



Mayor

M. Andy Moore

Mayor Pro-Tem

John A. Dunn

Council Members

Marlon Lee

David Stevens

Travis Scott

David Barbour

Stephen Rabil

Roger A. Wood

Town Attorney

Robert Spence, Jr.

Town Manager

Michael L. Scott

Finance Director

Greg Siler

Town Clerk

Shannan Parrish

Town Council

Agenda

Packet

Meeting Date: Tuesday, September 1, 2020

Meeting Time: 7:00 p.m.

Meeting Place: Town Hall Council Chambers

350 East Market Street

Smithfield, NC 27577



**TOWN OF SMITHFIELD
TOWN COUNCIL AGENDA
REGULAR MEETING SEPTEMBER 1, 2020
7:00 PM**

Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

Page

Presentations:

- 1. Administering Oath of Office to new Police Officer Alexander Watts**
(Mayor – M. Andy Moore) See attached information.....1

- 2. Update from the Public Library of Johnston County and Smithfield**
(Library Director – Renita Barksdale)

Public Hearings:

- 1. ZA-20-02 Lesley Thomas:** The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities to allow for child care centers as an accessory use to Churches/Places of Worship as a special use in all zoning districts that allow for Churches/Places of Worship.
(Planning Director – Stephen Wensman) See attached information.....3

- 2. SUP-20-07 Lesley Thomas:** The applicant is requesting a Special Use Permit for a Child Care Center as an accessory use to a Church on property located within an R-6 (Residential) zoning district. The properties considered for approval are located on the northwest side of Second Avenue approximately 200 feet southwest of its intersection with West Street. The properties are further identified as Johnston County Tax ID# 15066010 and 15066023.
(Planning Director – Stephen Wensman) See attached information.....15

Citizens Comments

Consent Agenda Items:

- 1. Approval of Minutes:**
 - a. August 4, 2020- Regular Meeting
 - b. August 4, 2020 – Closed Session (Under Separate Cover).....35

- 2. Consideration and request for approval to install “No Parking” Signs on Equity Drive**
(Chief of Police – R. Keith Powell) See attached information.....47

- 3. Consideration and request for approval to accept the FEMA Assistance to Firefighter’s Grant**
(Fire Chief – John Blanton) See attachment information.....49

- 4. Consideration and request for approval to adopt Resolution No. 663 (12-2020) for a NCDEQ asset inventory and assessment grant for the sanitary sewer collection system**
(Public Utilities Director – Ted Credle) See attached information.....55

- 5. Consideration and request for approval to adopt Resolution No. 664 (13-2020) for a NCDEQ asset inventory and assessment grant for the water distribution system**
(Public Utilities Director – Ted Credle) See attached information.....59

- 6. Bid Award and request to purchase a 2020 Scag Zero Turn Mower from W. Landis Bullock Industrial and Contractor Supply in the amount of \$12,251.20 for the Public Works Appearance Division**
(Public Works Director – Lenny Branch) See attached information.....63

- 7. Consideration and request for approval to adopt changes in utility late fee policy**
(Town Manager – Michael Scott) See attached information.....77

- 8. New Hire Report**
(HR Director/ PIO – Tim Kerigan) See attached information.....81

Business Items:

- 1. Consideration and request for approval to allow the Downtown Smithfield Development Corporation to hold outdoor dining events on South Third Street on September 11th, September 25th, October 9th and October 23rd from 5:00 pm until 9:30. This request includes closing South Third Street for outside dining and amplified sound for a busker**
(Planning Director – Stephen Wensman) See attached information.....83

2. Consideration and Request for approval to allow the Downtown Smithfield Development Corporation to hold Take Out Tuesday events with amplified sound for a busker at 305 East Market Street from 10:00am until 2:00pm every Tuesday until October 27th
(Planning Director – Stephen Wensman) See attached information.....87

3. Consideration and Request for Approval to adopt Ordinance No. 505 Amending the Town of Smithfield’s Code of Ordinances Chapter 8, Article II: Noxious Weeds and Grass and Similar Nuisances
(Planning Director – Stephen Wensman and Town Attorney – Bob Spence)
See attached information.....91

4. Consideration and request for approval to award a contract to Withers & Ravenel for professional services to perform a AWIA risk and resiliency assessment and an emergency response plan for the Town of Smithfield.
(Public Utilities Director – Ted Credle) See attached information.....99

5. Consideration and request for approval to hold a Veteran’s Day Fireworks Display
(Town Manager – Michael Scott) See attached information.....109

Councilmember’s Comments

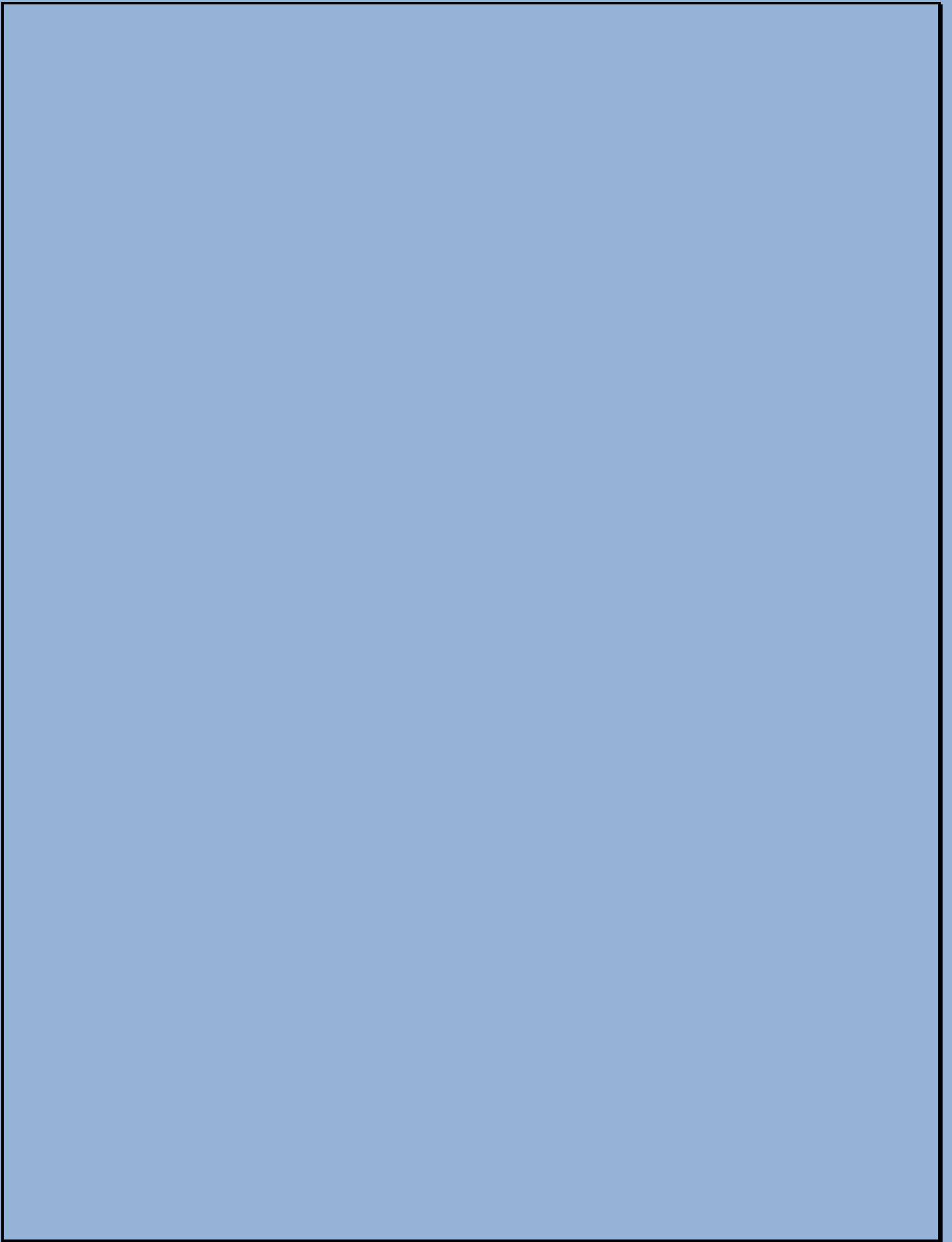
Town Manager’s Report

- Financial Report (See attached information).....111
- Department Reports (See attached information).....115
- Manager’s Report (Will be provided at the meeting)

Closed Session: Pursuant to NCGS 143-318.11 (a)(1)

Adjourn

Presentations





Request for Town Council Action

Business **Police**
Agenda **Swear in**
Item: **Presentation**
Date: 09/01/2020

Subject: Oath of Office

Department: Police Department

Presented by: Mayor Andy Moore

Presentation: Yes

Issue Statement

The Police Department has hired a new officer to fill existing vacancies within the Police Department. Alexander Ekundayo Watts has been hired to fill one of these positions. Alexander Ekundayo Watts and was hired by the agencies and sent to Basic Law Enforcement Training and he has successfully completed the training.

Financial Impact

Approved Budgeted Amount for FY 2020-2021: Included in the Current Budget

Action Needed

Swear in this new officer and welcome him into the Smithfield Community.

Recommendation

Swear in this new officer and welcome him into the Smithfield Community.

Approved: Town Manager Town Attorney

Attachments:

1. Oath of Office



Staff Report

Presentation Agenda Item: Oath of Office

OATH OF OFFICE

SMITHFIELD POLICE DEPARTMENT

"I, Alexander Ekundayo Watts , the undersigned, do solemnly swear or affirm that I will support the Constitution of the United States; that I will faithfully and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are, or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; that I will be alert and vigilant to enforce the criminal laws of this state; that I will not be influenced in any manner on account of personal bias or prejudice; and that I will faithfully and impartially execute the duties of my office as a law enforcement officer according to the best of my skill, abilities and judgment, so help me God."

Signature

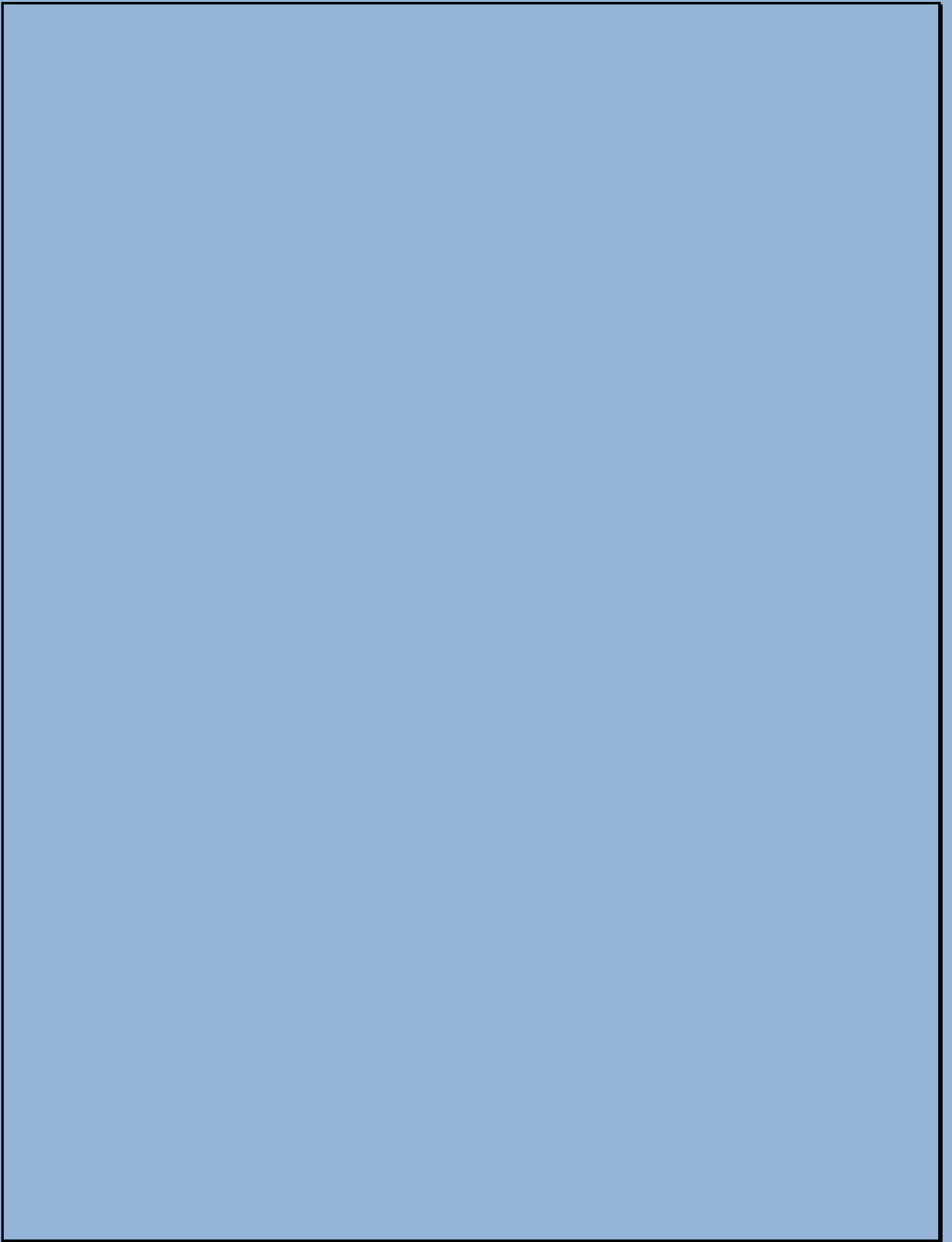
Date

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

Judge/Clerk

Commission Expires

Public Hearings





Request for Town Council Action

**Public
Hearing** **ZA-20-02**
Date: 09/01/2020

Subject: Zoning Text Amendment
Department: Planning
Presented by: Stephen Wensman, Planning Director
Presentation: Public Hearing

Issue Statement

Request to amend Article 6, Table 6.5 Table of Uses and Activities to allow Child Care Centers as an accessory use to Churches/Places of Worship with supplemental regulations as a special use permit in all zoning districts that allow for Churches/Places of Worship.

Financial Impact

None.

Action Needed

Town Council is respectfully requested to review the zoning text amendment and to decide whether to approve, approve with changes, or to deny the request.

Recommendation

Planning Staff and the Planning Board recommend approval of the zoning text amendment ZA-20-02 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Draft Zoning Text Amendment
2. Consistency Statement
3. Application



Staff Report

Agenda ZA-
Item: 20-02

REQUEST:

Lesley Thomas is requesting an amendment to the Town of Smithfield Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities to allow for child care centers as an accessory use to Churches/Places of Worship as a special use in all zoning districts that allow for Churches/Places of Worship.

ANALYSIS:

Child Care Centers are regulated by the Division of Child Development and Early Education and are defined as a child care arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care. This also includes a center located in a residence, where the program is in a residence and the licensed capacity is six through twelve children, or up to fifteen school-age children.

Religious sponsored programs are given the option in childcare law to operate under a Notice of Compliance with child care rules and laws rather than a child care license. They meet the rules for a one star license except that they are exempt from certain child care rules regarding certain age appropriate activities, staff qualification and training requirement. The Division of Child Development and Early Education monitors programs that operate under a "Notice of Compliance" in the same manner all other programs are monitored to ensure the facilities are healthy and safe for children. If religious sponsored programs receive child care subsidies, the exemptions apply, except they must meet the health and safety training requirements of staff.

The Town of Smithfield supported childcare centers in residential zoned properties with the adoption of a 1994 zoning ordinance amendment that permitted day care establishments in all residential zoning districts with a Board of Adjustment approved conditional use permit. The subsequent Unified Development Ordinance adopted in 2008 removed day care centers from the list of permitted uses in all residential zoning districts. All day care establishment permitted before 2008 are now considered legal non-conforming and cannot be rebuilt if completely destroyed by fire or other natural disasters. In the 2016 UDO, childcare centers are not allowed in residential districts as either primary or accessory uses. The draft zoning ordinance amendment will allow child care centers with a Town Council issued special use

permit as an accessory use to churches and places of worship in all zoning districts that currently allow for churches and places of worship. All childcare centers accessory to churches will be required to meet the following existing supplemental regulations for child care centers and Churches/places of worship.

SECTION 7.4 CHILD CARE FACILITIES. (Supplemental Regulations)

7.4.1. Child Care Center

7.4.1.1. When a center is licensed for six to twenty-nine children, inclusive, there shall be 75 square feet per child of outdoor play area for the total number of children for which the center is licensed. In addition, the total number of children on the playground shall not exceed the number the space will accommodate at 75 square feet per child. When a center is licensed for 30 or more children, there shall be 75 square feet per child of outdoor play area for at least one-half of the total number for which the center is licensed, provided that the minimum amount of space on the outdoor play area shall be enough to accommodate at least 30 children. The outdoor play area shall provide an area that is shaded by a building, awnings, trees, or other methods. The outdoor area shall be designed so that staff are able to see and easily supervise the entire area.

7.4.1.2. If a special use permit is required, the permit shall establish the hours of operation.

7.4.1.3. Minimum paved off-street parking spaces: Two spaces plus one for each employee.

7.4.1.4. Minimum paved off-street loading and unloading area: In addition to the off-street parking area, there shall be sufficient paved driveway to accommodate at least two autos at one time for the purpose of loading and unloading passengers. The drop off area must be full drive through with no backing of vehicles required.

SECTION 7.32 CHURCHES /PLACES OF WORSHIP, CLUB OR PRIVATE LODGE MEETING HALLS AND INDOOR STORAGE FACILITIES. (AMENDED 8/7/18 SEE ZA-18-04) (Supplemental Regulations)

7.32.1 Churches/Places of Worship and Club or Private Lodge Meeting Halls shall have adequate parking meeting Article 10, Section 10.3.

7.32.2 The land use will not significantly increase traffic on local roadways within a residential neighborhood.

7.32.3 In B-2 and B-3 zoning districts, the land use should not substantially decrease vehicular and/or pedestrian traffic or inhibit business activity for adjacent commercial businesses particularly during normal business hours. Obviously, some businesses have more traffic than others. The Town recognizes that businesses in these zoning districts need active adjacent business space to attract customers to B-2 and B-3 zoning districts. The town intends for planning policies to encourage business traffic in these zoning districts while not prohibiting uses with less traffic. If a special use, due to inactivity during business hours or otherwise, substantially decreases commercial traffic then that special use is likely not to be in harmony with the existing development and uses with the area in which it is to be located.

7.32.4 The land use will not impede the normal and orderly development of the surrounding property for uses permitted in the district. If a substantial portion of a commercial center is closed or not attracting traffic during normal business hours then that absence of activity would likely impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

PROPOSED AMENDMENT:

Article 6, Section 6.5 is proposed to be amended to read as follows:

SECTION 6.5 TABLE OF USES AND ACTIVITIES.

Accessory Uses / Buildings	R-20A	R-10	R-8	R-6	R-MH	O/I	B-2	B-3	Supplemental Regulation
<u>Child Care Center</u> <u>(As accessory use to Churches/places of worship)</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>Section 7.4.1</u> <u>Section 7.32</u>

CONSISTENCY STATEMENT:

The zoning text amendment as proposed is consistency with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

RECOMMENDATION:

Planning Staff and the Planning Board recommend approval of the zoning text amendment ZA-20-02 with a statement declaring the request is consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

RECOMMENDED MOTIONS:

Staff recommends the following motions:

"move to recommend approval of zoning text amendment ZA-20-02, adding Child Care Centers as an accessory use to Churches/ Places of worship as a special use."

"The Town Council finds the zoning text amendment, ZA-20-02, amending Article 6, Section 6.5 Table of Uses and Activities consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest."

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
ZA-20-02**

Whereas the Smithfield Town Council, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

Whereas the Smithfield Town Council, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD TOWN COUNCIL AS APPROPRIATE:

IN THE EVENT THAT THE MOTION TO RECOMMEND APPROVAL OF THE ORDINANCE AMENDMENT,

That the final action regarding zoning ordinance amendment ZA-20-02 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the regularly scheduled meeting of the Town Council; and

It is the objective of the Town of Smithfield Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning ordinance amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the Town of Smithfield as supported by the staff report and attachments provided to the Town Council at their regularly scheduled meeting. Therefore, the ordinance amendment is reasonable and in the public interest.

IN THE EVENT THAT THE MOTION TO RECOMMEND APPROVAL OF THE ORDINANCE FAILS,

That the final action regarding zoning ordinance amendment ZA-20-02 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning ordinance amendment does not promote this and therefore is neither reasonable nor in the public interest.

DRAFT ORDINANCE # ZA-20-02
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 6, SECTION 6.5, TABLE OF USES AND ACTIVITIES

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to the Town of Smithfield Unified Development Ordinance to allow Child Care Centers as an accessory use to Churches/places of worship with supplemental regulations as a special use permit in all zoning districts that allow for Churches/Places of worship.

WHEREAS, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

[Revise Article 6, Section 6.5, to allow for the Child Care Centers as an accessory use to Churches/places of worship with supplemental regulations.

PART 1

SECTION 6.5 TABLE OF USES AND ACTIVITIES.

Uses	R-20A	R-10	R-8	R-6	R-MH	O/I	B-2	B-3	Supplemental Regulation
<u>Child Care Center</u> <u>(As accessory use to Churches/places of worship)</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>Section 7.4.1</u> <u>Section 7.32</u>

PART 2

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

PART 3

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

Duly adopted this the ___ day of _____, 20__.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk



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

Petition for Amendment to the Unified Development Ordinance

Pursuant to Article 4 of the Town of Smithfield 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. The application for any amendment shall contain a description of the proposed zoning regulation.

APPLICANT INFORMATION:

Lesley Thomas 144 Elvenia Cir
 Petitioner's Name Address or PO Box

Benson NC 27504 984-789-0058
 City, State, Zip Code Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:

To allow Childcare Centers as an accessory use to Churches with a special use permit.
 (Attach additional sheets as necessary)

This application must be accompanied by a Statement of Justification which addresses the following:

1. How the amendment proposed would serve the public interest or correct an obvious error in the existing ordinance.
2. How the amendment proposed will enhance or promote the purposes and goals of the adopted plans and policies of the governing body.

The undersigned hereby authorizes the filing of this petition and certifies that the information contained herein stands alone based on the merits of this request and is accurate to the best of their knowledge and belief.

Lesley Thomas 7/9/2020
 Signature of Petitioner Date

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Amount Paid: _____

**Draft
Town of Smithfield
Planning Board Minutes
Thursday, August 6, 2020
Town Council Chambers
6:00 PM**

Members Present:

Chairman Stephen Upton
Michael Johnson
Debbie Howard
Ashley Spain
Alisa Bizzell

Members Absent:

Vice Chairman Mark Lane
Doris Wallace
Teresa Daughtry

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Assistant

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

IDENTIFY VOTING MEMBERS

APPROVAL OF AGENDA

Debbie Howard made a motion, seconded by Ashley Spain to approve the agenda.
Unanimously approved

APPROVAL OF MINUTES from July 9, 2020

Debbie Howard made a motion, seconded by Michael Johnson to approve the minutes as written. Unanimously approved

NEW BUSINESS

ZA-20-02 LESLEY THOMAS The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities to allow for child care centers as an accessory use to Churches/ Places of Worship as a special use in all zoning districts that allow for Churches/ Places of Worship.

Mr. Helmer said child care centers are regulated by the Division of Child Development and Early Education and are defined as a child care arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care. This also includes a center located in a residence, where the program is in a residence and the licensed capacity is six through twelve children, or up to fifteen school-age children. Religious

sponsored programs are given the option in childcare law to operate under a Notice of Compliance with child care rules and laws rather than a child care license. They meet the rules for a one-star license except that they are exempt from certain child care rules regarding certain age appropriate activities, staff qualification and training requirement. The Division of Child Development and Early Education monitors programs that operate under a “Notice of Compliance” in the same manner all other programs are monitored to ensure the facilities are healthy and safe for children. If religious sponsored programs receive child care subsidies, the exemptions apply, except they must meet the health and safety training requirements of staff.

Mr. Helmer went on to say in 1994 the Town of Smithfield adopted a zoning ordinance amendment that permitted day care establishments in all residential zoning districts with a Board of Adjustment approved conditional use permit. The subsequent Unified Development Ordinance adopted in 2008 removed day care centers from the list of permitted uses in all residential zoning districts. All day care establishments permitted before 2008 are now considered legal non-conforming and cannot be rebuilt if completely destroyed by fire or other natural disasters. In the 2016 UDO, child care centers are not allowed in residential districts as either primary or accessory uses. The draft zoning ordinance amendment will allow child care centers with a Town Council issued special use permit as an accessory use to churches and places of worship in all zoning districts that currently allow for churches and places of worship.

All child care centers accessory to churches will be required to meet the following existing supplemental regulations for child care centers and Churches/places of worship.

SECTION 7.4 CHILD CARE FACILITIES. (Supplemental Regulations)

7.4.1. Child Care Center

7.4.1.1. When a center is licensed for six to twenty-nine children, inclusive, there shall be 75 square feet per child of outdoor play area for the total number of children for which the center is licensed.

7.4.1.2. If a special use permit is required, the permit shall establish the hours of operation.

7.4.1.3. Minimum paved off-street parking spaces: Two spaces plus one for each employee.

7.4.1.4. Minimum paved off-street loading and unloading area: In addition to the off-street parking area, there shall be sufficient paved driveway to accommodate at least two autos at one time for the purpose of loading and unloading passengers. The drop off area must be full drive through with no backing of vehicles required.

Childcare centers are also required to meet the supplemental regulations for Churches/ Places of Worship.

7.32.1 Churches/Places of Worship and Club or Private Lodge Meeting Halls shall have adequate parking meeting Article 10, Section 10.3.

7.32.2 The land use will not significantly increase traffic on local roadways within a residential neighborhood.

7.32.3 In B-2 and B-3 zoning districts, the land use should not substantially decrease vehicular and/or pedestrian traffic or inhibit business activity for adjacent commercial businesses particularly during normal business hours.

7.32.4 The land use will not impede the normal and orderly development of the surrounding property for uses permitted in the district. If a substantial portion of a commercial center is closed or not attracting traffic during normal business hours then that absence of activity would likely impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Mr. Helmer said Planning Staff recommends approval of the zoning text amendment ZA-20-02 with a statement declaring the request is consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public's interest.

Mr. Upton asked if the earlier statement about child care centers being regulated by the Division of Child Development and Early Education was the State. He also asked if they were supervised by the State.

Mr. Helmer said yes, the State. There is an inspection process.

Mr. Upton asked if the supplemental regulations were observed.

Mr. Helmer said the supplemental regulations are in addition to the State's requirements. They are put in place so that the Town Council and Planning Board can look at it in terms of the impact it may have at the requested locations

Debbie Howard made a motion to recommend approval of zoning text amendment ZA-20-02, adding Child Care Centers as an accessory use to Churches/Places of Worship as a special use. The Planning Board finds the amendment to Article 6, Section 6.5 Table of Uses and Activities consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest; seconded by Ashley Spain. Unanimously approved

Old Business: None

Adjournment

Being no further business, Ashley Spain made a motion seconded by Debbie Howard to adjourn the meeting. Unanimously approved

Respectfully Submitted,

Julie Edmonds

Julie Edmonds
Administrative Support Specialist

DRAFT



Request for Town Council Action

Public Hearing SUP- 20-
07
Date: 09/01/20

Subject: Smithfield Daycare SUP

Department: Planning

Presented by: Stephen Wensman, Planning Director

Presentation: Special Use Quasi-Judicial Hearing

Issue Statement

The Council is requested to approve a Special Use Permit for a Child Care Center as an accessory use to a church located at 720 Second Avenue in the R-6 Zoning District.

