,294,064	56.41%

YTD Fund Balance Increase (Decrease)

- -

66.67%

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	\$ 1,231,961	58.66%
Water Sales (Wholesale)		\$ 650,000	\$ 463,709	71.34%
Sewer Charges	2,785,945	2,750,000	1,624,949	59.09%
Tap Fees	14,225	16,000	10,112	63.20%
All Other Revenues	11,124	12,800	37,129	290.07%
Loan Proceeds	-	415,585	85,781	20.64%
Fund Balance Appropriated	336,809	530,515	-	0.00%
Total	\$ 5,920,628	\$ 6,474,900	\$ 3,453,641	53.34%

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	\$ 1,020,950	52.56%
Water Distribution/Sewer Coll (Less Transfers)	3,498,839	4,056,647	2,711,979	66.85%
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	\$ 3,736,113	57.70%

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	\$ 11,673,642	60.58%
Penalties	425,863	375,000	303,888	81.04%
All Other Revenues	29,700	225,620	226,943	100.59%
Loan Proceeds	-	75,600	75,600	
Fund Balance Appropriated	-	-	-	
Total	\$20,009,639	\$ 19,946,220	\$ 12,280,073	61.57%

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	\$ 1,486,675	70.75%
Purchased Power	16,438,243	16,212,548	10,747,820	66.29%
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	\$ 12,603,382	63.19%

