



Mayor

M. Andy Moore

Mayor Pro-Tem

John A. Dunn

Council Members

Marlon Lee

Sloan 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, October 4, 2022

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 OCTOBER 4, 2022  
7:00 PM**

Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

Page

Presentations:

1. Administering Oath of Office to new Police Officer Joshua Lynch  
(Mayor – M. Andy Moore) See attached information.....1
2. Proclamation – Recognizing October 2 -8, 2022 as Public Power Week in  
the Town of Smithfield  
(Mayor – M. Andy Moore) See attached information.....3
3. Proclamation – Recognizing October 6-15, 2022 as Fire Prevention Week  
in the Town of Smithfield  
(Mayor – M. Andy Moore) See attached information.....5

Public Hearings:

1. Economic Development Incentive Grant – Project Neyer: In accordance  
with NCGS 158-7.1(a), The Town Council has called for a public hearing to  
consider an economic development incentive grant and adoption of Resolution  
No. 706 (15-2022)  
(Town Manager – Michael Scott) See attached information.....7
2. CZ-22-03 Blueline Aviation: The applicant is requesting rezoning of a 14.43-  
acre tract of land from anR-20A (Residential) zoning district to a PUD (Conditional  
Zoning) district. The property considered for approval is located on the west side  
of Swift Creek Road approximately 650 feet north of its intersection with Airport  
Industrial Drive and further identified as Johnston County Tax ID# 15J08015B.  
(Planning Director – Stephen Wensman) See attached information.....11

3. ANX – 22-02: Blueline Aviation: The applicant has submitted a petition for a voluntarily noncontiguous annexation of 14.43 acres into the Town of Smithfield and adoption of Ordinance No. 511.  
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4. **Amendments to the Town’s Code of Ordinance:** Article IV Chapter 5 “Buildings and Building Regulations”, Article V Chapter 5 “Commercial Building Maintenance and Appearance Regulations” and Chapter 8 Garbage, Trash and Refuse  
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5. ZA-22-02 Town of Smithfield: The applicant is requesting an amendment to Unified Development Ordinances, Section 3.4.2.2, Composition and Vacancies to reduce the Board of Adjustment size from 7 regular members to 5 regular members and to amend Sections 3.3.3.2, 3.4.2.3. and 3.5.4. to allow no more than 3 absences per calendar year for the Planning Board, Board of Adjustment and Historic Preservation Commission members  
(Planning Director – Stephen Wensman) See attached information.....77

Citizens Comments

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1. Approval of Minutes:
  - a. August 30, 2022 – Special Meeting
  - b. August 30, 2022 – Closed Session (Under Separate Cover)
  - c. September 6, 2022 – Regular Meeting
  - d. September 6, 2022 – Closed Session (Under Separate Cover).....97
2. Special Event: Faith and Blue Event – The Smithfield Police Department is requesting approval to hold an event at Smith Collins Park from 10:00 am until 2:00 pm on October 8, 2022. This request includes the use of amplified sound.  
(Planning Director – Stephen Wensman) See attached information.....117
3. Special Event: Ava Gardner Festival – The Ava Garner Museum is requesting approval to hold its festival at 358 East Market Street from 9:00 am until 5:00 pm October 8, 2022. This request includes the use of amplified sound.  
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4. Special Event: Down Home NC Super Saturday Event – Down Home NC is requesting approval to hold an event at Smith Collins Park from 10:00 am until 4:00 pm On October 29, 2022. This event includes the use of amplified sound and two food trucks  
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6. Consideration and request for approval to promote a Police Officer II to the rank of Master Police Officer (Chief of Police – R. Keith Powell) <u>See</u> attached information.....	139
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8. Consideration and request for approval to adopt Resolution No. 711 (20-2022) allowing Retiring Master Police Officer Rickey Parker, Jr. to purchase his service badge and weapon (Chief of Police – R. Keith Powell) <u>See</u> attached information.....	161
9. Consideration and request for approval to install crosswalks on Fourth Street and Johnston Street near First Baptist Church (Chief of Police – R. Keith Powell) <u>See</u> attached information.....	165
10. Consideration and request for approval to award a contract to the Wooten Company for design services of the West Smithfield sanitary Sewer Improvements Project (Public Utilities Director – Ted Credle) <u>See</u> attached information.....	167
11. Board Appointment a. Emery Ashley, Jr. has submitted an application for consideration to serve on the Appearance Commission and the Historic Properties Commission (first term) (Town Clerk – Shannan Parrish) <u>See</u> attached information.....	195
12. New Hire Report (HR Director – Tim Kerigan) <u>See</u> attached information.....	199