Financial Impact

None.

Action Needed

To review the special use permit request and make a decision whether to approve, approve with conditions or deny.

Recommendation

Planning Staff recommends the Town Council approve SUP-20-06 with 2 condition of approval.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Findings of Fact
3. Application
4. Site Plans
5. Zoning Map
6. Adjacent Property Owners Listing and Certification



Staff Report

**Public SUP-
Hearing: 20-07**

REQUEST:

Lesley Thomas is requesting a Special Use Permit for a Child Care Center as an accessory use to a Church, the Greater Vision Worship Center Church of God of Prophecy, located at 720 Second Avenue in the R-6 Zoning District.

SPECIAL USE:

With the approval of ZA-20-02, Child Care Centers accessory to churches require a Special Use Permit.

APPLICATION:

Application Number: SUP-20-07
Location: 720 Second Avenue
Project Name: Smithfield Daycare
Parcel ID number: 169311-57-2189 and 169311-57-1288
Town Limits/ETJ: Town Limits
Applicant: Lesley Thomas
Property Owner: Lesley Thomas
Agents: None

SITE/DEVELOPMENT DATA:

Acreage: 1.21 acres (1.02 + 0.19)
Present Zoning: R-6 High Density Single, Two and Multi-Family Residential District
Existing Uses: Greater Vision Worship Center Church of God of Prophecy
Proposed Use: Church with Child Care Center as an accessory use.
Fire Protection: Town of Smithfield
School Impacts: None
Parks and Recreation: None
Water Provider: Town of Smithfield
Sewer Provider: Town of Smithfield
Electric Provider: Town of Smithfield

ADJACENT ZONING AND LAND USES:

	Exiting Zoning	Existing Use:
North	R-6	Single Family Residential
South	R-6	Single Family Residential
West	R-6	Single Family Residential
East	R-6	Single Family Residential

EXISTING CONDITIONS:

The proposed Child Care Center will be located on the site of the Greater Vision Worship Center Church of God of Prophecy. The existing 2519 sq. ft church is located within a single-family residential neighborhood. The site is currently accessed from Second Avenue by two curb cuts to a looped gravel/dirt driveway and parking with no access to Blount Street. The parking lot is somewhat undefined with no curbs and no stormwater features. The Blount side of the property is a grassy area. Existing vegetation is found on the Blount Street side and toward the center of the property. There is a small shed located behind the church building. A concrete sidewalk provides pedestrian access from the street to the doors of the church.

ANALYSIS:

The church is planning to construct a 611 sq. ft. addition to the rear of the 1,515 sq. ft sanctuary for a clergy room and chancel (stage area) and a 582 sq. ft. addition to the north of the sanctuary for offices. The child care center will occupy the 1,004 sq. ft. (+/- 46' x 22') area on the south side of the sanctuary. The child care center will have a 618 sq. ft. area for the kid's activities, a staff bathroom, a children's bathroom and a kitchenette.

Lot Recombination. The applicant will be submitting a lot recombination to combine the two exiting lots into one.

Bufferyard. Bufferyards are required between residential and nonresidential uses. The UDO requires either a Type B (20-foot) bufferyard or a Type C bufferyard in this case. The site plans cannot dimensionally accommodate the 20' bufferyard, so a combination of fence and landscaping will be required.

Playground. A 2250 sq. ft. playground is proposed behind the church on the Blount Street side of the property. The applicant originally proposed the playground immediately behind the church where the drive lane connects the two parking areas, but staff requested the parking areas be connected to improve flow and to minimize traffic in the neighborhood in search of parking that would occur when one lot fills up. To provide safe access to the playground, a chain link fence is proposed between the sidewalk and the parking stalls. The playground will also be fenced.

Vehicular Access. Access to the parking will be from Second Avenue and Blount Street.

Pedestrian Access. New sidewalks are proposed along the parking lot connecting the existing church sidewalk to the new parking. The proposed sidewalk does not extend to Blount Street.

Parking. With the building additions and the child care, the applicant is proposing 43 new paved parking stalls including two handicap accessible stalls. The sanctuary will have 112 seats requiring 37 parking stalls and the daycare will have a maximum of 24 children and two employees requiring 6 parking stalls in accordance with the parking requirements of Section 10.3 of the UDO.

Stormwater. According to the preliminary site plan, the new impervious areas would not trigger the need for on-site stormwater management. A complete review of stormwater will occur when construction plans are submitted for approval.

Landscaping. A landscaping plan will be required for the entire site with review of the construction plans.

Lighting. A lighting plan will be required for the entire site with review of the construction plans.

DRAFT FINDINGS OF FACT:

The UDO, Article 4, sets forth eight findings of fact that are required for approval of a special use permit through a quasi-judicial process. (Please see the attached application which contains the applicant's findings of fact). Staff's opinion for each finding are shown in ***Bold/Italics*** below:

4.9.3.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. ***The public's health, safety, or general welfare have been addressed with the proposed site plan.***

4.9.3.5.2. The special use will be in harmony with the existing development and uses within the area in which it is to be located. ***The special use is complementary to the existing church use and will be in harmony and will provide daycare services to the area.***

4.9.3.5.3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. ***The special use will not impede normal and ordinary development of the residential district. The church is existing,***

and the entire site will be improved with the daycare use benefiting the surrounding properties.

4.9.3.5.4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided. ***Adequate utilities, parking, access and other facilities exist or are being adequately provided for.***

4.9.3.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. ***Adequate egress and ingress currently exist to the site. The proposed egress and ingress are configured with the parking lots connected to minimize traffic on adjacent streets.***

4.9.3.5.6. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. ***With a special use permit, the use will conform to the applicable regulations.***

4.9.3.5.7. Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern. ***There are no conflicts with the Town's adopted plans.***

4.9.3.5.8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council. ***With a special use permit, the use is permitted within the zoning district.***

PLANNING DEPARTMENT RECOMMENDATION:

The Planning Department recommends approval of the SUP-20-07 based on the findings of fact with 1 condition:

1. That a site plan be submitted for review in accordance with the Town's Unified Development Ordinance including the supplementary standards for childcare facilities, Section 7.4.
2. That the applicant submits a Lot Recombination Plat for approval to combine the lots into one.

RECOMMENDED MOTIONS:

Staff recommends the following motions to approve SUP-20-07:

- ***"Move to approve eight findings of fact for the special use permit SUP-20-07 as recommended in the staff report on page ____."***
- ***"Move to recommend approval of SUP-20-07 for a childcare center as an accessory to a church based with one condition:***
 - 1. That a site plan be submitted for review in accordance with the Town's Unified Development Ordinance including the supplementary standards for childcare facilities, Section 7.4.***
 - 2. That the applicant submits a Lot Recombination Plat for approval to combine the lots into one."***

**Town of Smithfield
Special Use Permit Application
Finding of Fact / Approval Criteria**

Application Number: SUP-20-07 **Name:** Smithfield Daycare

Request: The applicant seeks a special use permit to add a building to the Johnston Community College located within the O/I Office Intuitional zoning district. The property considered for approval is locate at 245 College Rd, Smithfield NC 27577 further identified as Johnston County Tax IDs 15K10199F

In approving an application for a special use permit in accordance with the principles, conditions, safeguards, and procedures specified herein, the Town Council may impose reasonable and appropriate conditions and safeguards upon the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Council. The Town Council shall include in its comments a statement as to the consistency of the application with the Town's currently adopted Comprehensive Plan. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which the below requires.

The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that:

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
2. The special use will be in harmony with the existing development and uses within the area in which it is to be located.
3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
7. Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.
8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.

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 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 approve Special Use Permit Application # SUP-20-07 with the following condition:*

1. That a site plan be submitted for review in accordance with the Town's Unified Development Ordinance including the supplementary standards for childcare facilities, Section 7.4.
2. That the applicant submits a Lot Recombination Plat for approval to combine the lots into one.

Motion to Deny: *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny Special Use Permit Application # SUP-20-07 for the following stated reason:*

Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Town Council for the Special Use Permit Application Number SUP-20-07 is hereby:

_____ **approved upon acceptance and conformity with the following conditions:**

1. That a site plan be submitted for review in accordance with the Town's Unified Development Ordinance including the supplementary standards for childcare facilities, Section 7.4.
2. That the applicant submits a Lot Recombination Plat for approval to combine the lots into one.

_____ **denied for the noted reasons.**

Decision made this 1st day of September 2020 while in regular session.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Parrish, Town Clerk



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

SPECIAL USE PERMIT APPLICATION

Pursuant to Article 4, 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 Special Use. Special Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

Special Use Permit applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans and one (1) digital copy of all required documents, an Owner's Consent Form (attached) and the application fee.

SITE INFORMATION:

Name of Project: Smithfield Daycare Acreage of Property: 1.01±
 Parcel ID Number: 15066010 Tax ID: _____
 Deed Book: 5431 Deed Page(s): 0267
 Address: 720 Second Ave. Smithfield, NC 27577
 Location: _____

Existing Use: Church Proposed Use: Church & Daycare
 Existing Zoning District: R-6

Is project within a Planned Development: Yes No
 Planned Development District (if applicable): _____
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): _____

FOR OFFICE USE ONLY

File Number: _____ Date Submitted: _____ Date Received: _____ Amount Paid: _____

REQUIRED FINDING OF FACT

Article 4 of the Town of Smithfield Unified Development Ordinance requires applications for a Special Use Permit to address the following findings. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which this section requires. The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that:

- 1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.

- 2) The special use will be in harmony with the existing development and uses within the area in which it is to be located.

- 3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

- 4) Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.

- 5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- 6) The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.

- 7) Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.

- 8) The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.

REQUIRED SITE PLAN INFORMATION

Article 5 of the Town of Smithfield Unified Development Ordinance requires a site plan be prepared by a professional engineer, registered land surveyor, or licensed architect and shall be drawn to scale of not less than one inch equals 30 feet. The site plan shall be based on the latest tax map information and shall be of a size as required by each individual site plan. The site plan shall contain the following information, if applicable as determined by the UDO Administrator:

- 1) A key map of the site with reference to surrounding areas and existing street locations.
- 2) The name and address of the owner and site plan applicant, together with the names of the owners of all contiguous land and of property directly across the street as shown by the most recent tax records.
- 3) Parcel Identification Numbers (PIN) for site and adjacent properties.
- 4) Deed book and page reference demonstrating ownership of property.
- 5) Location of all existing and proposed structures, including their outside dimensions and elevations, streets, entrances, and exits on the site, on contiguous property, and on property directly across the street.
- 6) Building setback, side line, and rear yard distances.
- 7) Location of watercourses, ponds, flood zones, water supply watershed areas, and riparian buffers.
- 8) All existing physical features, including existing trees greater than eight (8) inches in diameter measured four and one-half (4.5) feet above ground level, and significant soil conditions.
- 9) Topography showing existing and proposed contours at no greater than ten (10) foot intervals. All reference benchmarks shall be clearly designated.
- 10) The zoning of the property, including zoning district lines where applicable.
- 11) Lot line dimensions and property lines of the tract to be developed (with dimensions identified), adjacent property lines (including corporate limits, Town boundaries, and county lines).
- 12) Parking, loading, and unloading areas shall be indicated with dimensions, traffic patterns, access aisles, and curb radii per the requirements of Article 10, Part I.
- 13) Types of surfaces for drives, sidewalks, and parking areas.
- 14) Location and design of existing and proposed sanitary waste disposal systems, water mains and appurtenances (including fire hydrants) on or adjacent to the parcel.
- 15) Other utility lines both under- and above-ground, including electric power, telephone, gas, cable television.
- 16) Location of all US Clean Water Act Section 404 wetland areas, located of detention/retention ponds (Best Management Practices), riparian buffers and impervious surface areas with area dimensions, and ratios of impervious surface to the total size of the lot.
- 17) The location of all common areas.
- 18) The location and dimensions of all areas intended as usable open space, including all recreational areas. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.
- 19) Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants, trees, and dimensions, approximate time of planting, and maintenance plans per the requirements of Article 10, Part II. The plan shall include the tree line of wooded areas and individual trees eight (8) inches in diameter or more, identified by common or scientific name.
- 20) Proposed site lighting.

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

Lesley Thomas
Print Name

Lesley Thomas
Signature of Applicant

7/7/2020
Date

OWNER'S CONSENT FORM

Name of Project: Smithfield Daycare Submittal Date: 7/7/2020

OWNERS AUTHORIZATION

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

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

Lesley Thomas Lesley Thomas 7/7/2020
Signature of Owner *Print Name* *Date*

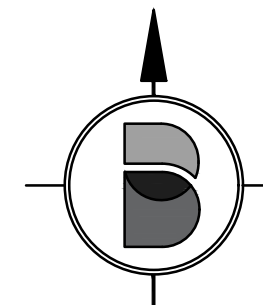
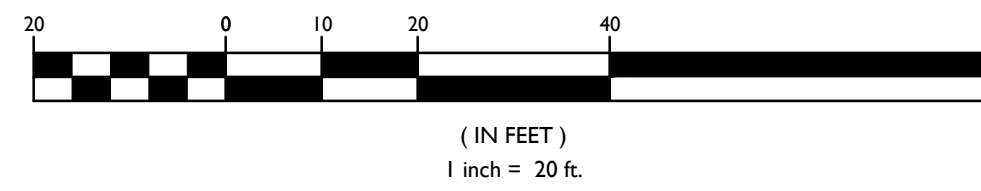
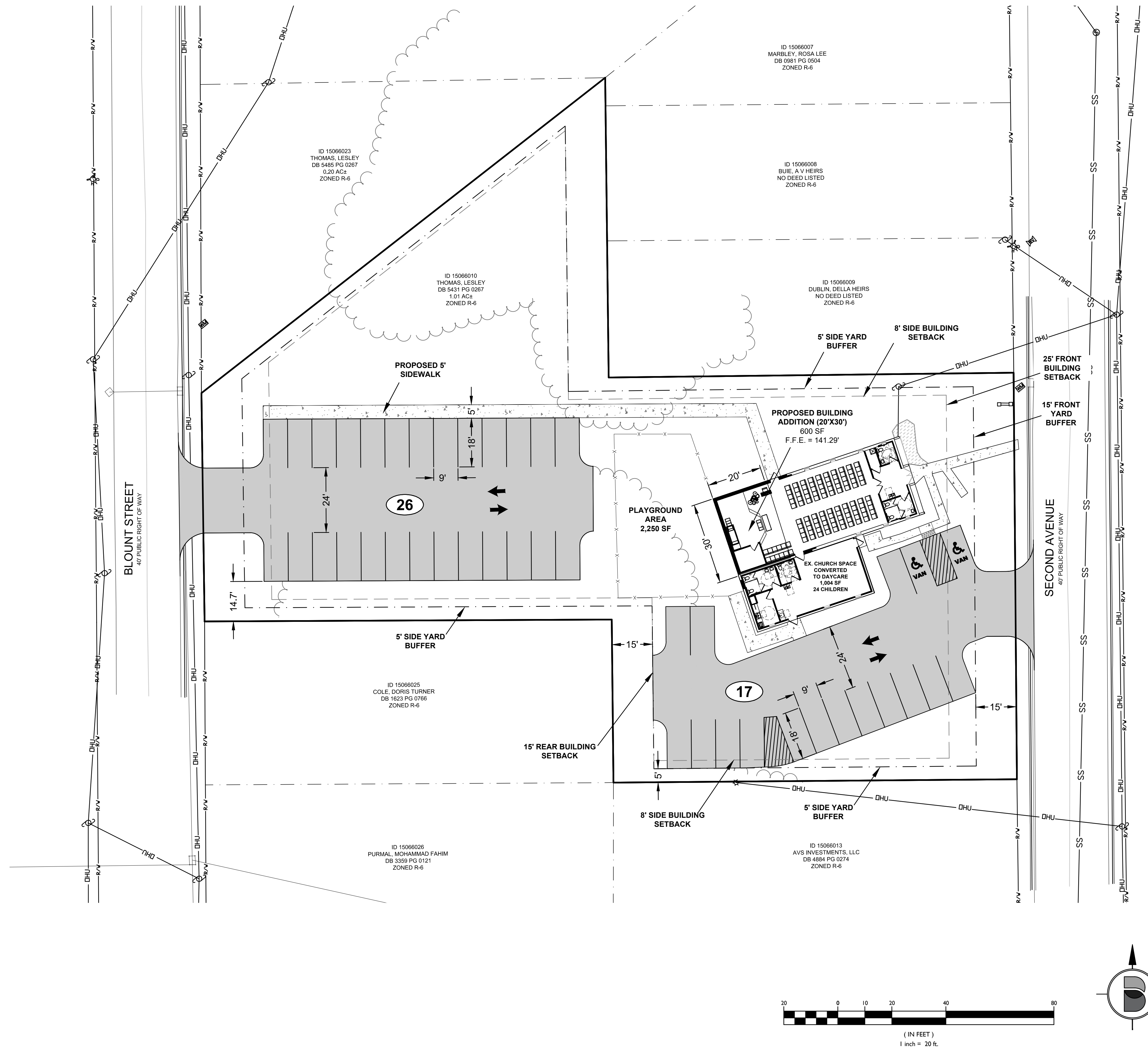
CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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.

Lesley Thomas Lesley Thomas 7/7/2020
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number: _____ Date submitted: _____ Date received: _____



PROJECT SUMMARY

PROJECT NAME: SMITHFIELD DAYCARE
DEVELOPER: LESLEY THOMAS
ZONING: R-6
APPROVED PETITION NO.:
TAX PARCEL NO.: 15066010
JURISDICTION: SMITHFIELD
WATERSHED DISTRICT: NEUSE
FEMA INFORMATION:
 MAP NO: MAP DATE: 06/20/2018
 FLOOD ZONE: 3720196400K
LOT SIZE: 1.01 ± ACRES
SETBACK REQUIREMENTS:
 FRONT BUILDING SETBACK: 25'
 SIDE BUILDING SETBACK: 8'
 REAR BUILDING SETBACK: 15'
BUFFER REQUIREMENTS:
 FRONT BUFFER YARD: 15'
 SIDE BUFFER YARD: 5'
 REAR BUFFER YARD: 15'
BUILDING INFORMATION:
 PROPOSED USE: Church/Child Care Center
 BUILDING HEIGHT: 16.8 FT
 STORIES: Single Story

PARKING CALCULATIONS

ONE SPACE PER 3 MOVABLE SEATS IN ASSEMBLY AREA:
 112 SEATS = 37 SPACES
 ONE SPACE PER 4 PERSONS OF OCCUPANCY IN CHILD CARE FACILITY:
 24 CHILDREN CAPACITY = 6 SPACES
TOTAL SPACES = 43 SPACES (INCLUDES 2 HC SPACES)

IMPERVIOUS CALCULATIONS

TOTAL LAND AREA: 43,954 SF
EXISTING IMPERVIOUS:
 BUILDING - 2574 SF
 PARKING (GRAVEL) - 3441 SF
 SIDEWALK - 362 SF
TOTAL EXISTING IMPERVIOUS = 6377 SF
PROPOSED NEW IMPERVIOUS:
 BUILDING - 600 SF
 SIDEWALK - 1241 SF
 PARKING - 10608 SF
TOTAL PROPOSED NEW IMPERVIOUS = 12449 SF
IMPERVIOUS RATIO: 6377 SF + 12449 SF / 43954 SF = 42.8%



SMITHFIELD DAYCARE
 TOWN OF SMITHFIELD
 JOHNSTON COUNTY, NORTH CAROLINA
PRELIMINARY SITE PLAN

REV	BY	DATE

THIS DRAWING IS THE PROPERTY OF BURTON ENGINEERING ASSOCIATES AND IS NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART. IT IS NOT TO BE USED ON ANY OTHER PROJECT AND IS TO BE RETURNED UPON REQUEST.

PROJECT NUMBER
019.855.001

C001
Sheet 1 of 1

700 Block of Second Avenue

Project Name:
Smithfield Daycare

Location:
720 Second Avenue

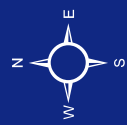
File Number:
SUP-20-07

Existing Zoning:
R-6 (Residential)

Request:
30
Child Care Center as
Accessory to a Church

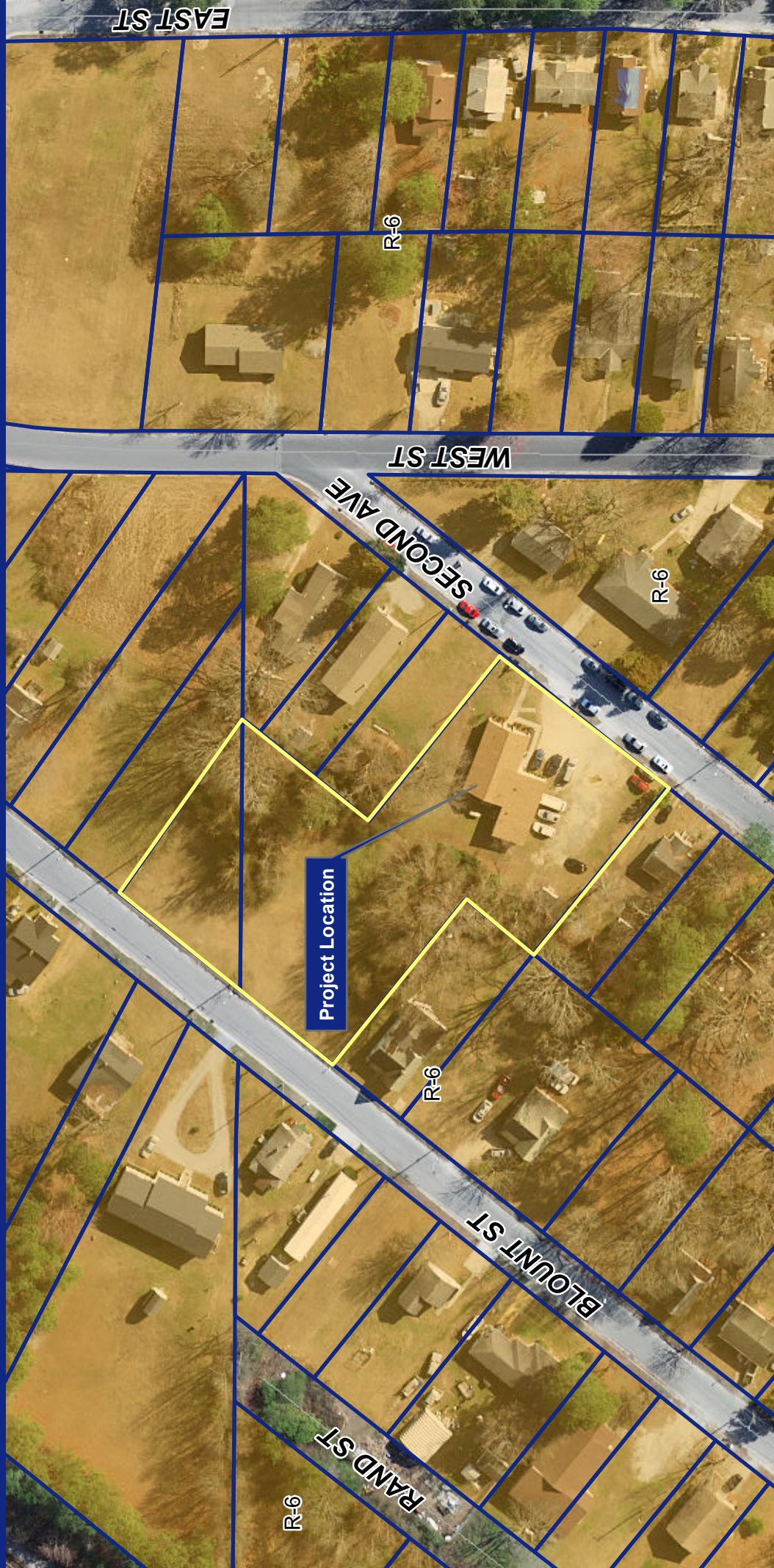
Property Owner:
Lesley Thomas

**PIN# 169311-57-2189
and 169311-57-1288**



1 in = 100 ft

Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 8/21/2020



Adjacent Property Owners of
SUP-20-07

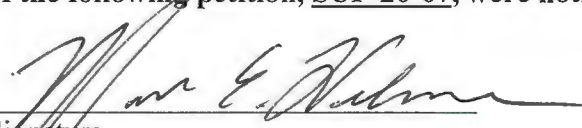
TAG	PIN	Name	Adresse	City	State	Zip Code
15066031	169311-57-0482	PERKINS, DEAN	79 CULVER LN	NORTH HAVEN	CT	06473-0000
15066022	169311-57-2351	BOLAND, DAVID	175 STANLEY PL	HACKENSACK	NJ	07601-3523
15066002	169311-56-4918	ATKINSON, LAFAYETTE	48 SOUTH RD	WHITE PLAINS	NY	10603-2816
15066005	169311-56-3825	FRAZIER, MICHAEL D	116 HARRISON RD	CLAYTON	NC	27520-0000
15066010	169311-57-2189	THOMAS, LESLEY	720 2ND AVE	SMITHFIELD	NC	27577
15066023	169311-57-1288	THOMAS, LESLEY	720 2ND AVE	SMITHFIELD	NC	27577
15066032	169311-57-0352	WILLIAMS, PAULA A	PO BOX 284	SMITHFIELD	NC	27577-0000
15066004	169311-56-3859	TOWN OF SMITHFIELD	P O BOX 761	SMITHFIELD	NC	27577-0000
15066009	169311-57-2193	DUBLIN, DELLA HEIRS	935 BLOUNT ST	SMITHFIELD	NC	27577-0000
15066034	169310-47-9241	WATSON, SARAH E	802 BLOUNT STREET	SMITHFIELD	NC	27577-0000
15066025	169311-57-3280	MARBLEY, ROSA LEE	712 SECOND AVE	SMITHFIELD	NC	27577-0000
15066025	169311-57-0191	COLE, DORIS TURNER	18 ASPEN DR	SMITHFIELD	NC	27577-0000
15066013	169311-56-1987	AVS INVESTMENTS, LLC	440 E MARKET ST	SMITHFIELD	NC	27577-3922
15066033	169311-57-0227	KING, ALICE	802 BLOUNT ST	SMITHFIELD	NC	27577-5304
15066008	169311-57-3137	BUJE, A V HEIRS	714 2ND AVE	SMITHFIELD	NC	27577-5348



PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, **SUP-20-07**, were notified by First Class Mail on **8-14-20**.