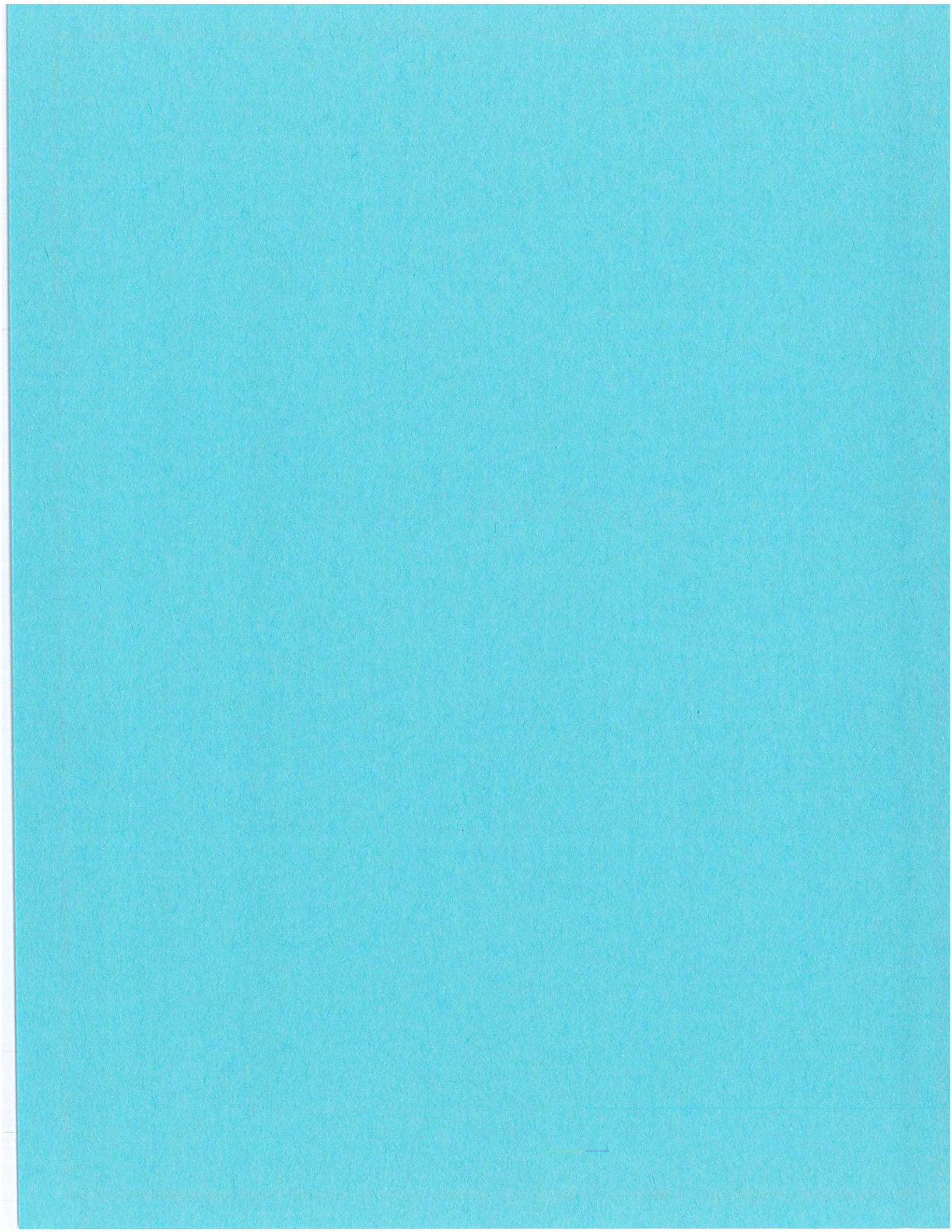
CASH AND INVESTMENTS

General Fund (Includes P. Bill)	7,299,334			
Water and Sewer Fund	4,817,706			Interest Rate
Electric Fund*	5,673,119			
Capital Project Fund: Wtr/Sewer (45)	24,008	1st CITIZENS	10,727,533	0.20%
Capital Project Fund: General (46)	(163,550)	NCCMT	2,236,320	0.080%
Capital Project Fund: Electric (47)	5,836	FOUR OAKS	1,290,135	0.30%
Firemen Relief Fund (50)	183,982	KS BANK	3,625,128	.2, .65, &.8
Fire District Fund (51)	140,142	BB&T	-	0.12%
JB George Endowment (40)	100,026	PNC BANK	201,487	0.10%
Total	\$ 18,080,603		\$ 18,080,603	

*Plug

Account Balances Confirmed By Finance Director on 3/13/2015

Department Reports





FINANCE DEPARTMENTAL REPORT FOR FEBRUARY, 2015

SUMMARY OF ACTIVITIES:

Daily Collections.....	\$2,591,056
Tax & Vehicle License.....	20,982
Franchise Tax.....	0
Sales & Use Tax.....	177,899
Powel Bill.....	0
Total Revenue	\$2,789,937

Expenditures: General, Water, Electric and Firemen's Fund..... \$2,945,828

FINANCE:

- Compiled and submitted monthly Retirement Report on 2/27/ 2015
- Issued 54 purchase orders
- Processed 630 vendor invoices for payment and issued 349 accounts payable checks
- Prepared and processed 2 regular payrolls. Remitted federal and state payroll tax on 2/13/15 and 2/27/15 respectively
- Issued 5 new privilege licenses; collected \$150 in payments
- Collected \$311 in past due privilege license fees
- Processed 12 NSF Checks (Utility and SRAC)
- Calendar year-to-date bad debt collections total \$16,327 (EMS = \$5,081 ; SRAC = \$4,694; and Utility = \$6,552)
- Other month end data report attached

FINANCE DIRECTOR

- Attended Town Council regular meeting on February 3 , 2015
- Attended Town Council work shop meeting on February 24, 2015
- Invoiced Smithfield Housing Authority and Johnston Community College for resource officers
- Invoiced 13 grave openings
- Reviewed outstanding balances on privilege license accounts this period and collected \$311 in past dues this month. The total collected on past due accounts is \$1,533
- Responded to Moody's Investor Services (Jessica Raab) questions on the Town's finances, debt, local economy and other new developments.
- Put procedure in place to double check billing adjustments given for penalties and water leaks
- Rate shopped for a second time on the Electric Fund Revenue Bond Loan. The original 2007 bond series rate of 4.03 percent was negotiated down to 3.25 percent in May, 2014. The negotiations saved the Town \$239K or \$18,395 per year over the next 13 years. By all indications the rate can be negotiated to 2.9 percent today, for an additional savings of \$7,437 per year or \$89K over the next 12 years

Finance Department totals for February 2015

Meter Reading

Actual Meters Read	9,995
Meters Loaded to Hand Held	10,219

Billing/Collections

Bills Mailed	6,082	\$2,474,428.65
Area Lights Billed	921	\$20,727.95
JoCo Wholesale water	57,294,000	\$80,216.57
Load Mgmt AC credit	0	\$0.00
Load Mgmt water heater credit	598	-\$3,660.00
Adjustments	154	-\$1,106.38
Delinquent Accts/Late Fees	1,417	\$19,469.73
NSF - Utility Only	7	\$2,312.05
Refund Checks Issued	18	\$1,656.10
Door Hangers	91	
Disconnect for non-pay	45	
Reconnect for payment received	40	
Bank Drafts	688	\$374,309.06
Lockbox	1,076	\$638,129.80
ECO Payment Totals		
	IVR-phone	151
	On-Line (website)	236
		\$76,370.67 BOTH
Cash Window Transactions/Payments	4,247	\$3,346,707.56
Accts collected from Debt setoff	30	\$5,080.97 EMS
	25	\$4,693.58 SRAC
	40	\$6,551.98 Utility
Accts submitted to Debt Setoff	0	\$0.00 Utility
	0	\$0.00 SRAC