Business Items: None

**Councilmember’s Comments**

**Town Manager’s Report**

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- Department Reports (See attached information).....205
- **Manager’s Report** (Will be provided at the Meeting)

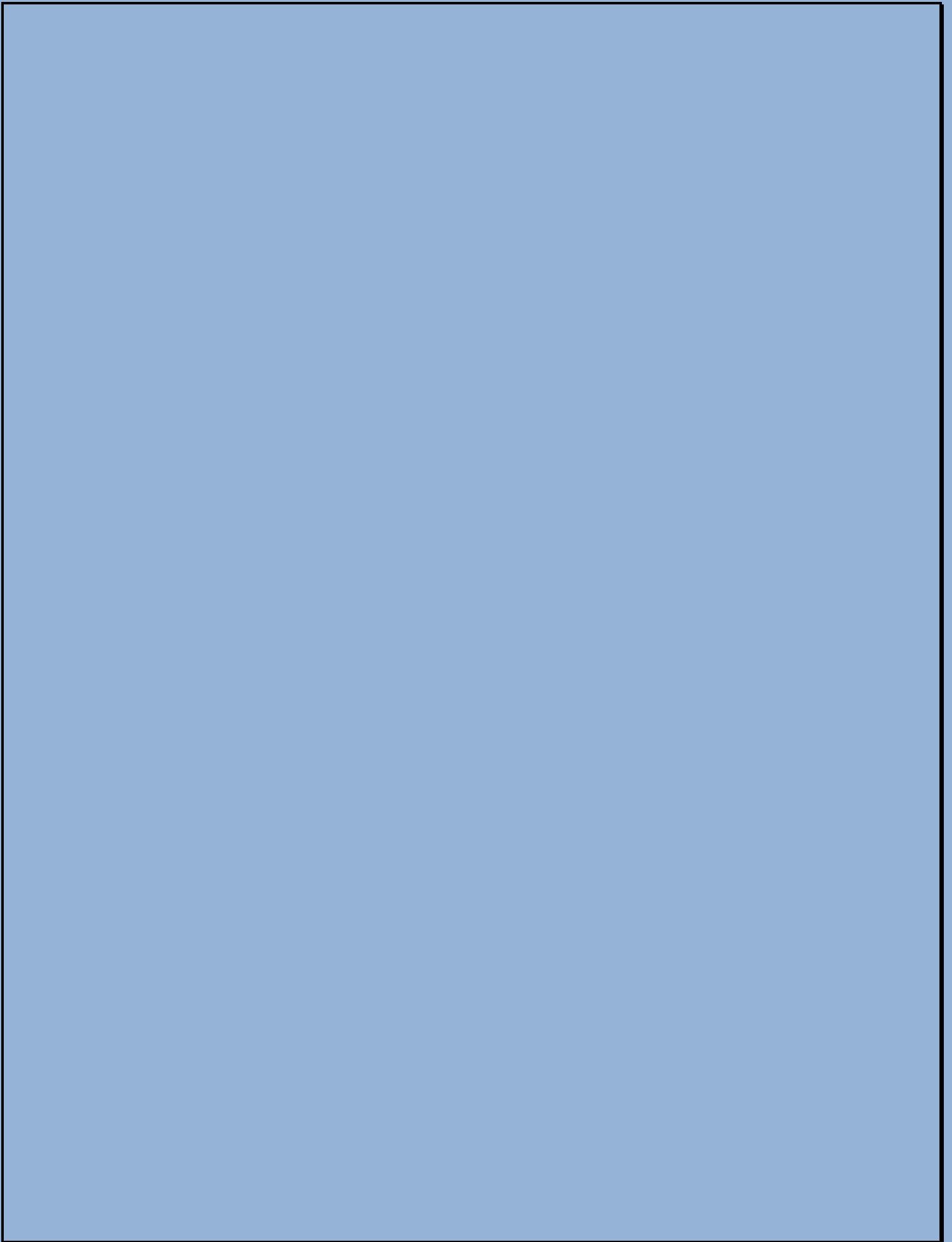
Closed Session: Pursuant to NCGS 143-318.11 (a)(5)