Signature

Johnston County, North Carolina

I, Julianne Edmonds, 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

14th day of August, 2020



Notary Public Signature

Julianne Edmonds

Notary Public Name

My Commission expires on 1-15-2023
(Seal)





PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

Notice Of Public Hearings

Notice is hereby given that the Town Council of the Town of Smithfield will conduct public hearings during the course of their open meeting which starts at 7:00 P.M. on Tuesday, September 1, 2020 in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

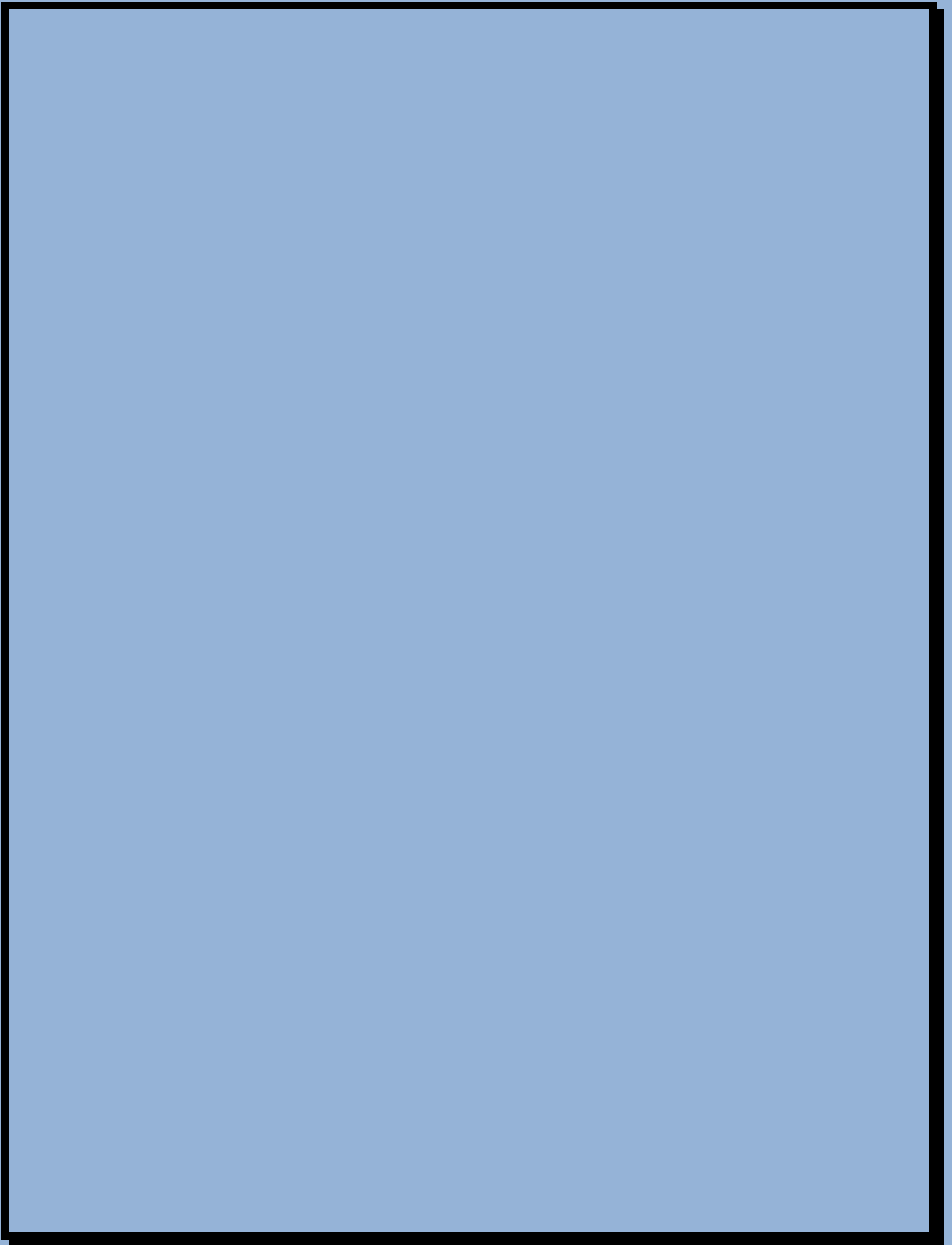
ZA-20-02 Lesley Thomas: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities to allow for child care centers as an accessory use to Churches/Places of Worship as a special use in all zoning districts that allow for Churches/Places of Worship.

SUP-20-07 Lesley Thomas: The applicant is requesting a Special Use Permit for a Child Care Center as an accessory use to a Church on property located within an R-6 (Residential) zoning district. The properties considered for approval are located on the northwest side of Second Avenue approximately 200 feet southwest of its intersection with West Street. The properties are further identified as Johnston County Tax ID# 15066010 and 15066023.

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 Johnstonian News on 8/19/2020 and 8/26/2020

Consent Agenda Items



The Smithfield Town Council met in regular session on Tuesday, August 4, 2020 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Marlon Lee, District 1
David Stevens, District 2
Travis Scott, District 3
Dr. David Barbour, District 4
Stephen Rabil, At-Large
Roger Wood, At-Large

Councilmen Absent

John Dunn, Mayor Pro-Tem

Administrative Staff Present

Michael Scott, Town Manager
John Blanton, Fire Chief
Lenny Branch, Public Works Director
Ted Credle, Public Utilities Director
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources/PIO
Shannan Parrish, Town Clerk
R. Keith Powell, Chief of Police
Greg Siler, Finance Director
Stephen Wensman, Planning Director

(Note: All Town Department Heads were present, but due to Social Distancing and Mass gathering restrictions related to Covid19, they were not present in the meeting room unless an item from their Department was discussed)

Also Present

Bob Spence, Town Attorney (via conference call)

Administrative Staff Absent

CALL TO ORDER

Mayor Moore called the meeting to order at 7:00pm.

INVOCATION

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

APPROVAL OF AGENDA:

Councilman Wood made a motion, seconded by Councilman Rabil, to approve the agenda with the following amendments:

- Remove Public Hearing #1: Rezoning Request- TIMA, LLC (RZ-20-04)
- Move Consent Agenda Item #4 *Approval of amended language for the Local Government Commission regarding reconciliation of accounts* to Business Item #4.

Unanimously approved.

RECOGNITION:

Town Manager Michael Scott recognized IT Specialist Eric McDowell for achieving his master's degree in Business Administration from Western Governor's University.

PRESENTATIONS:

1. Administering Oath of Office to new Police Officer Chandler Koewler

Mayor Moore administered the oath of Office to new Police Officer Chandler Koewler and welcomed him to the Town of Smithfield.

2. Appearance Commission Annual Report

Chairperson Peggy Scott submitted the Appearance Commission Annual Report to the Town Council.

Attached hereto and made a part of these official minutes is the Appearance Commission Annual Report which is on file in the office of the Town Clerk.

PUBLIC HEARINGS:

Town Clerk Shannan Parrish administered affirmations to those that wished to offer testimony during the Public Hearings.

- 1. Special Use Permit Request – Cash Auto Sales (SUP-20-08):** The applicant was requesting a special use permit to operate an automobile renting and leasing establishment on properties located within a B-3 (Highway Entrance Business) zoning district. The properties considered for approval are located on the north side of West Market Street approximately 500 feet east of its intersection with NC 210 Highway. The properties are further identified as Johnston County Tax ID# 15080019 and 15080055.

Councilman Scott made a motion, seconded by Councilman Stevens, to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman testified that Randall Mattson was requesting a special use permit to operate an automobile rental business on property located in the B-3 zoning district. Mr. Wensman further testified the site had an existing commercial building divided into office spaces. The site was subdivided by a white privacy fence with a paved parking lot in the front and a gravel tractor-trailer parking yard in the rear. There were 2 paved parking stalls to the west of the building and 16 to the east. A trucking business operated out of the rear of the property. A special use permit was approved in May, 2019 for an automobile sales business utilizing the paved parking in the front of the building with a condition of approval for no more than 10 cars for sale be on the lot at any one time, parked in striped parking stalls. This business currently exists on the property and typically has about 6-8 vehicles on the lot at any one time. Cash Auto Rental is already in operation on the site and there are no issues other than the requirement for a special use permit. When notified that a special use permit was required, the applicant quickly complied and submitted the application. Cash Auto Rental is proposing to utilize a portion of the commercial building for office use and the 2 parking stalls on the west side of the building for rental cars. Considering the car rental business in addition to the automobile sales, there is enough parking for the two uses. The primary business location is in Raleigh and when cars are needed, they are sent to Smithfield to be rented. The applicant's business operations plan to utilize only the two parking stalls on the west side of the building for the car rental use.

Mr. Wensman testified that car rental businesses are allowed in the B-3 zoning district with a valid special use permit. The Entry Corridor Overlay District (ECO district) is an overlay district that mostly pertains to development in the corridor. No new development will occur with this proposed use, other than a new sign. The proposed use is compliant with the ECO regulations. Vehicular access would remain unchanged with the rental cars having a driveway access directly onto West Market Street. There are no pedestrian accommodations along West Market Street or on the site. The applicant has already established the business on the property and installed a ground mounted sign. The applicant was also informed that a sign permit was required and that the sign located in the NCDOT right-of-way needed to be removed. The applicant has removed the sign and has submitted a permit for signs that will be processed pending the approval of the special use permit.

Mr. Wensman reviewed staff's opinion of the findings. They are as follows:

STAFF'S FINDINGS OF FACT

1. The special use will not be detrimental or endanger public health, safety, or general welfare. The use will utilize existing parking and there is adequate parking to accommodate the use on the property along with the other existing uses.

2. The special use is of the same character as the existing uses on the site and adjacent to the site
3. The special use is utilizing existing development and will not impede normal and orderly development and improvement of surrounding property.
4. The use is utilizing existing infrastructure, and all is in place currently.
5. Adequate egress and ingress currently exist to the site as provided for when the West Market Street landscaping was installed.
6. With a special use permit, the use will conform to the applicable regulations.
7. There are no conflicts with the Town's adopted plans.
8. The use is in conformance with Town Plans.

The Planning Department recommends approval of the Special Use Permit, SUP-20-08, with the following conditions:

1. That the parking of cars for rent be limited to 2 and that they utilize the 2 striped parking stalls on the west side of the building.
2. That all signs for the business comply with the Town's sign regulations.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the August 4, 2020 agenda packet.

Mayor Moore asked if there were any questions from the Council. There were no questions from the Council.

Mayor Moore asked the applicant if he agreed with the testimony provided by Mr. Wensman. The applicant, Randall Mattson, testified he was in agreement with the testimony offered by Mr. Wensman. He further testified the business was a small administrative bill collecting payment center. Two spaces were used for rental vehicles and vehicles are only brought in as needed. Most vehicles are rented for seven to forty-five days. Mr. Mattson testified no repairs were done onsite and there would be no wrecked vehicles on site. He stated the business was also patronizing other local businesses.

Mayor Moore asked if there was any in attendance sworn to testify in this matter. There was no one in attendance that wished to testify on the matter.

Councilman Wood made a motion, seconded by Councilman Rabil, to close the public hearing. Unanimously approved.

The Written Finding

Councilman Wood made a motion, seconded by Councilman Stevens, to vote in the affirmative to all of the below eight stated Finding of Fact. Unanimously approved.

The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that:

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
2. The special use will be in harmony with the existing development and uses within the area in which it is to be located.

3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
7. Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.
8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.

Record of Decision: Approval of Conditional Use Permit Application Number SUP-20-08

Councilman Barbour made a motion, seconded by Councilman Stevens, based upon satisfactory compliance with the above eight 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 Special Use Permit Application #SUP-20-08 with the following conditions:

1. That the parking of cars for rent be limited to 2 and that they utilize the 2 striped parking stalls on the west side of the building.
2. That all signs for the business comply with the Town's sign regulations.

Unanimously approved.

CITIZEN'S COMMENTS:

- Sarah Edwards Executive Director of the Downtown Smithfield Development Corporation (DSDC) provided Council with an update on the DSDC's activities and how it has had to adapt in the face of the Covid-19 pandemic. She explained how the DSDC has assisted downtown businesses with grant opportunities and marketing.
- Omar McKnight, former resident of Smithfield, expressed his concerns to the Council about the unkept properties adjacent to his mother's property at 1511 Old Goldsboro Road in Smithfield. Mr. McKnight explained the overgrowth on these properties are a nuisance. He asked the Council to rectify the situation with the property owner. Mayor Moore responded the property owner had been contacted by staff concerning the overgrowth and explained there was a process in place for addressing nuisance properties. Mr. McKnight stated he would like the Town to be more proactive. Councilman Lee stated he had addressed this issue during the July meeting. He further stated the Town does not do equal enforcement and the Town should have a full-time Code Enforcement officer.

CONSENT AGENDA:

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

1. The following minutes were approved
 - May 28, 2020 – Special Meeting
 - June 2, 2020 – Regular Meeting
 - July 7, 2020 – Regular Meeting

2. Special Event: Community Worship Night – Approval was granted to allow Grace Community Church to hold a community worship night on Sunday, August 30, 2020 from 6:00pm until 8:00pm at the Neuse River Amphitheater. The use of amplified sound was approved. Approval would be consistent with any executive order in place at the time of the event.

3. Special Event: Theater In the Park – Approval was granted to allow Cista Lueeze’s Brunch House, Inc to hold a theater in the park event on Saturday, October 24, 2020 from 1:00pm until 4:00pm at the Neuse River Amphitheater. The use of amplified sound was approved for rehearsals and the event. Approval would be consistent with any executive order in place at the time of the event.

4. Approval was granted to promote a Police Officer II to the rank of Master Police Officer.

5. Approval was granted to adopt Resolution #662 (11-2020) supporting the Governor’s Highway Safety Program Grant submitted by the Police Department.
Attached hereto and made a part of these official minutes Resolution #662 (11-2020) which is on file in the office of the Town Clerk.

6. Agreement was approved and bid was awarded to Environmental Service Systems in the amount of 5,040 for janitorial services at the Water Plant. Bids received are as follows:
 - Parrish Cleaners \$9,852.00
 - Jani-King \$9,540.00
 - ISparkle \$7,200.00
 - Environmental Service System \$5,040.00

7. Bid was awarded to Amick Equipment in the amount of \$146,546 for the purchase of a 2021 Freightliner Knuckleboom loader truck to be utilized by the Public Works Sanitation Department. Bids received are as follows:
 - Carolina Environmental Systems Inc. \$144,000.00
 - Amick Equipment \$146,546.00
 - Public Works Equipment \$151,600.01

The apparent low bidder was not selected because of staff’s experience with the equipment offered by Carolina Environmental Systems, Inc.

8. New Hire Report			
<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Police Officer II	Police	10-20-5100-5100-0200	\$19.52/hr. (\$43,646.72/yr.)
P/T Lifeguard	P&R - Aquatics	10-60-6220-5100-0230	\$8.00/hr.
P/T Lifeguard	P&R - Aquatics	10-60-6220-5100-0230	\$8.00/hr.
P/T SRAC General Staff	P&R - Aquatics	10-60-6220-510-0210	\$9.00/hr.
Current Vacancies			
<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	
Assistant Finance Director	Finance	10-10-4200-5100-0200	
Police Officer I (3 positions)	Police	10-20-5100-5100-0200	
Pump Station Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	

Business Items:

1. **S-20-01 Twin Oaks Subdivision, Section III, Phase VI:** The applicant is requesting review and approval of a 20-lot subdivision of an 8.62 acre tract of land that is within an existing RMH (Residential Manufactured Home) zoning district. The property considered for

subdivision approval is located on the west end of Will Drive approximately 1,00 feet northwest of its intersection with Yelverton Grove Road. The property is further identified as Johnston County Tax ID# 15J11008M.

Planning Director Stephen Wensman informed the Council that JYMCO development was requesting a preliminary plat of the Twin Oaks subdivision, section III, phase IV. Mr. Wensman explained the property was located in the extraterritorial jurisdiction of the Town on Yelverton Grove Road. Mr. Wensman explained this was the completion of an old subdivision that laid dormant for fifteen years or more. The proposed 20-lot residential subdivision was located at the ends of Ray Drive and Will Drive. The property gently slopes to the west towards the nearby Polecat Branch. It is sparsely vegetated until the last 100-200 feet of existing wetland/forest along the Polecat. The proposed subdivision will create a loop that connects the dead-ends of Will Drive and Ray Drive. The proposed road is twenty-two feet wide, in previous phases that were developed previously had twenty-seven-foot-wide streets. The Town will only approve a twenty-two-foot-wide street. Also, Will Drive and Ray Drive have not been accepted by NCDOT. At this time, the Developer is working with NCDOT to get that road approved. There is a lateral connection through the farmland to the north and to the south so if that land develops there is a connection. The Polecat Branch contains some wetlands.

The proposed 20 new 10,000+ sq ft single or two-family residential lots exceed the minimum lot sizes. Two family residential lots are permitted uses in the R-MH District on lots 7500+ sq. ft. or greater. 2.15 acres of the 8.62 acres will remain as common open space containing the existing wetlands and stormwater SCM. Each unit would have a driveway to accommodate two cars as required.

The UDO states that the Council may require the applicant to construct a public sidewalk along the new streets. None have been provided on earlier phases and none are proposed with this phase. The comprehensive plan supports sidewalks in urbanizing areas of the Town and areas with walking distance to schools or other similar destinations. The comprehensive plan does not support sidewalks in this rural area.

The development will be served by Town of Smithfield water and sewer with a Master Meter on the County's system. The water line is shown on the edge of the road pavement and the sewer line is shown running down the center of the streets. Electricity will be provided by Duke Progress Energy. Service connections are located at the property lines. Because the previous phases happened so long ago this one had to start over with a preliminary plat but originally it was all conceived up to be with town, water and sewer with a loop system. A loop system is better for the overall water quality. There appears to be no impact to trees on site and no tree preservation will be required.

The applicant has submitted a stormwater management narrative and preliminary data that indicates a workable stormwater management plan is feasible and will be submitted with the construction documents.

Development is not located within a flood zone and all development is outside of the existing wetlands.

According to the UDO, Section 10.112.3, at least one fifty-seventh of an acre (1/57) shall be dedicated for each dwelling unit planned or provided for in the subdivision plan. Alternatively, the Town can accept a fee in lieu of parkland. There are no Town plans for parks in this area and the applicant will be required to pay a fee in lieu of parkland dedication. The fee in lieu will be due prior to recording the final plat, based on the number of lots in the plat (20).

Staff is recommending approval of the preliminary plat.

Councilman Scott questioned when the original subdivision was constructed. Mr. Wensman responded that it constructed well past the five-year vesting rights period.

Councilman Barbour questioned what would happen if the roads were not accepted by NCDOT. Mr. Wensman responded the process for NCDOT accepting a road is if you build it, you have to provide core samples and other information and the road has to satisfy NCDOT's requirements. The applicant is working with NCDOT to receive compliance.

Councilman Barbour stated he had never been in favor of utilizing Town resources for non-Town assets. He was not in favor of providing water to subdivisions that did not annex into the Town. With this subdivision, the Town does not have a choice in this matter. Councilman Barbour stated the Town had to be consistent with sidewalk requirements. Mr. Wensman responded the Town required sidewalks on one side of a subdivision in the ETJ, but NCDOT stated they would not maintain those sidewalks. Staff worked through that issue with the Comp Plan process. In the R-20A where those areas are likely to stay rural, staff is not going to necessarily require sidewalks. Anything that has a different residential zoning would require sidewalks on one side. Also, staff has applied for a Pedestrian Planning grant that will assist with identifying where sidewalks and trails will be needed in the Town.

Councilman Scott stated it would be foolish for the Town not to approve this project. He stated the loop for water and sewer was a very good thing. One concern he did have was the sewer capacity allocation from Johnston County which had nothing to do with this project.

Mayor Moore questioned if the two-family residential developments would be stick built homes. Mr. Stacey Whitely responded they would be stick built. There are two lots on the back side that will possibly be too small and those would have manufactured homes on those lots.

Councilman Wood made a motion, seconded by Councilman Rabil, to approve the preliminary plat of the Twin Oaks Subdivision, Section III, Phase IV (S-20-01). Unanimously approved.

2. Bid Award and request for approval to enter into a contract with JSmith Civil, LLC in the amount of \$786,381 for the reconstruction of Equity Drive

Public Works Director Lenny Branch and Town Engineer Bill Dreitzler addressed the Council on a request to enter into a contract with JSmith Civil, LLC for the reconstruction of Equity Drive. Mr. Dreitzler explained the contractor would be doing FDR pavement improvements with the same specification as was done for Venture Drive. Along with the resurfacing, curb and gutter will be added on both sides and sidewalks will be constructed on the interior of Equity Drive. On June 11th, staff advertised for bids. On July 16th bids were received from JSmith Civil, Turner Asphalt, Fred Smith Company, ST Wooten and Providence Construction. JSmith Civil was the low bidder, but staff had concerns because neither Mr. Branch nor Mr. Dreitzler had previous experience with this contractor. After several meetings, staff became confident the contractor could complete the project. They will be using a subcontractor, Ruston Paving, who is highly qualified and experienced with the FDR portion of the project. Mr. Dreitzler further explained the project manager is a gentleman from the Smithfield area. Staff recommended awarding the low bid to JSmith Civil in the amount of \$786,381 for the reconstruction of Equity Drive.

Councilman Rabil questioned if JSmith Civil had experience with the FDR process. Mr. Dreitzler responded the subcontractor, Ruston Paving, is experienced with the FDR process.

Mayor Moore questioned if staff checked references for JSmith Civil. Mr. Branch responded in his research he found they had completed several large projects on time. Mr. Branch has requested a phasing plan to keep all the businesses open. Staff will work with the businesses and keep them informed. He and Mr. Dreitzler will be on site often throughout the project. JSmith Civil will do surveying first and provide a plan for traffic and utilities. The goal is to have this project completed before winter.

Mayor Moore stated there would be one potential construction project in the area. He questioned if there were any issues with beginning the project so soon. Mr. Dreitzler responded he did have some concerns about the new hotel getting ready to go into construction. He stated the utility connections for that hotel would be made prior to the reconstruction of Equity Drive. Staff was also going to work with the Public Utilities Director to determine if there are other properties in the area that will need a utility connection in the future.

Councilman Scott stated a parking plan needed to be in place so the large trucks do not park on the road. The other thing is letting business owners know that Equity Drive is not a parking zone. Councilman Scott questioned if the company was bonded. Mr. Dreitzler responded that as part of the

contract process, they had to be bonded and insured.

Mr. Dreitzler explained this project was going to be a challenge because of all the activity in the area. Staff will be monitoring the project very closely throughout the entire project.

Councilman Rabil questioned if some of the construction could be done at night to have less of an adverse effect on the businesses. Mr. Dreitzler responded staff was requiring them to always maintain access to all businesses. That included the three hotel sites that only have one access point.

Councilman Scott made a motion, seconded by Councilman Stevens, to award the bid and enter into a contract with JSmith Civil, LLC in the amount of \$786,381 for the reconstruction of Equity Drive. Unanimously approved.

3. Discussion concerning utility late fees

Town Manager Michael Scott explained this item was before the Council because of budget discussions concerning how the Town issue utility bills to our customers. One question was if the Town could allow our customers to select their own due dates. Another question could the Town allow greater leniency or more time before the penalties are applied. Collections of penalties currently generates \$200,000 a year. The Town Manager further explained with meters being read by meter readers, they need a specific section of Town to go read the meter. Meter readers cannot travel from one side of town to the other side of town to check a meter that is due at the same time. That would not be cost effective, and would not meet the meter reading contract requirements. Allowing customers to select their own due dates really does not work well and really is not feasible under our current system. What could be done if the council should choose, is allow more time before late penalty is applied. As it is right now, if you have if you are late one day your penalty is applied. If you want to allow five days or 10 days before the penalty is applied, by proxy, you are really moving your due date five days or 10 days down the road until your penalty is due. That is something that we can manage with our current system.

Finance Director Greg Siler added that moving the penalty date out 10 days was staff's recommendation to remedy or alleviate late fees for some customers. By moving it out 10 days, the Town is changing the cutoff date as well. Customers that cannot pay or have no intention to pay before they leave a property could potentially get 10 more days of service that is a third of the month. While it is hard to put a number on what that might mean in terms of revenue losses for the Town, Mr. Siler was comfortable saying the revenue loss could reach six figures.

Councilman Rabil questioned if the deposit would offset some of the revenue loss. Mr. Siler responded the deposit does offset some of the loss, but deposits are not held indefinitely by the Town.

Councilman Scott stated the current due dates and penalty dates effects some of the Town's elder population that are on fixed incomes.

Councilman Scott made a motion, seconded by Councilman Rabil, to direct staff to create a new policy delaying the utility penalty by 10 days for all customers. The policy must include a new cutoff date. Unanimously approved.

4.Approval of amended language for the Local Government Commission regarding reconciliation of accounts

Town Manager Michael Scott referenced page 113 in the agenda packet which was a letter sent Local Government Commission (LGC) to the Town. The letter stated the Town needed to change its policy in the way staff is conducting and completing year end reports. A letter signed by every member of the Council was sent to the LGC responding to their original letter. Staff received no input from the LGC until last week when they stated the Town's response was insufficient. Mr. Siler wrote another response that will satisfy their requirements, but it must be signed by every member of Council. The request was to approve the new letter written by Mr. Siler for the LGC which deals specifically with year-end adjustments and the audit process.

Councilman Scott asked for the Town Manager to clarify the request. On May 28th, the Council took

action to table the water plant project. Councilman Scott stated he understood the LGC was supposed to conduct a hearing today on the loan for the water plant expansion. He questioned if the letter was the reason why the LGC did not conduct the hearing. The Town Manager responded the letter does not have anything to do with the water plant. In the original letter it states, "if you are planning to issue debt that requires the approval of local government commission, we must receive a complete and thorough response this letter before recommending your debt application". When the LGC meeting was scheduled, they reviewed the original response and decided they needed a different response. It is not related to the water plant at all. It is related to any meeting the Town will have with the LGC.

Councilman Barbour questioned the changes in the letters. Finance Director Greg Siler responded the LGC did not feel Mr. Siler addressed the questions in the letter. A couple things that was pointed out was the explanation that were given by the auditor and some of the balance sheet accounts were not reconciled timely because staff was installing new software. The second comment was specifically addressing our plan for reconciling the balance sheet statements. In the past this was done by the auditors, but the rules for auditing are constantly changing.

The Town Manager added that on July 24th he received an email from Susan McMullen, who is the Assistant Director of fiscal management for the LGC. Her email stated the following: "Please accept our apologies to your manager and your board for the confusion caused by this letter needs to be revised. I appreciate your frustration with having to redo something you thought was completed. We should have raised our concerns about this response earlier when we received it and did not."

Councilman Rabil asked about the update. Mr. Siler explained the LGC was requesting an update on how he was addressing the auditor's comments. In his response, he informed the LGC the Town would be hiring someone qualified that would assist with these items.

Councilman Scott questioned if staff was pursuing the LGC for financing for the water plant after the May 28 discussion and tabling the project. The Town Manager responded that he was not present for that meeting, but he did go back and listen to the meeting. He reviewed the minutes and saw nothing in there telling staff not to proceed. What he saw was a motion to table discussion of the water plant until the Council had more information, which was what staff was trying to provide by going to the LGC. After listening to the recording, Councilman Barbour even made a statement clarifying the motion of the meeting and that the motion was not going to delay the water plant expansion. Staff was going to seek additional information to provide to the Council.

Councilman Scott stated that he made the motion and that was not his intent. The minutes were approved by the Council without opposition, but it was understandable that there may have been some confusion. Councilman Scott has spoken to members of Council and they need to understand why we are doing this now considering the Covid-19 pandemic. Councilman Scott received a phone call from a citizen concerning the motion. To the citizen, it appeared that staff was proceeding with the project without the Council's knowledge. Councilman Scott stated he was unaware of the meeting with the LGC because he believed the motion, he made on May 28th stopped the forward progress of the water plant expansion. The Town Manager responded he sent the Council that information to the on two separate occasions and spoke with the Mayor about the LGC meeting.