Service Orders

Requested Orders	268
Completed Orders	268
Terminated Accounts	112
Meters Rechecked	39
New Turn on Accounts	97
Meter Tamper / Meter Missing	0

Phone Call Usage

		Duration
CSR - Elaine		
Inbound	850	21:32:01
Outbound	222	4:52:00

CSR/Collections - Audrey

Inbound	584	12:33:39
Outbound	211	3:31:06
Collections - Cash Window#2		
Inbound	196	2:41:10
Outbound	24	1:14:18
Switch Board Operator x1101		
Inbound	700	4:53:24
Outbound	152	4:47:04
Total Town (Trunk Lines)		
Inbound	5,966	169:01:19
Outbound	2,822	109:38:19



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 - February 2015

	February	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	2	3
Planning Board		
Rezoning	1	1
Condition Use	1	1
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- February 2015

		Permit Fees	Permits Issued
Site Plan	Plan	300.00	2
Zoning	Land Use	800.00	8
Zoning	Sign	150.00	3
Total:		1,250.00	13
YTD Total:		14,438.45	<u>176</u>

Permit#	Type	Sub Type	Business Name	Project Address
SP15-000006	Site Plan	Major Site Plan	Partners Equity Lots 18 & 19	110 South EQUITY Drive
Z15-000013	Zoning	Land Use	The Apparel Group	1025 OUTLET CENTER Drive
Z15-000015	Zoning	Land Use	Helping & Healing Hearts	804 East Market Street 937 North BRIGHTLEAF
Z15-000014	Zoning	Sign	Smithfield Power Equipment	Boulevard
Z15-000016	Zoning	Land Use	Food Lion Store #0059	851 West MARKET Street 2838 South BRIGHTLEAF
Z15-000017	Zoning	Sign	Brightleaf Welding	Boulevard 1203 North Brightleaf Boulevard
SP15-000007	Site Plan	Major Site Plan	American Auto Wash	
Z15-000018	Zoning	Land Use	Movement Enterprises LLC	36A Edgerton Street
Z15-000019	Zoning	Sign	The Apparal Group	1025 OUTLET CENTER Drive
Z15-000020	Zoning	Land Use	Calico Jack Textbooks Inc.	150 South EQUITY Drive
Z15-000021	Zoning	Land Use	Johnston County Employee Wellness	101 D East Market Street
Z15-000022	Zoning	Land Use	Coach	1025 OUTLET CENTER Drive
Z15-000023	Zoning	Land Use	Simply Bliss Studio	108 South THIRD Street



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CODE COMPLIANCE MONTHLY REPORT 2015

	Feb-15	Calendar Year To date
Written Violations	89	150
Resolved Violations	86	145
On Site Meetings	104	176
Temporary Signs Violations	112	198
Temporary Signs Removed	112	198
Condemned Structures Removed	0	2
Community Volunteers	12	12
Families Helped By Volunteers	N/A	0



**TOWN OF SMITHFIELD
POLICE DEPARTMENT
MONTHLY REPORT
MONTH ENDING February 28, 2015**

I. STATISTICAL SECTION

Month Ending Feb. 28, 2015	Feb-15	Feb-14	Total 2015	Total 2014	YTD Difference
Calls For Service	1640	2087	3482	4402	-920
Incident Reports Completed	121	151	310	305	5
Cases Closed	143	141	302	284	18
Accident Reports	73	62	134	114	20
Arrest Reports	85	84	216	189	27
Burglaries Reported	03	08	16	29	-13
Drug Charges	20	26	41	47	-06
DWI Charges	04	09	11	16	-05
Citations Issued	305	199	618	501	130
Speeding	88	119	179	215	-36
No Operator License	79	79	156	170	-14
Registration Violations	45	72	81	109	-28

II. PERSONNEL UPDATE

One conditional offer of employment was tendered to fill the existing vacancy in the patrol division.