Reconvene in Open Session

Adjourn



# Presentations







# Request for Town Council Action

Police  
Presentations: Oath of  
Office  
Date: 10/04/2022

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Subject: Oath of Office  
Department: Police Department  
Presented by: Chief of Police – R. Keith Powell  
Presentation: Presentations

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## Issue Statement

The Police Department has hired a new officer to fill existing vacancies within the Police Department. Joshua Becton Lynch has been hired to fill one of these positions. Joshua Becton Lynch was hired by the Town and sent to basic law enforcement training at Johnston Community College about the middle of the class. Lynch has a BS Degree in Criminal Justice. Lynch serves in the National Guard as well.

## Financial Impact

Approved Budgeted Amount for FY 2022-2023: Covered by the Current Budget

## Action Needed

Administer Oath of Office to Officer Lynch in as a police officer and welcome him into the Smithfield Community.

## Recommendation

Administer Oath of Office to Officer Lynch and welcome him into the Smithfield Community.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Oath of Office



# Staff Report

Presentation: Oath of  
Office

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## OATH OF OFFICE

### SMITHFIELD POLICE DEPARTMENT

"I, Joshua Becton Lynch , 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

**PROCLAMATION**  
**Recognizing Public Power Week**  
**October 2-8, 2022**  
**In the Town of Smithfield**

**WHEREAS**, public power is a crucial component in cities and towns across North Carolina, contributing to the overall health of communities by providing unmatched electric reliability, affordable and sustainable power, excellent local service, and essential jobs in communities; and

**WHEREAS**, North Carolina’s more than 70 public power cities and towns are among more than 2,000 across the country, providing electricity with a reliability rating of 99.98 percent to nearly 1.3 million North Carolinians; and

**WHEREAS**, many of North Carolina’s public power cities and towns have been electric providers for more than 100 years, assisting their communities through boom times as well as pandemics and economic downturns, maintaining life-saving electricity to homes and businesses; and

**WHEREAS**, North Carolina public power communities are part of a mutual aid network that spans the state and country, providing invaluable support during times of hurricanes and other natural disasters while maintaining a superior safety record; and

**WHEREAS**, North Carolina’s public power utilities are dependable institutions that provide excellent service, valuable energy solutions, and a commitment to community; and

**WHEREAS**, North Carolina’s public power utilities are dependable institutions that provide excellent service and a commitment to community; and

**WHEREAS**, the Town of Smithfield recognizes Public Power Week and commends the public power cities and towns across our state for their outstanding contributions to our communities.

**NOW, THEREFORE, I, *M. Andy Moore***, Mayor of the Town of Smithfield, along with the Town Council, do hereby proclaim October 2<sup>nd</sup> through the 8<sup>th</sup> as

**Public Power Week**

in the Town of Smithfield and commends its observation to all citizens.