Councilman Barbour stated the Council had already voted in favor of the water plant expansion and the only way to stop that would be to rescind the vote and not table a discussion. Tabling a discussion does not rescind a vote by the Council. The Town Manager stated Councilman Barbour was correct. Councilman Barbour further stated during the meeting, Council did not have all the information and was awaiting additional information. He further stated the water plant expansion was approved over a year ago unanimously. There have been lots of discussion and additional information. Until we do something differently, the motion for the expansion stands until rescinded. The Town Manager responded staff realizes this is a sensitive issue to a lot of people. Staff has spent a lot of time with community members answering their questions. So, staff understand the importance of transparency. The Town Manager further stated it was his goal and the goal of the staff to obtain all the information they can possibly receive to assist the Council will making an informed decision.

Councilman Lee questioned when the original letter was signed because that was not his signature. The Town Manager responded that every member of Council signed the letter.

Councilman Barbour made a motion, seconded by Councilman Stevens, to approve the letter. Councilman Barbour, Councilman Stevens, Councilman Scott, Councilman Rabil and Councilman Wood voted in favor of the motion. Councilman Lee voted against the motion. Motion passed 5 to 1.

Councilmembers Comments:

- Councilman Lee asked for updates on some old business. He questioned the installation of the speed bumps on Lee Street. He stated Martin Luther King Jr Drive was not a state-maintained road and there have been concerns about excessive speeding on the road. He questioned if there was an update on the flooding of Cedar Drive. He questioned if the Town engineer had seen photos of the flooding. Councilman Lee stated he would like information on how many minority owned contractors the Town uses. He also stated he would like information on the number of Councilmembers and Depart Heads children have been employed by the Town during the summer for the past fifteen years.
- Councilman Scott stated he would like to discuss the water plant. He stated he did not understand what tabling the discussion versus the project really meant because to him it was hideous in the way it was described. Councilman Scott stated he would like to reclarify his motion in that the Council table the water plant expansion because of the current situation. All budgeted funds would be used to fix the current water plan. He references paged 61 of the agenda packet.

Councilman Scott made a motion, seconded by Councilman Lee, to table the water plant expansion.

Town Clerk Shannan Parrish explained to Councilman Scott that she accurately reflected in the minutes the motion made by Councilman Scott at the May 28th meeting. It was not her position to know the intent of the motion, but to simply record what was said.

Councilman Stevens suggested the Council have a discussion at the next meeting to figure out if we need to move forward with the water plant expansion. Councilman Stevens stated the Council needed more information to determine the feasibility of the project.

Councilman Scott stated there were a lot of unanswered questioned and the real risk was the financial debt the Town would be faced with should the bulk water customers decide to stop purchasing water from the Town. The residents would have to repay the debt.

Councilman Wood questioned how many years the County has been purchasing water from the Town. The Town Manager responded the contract began in 1999, but he had no knowledge if the County purchased water from the Town prior to that date.

Councilman Scott rescinded his motion.

Councilman Scott commended Councilman Lee on his handling of racial diversity in the Town. He stated Councilman Lee has done a lot of work in the Town.

Councilman Scott asked the Police Chief if given the opportunity could the officers have a general appearance versus a uniformed appearance in certain aspects of their career to make them more approachable because the uniform can be intimidating.

- Councilman Barbour informed the Council that on July 14th a taskforce meeting was held on developing a drone strategy for both the town and citizens. Ten staff members attended. He appreciated Town staff for getting involved with NCDOT to help resolve a drainage issue on Wilson Mills Road. Councilman Barbour informed the Council that his father Clarence Barbour passed away this afternoon. He was a simple man with simple needs and simple wants. He owed his strength of character and love to his father and his daily walk. He was honored to be his son and he will miss him until he sees him again.
- Councilman Wood congratulated his son and daughter-in-law as they welcomed their first child, Ryker Allen Wood, at approximately 8:15 this evening.

- Mayor Moore commended staff for preparation made in anticipation of Hurricane Isaias. He also asked that we remind our neighbors about keeping their grass clippings out of the roadway. He stated the Town did not want to require clippings being bagged or put into containers. He stated a lot of the local flooding issues occur when the storm drains are covered with yard debris.

Town Manager’s Report:

Town Manager Michael Scott gave a brief update to the Council on the following items:

- Commended the Council for being devoted to the Town and attended the meeting. The dedication of the Council goes beyond speaking about.
- Planning Meeting: Staff is ready to have a joint meeting between the Council and the Planning Board to discuss statutory changes, as well as our move to a conditional zoning model of development approvals. Please check your schedules for availability. We hope to discuss this at tonight’s meeting
- CARES Funding: The amount of CARES funding has increased slightly for the Town to \$421,535. Money is expected to be deposited into the Smithfield General Fund account by the end of the week.
- Downtown Wi-Fi: The downtown Wi-Fi is currently being tested with hopes of being operational this month.
- THM’s: Due to the higher than normal temperatures in July, the water department noticed an increase in THM levels in the Country Club area. The higher concentrations are not beyond acceptable levels however, staff is working to bring the percentage down to a more desirable level by flushing the fire hydrants/water lines in the area.

Closed Session Pursuant to NCGS 143-318.11 (a)(4)

Councilman Wood made a motion, seconded by Councilman Rabil, to enter into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 9:11pm

Reconvene in Open Session

Councilman Stevens made a motion, seconded by Councilman Wood, to reconvene in Open Session. Unanimously approved at approximately 11:00 pm

Adjourn

Being no further business, Councilman Wood made a motion, seconded by Councilman Barbour to adjourn the meeting. The meeting adjourned at approximately 11:11 pm

ATTEST:

M. Andy Moore, Mayor

Shannan L. Parrish, Town Clerk



Request for Town Council Action

Consent
Agenda
Item:
Date: 09/01/2020

No Parking
Signs

Subject: No Parking on Equity Drive
Department: Police Department
Presented by: Chief R.K. Powell
Presentation: Consent

Issue Statement

The Police Department is asking the Council to consider placing "No Parking" Signs on Equity Drive. This is intended to eliminate parking on the shoulder of the street, so the street is not damaged further, or after the scheduled repaving.

Financial Impact

Approved Budgeted Amount for FY 2019-2020: Yes

Amount of Purchase/Bid/ Contract:	12 No parking signs @ 12.00 =	\$144.00
	12 Post @ 19.52 =	\$234.00
	Total =	\$378.42

Action Needed

Council to consider approving "No Parking" on the shoulder of Equity Drive.

Recommendation

Approving "No Parking" on North and South Equity Drive.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report



Staff Report

**Consent
Agenda
Item: No
Parking**

I have been requested to present this report to Council for the consideration of creating "No Parking" on Equity Drive. The street has seen an increase in Semi-Trucks and other large vehicles parking on the shoulder of the street. This has caused damage to the street and it will continue to happen. By making this a "No Parking" area , it is intended to eliminate parking in that area on the shoulder of the street, which will prevent damage to the street after it is repaved. By instituting the "No Parking" requirement now, drivers will have a chance to recognize the change prior to the repaving of the street.



Request for Town Council Action

**Consent
Agenda
Item:** **Approval to
accept the
FEMA AFG
Grant**
Date: 09/01/2020

Subject: FEMA AFG Grant for Equipment
Department: Fire Department
Presented by: John Blanton
Presentation: Consent

Issue Statement

Authorization to accept the AFG (Assistance to Firefighters Grant) award in the amount of \$32,380.95 to install an exhaust removal system for Station #2.

Financial Impact

Approved Budgeted Amount for FY 2020-2021: \$8,025.00

Amount of Purchase/Bid/ Contract: \$1,619.05, this would be the Town's 5% match to the grant if accepted.

Action Needed

Approve the acceptance of the AFG (Assistance to Firefighters Grant) in the amount of \$32,380.00, with a 5% Town of Smithfield match of \$1,619.05.00

Recommendation

Staff recommends approval of this award for the potential savings of needed equipment that if otherwise purchase by the town at full cost of \$34,000.00 in the future.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Award letter form FEMA



Staff Report

**Consent
Agenda
Item:** **Approval to
accept the
FEMA AFG
Grant**

The Fire Department was granted approval to apply for this grant in March of 2020. This grant allows Fire Departments to apply for equipment; we applied for replacement of our aging Air Compressor, an exhaust removal system at Station #2 and out of date FF turnout Gear. This grant is a 95%-5% purchase; meaning the Town's responsibility would be 5% and the grant would cover 95% of the awarded amount. The amount for the grant application would be \$160,500.00. The Town's responsibility if awarded would be \$8,025.00.

We received notification of being awarded only a portion of what was requested. The exhaust removal system was approved for an amount of \$32,380.95 (Town's responsibility 5% \$1,619.05) for a total cost of \$34,000.00. The other items were denied due to being ineligible for funding.

It is the Fire Departments goal to seek any ways possible to save the tax dollars used to make these needed purchases.

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

John Blanton
SMITHFIELD, TOWN OF
P.O. BOX 761
SMITHFIELD, NC 27577



EMW-2019-FG-05526

Dear John Blanton,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2019 Assistance to Firefighters Grant (AFG) Grant funding opportunity has been approved in the amount of \$32,380.95 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 5.00% of the Federal funds awarded, or \$1,619.05 for a total approved budget of \$34,000.00. Please see the FY 2019 AFG Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2019 AFG Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in black ink, appearing to read "C Logan", with a stylized flourish at the end.

Christopher Logan
Acting Assistant Administrator
Grant Programs Directorate

Summary Award Memo

Program: Fiscal Year 2019 Assistance to Firefighters Grant

Recipient: SMITHFIELD, TOWN OF

DUNS number: 095124012

Award number: EMW-2019-FG-05526

Summary description of award

The purpose of the Assistance to Firefighters Grant program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY2019 Assistance to Firefighters Grants funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

Object Class	Total
Personnel	\$0.00
Fringe benefits	\$0.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$34,000.00
Other	\$0.00
Indirect charges	\$0.00
Federal	\$32,380.95
Non-federal	\$1,619.05
Total	\$34,000.00
Program Income	\$0.00

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2019 AFG NOFO.

Approved request details:

Modify facilities

Obligating document

1. Agreement No. EMW-2019-FG-05526	2. Amendment No. N/A	3. Recipient No. 566001335	4. Type of Action AWARD	5. Control No. WX02929N2020T		
6. Recipient Name and Address SMITHFIELD, TOWN OF 350 E MARKET ST SMITHFIELD, NC 27577		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
9. Name of Recipient Project Officer John Blanton		9a. Phone No. 9199342468	10. Name of FEMA Project Coordinator Assistance to Firefighters Grant Program		10a. Phone No. 1-866-274-0960	
11. Effective Date of This Action 08/11/2020	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING		14. Performance Period 08/18/2020 to 08/17/2021 Budget Period 08/18/2020 to 08/17/2021		
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
AFG	97.044	2020-F9-GB01 - P431-xxxx-4101-D	\$0.00	\$32,380.95	\$32,380.95	\$1,619.05
Totals			\$0.00	\$32,380.95	\$32,380.95	\$1,619.05
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						



Request for Town Council Action

Consent **Approve**
Agenda **Sewer**
Item: **Resolution**
Date: 09/01/2020

Subject: Approve A Resolution that Will Be Included In the Town Application for Sewer Asset Inventory and Assessment Grant from the NCDEQ

Department: Public Utilities

Presented by: Ted Credle

Presentation: Consent Agenda

Issue Statement

Consideration to pass a resolution to be included in the application for a state grant, from the North Carolina Department of Environmental Quality (NCDEQ) Clean Water State Revolving Fund (CWSRF), pertaining to asset management plans for the sanitary sewer collection system.

Financial Impact

If we are selected, matching funds (\$15,000 – \$22,500, for the grant) will be taken from a capital line item already approved in the 2020-2021 budget year. The line item is "Lift Station Improvements: 45-71-7220-5700-7419"

Action Needed

Approve Resolution No. 663 (12-2020), which will be included in the application package submitted for funding.

Recommendation

Staff recommends the approval of the resolution, as presented.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Proposed Resolution No. 663 (12-2020) for AIA Grant (sewer)



Staff Report

Consent **Approve**
Agenda **Sewer**
Item: **Resolution**

As the Town continues to address the issue of an aged and deteriorating infrastructure, part of our approach will be seeking grant funding from the NCDEQ CWSRF in order to aid the assessment of said infrastructure. These potential funds will be used to continue our on-going assessment of the sanitary sewer collection system (smoke testing, camera videos, etc.).

As part of the grant application, the Town governing body must adopt the presented resolution which states the Town will name an authorized signing official (Manager Scott) for all correspondence related to the potential award; the Town will abide by all State and Federal Law pertaining to funding; and that the Town will arrange for the matching funds (15% of the grant award), if the Town is awarded any grant funding. Since the maximum award for the grant is \$150,000, the maximum potential match for the grant is \$22,500. Matching funds are already in the capital line items pertaining to lift station improvements.

Please note this is a grant, not a loan, and no repayment is required.

Staff is asking the Council to approve the resolution and authorize the Town Manager to act as the Authorized Official, on behalf of the Town.

RESOLUTION NO. 663 (12-2020)
BY GOVERNING BODY OF THE TOWN OF SMITHFIELD
SEWER ASSET INVENTORY AND ASSESSMENT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of Asset Inventory and Assessment projects for water and sewer systems, and

WHEREAS, The Town of Smithfield has need for and intends to update an asset management plan for its sewer system described as the *Town of Smithfield Sewer Asset Management Plan*, including asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management program for sewer, and

WHEREAS, The Town of Smithfield intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL FOR THE TOWN OF SMITHFIELD:

That Town of Smithfield, the **Applicant**, will arrange financing for all remaining costs of the project, including matching funds, if approved for a State grant award.

That Michael L. Scott, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the development of the project described above.

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

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

Adopted this the ___ day of _____, 2020 at the Town Hall Council Chambers in Smithfield, North Carolina.

(Signature of Chief Executive Officer)

M. Andy Moore, Mayor
(Name and Title)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Clerk of the Town Council does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town Council duly held on the ___ day of _____, 2020; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____, 2020.

(Signature of Recording Officer)

Shannan Parrish, Town Clerk

(Name and Title of Recording Officer)



Request for Town Council Action

Consent **Approve**
Agenda **Water**
Item: **Resolution**
Date: 09/01/2020

Subject: Approve a Resolution that Will Be Included in the Town Application for Asset Inventory and Assessment Grants from the NCDEQ

Department: Public Utilities

Presented by: Ted Credle

Presentation: Consent Agenda

Issue Statement

Consideration to pass a resolution to be included in the application for state grant, from the North Carolina Department of Environmental Quality (NCDEQ) Clean Water State Revolving Fund (CWSRF), pertaining to asset management plans for the water distribution system.

Financial Impact

If we are selected, matching funds (\$15,000 – \$22,500, for each grant) will be taken from a capital line item already approved in the 2020-2021 budget year. The line item is "Capital Projects: 30-71-7220-5700-7400".

Action Needed

Approve Resolution No. 664 (13-2020), which will be included in the application package submitted for funding.

Recommendation

Staff recommends the approval of the resolution, as presented.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Proposed Resolution for AIA Grant (water)



Staff Report

**Consent
Agenda
Item:** **Approve
Resolution**

As the Town continues to address the issue of an aged and deteriorating infrastructure, part of our approach will be seeking grant funding from the NCDEQ CWSRF in order to aid the assessment of said infrastructure. These potential funds will be used to continue our on-going assessment of the water distribution system (modelling water age, pressure monitors, etc.).

As part of the grant application, the Town governing body must adopt the presented resolution which state the Town will name an authorized signing official (Manager Scott) for all correspondence related to the potential award; the Town will abide by all State and Federal Law pertaining to funding; and that the Town will arrange for the matching funds (15% of the grant award), if the Town is awarded any grant funding. Since the maximum award for the grant is \$150,000, the maximum potential match for the grant is \$22,500. Matching funds are already in the capital line item pertaining to water line upgrades.

Please note this is a grant, not a loan, and no repayment is required.

Staff is asking the Council to approve the resolution and authorize the Town Manager to act as the Authorized Official, on behalf of the Town.

RESOLUTION NO. 664 (13-2020)
BY GOVERNING BODY OF THE TOWN OF SMITHFIELD
WATER ASSET INVENTORY AND ASSESSMENT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of Asset Inventory and Assessment projects for water and sewer systems, and

WHEREAS, The Town of Smithfield has need for and intends to update an asset management plan for its water system described as the *Town of Smithfield Water Asset Management Plan*, including asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management program for water, and

WHEREAS, The Town of Smithfield intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL FOR THE TOWN OF SMITHFIELD:

That Town of Smithfield, the **Applicant**, will arrange financing for all remaining costs of the project, including matching funds, if approved for a State grant award.

That Michael L. Scott, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the development of the project described above.

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

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

Adopted this the ___ day of _____, 2020 at the Town Hall Council Chambers in Smithfield, North Carolina.

(Signature of Chief Executive Officer)

M. Andy Moore, Mayor
(Name and Title)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Clerk of the Town Council does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town Council duly held on the ___ day of _____, 2020; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____, 2020.

(Signature of Recording Officer)

Shannan Parrish, Town Clerk

(Name and Title of Recording Officer)



Request for Town Council Action

**Consent
Agenda
Item:**

Purchase
of Zero
Turn
Mower

Date: 09/01/2020

Subject: Purchase of Commercial Zero Turn Mower
Department: Public Works Appearance Division
Presented by: Lenny Branch, Public Works Director
Presentation: Consent Agenda

Issue Statement

The Public Works Department is proposing the purchase of a 2020 Scag Zero Turn Mower from W. Landis Bullock Industrial and Contractor Supply in the amount of \$12,251.20.

Financial Impact

Approved Budgeted amount for FY 2020-2021: \$13,000.

Amount of contract Bid: \$12,251.20

Action Needed

Council approval to award purchase contract to W. Landis Bullock Industrial and Contractor Supply for purchase of budgeted Zero Turn Mower.

Recommendation

Staff recommends awarding the purchase contract to W. Landis Bullock Industrial and Contractor Supply in the amount of \$12,251.20

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Equipment estimates



Staff Report

**Consent
Agenda
Item:** Purchase
of Zero
Turn
Mower

The Town Council approved \$13,000 in the Public Works Appearance Division capital line to purchase a new Zero Turn Mower. With the department using mowers to cut nuisance properties as well as right of ways; each company was requested to submit quotes for a 60" shaft PTO deck 35HP, or as close to as possible. Scag was the only company that offered the shaft PTO deck in a gas-powered motor. The Public Works Department received quotes from three (3) companies as follows;

1. W. Landis Bullock Industrial and Contractor Supply: \$12,251.20
 2. Musgrave Equipment: \$14,000.00
 3. Quality Equipment: \$18,636.75
- Quality Equipment also submitted a V-belt driven PTO deck mower which is included for: \$11,166.75

It is the recommendation of the Public Works department to purchase the 2020 Scag Commercial Zero Turn Mower from W. Landis Bullock Industrial and Contractor Supply for \$12,251.20.

ALL PARTS INSTALLED ARE NEW UNLESS SPECIFIED OTHERWISE

W. LANDIS BULLOCK
INDUSTRIAL AND CONTRACTOR SUPPLY
 Phone (919) 934-1174 • 1-800-248-1052
 1323 W. Market St. (Hwy. 70 Business) • Smithfield, NC 27577
 A Division Of JONDIS

Industrial and Contractor Supply, Inc.

1 ST 11-61K-37BK-EFI
 Deag Motor
 Turf Tractor

1225120

NAME TOWN of Smithfield

DATE 8-19-20

ADDRESS _____
 CITY _____
 YEAR _____ TYPE OR MODEL _____ MOTOR NO. _____
 PHONE _____
 WHEN READY _____
 SERIAL NUMBER _____
 LICENSE NUMBER _____
 CUSTOMER'S ORDER NO. _____
 QUANTITY _____

TIME RECEIVED _____
 TIME PROMISED _____
 ORDER WRITTEN BY _____

LUBRICATE CHANGE OIL FLUSH TRANS. FLUSH DIFF. WASH POLISH

att Jerry Branch

RETAIN PARTS DESTROY PARTS

TOTAL LABOR _____
 TOTAL PARTS _____
 GAS OIL GREASE _____
 SPECIAL REPAIRS _____

1225120

826 96
 1307816

I HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH NECESSARY MATERIALS YOU AND YOUR EMPLOYEES MAY OPERATE ABOVE VEHICLE FOR PURPOSES OF TESTING, INSPECTION OR DELIVERY AT MY RISK AN EXPRESS MECHANIC'S LIEN IS ACKNOWLEDGED ON ABOVE VEHICLE TO SECURE THE AMOUNT OF REPAIRS THERE TO YOU WILL NOT BE HELD RESPONSIBLE FOR LOSS OR DAMAGE TO VEHICLE OR ARTICLES LEFT IN VEHICLE IN CASE OF FIRE, THEFT, ACCIDENT OR ANY OTHER CAUSE BEYOND YOUR CONTROL

AUTHORIZED BY _____
 RECEIVED BY _____

GAL GASOLINE @ _____
 QTS. OIL @ _____
 LBS. GREASE @ _____

TOTAL GAS OIL GREASE _____

STATETAX _____

ANY WARRANTIES ON THE PRODUCTS SOLD HEREBY ARE THOSE MADE BY THE MANUFACTURER. THE SELLER (ABOVE NAMED DEALERSHIP) HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND HER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF SAID PRODUCTS.

Quote Id: 22599102

**ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):**

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

**ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:**

Quality Equipment, LLC
2783 Us 70 Bus East
Smithfield, NC 27577
919-934-2031
Smithfield@qualityequip.com

Prepared For:

TOWN OF SMITHFIELD ACCOUNTS PAYABLE



Proposal For:

Delivering Dealer:
Stephen Giorgi

Quality Equipment, LLC
2783 Us 70 Bus East
Smithfield, NC 27577

Smithfield@qualityequip.com

Quote Prepared By:

Stephen Giorgi
sgiorgi@qualityequip.com



ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Quality Equipment, LLC
2783 Us 70 Bus East
Smithfield, NC 27577
919-934-2031
Smithfield@qualityequip.com

Quote Summary

Prepared For:
TOWN OF SMITHFIELD ACCOUNTS PAYABLE
PO BOX 761
SMITHFIELD, NC 27577
Business: 919-934-2116

Delivering Dealer:
Quality Equipment, LLC
Stephen Glorgl
2783 Us 70 Bus East
Smithfield, NC 27577
Phone: 919-934-2031
sglorgl@qualityequip.com

Quote ID: 22599102
Created On: 20 August 2020
Last Modified On: 20 August 2020
Expiration Date: 19 September 2020

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE Z997R DIESEL W 60 In. 7 IRON PRO SIDE DISCHARGE DECK Contract: NC Grounds Maintenance Equip 515B (PG 2Y CG 22) Price Effective Date: February 22, 2019	\$ 24,849.00	\$ 18,636.75 X	1 =	\$ 18,636.75
Equipment Total				\$ 18,636.75

* Includes Fees and Non-contract Items

Quote Summary

Equipment Total	\$ 18,636.75
Trade In	
SubTotal	\$ 18,636.75
Sales Tax - (6.75%)	\$ 1,257.98
Est. Service Agreement Tax	\$ 0.00
Total	\$ 19,894.73
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 19,894.73



JOHN DEERE



**QUALITY
EQUIPMENT**

Selling Equipment

Quote Id: 22599102 Customer Name: TOWN OF SMITHFIELD ACCOUNTS PAYABLE

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690988

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
Quality Equipment, LLC
2783 Us 70 Bus East
Smithfield, NC 27577
919-934-2031
Smithfield@qualityequip.com

JOHN DEERE Z997R DIESEL W 60 In. 7 IRON PRO SIDE DISCHARGE DECK

Hours:		Suggested List *
Stock Number:		\$ 24,849.00
Contract: NC Grounds Maintenance Equip 515B (PG 2Y CG 22)		Selling Price *
		\$ 18,636.75

Price Effective Date: February 22, 2019

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
091FTC	Z997R DIESEL W 60 In. 7 IRON PRO SIDE DISCHARGE DECK	1	\$ 24,849.00	25.00	\$ 6,212.25	\$ 18,636.75	\$ 18,636.75
Standard Options - Per Unit							
001A	United States/Canada	1	\$ 0.00	25.00	\$ 0.00	\$ 0.00	\$ 0.00
1150	26x12x12 Pneumatic Turf Tires	1	\$ 0.00	25.00	\$ 0.00	\$ 0.00	\$ 0.00
Standard Options Total			\$ 0.00		\$ 0.00	\$ 0.00	\$ 0.00
Value Added Services Total			\$ 0.00			\$ 0.00	\$ 0.00

Total Selling Price	\$ 24,849.00	\$ 6,212.25	\$ 18,636.75	\$ 18,636.75
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Quote ID :22599102 Customer Name : TOWN OF SMITHFIELD ACCOUNTS PAYABLE

Product features, prices and specifications are based on published information at the time of publication and are subject to change without notice. All trademarked terms, including John Deere, the leaping deer symbol and the colors green and yellow used herein are the property of Deere & Company, unless otherwise noted. Products, product features, and other content on this site may only be accurate for products marketed and sold in North America.
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File Created: 20-Aug-2020

2020 JOHN DEERE Z997R DIESEL W 60 In. 7 IRON PRO SIDE DISCHARGE DECK

Product Specification Details

Manufacturer Model	John Deere Z997R (Model year 2020)
Engine	
Manufacturer/Model	3TNV88C
Power	Gross at 3,000 rpm, PS: 37.4
Displacement	100.2
Cylinders	Three
Crankcase capacity	3.8
Oil filter	Full flow, replaceable, spin-on type
Lubrication	Full pressure
Cooling	Liquid
Air cleaner	Heavy-duty canister, dry type with safety element and air-restriction indicator
Pre-cleaner	Yes
Fuel system	
Fuel type	Diesel or Biodiesel (up to B20)
Fuel consumption	
Fuel tank capacity	12
Fuel tank switch/shut-off valve	Yes
Electrical system	
Charge system	75
Battery voltage	12
Cold cranking amp	At 18 degrees C, 490
Hour meter	Digital multi-function display
Operator presence starting system	Standard
Drivetrain	
Transmission	Hydrostatic
Hydraulic pumps	
Wheel motors	Parker Ross TG0310, 18.9
Travel speed	
Forward	0-11.5
Forward	0-10.5
Reverse	0-5
Reverse	0-8
Speed range	0-11.5
Speed range	0-18.5
Speed and direction control	Zero turn
Hydraulic capacity	Tank capacity, 3.2
Hydraulic oil cooler	Yes
Filter	Spin-on Type
Tires	
Drive wheels	26x12-12 square shoulder 4-ply turf, optional 26x12-12 Michelin Tweel turf tires
Rear tires	26x12-12 square shoulder 4-ply turf, optional 26x12-12 Michelin Tweel turf tires
Load rating	4PR
Brakes	
Dynamic braking	Dual hand controlled levers
Park brake	Calliper disc brake
Park brake actuation	Hand lever
PTO	
Type	Hydraulic clutch
Drive	Internal wet disk clutch