Promotional testing was completed for the sergeant and captain positions.

III. MISCELLANEOUS

Mandatory in-service training was started and will continue through May of 2015. Preliminary budget numbers and requests have been submitted to the Town Manager. The department is preparing for its March CALEA Conference where the Chief and Accreditation Manger will defend the agency and its practices.

Coffee with a Cop was completed at the West Side McDonalds. This was a great event and well publicized by the local media.

- Note: Calls for service will continue to be lower than the previous year due to a change in record keeping regarding these numbers. These numbers will again be comparable in January of 2016.

REPORTED UCR OFFENSES FOR THE MONTH OF FEBRUARY 2015

PART I CRIMES	February		+/-	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	2	2	N.C.
ROBBERY	0	1	1	N.C.	2	3	1	50%
Commercial	0	0	0	N.C.	2	0	-2	-100%
Individual	0	1	1	N.C.	0	3	3	N.C.
ASSAULT	8	1	-7	-88%	10	2	-8	-80%
* VIOLENT *	8	3	-5	-63%	12	7	-5	-42%
BURGLARY	8	3	-5	-63%	27	16	-11	-41%
Residential	5	2	-3	-60%	14	10	-4	-29%
Non-Resident.	1	0	-1	-100%	4	4	0	0%
Commercial	2	1	-1	-50%	9	2	-7	-78%
LARCENY	35	25	-10	-29%	79	82	3	4%
AUTO THEFT	0	1	1	N.C.	2	2	0	0%
ARSON	0	0	0	N.C.	0	0	0	N.C.
* PROPERTY *	43	29	-14	-33%	108	100	-8	-7%
PART I TOTAL:	51	32	-19	-37%	120	107	-13	-11%
PART II CRIMES								
Drug	31	27	-4	-13%	52	58	6	12%
Assault Simple	12	13	1	8%	22	33	11	50%
Forgery/Counterfeit	1	1	0	0%	1	3	2	200%
Fraud	10	7	-3	-30%	16	19	3	19%
Embezzlement	0	0	0	N.C.	0	1	1	N.C.
Stolen Property	0	2	2	N.C.	2	4	2	100%
Vandalism	16	3	-13	-81%	25	12	-13	-52%
Weapons	1	2	1	100%	6	4	-2	-33%
Prostitution	0	0	0	N.C.	0	0	0	N.C.
All Other Sex Offens	0	1	1	N.C.	0	2	2	N.C.
Gambling	0	0	0	N.C.	0	0	0	N.C.
Offn Agnst Faml/Chld	0	2	2	N.C.	1	3	2	200%
D. W. I.	8	4	-4	-50%	14	10	-4	-29%
Liquor Law Violation	0	0	0	N.C.	2	0	-2	-100%
Disorderly Conduct	0	0	0	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	9	6	-3	-33%	13	12	-1	-8%
PART II TOTAL:	88	68	-20	-23%	154	163	9	6%
GRAND TOTAL:	139	100	-39	-28%	274	270	-4	-1%

N.C. = Not Calculable

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I. Statistical Section

Responded to:

<u>9</u>	Total Structure Fires Dispatched
<u>2</u>	Confirmed Structure Fires (Our District)
<u>0</u>	Confirmed Structure Fires (Other Districts)
<u>92</u>	EMS/Rescue Calls
<u>2</u>	Vehicle Fires
<u>12</u>	Motor Vehicle Accidents
<u>4</u>	Fire Alarms (Actual)
<u>17</u>	Fire Alarms (False)
<u>26</u>	Misc./Other Calls
<u>7</u>	Mutual Aid (Received)
<u>6</u>	Mutual Aid (Given)

162 TOTAL EMERGENCY RESPONSES

Conducted	<u>56</u>	Fire Inspections/Compliance Inspections
Conducted	<u> </u>	Public Fire Education Programs
		Adults in Attendance
		Children in Attendance
Conducted	<u> </u>	Plans Review Construction/Renovation Projects
Issued	<u> </u>	Fire Code Citations
Issued	<u> </u>	Fire Lane Citations
Completed	<u> </u>	Consultation/Walk Through
Completed	<u>68</u>	Re-Inspections
Completed	<u> </u>	Fire Investigations