**Proclamation  
Recognizing October 9-15,2022  
As Fire Prevention Week  
In the Town of Smithfield**

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

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

**WHEREAS**, home fires killed more than 2,580 people in the United States in 2020, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 356,500 home fires; and

**WHEREAS**, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

**WHEREAS**, working smoke alarms cut the risk of dying in reported home fires in half; and

**WHEREAS**, residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond; and

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

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

**WHEREAS**, the 2022 Fire Prevention Week™ theme, “Fire won’t wait. Plan your escape.™,” effectively serves to remind us it is important to have a home fire escape plan.

**NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield do hereby proclaim October 9<sup>th</sup> through the 15<sup>th</sup> as**

**Fire Prevention Week**

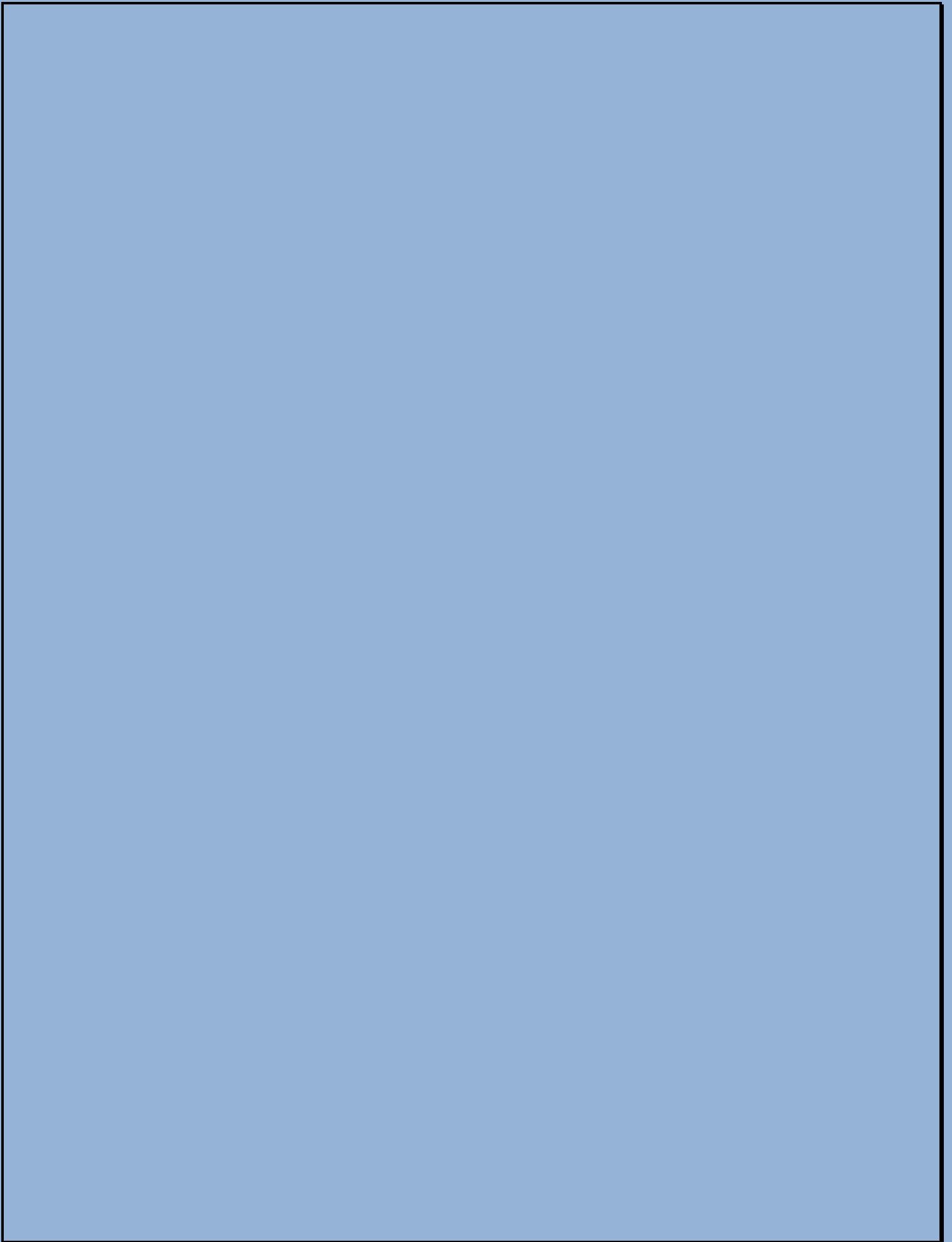
in Smithfield, North Carolina, and I urge all citizens to take time to have a fire escape plan and to support the many public safety activities and efforts of fire and emergency services.