Quote ID :22599102Customer Name : TOWN OF SMITHFIELD ACCOUNTS PAYABLE

Mower decks	
Size	Side discharge, Mulch On Demand, rear discharge, 60.
Deck construction	7Iron PRO: One piece stamped steel (except for 60 in. rear discharge)
Deck thickness	7
Discharge	Side-discharge, Mulch On Demand, rear-discharge
Height-of-cut range	1.6-5
Increments	0.26
Increments	0.64
Cutting width	60, 72
Blades	
Length	60-in. deck, 21
Thickness	0.25
Blade tip speed	Approximately 18,000
Number	Three
Wheels	
Caster wheel type	Flat free
Caster wheels	15x6-6
Front anti-scalp rollers	LH, RH, Center
Rear anti-scalp rollers	LH, RH, Center
Dimensions	
Length	60-in. side-discharge, 66
Width	60-in. side-discharge and Mulch On Demand, 74
Height	With ROPs up, 65
Weight	60-in. side-discharge, 1,774
Buyer's note	
Warranty	36 months or 1500 hours, whichever comes first, no hour limitation for the first 24 months.
Key Specs	
Engine Manufacturer/model	3TNV8BC
Engine Power	Gross at 3,000 rpm, PS: 37.4
Fuel tank capacity	12
Mower deck Size	Side discharge, Mulch On Demand™, rear discharge, 60
Blade tip speed	Approximately 18,000
Transmission	Hydrostatic
Speed range	0-11.5
Drive wheels	26x12-12 square shoulder 4-ply turf, optional 26x12-12 Michelin Tweel™ turf tires
Caster wheels	15x6-6 flat free
Warranty	36 months or 1500 hours, whichever comes first, no hour limitation for the first 24 months.
Additional information	
Date collected	9-Aug-2016



Quote Id: 22598991

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
Quality Equipment, LLC
2783 Us 70 Bus East
Smithfield, NC 27577
919-934-2031
Smithfield@qualityequip.com

Prepared For:

TOWN OF SMITHFIELD ACCOUNTS PAYABLE



Proposal For:

Delivering Dealer:
Stephen Giorgi

Quality Equipment, LLC
2783 Us 70 Bus East
Smithfield, NC 27577

Smithfield@qualityequip.com

Quote Prepared By:

Stephen Giorgi
sgiorgi@qualityequip.com

Date: 20 August 2020



JOHN DEERE



ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
Quality Equipment, LLC
2783 Us 70 Bus East
Smithfield, NC 27577
919-934-2031
Smithfield@qualityequip.com

Quote Summary

Prepared For:
TOWN OF SMITHFIELD ACCOUNTS PAYABLE
PO BOX 761
SMITHFIELD, NC 27577
Business: 919-934-2116

Delivering Dealer:
Quality Equipment, LLC
Stephen Giorgi
2783 Us 70 Bus East
Smithfield, NC 27577
Phone: 919-934-2031
sg Giorgi@qualityequip.com

Quote ID: 22598991
Created On: 20 August 2020
Last Modified On: 20 August 2020
Expiration Date: 20 September 2020

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE Z970R ZTrak	\$ 14,889.00	\$ 11,166.75	X	\$ 11,166.75

Contract: NC Grounds Maintenance Equip 515B (PG 2Y CG 22)
Price Effective Date: February 22, 2019

Equipment Total **\$ 11,166.75**

* Includes Fees and Non-contract Items

Quote Summary	
Equipment Total	\$ 11,166.75
Trade In	
SubTotal	\$ 11,166.75
Sales Tax - (6.75%)	\$ 753.76
Est. Service Agreement Tax	\$ 0.00
Total	\$ 11,920.51
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 11,920.51



JOHN DEERE



**QUALITY
EQUIPMENT**

Selling Equipment

Quote Id: 22598991

Customer Name: TOWN OF SMITHFIELD ACCOUNTS PAYABLE

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Quality Equipment, LLC
2783 Us 70 Bus East
Smithfield, NC 27577
919-934-2031
Smithfield@qualityequip.com

JOHN DEERE Z970R ZTrak

Hours:

Suggested List *

Stock Number:

\$ 14,889.00

Contract: NC Grounds Maintenance Equip 515B (PG 2Y CG
22)

Selling Price *

\$ 11,166.75

Price Effective Date: February 22, 2019

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
2212TC	Z970R ZTrak	1	\$ 15,429.00	25.00	\$ 3,857.25	\$ 11,571.75	\$ 11,571.75
Standard Options - Per Unit							
001A	United States/Canada	1	\$ 0.00	25.00	\$ 0.00	\$ 0.00	\$ 0.00
1036	24x12x12 Pneumatic Turf Tire for 54 In. and 60 In. Decks	1	\$ 0.00	25.00	\$ 0.00	\$ 0.00	\$ 0.00
1504	60 In. Side Discharge Mower Deck	1	\$ -540.00	25.00	\$ -135.00	\$ -405.00	\$ -405.00
2093	Fully Adjustable Suspension Seat with Armrests (24" High Back)	1	\$ 0.00	25.00	\$ 0.00	\$ 0.00	\$ 0.00
Standard Options Total			\$ -540.00		\$ -135.00	\$ -405.00	\$ -405.00
Value Added Services Total			\$ 0.00			\$ 0.00	\$ 0.00
Total Selling Price			\$ 14,889.00		\$ 3,722.25	\$ 11,166.75	\$ 11,166.75



Quote ID :22598991 Customer Name : TOWN OF SMITHFIELD ACCOUNTS PAYABLE

Product features, prices and specifications are based on published information at the time of publication and are subject to change without notice. All trademarked terms, including John Deere, the leaping deer symbol and the colors green and yellow used herein are the property of Deere & Company, unless otherwise noted. Products, product features, and other content on this site may only be accurate for products marketed and sold in North America.
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2020 JOHN DEERE Z970R ZTrak

Product Specification Details :

Manufacturer Model	John Deere Z970R (Model year 2020)
Engine	
Manufacturer/Model	FX1000V
Power	Gross at 3,600 rpm, 35
Displacement	61
Cylinders	Two
Crankcase capacity	With filter, 2
Oil filter	Full flow, replaceable
Lubrication	Full pressure
Cooling	Air
Air cleaner	Heavy-duty canister type with safety element
Pre-cleaner	Yes
Fuel system	
Fuel type	Gasoline
Fuel consumption	Under normal conditions, load, operation, and dependent on loads and operating conditions 1.1-1.9
Fuel tank capacity	11.6
Fuel tank switch/shut-off valve	Yes
Electrical system	
Charge system	20
Battery voltage	12
Cold cranking amp	300
Hour meter	Standard, digital
Operator presence starting system	Brake-N-Go (foot)
Drivetrain	
Transmission	Hydrostatic
Hydraulic pumps	
Wheel motors	Tuff Torq heavy-duty integrated piston wheel motor
Forward	0-12
Forward	0-19.3
Reverse	0-4.5
Reverse	0-7.2
Speed range	0-12
Speed range	0-19.3
Speed and direction control	Twin levers
Hydraulic capacity	5.9
Hydraulic oil cooler	
Filter	Internal, replaceable
Tires	
Drive wheels	24x12-12
Rear tires	
Load rating	4 PR
Brakes	
Dynamic braking	Twin levers
Park brake	Internal wet disk integrated in the transmission
Park brake actuation	Foot brake
PTO	
Type	Electro-magnetic, 226
Drive	V-belt
Mower decks	
Size	60, 72



Quote ID :22598991 Customer Name : TOWN OF SMITHFIELD ACCOUNTS PAYABLE

Deck construction	7-Iron PRO, one-piece stamped steel with reinforcement
Deck thickness	7
Discharge	Side, Mulch On Demand™ system
Height-of-cut range	1-5.5
Increments	0.25
Increments	0.64
Cutting width	60, 72
Blades	
Length	Varies by deck size
Thickness	0.25
Blade tip speed	Approximately 18,000
Number	Three
Wheels	
Caster wheel type	Flat free
Caster wheels	13x6.5-6
Front anti-scalp rollers	RH. center, LH
Rear anti-scalp rollers	Optional
Dimensions	
Length	84
Width	With chute down, 74, 86
Height	With ROPS up, 73
Weight	1,336 to 1,345
Buyer's note	
Warranty	36 months or 1600 hours, whichever comes first
Key Specs	
Engine Manufacturer/model	FX1000V
Engine Power	Gross at 3,600 rpm: 35
Fuel tank capacity	11.5
Mower deck Size	60, 72
Blade tip speed	Approximately 18,000
Transmission	Hydrostatic
Speed range	0-12
Drive wheels	24x12-12
Caster wheels	13x6.5-6
Warranty	36 months or 1600 hours, whichever comes first
Additional information	
Date collected	11-Sep-2018



Request for Town Council Action

**Consent
Agenda
Item:** Utility Late
Fees
Date: 09/01/2020

Subject: Change in Late Penalties
Department: Utility/Finance
Presented by: Greg Siler/ Michael Scott
Presentation: Consent

Issue Statement

A change in the time period when late fees are applied to utility billings was discussed during the August 4, 2020 Council Meeting. During that meeting the Council requested the staff bring back the requested changes. These changes are reflected in the staff report.

Financial Impact

Penalties generally account for approximately \$200,000 in revenue for the utility departments, with Water and Sewer receiving about \$75,000 and Electric receiving about \$125,000. It is unknown if these changes in penalty dates will result in changes to penalty revenues, or to what magnitude these changes may occur.

Action Needed

The Council is requested to approve the recommended changes to become an integral part of the September billings.

Recommendation

The Council is requested to approve the recommended changes to become an integral part of the September billings.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report



Staff Report

**Utility
Agenda Late
Item: Fees**

At the request of council, the following changes are recommended for late penalties.

The Town of Smithfield's penalty date will change for both billing cycles. Penalty dates will change from the 6th to the 15th for cycle 1 and from the 21st to the 30th for cycle 2. Due dates will remain the same, the 5th for cycle 1 and the 20th for cycle 2, but the date the penalties are assessed for any outstanding balance due has been pushed out to 10 more days after the due date. Billing cycle 1, which has a billing date of the 15th and due date on the 5th would normally have the late penalty assessed on the 6th (or the next business day if the 5th falls on a weekend or holiday) for any unpaid balance due on the account. The Finance Director recommends the penalty date for cycle 1 bills to the 15th instead of the 6th. Billing cycle 2, which has a billing date of the 30th and due date on the 20th would normally have a late penalty assessed on the 21st for any unpaid balance due. That penalty date will change to the 30th instead of the 21st.

The Customer Services Policies Manual changes are outlined below.

Page 7

Customer Responsibilities

1. **To establish credit in one of these ways:**
 - a. **Provide proof of property ownership at the service location.**
 - b. ~~Obtain signature of a qualified person to guarantee payment of bills for total amount due.~~
 - c. **Pay a cash deposit**
2. **Allow utility department personnel access to property to set up and maintain service.**
3. **Pay bills by the "Due Date" shown on each monthly bill. Payments received after the 15th for bills due on the 5th will be considered late and will be subject to a five percent (5%) late charge. Payments received after the 30th for bills due on the 20th will be considered late and will be subject to a five percent (5%) late**

charge. This includes mail received after the due date regardless of the posted date, and payments left in the night depository box after 5 p.m. on the due date.

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BILLING INFORMATION

1. **Cycle 1 bills are mailed out on 15th of each month and cycle 2 bills are mailed out on the last day of each month.**
2. **A bill is considered past due (late) if payment is not received in the office by 5 p.m. 10 days after the due date. A five percent (5%) penalty will be assessed on all past due (late) accounts.**
3. **A Past Due/Cut Off notice will be mailed to customers with unpaid balances. The Town of Smithfield may discontinue the service without further notice.**



Staff Report

**Consent
Agenda
Item:** **New
Hire /
Vacancy
Report**

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.

In addition, please find the following current vacancies:

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Assistant Finance Director	Finance	10-10-4200-5100-0200
Police Officer I (3 positions)	Police	10-20-5100-5100-0200
Pump Station Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

Action Requested

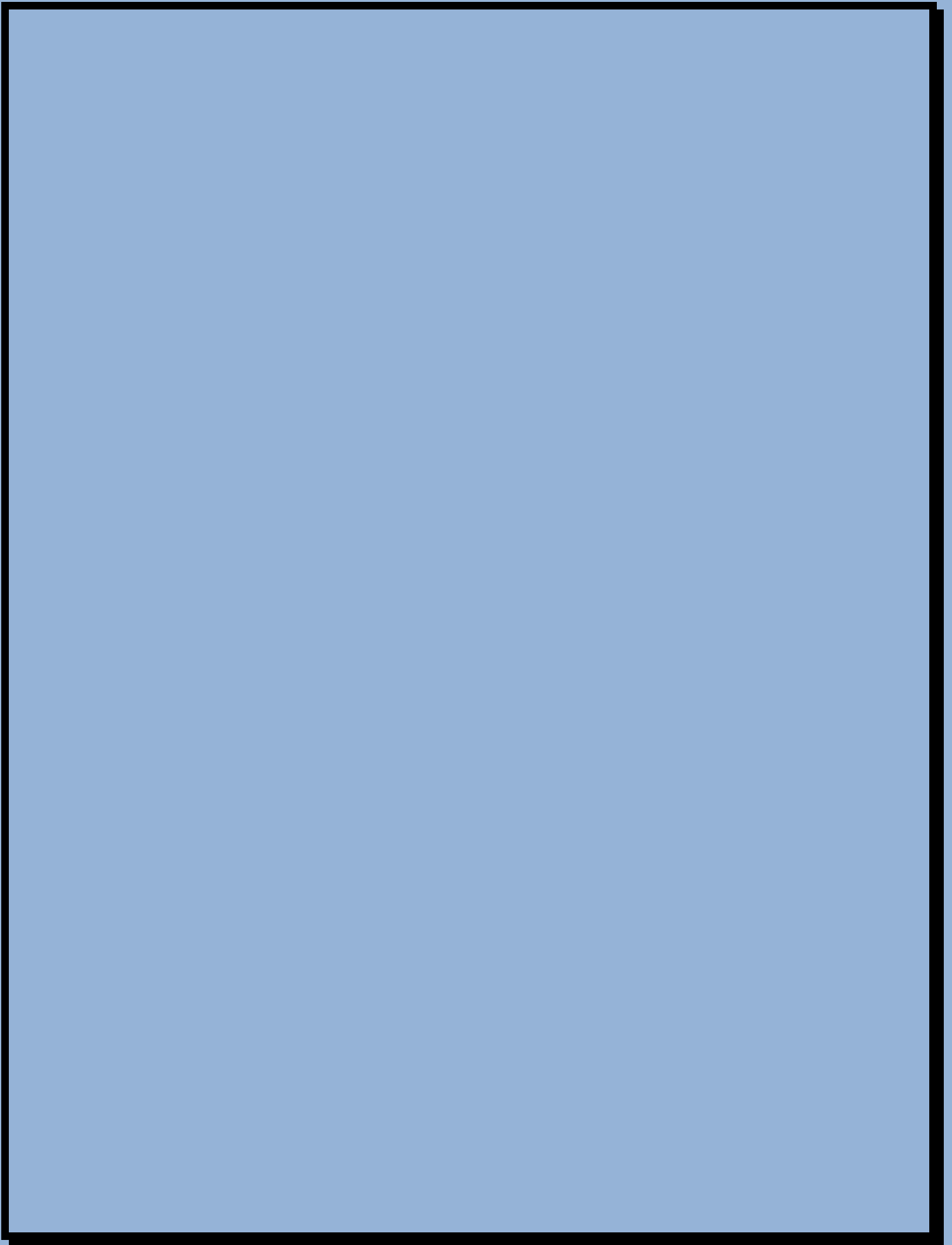
The Town Council is asked to acknowledge that the Town has successfully filled the following vacancies in accordance with the Adopted FY 2020-2021 Budget.

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Lifeguard	P&R - Aquatics	10-60-6220-5100-0230	\$8.00/hr.
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	\$14.88/hr. (\$30,950.40/yr.)

Additional Notes – COVID-19:

While we have experienced a few positive COVID tests with town staff, we have overall been very fortunate. Employees have been diligent with proper hygiene and adherence to safety guidelines and protocols. In addition, department heads are exercising an abundance of caution and providing proper time off for testing and quarantining to ensure the best of safety for employees and the public we serve. To this date, we have had no need for employees to request donations of sick leave from other employees. However, administration will be quick to act should the need arise.

Business Items





Request for Town Council Action

**Application
for
Temporary
Use Permit**
Date: 09/01/2020

Subject: Temporary Use Permit

Department: Downtown Smithfield Development Corporation

Presented by: Planning Department

Presentation: Business Item

Issue Statement

The Council is being asked to allow the Downtown Smithfield Development Corporation (DSDC) to hold "Third Streatory" events in the 100 Block of S. Third Street. Each event would require the closing of the 100 block of South Third Street to vehicular traffic.

Financial Impact

Staff time to set out and pick up trash cans.

Action Needed

To approve or deny the Temporary Use Permit Application.

Recommendation

If approved, approve only in accordance with current governmental restrictions and Town ordinances.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Temporary Use Permit Application



Staff Report

**Application
for
Business Item: Temporary
Use Permit**

The Downtown Smithfield Development Corporation (DSDC) would like to hold "Third Streetery" events in the 100 block of S. Third Street on Sept 11th, 25th and October 9th and 23th (Potentially all Friday Nights between September 11th and October 31st). The events would be held in the 100 block of South Third Street and would require the closing of the street. Setup would occur at 4:00 pm and cleanup will end by 10:00 pm. The event would begin at 5:00 pm and end at 9:30 pm with amplified sound being used during that same time. Over 100 people are expected to attend. Tables and chairs would be set up in the 100 block of South Third Street to provide additional dining space for the restaurants on Third Street and those elsewhere. A busker (a person who entertains in a public place for monetary donations) will also be present playing music. Six trash cans have been requested. Events can only be held in accordance with any Executive Order by the Governor in place at the time of the event. The order currently in place would limit the number of people to twenty-five (25) and masks are required under the current order.

Any alcohol service would be limited to the requirements of Town Ordinance "Sidewalk Cafes" in Article I, Section 17-5, which limits service to the adjacent sidewalk only that is controlled by the restaurant holding the ABC Permit and the Sidewalk Café permit. This service could not be extended into the street.



Town of Smithfield
 Planning Department
 P.O. Box 761 or
 350 East Market Street
 Smithfield, NC 27577

Temporary Use Permit Application

TYPES OF EVENT

- | | |
|--|--|
| <input type="checkbox"/> Special Event
<input type="checkbox"/> Town recognized event _____
<input type="checkbox"/> Over 100 people in attendance
<input type="checkbox"/> Live Band or Amplified Sound _____
<input type="checkbox"/> Requires closure or blockage of Town Street
<input type="checkbox"/> Involves Food Trucks
<input type="checkbox"/> Requires Security (potential safety, security concerns)
<input type="checkbox"/> Involves structures larger than 200 square feet and canopies larger than 400 square feet
<input type="checkbox"/> Involves Town park property
<input type="checkbox"/> Involves Fireworks | <input type="checkbox"/> Modular Office Units
<input type="checkbox"/> Emergency, construction and repair residence
<input type="checkbox"/> Temporary storage facility (portable storage unit)
<input type="checkbox"/> Sale of agricultural products grown off-site
<input type="checkbox"/> Sale of Fireworks
<input type="checkbox"/> Other (please describe) _____ |
|--|--|

Completed applications should be submitted to the Town of Smithfield Planning Department at least 4 weeks prior to the event.

Name of Event	Location of Event (exact street address)
---------------	---

Applicant name _____ E-mail address _____

Address _____ Zip _____

Phone number _____ Event date _____

Event start time _____ Event end time _____

Event set up time _____ Event cleanup time _____

Sound amplification Hours _____ Will food or goods be sold? _____

Food Trucks if applicable _____ **(requires valid permit for a Mobile Food Unit, NC Sales and Use Certificate, NC Department of Agriculture Permit, and/or ABC Permit, if applicable)**

Security agency name & phone, if applicable: _____

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

If any Town streets require closure, please list all street names. _____

Are event trash cans needed? _____ How many? _____

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.

<i>Sarah Edwards</i>		
Applicant's Name (print)	Signature	Date

Planning Director: _____ Date: _____

Method of Payment: Cash _____ **Check#** _____ **Credit Card** _____ **Amount \$** _____



Request for Town Council Action

**Application
for
Temporary
Use Permit**
Business
Item:
Date: 09/01/2020

Subject: Temporary Use Permit
Department: Downtown Smithfield Development Corporation
Presented by: Planning Department
Presentation: Business Item

Issue Statement

The Council is being asked to allow the Downtown Smithfield Development Corporation (DSDC) to hold Take Out Tuesday

Financial Impact

None

Action Needed

To approve or deny the Temporary Use Permit Application.

Recommendation

If approved, approve only in accordance with current governmental restrictions and Town ordinances in place at the time of the event.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Temporary Use Permit Application



Staff Report

Business Item: **Application for Temporary Use Permit**

The Downtown Smithfield Development Corporation (DSDC) would like to hold Takeout Tuesday beginning on August 18th or as soon as possible and ending on October 27th, 2020. The event would begin at 11:00 am and end at 2:00 pm. Amplified sound would be used between 10:00 am and 2:00 pm. A busker (a person who entertains in a public place for monetary donations) will be set up at 305 E. Market Street, during this time to enhance the downtown atmosphere. A pop-up tent will be set up to give the musician some shelter. No security or trash cans will be needed, and no Town streets will require closure. These events are contingent on any Executive Order in place by the Governor at the time of each event.



Town of Smithfield
 Planning Department
 P.O. Box 761 or
 350 East Market Street
 Smithfield, NC 27577

Temporary Use Permit Application

TYPES OF EVENT

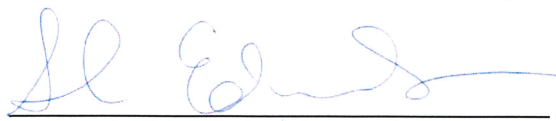
- Special Event DSDC event
- Town recognized event
- Over 100 people in attendance
- Live Band or Amplified Sound Busker
- Requires closure or blockage of Town Street
- Involves Food Trucks
- Requires Security (potential safety, security concerns)
- Involves structures larger than 200 square feet and canopies larger than 400 square feet
- Involves Town park property
- Involves Fireworks
- Modular Office Units
- Emergency, construction and repair residence
- Temporary storage facility (portable storage unit)
- Sale of agricultural products grown off-site
- Sale of Fireworks
- Other (please describe) _____

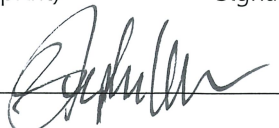
Completed applications should be submitted to the Town of Smithfield Planning Department at least 4 weeks prior to the event.

Takeout Tuesday	305 E. Market Street (Library corner of Third and Market)
Name of Event	Location of Event (exact street address)

Applicant name Sarah Edwards E-mail address sarah@downtownsmithfield.com
 Address 200 S. Front Street, Smithfield Zip 27577
 Phone number (919) 934-0887 Event date Tuesdays, 8/18/2020 (or asap) through 10/27/2020
 Event start time 11:00am Event end time 2:00pm
 Event set up time 10:45am Event cleanup time 2:15pm
 Sound amplification Hours 10am-2pm Will food or goods be sold? no
 # Food Trucks if applicable n/a (requires valid permit for a Mobile Food Unit, NC Sales and Use Certificate, NC Department of Agriculture Permit, and/or ABC Permit, if applicable)
 Security agency name & phone, if applicable: n/a
 Will any Town property be used (i.e., streets, parks, greenways)? Sidewalk
 If any Town streets require closure, please list all street names. n/a
 Are event trash cans needed? No How many? n/a

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.

Applicant's Name (print) _____ Signature  Date 08/10/2020

Planning Director:  Date: 8-11-20

Method of Payment: Cash _____ Check# _____ Credit Card _____ Amount \$ _____



Request for Town Council Action

Agenda Item: Ordinance Amendment
Date: 09/01/2020

Subject: Ordinance Amendment
Department: Planning
Presented by: Stephen Wensman, Planning Director
Presentation: Business Item

Issue Statement

Staff requests approval of an amendment to Town of Smithfield's Code of Ordinances Chapter 8, Article II, Section 8-27, amending the nuisance regulations as it pertains to tall grass and wooded areas and adding a new Section 8-34 chronic violator provision.

Financial Impact

The changes will make the Town's Code Enforcement more effective in time and expense.

Action Needed

To approve the amendment to Chapter 8, Article II, amending Section 8-27 and adding Section 8-34.

Recommendation

Staff respectfully requests the Town Council approve an amendment to Town of Smithfield's Code of Ordinances Chapter 8, Article II, Section 8-27, amending the nuisance regulations as it pertains to tall grass and wooded areas and adding a new Section 8-34 chronic violator provision.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Draft Ordinance No. 505



Staff Report

**Code
Agenda Amend
Item: ment**

SUMMARY:

The Town's Code Enforcement has long had issues with:

- repeat offenders, mostly as it pertains to tall grass as a public nuisance.
- enforcing tall grass nuisances when properties have tall grasses and trees
- and enforcing maintenance of the boulevards adjacent to properties.

The Town's Code Enforcement Officer has a difficult job addressing all the code enforcement issues in the Town, especially during the warm growing season when tall grass and weeds can easily become a public nuisance. This problem is exacerbated by repeat offenders; those that repeatedly ignore tall grass and weeds on their properties. Although few, these repeat offenders eat up the bulk of the Code Enforcement Officers time tending to these nuisance properties. The Town is also having difficulty enforcing maintenance of tall grass and weeds on properties with emerging forest area because the Code does not specifically address this situation. Lastly, although most property owners maintain their properties and the adjacent grass street boulevards, some do not, creating a public nuisance which by default becomes the responsibility of the Town and a burden for the Department of Public Works. The intent of the proposed ordinance amendment is to address these issues.

Repeat Offenders.

The Town's Code Enforcement officer spends a large percentage of his working hours sending nuisance notices to the same property owners for repeat tall grass nuisances.

Code Enforcement Process for Tall Grass Nuisances:

1. Receive complaint of nuisance
2. Investigate and document the nuisance
3. Send a notice to the property owners asking them to abate the nuisance within 10 days of receipt of notice.
4. Reinspect after 10 days, and if not abated, have Public Works mow the property.
5. The invoice is sent to the property owners along with any accrued fines and place on lien on the property if the not paid.

Whether the nuisance is ultimately abated by the property owner or by the Town, for a few properties, the process is quickly repeated when the grass reaches 12" or taller. For some properties, this process can be repeated multiple times over the summer growing season, eating up valuable staff time that could be used addressing other nuisance issues. The proposed repeat offender provision would allow the Town to immediately abate the nuisance

without prior notification if in the previous calendar year, the Town gave notice of violation at least three times.

Wooded Areas.

A second issue the Town is having with code enforcement is the enforcement of tall grass nuisances when the tall grass is surrounded by emerging forest. Often the trees are present, but the grass is growing tall around them, generating complaints by adjacent neighbors. The proposed amendment creates an exemption for wooded areas but inserts a definition of wooded areas: any area on a property containing trees of a size and density that prohibits cleaning with a bush hog or mechanical clearing equipment. With this definition, unless the tree density and size prohibit mechanical equipment clearing, the trees would not be considered a wooded area and would be subject to nuisance enforcement.

Right-of-Way Maintenance.

A third issue the Town is having with code enforcement is with maintenance of public rights-of-ways adjacent to properties. It is generally accepted that maintenance of the grass street boulevard and ditches are the responsibility of the adjacent property owners, however, this responsibility is not written in the Town Code of Ordinances. Some property owners refuse to maintain the boulevard which creates a public nuisance. Because maintenance responsibility is not assigned in Ordinance, the Town becomes the default party responsible for maintenance, putting an additional burden on Public Works manpower and equipment and budget. The proposed amendment to Section 8-27 declares tall grass or weeds in the public right-of-way a nuisance and assigns the maintenance responsibility to the adjacent property owner. Agricultural properties are exempt.