II. Major Revenues

Inspections: \$ 1,725.00

III. Major Expenses for the Month:

None

IV. Personnel Update: We continue to recruit volunteer firefighters to enhance our staffing capabilities.

V. Narrative of monthly departmental activities:

- Staff met with Johnston County Emergency Services, Enviro-Safe, Wilson's Mills Fire Department, Johnston Health, and Johnston County Sheriff's Representatives to plan for a plane crash exercise to be held on Saturday April 18th, 2015 at the Johnston County Airport.
- Fire Department personnel conducted water supply training at Johnston Community College Fire Training Ground as part of our monthly training.
- Part time Inspectors continue to work on routine inspections as well as conducting plans review and compliance checks. We have completed the required inspections for 2013 and are beginning the 2014 inspections as required by State Law. Due to limited staffing, we are not in compliance with the minimum inspections frequency as required by statute.
- Chief Harris participated in Selma Fire Department's 100th Anniversary Celebration held at The Farm in Selma.
- Chief Harris and Captain Byrd attended a meeting with the North Carolina Forest Service and Johnston County Emergency Services to discuss capabilities for wild land fire response and suppression.

**Town of Smithfield
Public Works Department
February 28, 2015**



217 Total Work Orders completed by the Public Works Department

13 Burials, at \$700.00 each = \$9,100.00

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

\$2,000 Sunset Cemetery Lot Sales

\$0 Riverside Extension Cemetery Lot Sales

299.01 tons of household waste collected

64 tons of yard waste collected

4.24 tons of recycling collected

15.3 Gallons of used motor oil recycled

28 Animal Control work orders completed

10 Cats transported to Animal Shelter

8 Dogs transported to Animal Shelter

Town of Smithfield
Public Works Appearance Division
Cemetery, Landscapes, and Grounds Maintenance
Buildings, Facilities, and Sign Division
Monthly Report
February 28, 2015



I. Statistical Section

13 Burials

10 Works Orders – Buildings & Facilities Division

8 Work Orders – Grounds Division

13 Work Orders – Sign Division

II. Major Revenues

Sunset Cemetery Lot Sales:	\$2,000.00
Riverside Ext Cemetery Lot Sales:	\$0.00
Grave Opening Fees:	\$9,100.00
Total Revenue:	\$11,100.00

III. Major Expenses for the Month:

\$8,910.00 to East Cast Equipment for mower purchase, \$7,675.00 to It's Gotta Go Tree Service for tree removal, \$2,041.40 to Power Mulch Systems for material in landscape beds.

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 meeting was on "Weather Related Concerns and Being Safe".

**Town of Smithfield
Public Works Drainage/Street Division
Monthly Report
February 28, 2015**



I. Statistical Section

- a. All catch basins in problem areas were cleaned on a weekly basis
- b. Crews worked a total of 376.75 man hrs. due to snow/ice storms.
- c. 2 - Work Order – 24 Linear Feet Drainage Pipe installed.
- d. 1 - Work Order - 337 Linear Feet of ditches were cleaned
- e. 5 - Work Orders – 225lbs. of Cold Patch was used for 9 Potholes.
- f. 28 - Work Orders were completed regarding Animal Control related issues.
10 Cats and 8 Dogs were transported to the Animal Control Shelter.

II. Major Revenues

None for the month

III. Major Expenses for the Month:

\$1,489.00 to Protection Services Inc. for 100 (36inch) safety cones, \$2,350.77 to Hanson Aggregates for rip rap rock, ABC stone and #4 stone.

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The Public Works safety meeting was on "Weather Related Concerns and Being Safe".