RECOMMENDATION:

Staff respectfully requests the Town Council approve an amendment to Town of Smithfield's Code of Ordinances Chapter 8, Article II, Section 8-27, amending the nuisance regulations as it pertains to tall grass and wooded areas and adding a new Section 8-34 chronic violator provision.

**TOWN OF SMITHFIELD
North Carolina**

DRAFT ORDINANCE # 505

**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD CODE OF ORDINANCES
CHAPTER 8, ARTICLE II NOXIOUS WEEDS AND GRASS AND SIMILAR NUISANCES**

WHEREAS, Chapter 8, Article II of the Town of Smithfield’s Code of Ordinances outlines the regulations concerning noxious weeds and grass and similar nuisances within the Town; and

WHEREAS, the Planning Director Stephen Wensman, is requesting the Ordinance be amended as it pertains to declaration of nuisance for growth of weeds and grasses over 12” and adding a chronic violator provision.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Smithfield that Chapter 8, Article II - Noxious Weeds and Grass and Similar Nuisances:

PART I

[Revise Article II, Section 8-27 (2) to exclude wooded areas and to define wooded areas and (3) to make a public nuisance unmaintained public right-of-way, except for agricultural properties]

ARTICLE II. NOXIOUS WEEDS AND GRASS AND SIMILAR NUISANCES

Sec. 8-27. The following enumerated and described conditions are hereby found, deemed and declared to constitute a detriment, danger, and hazard to the health, safety, morals and general welfare of the inhabitants of the town and are found, deemed and declared to be public nuisances *per se* wherever the same may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

- (1) Any condition which is a breeding ground or harbor for mosquitoes or a breeding ground or harbor for rats, snakes, or other pests or has the potential for becoming a breeding ground or harbor for such pests;
- (2) A place, **other than a “Wooded Area”** of heavy growth of weeds or grasses over twelve (12) inches in height which ~~lie less than one hundred (100) feet from any abutting open street or which lies less than one hundred (100) feet from any adjoining property line which contains a dwelling or business structure. or is a place of heavy growth of weeds or grasses over twelve (12) inches in height which lies within fifty (50) feet of any occupied dwelling; provided, that the nuisance defined by this subsection shall be cleared and cut to the satisfaction of~~ **“Wooded Areas” are exempt from this restriction and are defined as any tax parcel of property which is covered over substantially all its surface with trees of a size and density that the trees in themselves prohibit cleaning with a five (5) foot wide bush hog type mower or which in the opinion of the town manager or his designee is so substantially covered by mature trees as to be a wooded lot; whether a parcel is so covered will be determined by a town code enforcement officer, if so designated by the Town Manager.**

- (3) Except for agricultural properties, any growth of weeds or grasses over twelve (12) inches in height, not including wooded areas, in or along a public right-of-way, including an alley or easement. The right of way as herein referenced is *defined* as the land between the “Edge”, hereinafter Edge, of pavement, alley or curb line and the property line. Some of that area herein defined to be right of way may not technically be the right of way of the street but nevertheless as herein defined the obligation to maintain growths extends to the Edge The maintenance of such right-of-way shall be the responsibility of the property owner with property adjacent to or fronting on such right-of-way.
- ~~(3)~~ (4) A place of growth of noxious vegetation, including poison sumac (*Rhus vernix*), poison ivy (*Rhus radicans*) or poison oak (*Rhus toxicodendron*), in a location likely to be accessible to the general public;
- (4) (5) An open place of collection of water for which no adequate natural drainage is provided and where insects tend to breed or which is or is likely to become a nuisance or a menace to public health;
- ~~(5)~~ (6) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of a like nature;
- ~~(6)~~ (7) Is an open place of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind;
- ~~(7)~~ (8) Hides, dried or green provided the same may be kept for sale in the town when thoroughly cured and odorless;
- ~~(8)~~ (9) Any furniture, appliances, automotive parts or pieces or other wood or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement, or areas which may provide a habitat for rats, snakes, insects, or other pests;
- ~~(9)~~ (10) Any improper or inadequate drainage on private property which causes flooding, interferes with the use of, or endangers in any way the streets, sidewalks, parks or other town owned property of any kind;
- ~~(10)~~ (11) Any stormwater retention or detention pond or other impoundment device which is operating improperly;
- ~~(11)~~ (12) Any stormdrain, sewer manhole, abandoned well or other private or public facility which is not properly covered with a grate or other means to remove any hazard to pedestrians or motor traffic;
- ~~(12)~~ (13) Any ditch, trench, or below ground portion of a construction project which remains open for more than fourteen (14) days without being completed or which is not protected with barricades, flags or other means so as to constitute a hazard to pedestrians or motor traffic;
- ~~(13)~~ (14) Failure to clean or clear a public street of mud and debris related to a construction, timbering or other similar land use project within twelve (12) hours after notification by the town manager or his designee for major and minor thoroughfares or within twenty-four (24) hours after such notification for collector and local streets; however, if it is found by the town manager or his designee that the situation is causing a clear and present danger or hazard to traffic or the general public, such cleaning or clearing may be required to take place as soon after notification as practicable;
- ~~(14)~~ (15) Any condition which violates the rules and regulations of the Johnston County Health Department; or
- (15) (16) Any other condition specifically declared to be a danger to the public health, safety, morals, and general welfare of inhabitants of the city and a public nuisance by the town council which proceeding may be initiated by the town manager or his designee before the board after giving written notice thereof. Such notice shall state the condition existing, the location and that the board will be requested on a day certain, after a public hearing at which the person notified may

appear and be heard, to declare that the conditions existing constitute a danger to the public health, safety, morals and general welfare of the inhabitants of the city and a public nuisance. After such declaration by the board in the form of an ordinance, the condition will be abated as provided for in this chapter, provided no administrative appeal shall lie from the proceeding pursuant to the subsection and initiated by the town manager or his designee before the town council.

- (17) The outdoor storage of any tire upon any premises with the Town in such a manner that it does not conform to the approved storage methods defined in Article III, Section 8-51.

PART II

[Revise Article II, adding Section 8-34-Chronic violator provision.]

Sec. 8-34 - Chronic violator provision.

The Town may notify a “chronic violator” of the Town’s public nuisance ordinance that, if the violator’s property is found to be in violation of the ordinance, the Town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. A chronic violator is defined as a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance

The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.

Sec. ~~8-34~~ 8-35– Civil Penalty Provided.

PART III

That the Town of Smithfield’s Code of Ordinances shall be page numbered and revision dated as necessary to accommodate these changes.

PART IV

That these amendments to the Town of Smithfield’s Code of Ordinances shall become effective upon adoption.

Adopted by motion made by _____, seconded by _____, and approved on a vote of _____ in favor and _____ against.

The is the _____ day of _____, 2020

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

APPROVED AS TO FORM:

Robert Spence, Jr., Town Attorney



Request for Town Council Action

Business **Approve**
Agenda **Consultant**
Item: **& Award**
Contract
Date: 9/1/20

Subject: Approve the Recommended Consultant & Award a Contract for Professional Services to Perform a Risk & Resiliency Assessment and an Emergency Response Plan For the Town of Smithfield

Department: Public Utilities

Presented by: Ted Credle

Presentation: Business

Issue Statement

In 2018, Congress passed the American Water Infrastructure Act (AWIA). This legislation made all water systems perform an economic analysis to determine the risk and impact of various accidents and incidents would have upon the water system. Further, each of the water systems should develop a plan to recover from these events and how much time & money such a recovery would take.

Financial Impact

Costs are projected at \$60,000.

Action Needed

Approve the recommended consultant and authorize the Town Manager to execute a contract with them for an amount not to exceed \$60,000.00.

Recommendation

Staff recommends the approval of the proposed consultant and allow the Town Manager to execute a contract with them.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Bid Tab
3. Proposed Contract with the Recommended Contractor
4. Proposed Scope of Services



Staff Report

**Business
Agenda
Item:** **Award of
Contract**

In 2018, Congress passed the American Water Infrastructure Act (AWIA). Among other things, AWIA requires community water systems serving more than 3,300 people to develop or update risk assessments and emergency response plans (ERPs). The law specifies the components that the risk assessments and ERPs must address, and establishes deadlines by which water systems must certify to EPA completion of the risk assessment and ERP. For water systems of Smithfield's size, this deadline is June 30, 2021. However, knowing that such an undertaking could take multiple months, Town staff desires to begin the process now, to ensure we meet this deadline. Further, as such analysis requires in-depth economic analysis, Town staff recognizes the need to obtain professional consulting services to meet the required deadlines & certifications.

Such professional consulting services were publicly bid on July 29, 2020. Additionally, the RFQ was sent directly to two firms that other local municipalities have used (Goldsboro & Apex). Statements of Qualifications were received on August 21, 2020 and reviewed by a three-person panel. All respondents were "scored" and the panel ranked the respondents, per the included Bid Tab.

Staff is asking the Council to approve the recommended consultant and authorize the Town Manager to execute a contract for these professional services, in an amount not to exceed \$60,000.00. This is an unbudgeted expense; however, staff believes it can remain within budgeted allocations due to savings on other capital items coming in under budget due to COVID-19.

Town of Smithfield: AWIA Risk & Resiliency Assessment and Emergency Response Plan

Bid Tabulation - Bids Received: August 21, 2020

	Contractors	Panel Average Score	Ranking of Respondant	Ranking of Respondant
1	AARC	82	4	
2	Ducklee & Dunham	82	4	
3	Inenco, Inc.	84.7	3	
4	iParameters	92	2	
5	MacConnell & Associates	78	6	
6	Withers & Ravenel	94	1	*Recommended Consultant
7				

This is to certify that the responses to the Requests for Qualifications were publically opened and read aloud at 11:00 a.m. on the 21st day of August, 2020 at the Town of Smithfield Operations Center located at 230 Hospital Road, Smithfield, North Carolina.



Ted Credle, Director of Public Utilities

**NORTH CAROLINA
TOWN OF SMITHFIELD**

SERVICE CONTRACT

THIS CONTRACT is made, and entered into this the _____ day of September, 2020, by and between the **TOWN of SMITHFIELD**, a political subdivision of the State of North Carolina, (hereinafter referred to as “TOWN”), and WithersRavenel, Inc. a corporation duly authorized to do business in the state of North Carolina, (hereinafter referred to as “CONTRACTOR”).

For and in consideration of mutual promises to each as herein after set forth, the parties hereto do mutually agree as follows:

- 1. SCOPE OF SERVICES.** CONTRACTOR hereby agrees to provide the services and/or materials under this contract pursuant to the provisions and specifications identified in “Attachment 1” (hereinafter collectively referred to as “Services”). Attachment 1 is hereby incorporated herein and made a part of this contract. Time is of the essence with respect to all provisions of this contract that specify a time for performance.

The TOWN will perform on-going contract monitoring to ensure that the terms of this contract are complied with. CONTRACTOR agrees to cooperate with the TOWN in its monitoring process and provide documentation and/or information requested during the term of this Agreement for the purpose of monitoring the services provided by CONTRACTOR.

- 2. TERM OF CONTRACT.** The Term of this contract for services is from October 1, 2020 to December 31, 2021 unless sooner terminated as provided herein.

- 3. PAYMENT TO CONTRACTOR.** CONTRACTOR shall receive from TOWN an amount not to exceed Sixty Thousand and 00/100 dollars (\$ 60,000.00) as full compensation for the provision of Services. TOWN agrees to pay CONTRACTOR at the rates specified for Services performed to the satisfaction of the TOWN, in accordance with this contract, and Attachment 1. Unless otherwise specified, CONTRACTOR shall submit an itemized invoice to TOWN by the end of the month during which Services are performed. A Funds Reservation number may be assigned to encumber the funds associated with this contract and must appear on all invoices and correspondence mailed to Purchaser. Payment will be processed promptly upon receipt and approval of the invoice by TOWN.

- 4. INDEPENDENT CONTRACTOR.** TOWN and CONTRACTOR agree that CONTRACTOR is an independent contractor and shall not represent itself as an agent or employee of TOWN for any purpose in the performance of CONTRACTOR’s duties under this Contract. Accordingly, CONTRACTOR shall be responsible for payment of all federal, state and local taxes as well as business license fees arising out of CONTRACTOR’s activities in accordance with this Contract. For purposes of this contract taxes shall include, but not be limited to, Federal and State Income, Social Security and Unemployment Insurance taxes.

CONTRACTOR, as an independent contractor, shall perform the Services required hereunder in a professional manner and in accordance with the standards of applicable professional organizations and licensing agencies.

- 5. INSURANCE AND INDEMNITY.** To the fullest extent permitted by laws and regulations, CONTRACTOR shall indemnify and hold harmless the TOWN and its officials, agents, and employees from and against all claims, damages, losses, and expenses, direct, indirect, or consequential (including but not limited to fees and charges of engineers or architects, attorneys, and other professionals and costs related to court action or mediation) arising out of or resulting from CONTRACTOR’s performance of this Contract or the actions of the CONTRACTOR or its officials, employees, or contractors under this Contract or under contracts entered into by the CONTRACTOR in connection with this Contract. This indemnification shall survive the termination of this Contract.

In addition, CONTRACTOR shall comply with the North Carolina Workers' Compensation Act and shall provide for the payment of workers' compensation to its employees in the manner and to the extent required by such Act. Additionally, CONTRACTOR shall maintain, at its expense, the following minimum insurance coverage:

\$1,000,000 per occurrence /\$2,000,000 aggregate --- Bodily Injury Liability, and
\$ 100,000 --- Property Damage Liability, or
\$1,000,000 per occurrence /\$2,000,000 aggregate---Combined Single Limit Bodily Injury and Property Damage

CONTRACTOR, upon execution of this Contract, shall furnish to the TOWN a Certificate of Insurance reflecting the minimum limits stated above. The Certificate shall provide for thirty-(30) days advance written notice in the event of a decrease, termination or cancellation of coverage. Providing and maintaining adequate insurance coverage is a material obligation of the CONTRACTOR. All such insurance shall meet all laws of the State of North Carolina. Such insurance coverage shall be obtained from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina. The limits of coverage under each insurance policy maintained by the CONTRACTOR shall not be interpreted as limiting the CONTRACTOR's liability and obligations under the Contract. Notwithstanding the foregoing, nothing contained in this section 5 shall be deemed to constitute a waiver of the sovereign immunity of the TOWN, which immunity is hereby reserved to the TOWN.

6. **HEALTH AND SAFETY.** CONTRACTOR shall be responsible for initiating, maintaining and supervising all safety precautions and programs required by OSHA and all other regulatory agencies while providing Services under this Contract.
7. **NON-DISCRIMINATION IN EMPLOYMENT.** CONTRACTOR shall not discriminate against any employee or applicant for employment because of age, sex, race, creed, national origin, or disability. CONTRACTOR shall take affirmative action to ensure that qualified applicants are employed and that employees are treated fairly and legally during employment with regard to their age, sex, race, creed, national origin, or disability. In the event CONTRACTOR is determined by the final order of an appropriate agency or court to be in violation of any non-discrimination provision of federal, state or local law or this provision, this Contract may be canceled, terminated or suspended in whole or in part by TOWN, and CONTRACTOR may be declared ineligible for further TOWN contracts.
8. **GOVERNING LAW.** This Contract shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this Contract shall be brought in the General Court of Justice in the County of Johnston and the State of North Carolina.
9. **TERMINATION.**
 - 9.1 **EVENT OF DEFAULT.** Any one or more of the following acts or omissions of the Contractor shall constitute an Event of Default hereunder:
 - a. Failure to perform the Services satisfactorily or on schedule,
 - b. Failure to submit any report required hereunder; and/or
 - c. Failure to perform any other covenant, term, or condition of this Agreement.

Upon the occurrence of an Event of Default, the TOWN may take one or more or all of the following actions:

1. Give Contractor written Notice of the Event of Default, specifying the Event of Default and requiring it to be remedied within, in the absence of greater or lesser specification of time, seven (7) calendar days from the date of the notice; and if the Event of Default is not timely remedied, terminate the agreement, effective two (2) days after giving the Contractor written Notice of Termination; and/or
2. Deduct any and all expenses incurred by the TOWN for damages caused by the Contractor's Event of Default; and/or
3. Treat the agreement as breached and pursue any of its remedies at law or in equity, or both, including damages and specific performance.

9.2 TERMINATION FOR CONVENIENCE. This Contract may be terminated, without cause, by either party upon thirty (30) days written notice to the other party. This termination notice period shall begin upon receipt of the Notice of Termination.

Termination of this Contract, under either section 9.1 or 9.2, shall not form the basis of any claim for loss of anticipated profits by either party.

- 10. SUCCESSORS AND ASSIGNS.** CONTRACTOR shall not assign its interest in this Contract without the written consent of TOWN. CONTRACTOR has no authority to enter into contracts on behalf of TOWN.
- 11. COMPLIANCE WITH LAWS.** CONTRACTOR represents that it is in compliance with all Federal, State, and local laws, regulations or orders, as amended or supplemented. The implementation of this Contract shall be carried out in strict compliance with all Federal, State, or local laws.
- 12. NOTICES.** All notices which may be required by this contract or any rule of law shall be effective when received by certified mail sent to the following addresses:

TOWN OF SMITHFIELD
ATTN: PUBLIC UTILITIES DEPARTMENT
230 HOSPITAL ROAD
SMITHFIELD, NORTH CAROLINA 27577

CONTRACTOR
ATTN: WithersRavenel, Inc
115 MACKENAN DRIVE
CARY, NC 27511

- 13. AUDIT RIGHTS.** For all Services being provided hereunder, the TOWN shall have the right to inspect, examine, and make copies of any and all books, accounts, invoices, records and other writings relating to the performance of the Services. Audits shall take place at times and locations mutually agreed upon by both parties. Notwithstanding the foregoing, CONTRACTOR must make the materials to be audited available within one (1) week of the request for them.
- 14. TOWN NOT RESPONSIBLE FOR EXPENSES.** TOWN shall not be liable to CONTRACTOR for any expenses paid or incurred by CONTRACTOR, unless otherwise agreed in writing.
- 15. EQUIPMENT.** CONTRACTOR shall supply, at its sole expense, all equipment, tools, materials, and/or supplies required to provide Services hereunder, unless otherwise agreed in writing.
- 16. ENTIRE CONTRACT.** This contract, including Attachment 1, shall constitute the entire understanding between TOWN and CONTRACTOR and shall supersede all prior understandings and agreements relating to the subject matter hereof and may be amended only by written mutual agreement of the parties.
- 17. HEADINGS.** The subject headings of the sections are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This contract shall be deemed to have been drafted by both parties and no interpretation shall be made to the contrary.

18. EXISTENCE. CONTRACTOR warrants that it is a corporation duly organized, validly existing, and in good standing under the laws of the State of North Carolina and is duly qualified to do business in the State of North Carolina and has full power and authority to enter into and fulfill all the terms and conditions of this contract.

19. CORPORATE AUTHORITY. By execution hereof, the person signing for CONTRACTOR below certifies that he/she has read this contract and that he/she is duly authorized to execute this contract on behalf of the CONTRACTOR.

20. E-VERIFY. As a condition of payment for services rendered under this agreement, CONTRACTOR shall comply with the requirements of Article 2 of Chapter 64 of the General Statutes. Further, if CONTRACTOR provides the services to the County utilizing a subcontractor, CONTRACTOR shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the General Statutes as well. CONTRACTOR shall verify, by affidavit, compliance of the terms of this section upon request by the TOWN.

IN TESTIMONY WHEREOF, the parties have expressed their agreement to these terms by causing this Service Contract to be executed by their duly authorized office or agent.

TOWN OF SMITHFIELD

Michael L. Scott, Town Manager

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

Gregory D. Siler, Town of Smithfield Chief Financial Officer

CONTRACTOR

By: _____
Authorized Representative

Print Name: _____

Title: _____

ATTACHMENT 1” to follow

AMENDMENT TO BOILER PLATE CONTRACT

(350 East Market Street, Smithfield)

THIS AMENDMENT TO CONTRACT ("Amendment") is made as of October 1, 2020, by and among WithersRavenel, Inc. ("Contractor"), and the Town of Smithfield ("Town").

RECITALS:

- A. Contractor desires to enter into a Contract with Town according to a form supplied, a boiler plate contract, by Contractor and used in its normal business, which agreement is hereinafter referenced as the Contract and dated approximately simultaneously with this Amendment.
- B. It is efficient for Town to enter small contracts such as this on forms supplied by Contractor so as to avoid the time and expense of more formally drafted contracts but Town desires to preserve for itself certain basic contractual provisions in all contracts.
- C. The Parties hereto have therefore agreed to the following Amendment to Contract.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties amend the Contract signed approximately simultaneously herewith and attached hereto by inserting the following provisions which shall be additional provisions of the Contract and shall control over any other provisions of the Contract that might appear contradictory hereto or appear to create ambiguities when read with the provisions agreed to herein.

1. Miscellaneous:

- a. Clause Control. Due to the volume of vender and independent contractor agreements submitted to the Town of Smithfield that would be too time consuming to redraft, this miscellaneous paragraph (subparagraphs a-n) is being inserted in Town Contracts and the provisions of this miscellaneous paragraph will control over all other provisions of the contract.
- b. Merger and Modification. This instrument constitutes the entire agreement between the parties and supersedes any and all prior agreements, arrangements and understandings, whether oral or written, between the parties. All negotiations, correspondence and memorandums passed between the parties hereto are merged herein and this agreement cancels and supersedes all prior agreements between the parties with reference thereto. No modification of this instrument shall be binding unless in writing, attached hereto, and signed by the party against whom or which it is sought to be enforced.
- c. Waiver. No waiver of any right or remedy shall be effective unless in writing and nevertheless shall not operate as a waiver of any other right or remedy or of the same right or remedy on a future occasion.
- d. Caption and Words. The captions and headings contained herein are solely for convenience and reference and do not constitute a part of this instrument. All words and phrases in this instrument shall be construed to include the singular and plural number, and the masculine, feminine or neuter gender, as the context requires.
- e. Binding Effect. This instrument shall be binding upon and shall insure to the benefit of the parties and their heirs, successors and permitted assigns.
- f. North Carolina Law. This instrument shall be construed in accordance with the laws of North Carolina without giving effect to its conflict of laws principles.

- g. Forum Selection. In any action arising from or to enforce this agreement, the parties agree (a) to the jurisdiction and venue exclusively of the state courts in Johnston County, North Carolina.
- h. Limitation of Liability. No party will be liable to another party, or to the extent this agreement may limit the same to any third party, for any special, indirect, incidental, exemplary, consequential or punitive damages arising out of or relating to this agreement, whether the claims alleges tortuous conduct (including negligence) or any other legal theory.
- i. Two Originals. This instrument may be executed in two (2) or more counterparts as the parties may desire, and each counterpart shall constitute an original.
- j. Follow Through. Each party will execute and deliver all additional documents and do all such other acts as may be reasonably necessary to carry out the provisions and intent of this instrument.
- k. Authority. Any corporate party or business entities and its designated partners, venturers, or officers have full and complete authority to sell, assign and convey the contracts and assume the obligations referred to herein; said corporations or entities are in good standing under North Carolina law.
- l. Severability. If any one or more of the terms, provisions, covenants or restrictions of this agreement shall be determined by a Court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, provisions, covenants and restrictions of this Contract shall remain in full force and effect and shall in no way be affected, impaired or invalidated. If, moreover, any one or more of the provisions contained in this Contract shall for any reason be determined by a Court of competent jurisdiction to be excessively broad as to duration, geographical scope, activity or subject, it shall be construed, by limiting or reducing it, so as to be enforceable to the extent compatible with the then applicable law.
- m. Contract Termination. The Town may terminate this contract without cause on 5 days' notice.
- n. Pre-Audit Certification. This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act to assure compliance with NCGS 159-28.

 Greg Siler, Town Budget Officer

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Agreement as of the day and year first above written.

Town:

By: _____
Town Manager

CONTRACTOR,
 a North Carolina _____

By: _____

Business Name: _____

ATTACHMENT 1

SCOPE OF SERVICES

This Scope of Services is an integral part of the contract between the Town of Smithfield (hereinafter referred to as "Town"), and WithersRavenel, Inc. (hereinafter referred to as "Contractor"), which contract is dated October 1, 2020.

CONTRACTOR hereby agrees to provide services and/or materials to the Town pursuant to the provisions set forth below.

I. Background/Purpose (Why): The purpose and intent of this request is to establish a contract with WithersRavenel, Inc. to conduct a comprehensive America's Water Infrastructure Act (AWIA) Resiliency Assessment and Emergency Response Plan for the Town of Smithfield. This service is needed to comply with AWIA, which was passed into law by Congress in 2018.

II. References: The following documents are incorporated herein by reference to them: The Contractor was given a project bid package. Additionally, the contractor was engaged through conversation and visited the site, to clarify site access.

III. Work/Requirements (What and Where): In accordance with the submitted proposal, provided by the contractor; the contractor will furnish the material, equipment, & labor to execute the work. Work is to be completed throughout the Town of Smithfield.

IV. Schedules/Timelines (When): The Contractor shall proceed with the plan & shall submit the Town Assessment certification to the EPA no later than June 30, 2021. The Emergency Response Plan shall be submitted no later than December 31, 2021.

V. Transmittal/Delivery/Accessibility (How): The Contractor is required to provide the necessary labor, security and safety measures to uphold this contract. Work is to be completed throughout the Town of Smithfield.

VI. Payment: Invoices and required warranties, permits or additional submittals shall be forwarded to Town Representative for review. Upon payment authorization, invoices will be paid net 30. Invoices and forms submitted MUST reference Town of Smithfield funds reservation number assigned to this contract. Authorization of payments will be forwarded to Finance Department dependent on receipt of all forms. The Town may withhold payment if required reports or submittals are not received. For this work the contractor will be paid an hourly fee not to exceed \$ 60,000.00; in accordance with the attached proposal, provided by the contractor.



Request for Town Council Action

Business **Veterans**
Item: **Day**
Date: 09/01/2020

Subject: Veterans Day Fireworks
Department: Parks and Recreation
Presented by: Michael Scott, Tim Kerigan & Gary Johnson
Presentation: Business

Issue Statement

Town Staff is asking the Council to approve a fireworks display to celebrate Veterans Day and honor our Veterans on November 11, 2020.

Financial Impact

Staff is asking for a \$10,000 budget for the Veterans Day Display

Action Needed

Approve Town Event for Veterans Day.

Recommendation

Approve Town Event for Veterans Day.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report



Staff Report

**Agenda Veterans
Item: Day**

Due to the Corona Virus Pandemic, the Town of Smithfield has been limited as to its celebrations and its events for our citizens. Veterans Day is Wednesday, November 11th. Staff would like to organize a Veteran's Day Aerial Fireworks display in Community Park to honor our Community's Veterans on Veterans Day, 2020.

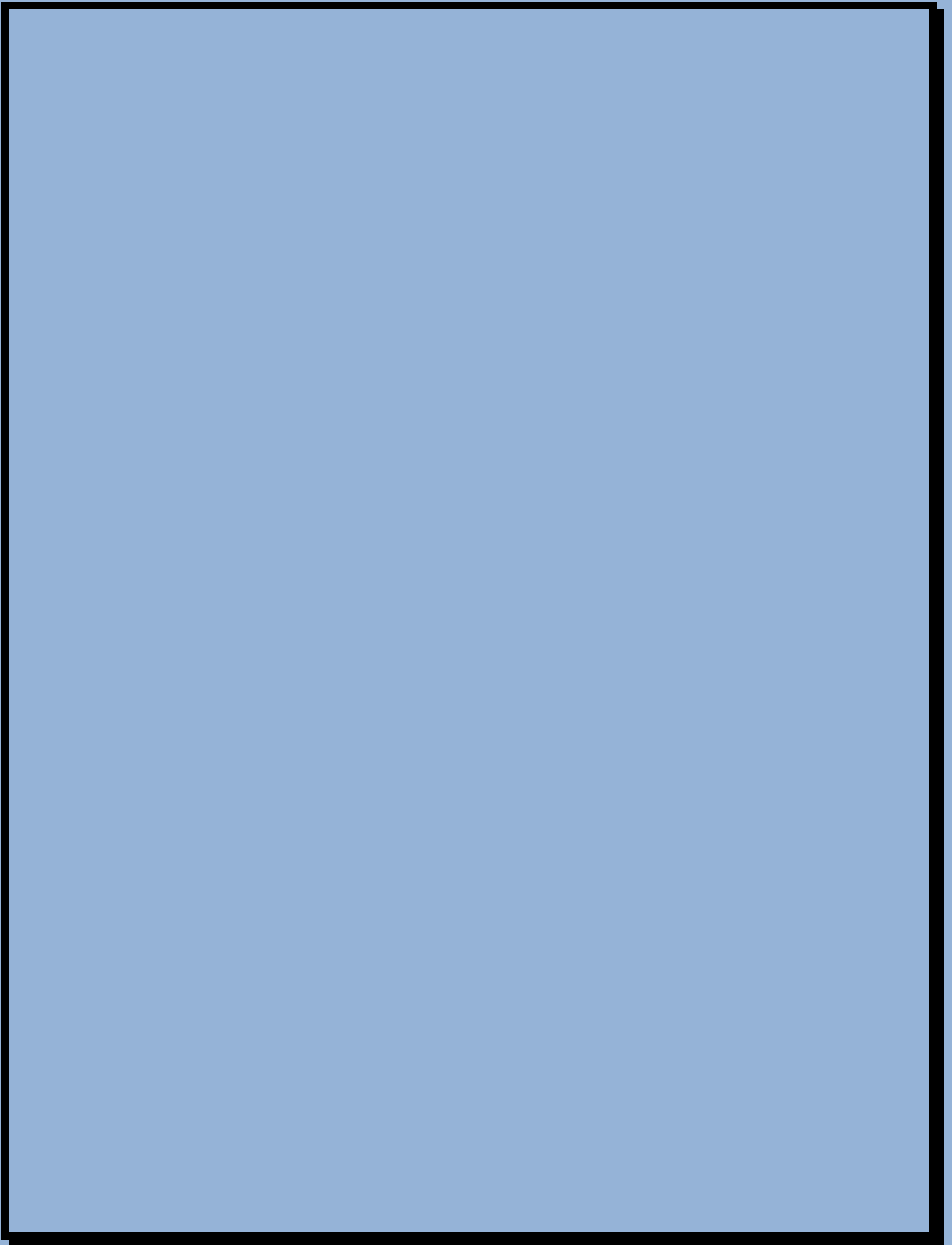
This would not be a gathering, though there may be an honor guard display and possibly a fly over that could be aired on Facebook Live. People would be able to park their vehicles at points they can individually determine to watch the fireworks display without being concerned with social distancing requirements.

We hope to also discuss with local radio stations to play patriotic music during the fireworks display so people can listen from their cars as the show is ongoing. A welcome message from the Mayor could also be part of the beginning presentation.

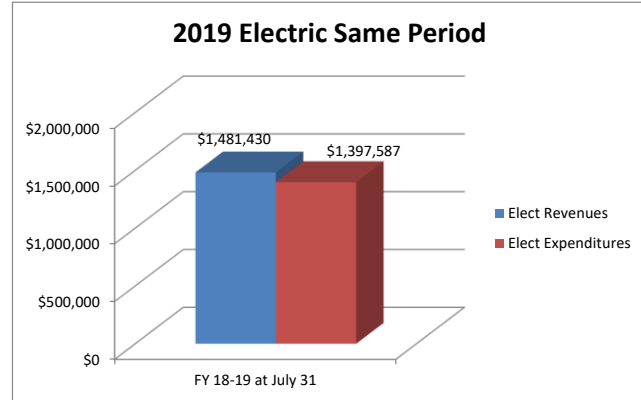
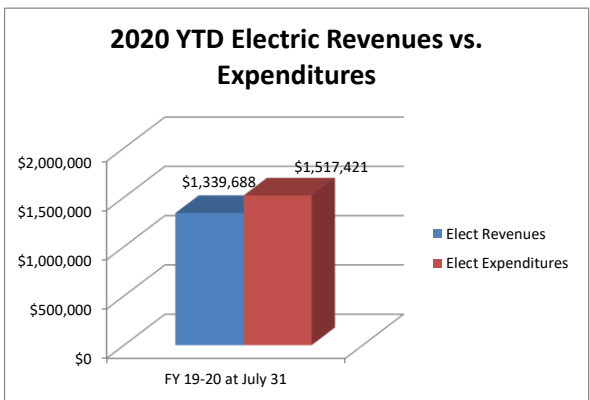
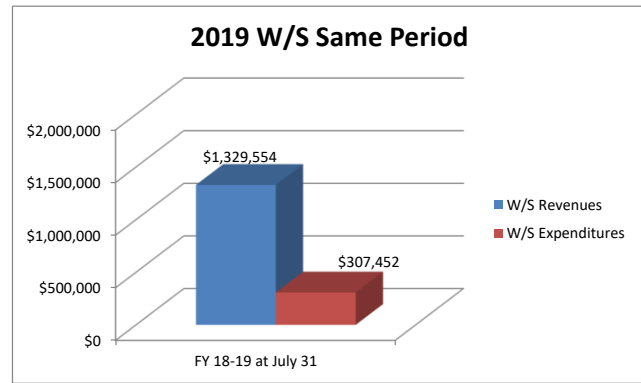
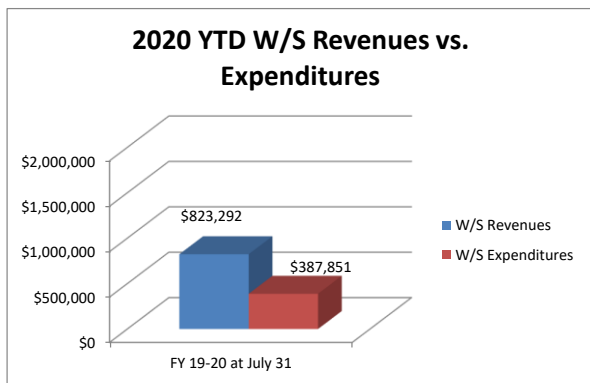
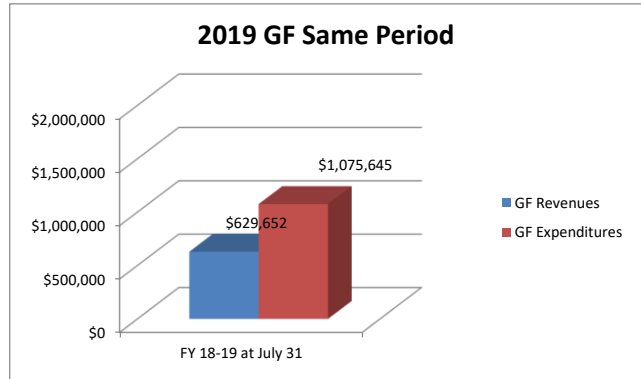
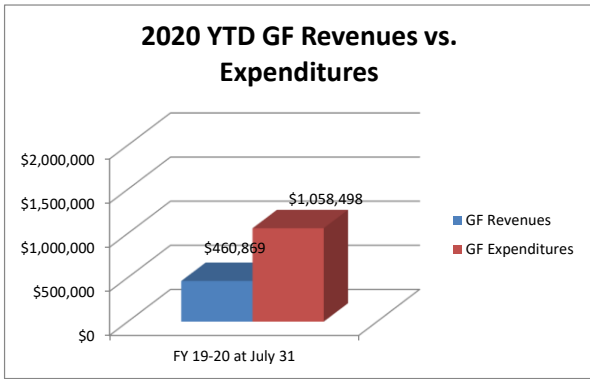
Sunset is historically been about 5:15 pm on November 11th, so the fireworks display would take place relatively early in the evening. Hopefully those from outside Smithfield would also come and enjoy the display, while possibly assisting with the Town's economy by frequenting area restaurants, shopping and other retail establishments, as well as recognize all Smithfield has to offer people of all ages and walks of life.

Money is available from the SRAC, part time salary line to pay for this event. Because the SRAC and Parks and Recreation Departments will be all but closed through at least September 11th, there is a surplus of funds in these accounts that will more than pay for the requested budget.

Financial Report



Town of Smithfield Revenues vs. Expenditures



TOWN OF SMITHFIELD
MAJOR FUNDS FINANCIAL SUMMARY REPORT
July 31, 2020
Gauge: 1/12 or 8.3 Percent

GENERAL FUND

Revenues	Frequency	Actual to Date	Budget	Actual to Date
		FY '19-20	FY '20-21	FY '20-21
Current & Prior Year Property Taxes	Monthly	\$ 38,145	\$ 6,450,000	\$ -
Motor Vehicle Taxes	Monthly	54,198	575,000	50,326
Utility Franchise Taxes	Quarterly	-	975,000	-
Local Option Sales Taxes	Monthly	235,584	2,147,000	212,301
Aquatic and Other Recreation	Monthly	80,463	585,000	6,134
Sanitation (Includes Penalties)	Monthly	113,169	1,351,300	111,748
Grants		4,475	13,000	-
All Other Revenues		103,618	1,358,308	80,360
Loan Proceeds		-	-	-
Transfers (Electric and Fire Dist.)		-	261,614	-
Fund Balance Appropriated		-	1,020,500	-
Total		\$ 629,652	\$ 14,736,722	\$ 460,869

Expenditures	Actual to Date	Budget	Actual to Date
	FY '19-20	FY '20-21	FY '20-21
General Gov.-Governing Body	\$ 30,047	\$ 448,130	\$ 21,848
Non Departmental	115,836	863,780	138,930
Debt Service	190,426	920,953	211,469
Finance	6,103	133,015	6,806
Planning	48,269	324,642	27,933
Police	273,005	4,036,009	272,415
Fire	124,568	2,779,863	140,198
EMS	-	-	-
General Services/Public Works	34,156	545,716	37,246
Streets	26,926	484,705	30,684
Motor Pool/Garage	5,400	95,215	6,431
Powell Bill	2,956	274,315	537
Sanitation	64,402	1,330,260	69,944
Parks and Rec	57,382	905,630	46,202
SRAC	94,492	1,115,890	47,198
Sarah Yard Center	1,677	76,610	658
Contingency	-	401,989	-
Appropriations/Contributions	-	-	-
Total	\$ 1,075,645	\$ 14,736,722	\$ 1,058,499

YTD Fund Balance Increase (Decrease) - -

WATER AND SEWER FUND

Revenues	Actual to Date FY '19-20	Budget FY '20-21	Actual to Date FY '20-21
Water Charges	\$ 261,553	\$ 2,872,930	\$ 249,089
Water Sales (Wholesale)	151,075	\$ 1,800,000	\$ 142,966
Sewer Charges	398,195	4,370,000	405,040
Penalties	-	50,000	-
Tap Fees	2,100	4,500	6,275
Other Revenues (Includes Penalties for FY18-19)	16,631	39,400	19,922
Grants	500,000	-	-
Loan Proceeds	-	-	-
Fund Balance Appropriated	-	-	-
Total	\$ 1,329,554	\$ 9,136,830	\$ 823,292

Expenditures	Actual to Date FY '19-20	Budget FY '20-21	Actual to Date FY '20-21
Water Plant (Less Transfers)	\$ 143,606	\$ 2,059,102	\$ 117,614
Water Distribution/Sewer Coll (Less Transfers)	163,845	4,606,590	270,237
Transfer to General Fund	-	-	-
Transfer to W/S Capital Proj. Fund	-	1,500,000	-
Debt Service	-	611,133	-
Contingency	-	360,005	-
Total	\$ 307,451	\$ 9,136,830	\$ 387,851

ELECTRIC FUND

Revenues	Actual to Date FY '19-20	Budget FY '20-21	Actual to Date FY '20-21
Electric Sales	\$ 1,453,975	\$ 16,300,000	\$ 1,305,865
Penalties	8,373	100,000	-
All Other Revenues	19,083	164,000	33,823
Grants	-	-	-
Loan Proceeds	-	-	-
Fund Balance Appropriated	-	-	-
Total	\$ 1,481,431	\$ 16,564,000	\$ 1,339,688

Expenditures	Actual to Date FY '19-20	Budget FY '20-21	Actual to Date FY '20-21
Administration/Operations	\$ 160,135	\$ 2,455,830	\$ 280,655
Purchased Power - Non Demand	486,260	12,615,420	416,428

Purchased Power - Demand	654,844	-	723,990
Purchased Power - Debt	96,348	-	96,348
Debt Service	-	342,586	-
Capital Outlay	-	35,000	-
Contingency	-	331,664	-
Transfers to Electric Capital Proj Fund	-	695,000	-
Transfer to Electric Capital Reserve	-	-	-
Transfers to General Fund	-	88,500	-
Total	<u>\$ 1,397,587</u>	<u>\$ 16,564,000</u>	<u>\$ 1,517,421</u>

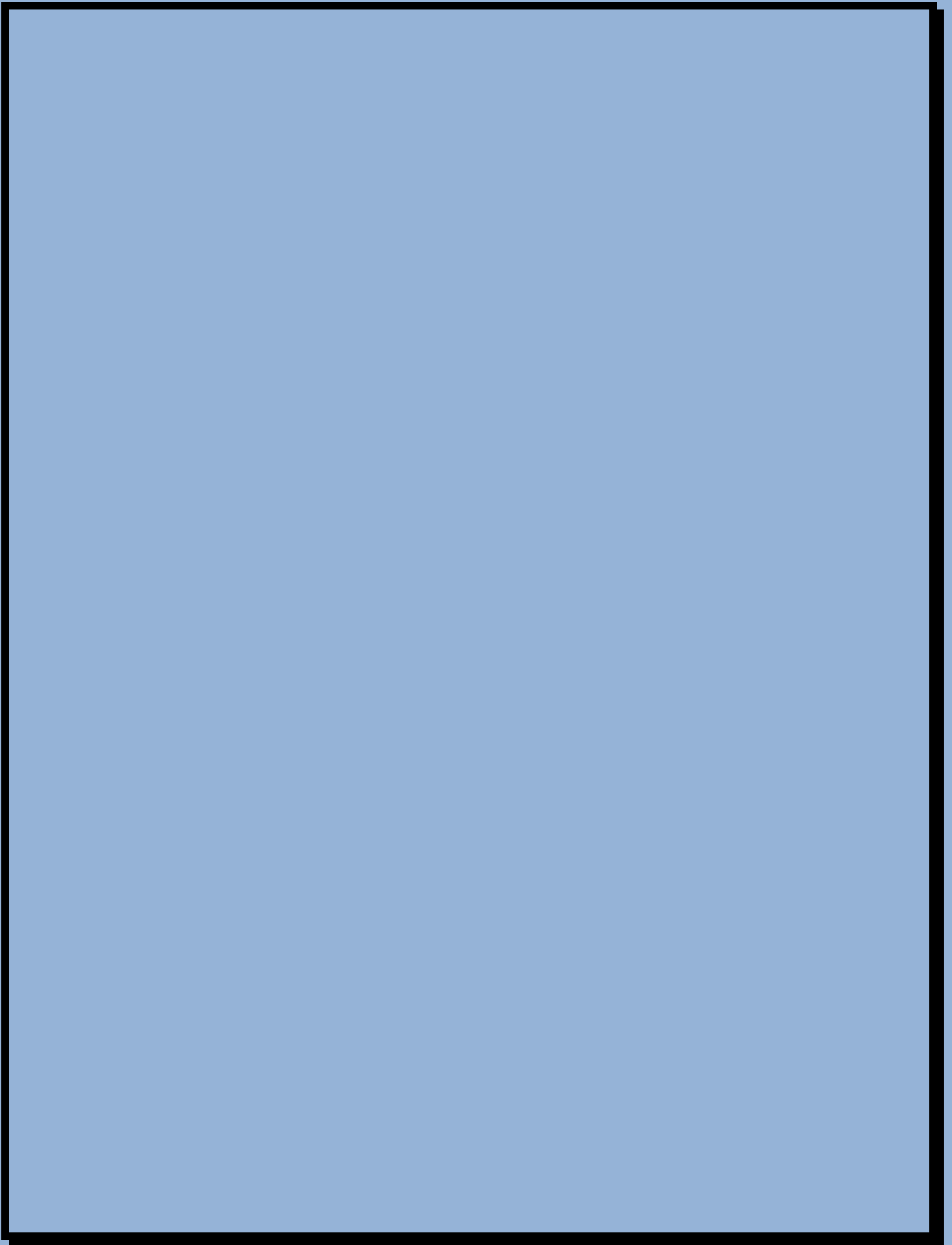
CASH AND INVESTMENTS FOR APRIL

General Fund (Includes P. Bill)	11,772,004		
Water and Sewer Fund	8,379,530		
Electric Fund*	10,379,301		
JB George Endowment (40)	133,971		
Water Plant Expansion (43)	2,584,988		
Booker Dairy Road Fund (44)	457,896		
Capital Project Fund: Wtr/Sewer (45)	908,985		
Capital Project Fund: General (46)	938,978		
Capital Project Fund: Electric (47)	929,120	1st CITIZENS	29,399,797
FEMA Acquisitions and Elevations	(96,808)	NCCMT	2,384,433
Firemen Relief Fund (50)	109,481	KS BANK	3,694,976
Fire District Fund (51)	90,887	UNITED COMM	1,290,135
General Capital Reserve Fund (72)	181,008	PNC BANK	-
Total	<u>\$ 36,769,341</u>		<u>\$ 36,769,341</u>

*Plug

Account Balances Confirmed By Finance Director on 8/17/2020

Department Reports





Staff Report

**Department
Report** **Annual
Economic
Development
Update**

Update

In July 2017, upon request of Economic Development Liaison Tim Kerigan along with Rocky Lane of Sanford Holshouser, Council approved to continue to engage the Scope of Work with Sanford Holshouser for Implementation of the Strategic Economic Development Update Action Items that originally began in August 2016.

Since August of 2016, the Town has been able to make steady progress on implementing the identified action items from the Town's Economic Development Strategic Plan that was updated in 2014.

Attached is a list of mentionable activities for July/August 2020.

Action Requested

No action requested.

Smithfield Economic Development Implementation Activities JUL/AUG20

1. Internal/External Marketing – Promotional Booklet. The final changes have been made and sent to the town for a final review. It is anticipated that the booklet will be printed and available in the very near future.
2. Product Inventory/Partnership with JCED – Tim, Stephen and Rocky met with Chris Johnson to discuss the town’s economic development inventory and other matters. There is interest in West Smithfield Industrial Park by a well experienced industrial developer. The developer is performing the necessary due diligence on the property, which involves more intense evaluations, in certain areas, than were done in the certification process. If the evaluations come back as expected, it is anticipated that the company will acquire a significant portion of the property and move forward with its development. According to other information, there is also a residential developer interested in parts of the property. When it was certified, West Smithfield was described by a former Department of Commerce Certified Sites Steering Committee member (the group that awards certification) as the best he had seen in the state. Further, West Smithfield is the best industrial product in the town’s inventory. It was agreed that the town needs a balance of residential and industrial growth and we should strive to facilitate both.

Chris, Tim, Stephen, and Rocky also discussed other proposed or potential developments, including a large tract east of I-95. This is projected to be a mixed use, primarily residential, development. The group also discussed other properties that had potential for residential development and also industrial development.

Chris gave a brief update on economic development activity in the county. The group agreed that there would be great benefit to meeting on a monthly basis to discuss issues and to be proactive in economic development. The third Thursday in each month was designated for the meeting and Rocky will be sending a meeting request to get those dates on everyone’s calendar.

3. New Business Recruitment – Information Technology. Building on previous discussions, Tim and Rocky agreed that preliminary research should be done to determine if Information Technology is a viable target sector for the town. Preliminary research would entail matching the requirements of the sector with the assets the town currently possesses. The addition of the Wi-Fi system which will cover downtown, would seem to be a terrific advantage in the recruitment of such companies. Sanford Holshouser has developed such Information Technology Sector recruiting strategies for several communities. Rocky will develop an asset checklist and begin the research of town assets.
4. Product Inventory – Former Pontiac Dealership Building. Tim and Rocky toured the former Pontiac dealership. The property is comprised of two buildings. The smaller has what appears to be four overhead doors, with one of them having been filled with glass windows and a door. The interior is in poor shape but could be renovated for use as a restaurant or some other commercial use. The larger facility has had some renovation, but

there is a great deal left to do, depending on final use. The facility has great open space with no support columns. This would be a great asset depending on the end use and should be used as a marketing tool. One of the negatives is the floor. It is concrete and has multi-levels and some sloping areas. Again, depending on the end use, it is possible that the build-out could be adapted to minimize any negatives. We will discuss our impressions with the owner and give our opinions about the path forward.



FINANCE DEPARTMENTAL REPORT FOR JULY, 2020

SUMMARY OF ACTIVITIES FOR MAJOR FUNDS (10,30,31):

Daily Collections/Property Taxes/Other.....	\$ 2411,548
Franchise Tax.....	0
Sales & Use Tax.....	212,301
Powel Bill.....	0
Total Revenue	\$2,623,849

Expenditures: General, Water, and Electric.....\$2,963,770

FINANCE:

- Compiled and submitted monthly retirement report on 7/31/2020
- Issued 114 purchase orders
- Processed 801 vendor invoices for payment and issued 437 accounts payable checks
- Prepared and processed 2 regular payrolls and remitted federal and state payroll taxes on 7/10 and 7/24/2020
- Issued 0 renewal privilege licenses for beer and wine sales.
- Sent 0 past due notices for delinquent privilege license
- Issued 0 peddler license
- Sent 0 notices for grass cutting
- Collected \$0 in grass cutting invoices. Total collected to date is \$8,436
- Processed 14 NSF Checks/Fraudulent Cards (Utility and SRAC)
- Bad debt calendar year-to-date collections total \$27,991.94 (EMS = \$6,259.27; SRAC = \$4,414.82; Utility= \$17,317.85; and Other = \$0).
- Invoiced 2 grave opening for a total of \$1,400.
- Invoiced Johnston Community College for Police Security
- Earned \$1,287.16 in interest from FCB and paid 0 in fees on the central depository account
- Paid \$6,998.62 in credit/debit/Tyler card fees, but earned \$6,780.22 in convenience fees

FINANCE DIRECTOR

- Attended Town Council Meeting on July 7, 2020
- Attended Department Head Meetings on July 6 and 21, 2020
- Brought forward prepaid expenses from FY20 to FY21
- Meet with the Appearance Committee Treasurer to review budget report for FY20 on July 1, 2020
- Attended Powell Bill webinar to review reporting changes on 7/15/2020
- Prepared Rating Agency Report for ElectriCities on July 17, 2020
- Attended GoTo meeting with LGC to discuss material weakness response
- Prepared LGC Update to material weakness response
- Prepared and submitted Powell Bill Expenditure Report for FY20
- Placed approximately 70 utility accounts from cycle 1 on payment plan due to COVID19



Planning Department Development Report

Friday, August 21, 2020

Project Name: **Ambit Plumbing**

Request: Contractor with outdoor storage

Location 100 Rock Pillar Road

Tax ID#: 5J08017E PIN#: 167500-94-9799

Project Status In First Review

Notes:

Site Plan 2020-08
Submittal Date: 8/11/2020
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date:

Project Name: **Daycare Centers at Place of Worship**

Request: Ammend to allow Daycares as accessory use to place of worsh

Location

Tax ID#: PIN#:

Project Status In First Review

Notes: Amend 6.5 Table of uses and activities

Text Amendment 2020--02
Submittal Date: 7/3/2020
Planning Board Review: 8/6/2020
Board of Adjustment Review:
Town Council Hearing Date: 9/1/2020
Approval Date:

Project Name: **Daycare Center**

Request: Daycare Center @ existing place of worship

Location 720 Second Avenue

Tax ID#: 15066010 PIN#: 169311-57-2189

Project Status In First Review

Notes: Complimentary sketch plan review completed.