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

<p>Location: Starting Date: Completion Date: Description</p>	<p>Greenway, boat ramp and Bob Wallace Park Kiddie Park entrance to Greenway. 2/3/2015 2/6/2015 Backfilled ruts along greenway with fill dirt. Installed French drain system in Kittie Park parking area for positive drainage, hauled in rock for parking lot due to potholes as well.</p>
<p>Man-hours: Equipment: Materials:</p>	<p>66hrs. 420 Cat backhoe, 406 flatbed, bobcat tractor 4 yards of river sand, 42.17 tons of #4 stone, 74.44 tons of ABC stone, 20ft section of 15inch HDPE pipe.</p>
<p>Location: Starting Date: Completion Date Description: Man-hours: Equipment: Materials</p>	<p>1330 SBL. 2/6/2015 2/9/2015 Cleaned 337LF of ditch bank for positive drainage. 25.5hrs. 420 Cat backhoe, 406 flatbed and 402 pickup. N/A</p>
<p>Location: Starting Date: Completion Date Description: Man-hours: Equipment: Materials:</p>	<p>924 NBL. 2/9/2015 2/9/2015 Cleaned out catch basin and 100LF of storm drain line for positive drainage. 4.5hrs. Jet truck, 402 pickup plus hand tools. N/A</p>
<p>Location: Starting Date: Completion Date: Description: Man-hours: Equipment: Materials:</p>	<p>Longview Drive. 2/10/2015 2/10/2015 Installed Dead End gate at end of pavement. 9.5hrs. 402 pickup plus hand tools. Two 6ft treated post, 16ft utility gate and stop sign.</p>
<p>Location: Starting Date: Completion Date: Description: Man-hours: Equipment: Materials:</p>	<p>Front and Bridge, 809,721,633,259 Venture Drive. 2/11/2015 2/11/2015 Repaired 9 potholes with Perma Patch asphalt. 2hrs. 402 pickup plus hand tools.</p>

Location: 110 Sunset Ave.
Starting Date: 2/11/2015
Completion Date: 2/11/2015
Description: Installed additional 4ft section of 15inch RCP drain line in driveway for resident.
Man-hours: 5hrs.
Equipment: 420 Cat backhoe, 406 Flatbed
Materials: 4ft section of 15inch RCP, 4 yards of ABC stone.

Location: West Holding and Chestnut Drive and on Wilson Street..
Starting Date: 2/16/2015
Completion Date: 2/16/2015
Description: Due to storm trees were removed from roadway.
Man-hours: 6hrs.
Equipment: 905 pickup, 313 knuckleboom.
Materials: N/A

Location: All city streets, downtown sidewalks and town owned facilities.
Starting Date: 2/16/2015
Completion Date: 2/20/2015
Description: Crews pretreated streets with brine and applied salt to sidewalks before storm. During and after storm streets and sidewalks were scrapped free of snow and ice.
Man-hours: 184hrs.
Equipment: 900, 406 flatbeds with brine tanks, 402,404,409 with snowplows.
Materials: 2000 gallons of brine, 1 ton of ice melt, 10 yards of sand, approximately 3 tons of salt.

Location: All city streets, downtown sidewalks and town owned facilities.
Starting Date: 2/24/2015
Completion Date: 2/26/2015
Description: #2 storm - Crews pretreated streets with brine and applied salt to sidewalks before storm. During and after storm streets and sidewalks were scrapped free of snow and ice.
Man-hours: 192.75hrs.
Equipment: 900, 406 flatbeds with brine tanks, 402,404,409 with snowplows.
Materials: 5,000 gallons of brine, 1.5tons of ice melt, approximately 5 tons of salt.

**Town of Smithfield
Public Works Fleet Maintenance Division
Monthly Report
February 28, 2015**



I. Statistical Section

- 6 Preventive Maintenances
- 0 North Carolina Inspections
- 97 Work Orders

II. Major Revenues

None for the month

III. Major Expenses for the Month:

Paid Car Quest \$1,259.95 for an air hose reel.

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 meeting was on "Weather Related Concerns and Being Safe".



I. Statistical Section

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

- a. Sanitation forces completed 26 work orders
- b. Sanitation forces collected 299.01 tons of household waste
- c. Sanitation forces disposed of 32 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 0 tons of construction debris (C&D)
- f. Town's forces disposed of 150 scrap tires
- g. Recycling forces collected 4.24 tons of recyclable plastic
- h. Town's forces collected 0 lbs. of cardboard
- i. A total of 0 gallons of cooking oil was collected at the convenience site
- j. Disposed of 0 lbs. of plastics & glass
- h. Disposed of 15.3 gallons of used motor oil

II. Major Revenues

- a. Received \$0.00 from Omni Source for disposal of 0 lbs. of Appliances/Loose Scrap
- b. Received \$25.93 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 \$72.00 from News and Observer for disposal of 3 tons of newspaper.

III. Major Expenses for the Month:

Spain Farms Nursery was paid \$1,312 for disposal of 41 loads of yard debris for the month of January. Tri-Point Truck Sales, Inc. was paid \$1,147.96 for front and rear brakes and a spring for one of the knuckle boom loaders. Tri-Point Truck Sales, Inc. was also paid \$596.44 for brake shoes, slack adjuster and an oil seal for one of the garbage trucks. White's Tire Service of Wilson, Inc. was paid \$570.00 for recaps for use on all sanitation trucks.