Special Use 2020-09
Submittal Date: 7/3/2020
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date: 9/1/2020
Approval Date:

Project Name: **TIMA LLC**

Request: Rezone From PUD To B-3

Location Buffalo Road

Tax ID#: 14075030B PIN#:

Project Status First Review Complete

Notes: Tabled by applicant Southeast quadrant of Buffalo Rd and M Durwood Stephenson Pkwy

Map Amendment 2020-04
Submittal Date: 6/17/2020
Planning Board Review: 7/2/2020
Board of Adjustment Review:
Town Council Hearing Date: 8/4/2020
Approval Date:

Project Name: **Twin Oaks Subdivision**
 Request: 20 lot subdivision
 Location Will Drive
 Tax ID#: 15J11008M PIN#: 260300-46-0287
 Project Status **Approved**

Notes: TC review scheduled for 8/4/2020

Subdivision 2020-02	
Submittal Date:	6/5/2020
Planning Board Review:	7/9/2020
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/4/2020

Project Name: **Smithfield Living Facility**
 Request: 83 Unit Assisted Living Facility
 Location Kellie Drive
 Tax ID#: 14075022D PIN#: 260405-09-8645
 Project Status **Second Review Complete**

Notes:

Site Plan 2020-07	
Submittal Date:	6/5/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **JCC Engineering Building**
 Request: 46,365 square foot educational facility
 Location 245 College Road
 Tax ID#: 15K10199F PIN#: 159308-87-5887
 Project Status **Second Review Complete**

Notes:

Site Plan 2020-06	
Submittal Date:	5/19/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Mosquito Squad**
 Request: Amend UDO to allow for pest control in the LI zoning district
 Location 104 Airport Industri Drive
 Tax ID#: 15J08017F PIN#: 168500-04-8569
 Project Status **Approved**

Notes: Ordinance posted to web site

Text Amendment 2020-01	
Submittal Date:	5/1/2020
Planning Board Review:	6/4/2020
Board of Adjustment Review:	
Town Council Hearing Date:	7/7/2020
Approval Date:	7/7/2020

Project Name: **Twin Creeks Cluster Subdivision**
 Request: SUP to allow for a 28 lot cluster subdivision
 Location Galilee Road
 Tax ID#: 15I09011B PIN#: 167300-56-5565
 Project Status **Second Review Complete**
 Notes: To allow for the use of the cluster subdivision provisions

Special Use 2020-01	
Submittal Date:	5/1/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	6/2/2020
Approval Date:	6/2/2020

Project Name: **Tru Hotel**
 Request: 4 Story Hotel
 Location 167 South Equity Drive
 Tax ID#: 15008046c PIN#: 260417-10-4438
 Project Status **Approved**
 Notes: Building Plans approved by JoCo Building Inspection

Site Plan 2020-04	
Submittal Date:	4/29/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	6/1/2020

Project Name: **Burger King**
 Request: Building Remodel / Drive Thru Reconfiguration
 Location 1932 East Market Street
 Tax ID#: 15L11001C PIN#: 260305-09-9223
 Project Status **Approved**
 Notes: Building Plans approved by JoCo Building Inspection

Site Plan 2020-05	
Submittal Date:	4/29/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	7/18/2020

Project Name: **Smithfield Independent Living**
 Request: 83 unit Assisted Living Facility
 Location Kellie Drive
 Tax ID#: 14075022D PIN#: 260503-00-6120
 Project Status **Approved**
 Notes: SUP recorded

Special Use 2020-05	
Submittal Date:	4/28/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	7/7/2020
Approval Date:	7/7/2020

Project Name: **Johnston County Detention Center**
Request: Site Plan Approval
Location 1071 Yelverton Grov Road
Tax ID#: 15L11011 PIN#: 260300-67-6920
Project Status **Approved**

Notes:

Site Plan 2020-02	
Submittal Date:	2/7/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	7/14/2020

Project Name: **East River Phase II**
Request: 32 lot division / Construction Plan Review
Location Buffalo Road
Tax ID#: 14075013 PIN#: 169520-80-3415
Project Status **Approved**

Notes: Under Construction

Subdivision 2018-01	
Submittal Date:	1/29/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	4/20/2020

Project Name: **Johnston Animal Hospital**
Request: Free Standing Facility
Location 826 North Brightleaf Boulevard
Tax ID#: 15005038 PIN#: 260413-02-5950
Project Status **Approved**

Notes: Site Plan Approved

Site Plan 2020-01	
Submittal Date:	1/7/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	6/24/2020

Project Name: **Johnston Regional Airport FBO**
Request: FBO Hanger Addition
Location 3149 Swift Creek Road
Tax ID#: 15079017D PIN#: 168500-12-1015
Project Status **Approved**

Notes: Under Construction

Site Plan 2019-04	
Submittal Date:	5/22/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/22/2019

Project Name: **Kamdon Ranch**
Request: 110 Lot Division
Location Swift Creek Road
Tax ID#: 15I08020 PIN#: 167400-55-9495
Project Status **Approved**
Notes: Under Construction

Subdivision 2019-02	
Submittal Date:	4/5/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	6/27/2019

Project Name: **College Plaza**
Request: Retail Center
Location 1547 East Market Street
Tax ID#: 15K10023L PIN#: 169308-99-5886
Project Status **Approved**
Notes: Final Site Inspection completed with comments

Site Plan 2018-10	
Submittal Date:	8/9/2018
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	2/19/2019

Project Name: **Hampton Inn**
Request: Free Standing Hotel
Location 160 Towne Centre Place
Tax ID#: 15L11001G PIN#: 260305-08-5727
Project Status **Approved**
Notes: Under Construction

Site Plan 2018-08	
Submittal Date:	8/7/2018
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	3/28/2019

Project Name: **East River Phase 1**
Request: 40 lot division
Location 1899 Buffalo Road
Tax ID#: 14075013 PIN#: 169520-80-0490
Project Status **Approved**
Notes: Final Site Inspection Not Yet Completed

Subdivision 2018-01	
Submittal Date:	7/9/2018
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	2/12/2019

Project Name: **Tires and Wheels**

Request: Auto Repair

Location 2134 South Brightleaf Boulevard

Tax ID#: 15A61047D PIN#: 168320-91-1779

Project Status **Approved**

Notes: Under Construction

Site Plan 2017-09

Submittal Date: 8/8/2017

Planning Board Review:

Board of Adjustment Review:

Town Council Hearing Date:

Approval Date: 3/8/2018



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

Permit Issued for July 2020

			Permit Fees	Permits Issued
Zoning	Land Use		700.00	7
Site Plan	Major Site Plan		\$100.00	1
Site Plan	Minor Site Plan		\$375.00	6
Zoning	Sign		\$100.00	2
Report Period Total:			\$1,275.00	16
Fiscal YTD Total:			\$1,275.00	16

SP20-000050	Site Plan	Minor Site Plan	Modular Building	909 Booker Dairy Rd
Z20-000097	Zoning	Land Use	GM Mart	817 S Third St
SP20-000048	Site Plan	Major Site Plan	Johnston Animal Hospital	826 North Brightleaf Blvd
Z20-000098	Zoning	Land Use	Super Electronics, LLC	36-2A E Edgerton St
Z20-000099	Zoning	Sign	Starling Law	405 E Market St
SP20-000049	Site Plan	Minor Site Plan	Johnston County Detention	1071 Yelverton Grove Rd
SP20-000051	Site Plan	Minor Site Plan	109 A & 109 B Langdon Ave	109 Langdon Avenue
Z20-000100	Zoning	Land Use	Gallery Furniture	338 Venture Drive
Z20-000101	Zoning	Sign	Gallery Furniture	338 Venture Drive
SP20-000052	Site Plan	Minor Site Plan	Single Family Dwelling	465 Quail Road
Z20-000103	Zoning	Land Use	Sweet Frogs	1261 N Brightleaf Blvd
Z20-000104	Zoning	Land Use	The Jewelry Outlet	1025 Outlet Center Dr
Z20-000105	Zoning	Land Use	Water Works Services, Inc.	233 Airport Industrial Dr
SP20-000053	Site Plan	Minor Site Plan	Single Family Dwelling	6 Hazelwood Ct
Z20-000106	Zoning	Land Use	Cattail Q Food Truck	1109 N Brightleaf Blvd
SP20-000054	Site Plan	Minor Site Plan	Johnston Animal Hospital	1266 N Brightleaf Blvd



**TOWN OF SMITHFIELD
POLICE DEPARTMENT
MONTHLY REPORT
MONTH ENDING July 31, 2020**

I. STATISTICAL SECTION

Month Ending July 31, 2020	July 2020	July 2019	Total 2020	Total 2019	YTD Difference
Calls for Service	1571	1849	10,469	11,688	-1219
Incident Reports Completed	138	150	816	994	-178
Cases Closed	92	117	593	700	-107
Accident Reports	73	66	390	516	-126
Arrest Reports	80	121	507	671	-290
Burglaries Reported	3	9	29	42	-13
Drug Charges	30	51	179	249	-70
DWI Charges	2	5	41	46	-5
Citations Issued	149	159	939	1136	-197
Speeding	28	26	244	219	25
No Operator License	31	38	148	269	-121
Registration Violations	13	20	111	135	-24

II. PERSONNEL UPDATE

The police department currently has three (3) vacant patrol officer positions. One officer still out on Military leave. Applications are being reviewed with interviews being setup in the future.

III. MISCELLANEOUS

Mandatory in-service training was continued in July, with most courses be completed on line. The department has assisted with several Birthday Parades in several neighborhoods in town. Due to COVID-19 the department has not had any community events during the month of July.

REPORTED UCR OFFENSES FOR THE MONTH OF JULY 2020

PART I CRIMES	July 2019	July 2020	+/-	Percent Changed	Year-To-Date 2019	Year-To-Date 2020	+/-	Percent Changed
MURDER	1	0	-1	-100%	1	0	-1	-100%
RAPE	0	1	1	N.C.	1	1	0	0%
ROBBERY	1	1	0	0%	6	6	0	0%
Commercial	0	1	1	N.C.	2	1	-1	-50%
Individual	1	0	-1	-100%	4	5	1	25%
ASSAULT	1	9	8	800%	38	33	-5	-13%
* VIOLENT *	3	11	8	267%	46	40	-6	-13%
BURGLARY	6	5	-1	-17%	37	27	-10	-27%
Residential	4	1	-3	-75%	26	15	-11	-42%
Non-Resident.	2	4	2	100%	11	12	1	9%
LARCENY	35	37	2	6%	181	220	39	22%
AUTO THEFT	1	0	-1	-100%	10	7	-3	-30%
ARSON	0	0	0	N.C.	0	3	3	N.C.
* PROPERTY *	42	42	0	0%	228	257	29	13%
PART I TOTAL:	45	53	8	18%	274	297	23	8%
PART II CRIMES								
Drug	30	41	11	37%	186	152	-34	-18%
Assault Simple	5	6	1	20%	47	42	-5	-11%
Forgery/Counterfeit	2	0	-2	-100%	16	25	9	56%
Fraud	4	6	2	50%	46	45	-1	-2%
Embezzlement	0	2	2	N.C.	0	9	9	N.C.
Stolen Property	1	1	0	0%	5	3	-2	-40%
Vandalism	10	4	-6	-60%	45	33	-12	-27%
Weapons	1	1	0	0%	3	6	3	100%
Prostitution	0	0	0	N.C.	0	0	0	N.C.
All Other Sex Offens	0	0	0	N.C.	0	4	4	N.C.
Gambling	0	0	0	N.C.	0	0	0	N.C.
Offn Agnst Faml/Chld	0	0	0	N.C.	5	4	-1	-20%
D. W. I.	6	1	-5	-83%	52	41	-11	-21%
Liquor Law Violation	2	1	-1	-50%	6	8	2	33%
Disorderly Conduct	4	0	-4	-100%	11	0	-11	-100%
Obscenity	0	0	0	N.C.	0	0	0	N.C.
Kidnap	1	0	-1	-100%	2	0	-2	-100%
Human Trafficking	0	0	0	N.C.	0	0	0	N.C.
All Other Offenses	32	32	0	0%	235	149	-86	-37%
PART II TOTAL:	98	95	-3	-3%	659	521	-138	-21%
GRAND TOTAL:	143	148	5	3%	933	818	-115	-12%

N.C. = Not Calculable



**Town of Smithfield
Fire Department
July 2020**

I. Statistical Section

Responded to	2020 Jul	Jul IN	Jul OUT	2019 Jul	2020 IN	2020 OUT	2020 YTD	2019 YTD
Total Structure Fires Dispatched	9	3	6	13	22	32	54	77
Confirmed Structure Fires (Our District)	2	2	0	4	14	0	14	20
Confirmed Structure Fires (Other Districts)	3	0	3	3	0	17	17	24
EMS/Rescue Calls	93	83	10	116	524	47	571	867
Vehicle Fires	0	0	0	1	5	4	9	5
Motor Vehicle Accidents	13	12	1	9	84	15	99	127
Fire Alarms (Actual)	7	5	2	7	33	3	36	62
Fire Alarms (False)	14	14	0	21	76	2	78	90
Misc./Other Calls	24	17	7	43	130	28	158	204
Mutual Aid (Received)	3	0	0	5	0	0	24	28
Mutual Aid (Given)	6	0	0	15	0	0	24	56
Overlapping Calls (Calls at the same time)	26	0	0	39	0	0	178	299
TOTAL EMERGENCY RESPONSES	156	133	23	204	866	116	982	1399

* Denotes the breakdown of calls, these are not calculated into the totals *
IN/OUT denotes in and out of the Town, not outside the fire district. When we respond to another fire district (Mutual Aid), which is outside of our total fire district boundaries that is reported in (**Other Districts**).

	Jul	YTD
Fire Inspections/Compliance Inspections	24	148
Public Fire Education Programs	0	1
Children in Attendance	0	2
Adults in Attendance	0	2
Plans Review Construction/Renovation Projects	14	41
Fire Code Citations	0	0
Fire Lane Citations	0	0
Consultation/Walk Through	4	45
Re-Inspections	11	54

II. Major Revenues

	Jul	YTD
Inspections	\$600.00	\$5,225.00
False Alarms	\$125.00	\$1,700.00
Fire Recovery USA	\$396.00	\$792.00
EMS Debt Setoff	\$133.45	\$5,670.04

Major Expenses for the Month:

III. Personnel Update:

IV. Narrative of monthly departmental activities:

- Due to COVID-19 all special events were cancelled.
- We conducted live fire training at 665 NC 210 Hwy.

2019 data

Revenue

Overlapping

**Town of Smithfield
Public Works Department
July 31, 2020**



171 Total Work Orders completed by the Public Works Department

6 Burials, at \$700.00 each = \$4,200.00

0 Cremation Burial, \$400.00 each = \$0.00

\$1,000.00 Sunset Cemetery Lot Sales

\$2,500.00 Riverside Extension Cemetery Lot Sales

502.31 tons of household waste collected

114 tons of yard waste collected

4.99 tons of recycling collected

4,740 Lbs. of shredder steel recycled

Appearance Commission July 2020 Monthly Report:

Donate a tree Plaque

- New donate a tree plaque was installed in the Town Hall Garden. The plaque displays the names of people who purchased trees in honor or memory of someone.

Boat Ramp

- Flagpole was installed at the boat ramp; flags are ordered at this time.

Next Appearance Commission meeting will be on September 15, 2020 at 5:00pm in Town Hall.

Town of Smithfield
Public Works Appearance Division
Cemetery, Landscapes, and Grounds Maintenance
Buildings, Facilities, and Sign Division
Monthly Report
July 31, 2020



I. Statistical Section

6 _____ Burials

5 _____ Works Orders – Buildings & Facilities Division

15 _____ Work Orders – Grounds Division

15 _____ Work Orders – Sign Division

II. Major Revenues

Sunset Cemetery Lot Sales: \$1000.00

Riverside Ext Cemetery Lot Sales: \$2,500.00

Grave Opening Fees: \$4,200.00

Total Revenue: \$7,700.00

III. Major Expenses for the Month:

None for the month

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 Appearance Division safety meeting was on "Heat Stroke, water, rest, and shade."

**Town of Smithfield
Public Works Drainage/Street Division
Monthly Report
July 31, 2020**



I. Statistical Section

- a. All catch basins in problem areas were cleaned on a weekly basis
- b. 3 Work Orders – 4.02 Tons of Asphalt was placed in 2 utility cuts, 1 gator area.
- c. 1 Work Order – 1,047 Linear Feet of ditch bank cleaned.
- d. 28 Work Orders – 1,650lbs. of Cold Patch was used for 43 Potholes.
- e. 320LF of storm drain line cleaned on Cedar Drive.

II. Major Revenues

None for the month

III. Major Expenses for the Month:

\$640.03 to Blacks tire for tires on backhoe 410, \$640.03 to Blacks tire for tires on backhoe 411, \$1,152.14 to Sampson Bladen Oil Co. for Hydraulic Fluid and oil.

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The Public Works Department safety meeting on "Heat Stroke, water, rest, and shade."

**Town of Smithfield
Public Works Department
July 2020 Drainage Report**

Location: McCullers and Stancil, Coats and Powell, Coats and Hartley, 612 Powell, 802 Martin, 908 South Ave, 701-703 East, 5th and Lee, E Lee near RR Track, Computer and Powell, McCullers and Britt, Berkshire and Edgerton, First and Stevens, Stevens and Vermont, 1205 S Crescent, S 2nd beside courthouse, North Street and 10th, 51 Brookwood, 7-9 Eden Drive, Pitchie, 22 N Sussex, Outlet Center near Bob Evans, Outlet Center near Outback, 230-275 Equity, 108 Dail.

Starting Date: 7/1/2020
Completion Date: 7/30/2020
Description: Repaired 43 potholes with Perma Patch asphalt.
Man-hours: 5.583hrs.
Equipment: 412 plus hand tools.
Materials: 27.5 bags of Perma Patch.

Location: S Roderick and W Market.
Starting Date: 7/1/2020
Completion Date: 7/1/2020
Description: Cut back blind intersection.
Man-hours: 30 minutes.
Equipment: 412 plus hand tools.
Materials: NA

Location: 209 Whitley Drive.
Starting Date: 7/2/2020
Completion Date: 7/2/2020
Description: Cut back low hanging limb for Fire Department.
Man-hours: 3hrs.
Equipment: 905, 903, 412 plus hand tools.
Materials: NA

Location: 115 Riverside Drive, 2nd at Spring Branch, 3rd beside Travel Odyssey, 5th and Church, lots beside Police Dept, Woodall and SBL, 307 Woodall, Rogers Circle, Outlet Center Drive, NC 210 FEMA lots, College Rd and MLK, Lee Street at RR Track, 721 Second Ave, Rand and Brogden, Blount Street, Wellons between Chestnut and Rosewood, Martin and Second Ave, Dead End of West Street, 7th and Hospital Road.

Starting Date: 7/7/2020
Completion Date: 7/29/2020
Description: Cut FEMA lots, town lots and right of ways.
Man-hours: 29 hours.
Equipment: 412, bobcat tractor, scag mowers, New Holland Tractor plus hand tools.
Materials: NA

Location: 913 and 1002 S 1st Street.
Starting Date: 7/16/2020
Completion Date: 7/16/2020
Description: Cut back low limbs from roadway.
Man-hours: 2.5 hours.
Equipment: 900, 905 plus pole saw.
Materials: NA

Location: 316 Oak Street, North Ave between MLK and East, Equity Drive at Baymont Hotel.
Starting Date: 7/15/2020
Completion Date: 7/15/2020
Description: Repaired two utility cuts and one gator/pothole area.
Man-hours: 12 hours.
Equipment: 411, 412, 408 plus hand tools.
Materials: 4.02 tons of 9.5 B asphalt.

Location: Booker dairy Road.
Starting Date: 7/16/2020
Completion Date: 7/16/2020
Description: Replaced 5 Street Blades at intersections along roadway.
Man-hours: 5hrs.
Equipment: 412
Materials: Five 30 x 8 Street blades plus lettering and hardware.

Location: 500Blk of E Davis Street.
Starting Date: 7/17/2020
Completion Date: 7/17/2020
Description: Cut back low hanging limbs in roadway.
Man-hours: 2hrs.
Equipment: 905 plus hand tools.
Materials: NA

Location: 702 Martin Luther King Drive.
Starting Date: 7/21/2020
Completion Date: 7/21/2020
Description: Repaired sink hole beside catch basin.
Man-hours: 2 hrs.
Equipment: 420 Cat backhoe, 412 plus hand tools.
Materials: Two 80lbs. bags of concrete, ½ yard of topsoil.

Location: Hood and Walnut.
Starting Date: 7/22/2020
Completion Date: 7/22/2020
Description: Repaired sink hole beside catch basin.
Man-hours: 2 hrs.
Equipment: 412, 420 Cat backhoe plus hand tools.
Materials: One yard of flowable fill concrete.

Location: N Third and S Third between Bridge and Johnston.
 Starting Date: 7/24/2020
 Completion Date: 7/24/2020
 Description: Cut grass from curb line and sidewalk, sprayed roundup and blew.
 Man-hours: 2.5 hours.
 Equipment: 905 plus hand tools.
 Materials: NA

Location: 215 S Third, N 4th and Hospital, S 3rd and Parker, 6th and Market, 6th and Massey, Buffalo and North.
 Starting Date: 7/27/2020
 Completion Date: 7/28/2020
 Description: Cut back blind corners and low hanging limbs from roadways.
 Man-hours: 2hrs.
 Equipment: 412 plus hand tools.
 Materials: NA

Location: E Market Street ditch beside JCC Arboretum.
 Starting Date: 7/17/2020
 Completion Date: 7/29/2020
 Description: Cut vegetation and removed obstructions from 1,047LF of ditch bank for positive drainage.
 Man-hours: 24hrs.
 Equipment: 412, tractor with bush hog plus hand tools.
 Materials: NA

Location: Cedar Drive.
 Starting Date: 7/29/2020
 Completion Date: 7/29/2020
 Description: Cleaned 320LF of storm drain line with jet truck.
 Man-hours: 5hrs.
 Equipment: Jet truck plus hand tools.
 Materials: NA

Location: S 6th and Rose.
 Starting Date: 7/29/2020
 Completion Date: 7/29/2020
 Description: Cleaned 20LF of curb and gutter for positive drainage. Remove a pickup load of sand and debris from area.
 Man-hours: 1hr.
 Equipment: 300
 Materials: NA

Location: Wilkins and 8th Street.
Starting Date: 7/30/2020
Completion Date: 7/20/2020
Description: Repaired sink hole beside catch basin.
Man-hours: 2 hrs.
Equipment: 420 Cat backhoe plus hand tools.
Materials: Two 80lbs. bags of concrete and ¼ yard of topsoil.

Location: Oakland Cemetery at back fence line.
Starting Date: 7/30/2020
Completion Date: 7/30/2020
Description: Removed large hornet nest from shrubs in rear of cemetery.
Man-hours: 1 hr.
Equipment: 300 plus hand tools.
Materials: Three cans of Hornet spray.

**Town of Smithfield
Public Works Fleet Maintenance Division
Monthly Report
July 31, 2020**



I. Statistical Section

- 0 Preventive Maintenances
- 0 North Carolina Inspections
- 30 Work Orders

II. Major Revenues

None for the month

III. Major Expenses for the Month:

None for the month

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 Department safety meeting was on "Heat Stroke, water, rest, and shade."

Town of Smithfield
Public Works Sanitation Division
Monthly Report
July 31, 2020



I. Statistical Section

The Division collected from approximately 4155 homes, 4 times during the month

- a. Sanitation forces completed 30 work orders
- b. Sanitation forces collected tons 502.31 of household waste
- c. Sanitation forces disposed of 57 loads of yard waste and debris at Spain Farms Nursery
- d. Recycled .58 tons of clean wood waste (pallets) at Convenient Site Center
- e. Town's forces collected 0 tons of construction debris (C&D)
- f. Town disposed of 0 scrap tires that was collected at Convenient Site Center
- g. Recycling forces collected 4 tons of recyclable plastic
- h. Recycled 2800 lbs. of cardboard material from the Convenient Site Center
- i. A total of 0 gals of cooking oil was collected at the Convenient Site Center
- j. Recycled 7180 lbs. of plastics & glass (co-mingle) from the Convenient Site Center

II. Major Revenues

- a. Received \$0 from Sonoco Products for cardboard material
- b. Sold 0 lbs. of aluminum cans for \$0
- c. Sold 4740 lbs. of shredder steel for \$ 165.70 to Omni Source

III. Major Expenses for the Month:

Spain Farms Nursery was paid \$0 for disposal of yard waste and debris.
Paid \$852.00 to Bladen Oil for shop oil. Paid \$1,956.89 to Smithfield Diesel for Water pressure test for truck 311. Paid Carolina Freightliner \$4,049.75 for ac unit repair fuel filters and code clear out.

IV. Personnel Update:

No new personnel hired, Public Works continue to use Mitchells Temporary Service

V. Narrative of monthly departmental activities:

The Public Works Department safety meeting was on "Heat Stroke water rest and shade."
Coverall Janitorial, Cleggs Pest Control, Heat Transfer solutions and Mark Lane Lawn Care
To begin yearly contract with the Town Of Smithfield.
Community Service Workers worked 0 hrs.



MONTHLY REPORT FOR JULY, 2020

PROGRAMS STATISTICS	July, 2020		July, 2019	
NUMBER OF PROGRAMS	1		12	
TOTAL ATHLETICS PARTICIPANTS	38		1166	
TOTAL NON/ATHLETIC PARTICIPANTS	0		413	
NUMBER OF GAMES PLAYED	0		154	
TOTAL NUMBER OF PLAYERS (GAMES)	0		3296	
NUMBER OF PRACTICES	0		16	
TOTAL NUMBER OF PLAYER(S) PRACTICES	0		288	
SYCC VISITS	0		247	
	July, 2020	20/21 FY YTD	July, 2019	19/20 FY YTD
PARKS RENTALS	10	19	26	26
USERS (PARKS RENTALS)	145	145	6768	6768
TOTAL UNIQUE CONTACTS	183	183	11,012	
	July, 2020	20/21 FY YTD	July, 2019	19/20 FY YTD
PARKS AND RECREATION REVENUES	\$ 1,080.00	\$ 1,080.00	\$ 16,721.00	\$ 16,721.00
PARKS AND RECREATION EXPENDITURES (OPERATIONS)	\$ 46,202.00	\$ 46,201.00	\$ 57,381.00	\$ 57,381.00
PARKS AND RECREATION EXPENDITURE (CAPITAL OUTLAY EQUIP)	\$ -	\$ -	\$ -	\$ -
SYCC EXPENDITURES	\$ 657.00	\$ 657.00	\$ 1,678.00	\$ 1,678.00

HIGHLIGHTS

- Created the "Elephant Hunt" on the greenway
- Continued virtual craft segments on facebook
- Started drop in pickleball
- Assisted with meals / backpack buddie at SYCC



SRAC MONTHLY REPORT FOR JULY, 2020

PROGRAMS STATISTICS

NUMBER OF PROGRAMS	6	23
TOTAL CONTACT WITH PROGRAM PARTICIPANTS	1578	4688

	July, 2020	20/21 FY YTD	July, 2019	19/20 FY YTD
SRAC MEMBER VISITS	781	781	4840	4840
DAY PASSES	0	0	2110	2110
RENTALS (SRAC)	1	1	43	43
USERS (SRAC RENTALS)	65	65	2581	2581
TOTAL UNIQUE CONTACTS	2,424	4,609	14,219	14,219

FINANCIAL STATISTICS

	July, 2020	20/21 FY YTD	July, 2019	19/20 FY YTD
SRAC REVENUES	\$ 5,053.00	\$ 5,053.00	\$ 63,743.00	\$ 63,743.00
SRAC EXPENDITURES	\$ 47,197.00	\$ 47,197.00	\$ 94,491.00	\$ 94,491.00
SRAC MEMBERSHIPS	2164		2781	

HIGHLIGHTS

Began group fitness classes on Miracle League Field
Hosted Lifeline health scr



- **Statistical Section**

- Electric CP Demand 31,384 Kw relative to June's demand of 22,777 Kw.
- Electric System Reliability for was 99.986%, with eight (8) recorded outage; relative to June's 99.995%.
- Raw water treated on a daily average was 4.356 MG relative to 3.954 MG for June; with maximum demand of 5.260 MG relative to June's 5.426 MG.
- Total finished water to the system was 123.003 MG relative to June's 108.005 MG. Average daily for the month was 3.968 MG relative to June's 3.600 MG. Daily maximum was 4.998 MG (July 22nd) relative to June's 4.864 MG. Daily minimum was 3.187 (July 24th), relative to June's 1.769 MG.

- **Miscellaneous Revenues**

- Water sales were \$249,089 relative to June's \$222,376
- Sewer sales were \$405,041 relative to June's \$358,665
- Electrical sales were \$1,305,865 relative to June's sales of \$1,120,912
- Johnston County Water purchases were \$222,599 for 94.723 MG relative to June's \$142,956 for 64.980 MG.

- **Major Expenses for the Month**

- Electricity purchases were \$1,239,889 relative to June's \$975,208.
- Johnston County sewer charge was \$204,496 for 62.671 MG relative to June's \$161,203 for 44.360 MG.

- **Personnel Changes –**

- There were no changes in personnel this month



**Town of Smithfield
Electric Department
Monthly Report
July, 2020**

I. Statistical Section

- Street Lights repaired -16
- Area Lights repaired -16
- Service calls - 58
- Underground Electric Locates -181
- Poles changed out or installed -2
- Underground Services Installed -5

II. Major Revenues

- N/A

III. Major Expenses for the Month:

- N/A

IV. Personnel Update:

- The Utility Dept. had one Safety Meeting on Trenching and Shoring.

V. Miscellaneous Activities:

- Overhead Contractors are continuing to work on the North Circuit.
- The Electrical Dept. is continuing to install/connect services at East River Subdivision.
- Underground Contractors started work on the underground portion of the North Circuit.