IV. Personnel Update:

Patrick Moore, Dustin Chinn and Timothy Sanders resigned and accepted employment elsewhere to further advance their careers. Francisco Claros was hired as a Sanitation Equipment Operator. Vacant Sanitation Worker and Sanitation Equipment Operators positions are being advertised.

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 held at the Parks and in the Downtown. The Public Works safety meeting was on "Weather Related Concerns and Being Safe".



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

I. Parks and Recreation and SRAC Programs/Events

Programs/Events in progress of recently completed: **25**
Total Contacts with Program Participants: **5171** *(does not include spectators)
SRAC member visits > **5785***(does not include spectators, meeting attendees, etc.)
SRAC paid day pass visitors > **499 (\$ 4,042.00)**
SRAC complimentary day pass visitors > **23**
SRAC Facility Rentals (Banquet Room, Gym, M-P Room, Pool,) > **34 Rentals (\$ 6725.00)**
P&R Athletic games, practices and tournaments > **124** (participants included in "Total" above)
P&R Facility Rentals (fields, shelters, etc.) > **1350** people (21 Rentals)
TOTAL DIRECT CONTACTS > 13,964

II. Budget Information

Through 2/28/15 & YTD:
Parks and Recreation Expenditures > approximately 59%
SRAC Expenditures > approximately 59%
SRAC Revenues collected > approximately 54%

III. Highlights

Held annual Daddy Daughter Dance with 187 Fathers and Daughters attending

Laura Crumpler, Aquatics Supervisor was presented the "Volunteer of the Year" for Johnston County Special Olympics



**Utilities Department
Monthly Report
February 2015**

- **Statistical Section**
 - Electric CP Demand was 28,318 kW relative to January's demand of 26,746 kW.
 - Electric System Reliability for was 99.99% relative to January's 100.00%.
 - Raw water treated on a daily average was 3.627 MG relative to 3.707 MG for January with maximum demand of 4.290 MG relative to January's 4.150 MG.
 - Total finished water to the system was 89.560 MG relative to January's 99.188 MG. Average daily for the month was 3.199 MG relative to January's 3.022 MG. Daily maximum was 3.824 MG (Monday and Tuesday, February 23 and 24), relative to January's 3.511 MG. Daily minimum was 2.738 MG (Saturday, February 28), relative to January's 2.129 MG.

- **Miscellaneous Revenues**
 - Electrical sales were \$1,706,966 relative to January's sales of \$1,651,724.
 - Water sales were \$159,630 relative to January's \$167,576.
 - Sewer sales were \$217,424 relative to January's \$229,456.
 - Johnston County Water purchases were \$80,217 relative to January's \$54,509.

- **Major Expenses for the Month**
 - Electricity purchases were \$1,389,376 relative to January's \$1,400,824.
 - Johnston County sewer charge was \$291,974 for 95.839 MG relative to January's \$337,279 for 110.72 MG.

- **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) started 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
Electric Department
Monthly Report
February, 2015**

I. Statistical Section

- Street Lights repaired -20
- Area Lights repaired -18
- Service calls – 41
- Underground Electric Locates -54
- Poles changed out or installed -5
- Underground Services Installed -2

II. Major Revenues

- N/A

III. Major Expenses for the Month:

- N/A

IV. Personnel Update:

- Safety meeting on CPR & First aid certification.

V. Miscellaneous Activities:

- Solar Farm construction has been approved.



Town Of Smithfield
WATER AND SEWER
Monthly Report
FEBRUARY 2015

I. Statistical Section

- REPLACED 10 WATER METERS
- SET 0 METERS FOR NEW ACCOUNTS
- REPAIRED 8 LEAKS
- REPAIRED 2 SEWERS
- WASHED 1050 FEET SEWER LINES
- MADE 0 WATER TAPS, AND 0 SEWER TAP

II. Major Revenues

- NA
-

III. Major Expenses for the Month:

IV. Personnel Update

-

V. Miscellaneous Activities:

- RODDED 17 SEWER SERVICES
- REPAIRED 2 FIRE HYDRANTS
- SERVICE CALLS 141
- LOCATES 96
- CHECK 18 LIFT STATIONS DAILY
- FLUSHED DEAD ENDS 1 TIME