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M. Andy Moore, Mayor



# Public Hearings







# Request for Town Council Action

Public Hearing: Economic Grant Request  
Date: 10/04/2022

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Subject: Economic Development Industrial Grant Request  
Department: General Government  
Presented by: Town Manager – Michael Scott  
Presentation: Public Hearing

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## Issue Statement

A new industrial development is requesting an Economic Development Grant for the Al Neyer Industrial Facility Project located at the intersection of Brogden Road and Wal-Pat Road in Smithfield. The grant would equate to fifty percent of the property tax revenue for improvements/construction of the site over a five-year period. Real improvements/construction are estimated at \$25 million.

## Financial Impact

The project is anticipated to add a minimum of 25 jobs with annual property tax revenue of \$142,500 annually with a grant expense of \$71,250 annually, for five years.

## Action Needed

To approve or deny the grant request.

## Recommendation

Approve grant request and adoption of Resolution No. 706 (15-2022)

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Proforma for the Town of Smithfield
3. Draft Development Plan
4. Resolution No. 706 (15-2022) – Will be provided prior to the meeting



# Staff Report

Public Hearing Economic Grant Request

Al. Neyer is a commercial real estate firm with offices in Cincinnati, Pittsburg, Nashville and Raleigh. The company began services 125 years ago. Al. Neyer has purchased the industrial site located at the intersection of Brogden Road and Wal-Pat Road in Smithfield and have plans to construct a 264,000 square foot building that it will build to suit a future lessor.

The anticipated development will consist of the following:

**Building:**

The building at the Project is expected to be an approximately 264,000 square foot, cross-docked, concrete tilt-wall and steel facility that is flexible in its design to allow for a variety of uses, including manufacturing and life sciences. The building can accommodate up to 194 auto parking spaces, 50 truck docks and 60 trailer storage spaces and likely could be served by a rail spur from the CSX railroad line adjacent to the property if a user so desires.

**Investment:**

We anticipate the total cost of the Project will be approximately \$25 million, which includes land, certain development costs and construction costs, broken down as follows:

2022: \$2,300,000	2023: \$21,800,000	2024: \$1,000,000
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**Jobs:**

We anticipate the Project will create no fewer than 25 jobs in Smithfield.

Some past developments in North Carolina include Amazon in Raleigh, the Buckhorn Development Park in Mebane, Cancer Diagnostics, Inc. in Durham and the Garner Business Park 70 in Garner.

A draft development plan is attached, along with proforma information for the grant request. If approved, no grant funds would be expended until such time as property tax revenue is received. The grant would equate to fifty percent of the property tax revenue received for each of the first five years, provided job and investment requirements are met.

This is estimated at \$71,250 annually or a total of \$356,250 over the five-year period.



Project Neyer

Incentive Proforma

Tax Rate

Town of Smithfield

0.57

Real Property Investment

\$25,000,000

Grant

Year 1	50%	\$71,250
Year 2	50%	\$71,250
Year 3	50%	\$71,250
Year 4	50%	\$71,250
Year 5	50%	\$71,250
Total-----		\$356,250



**BASS, NIXON & KENNEDY, INC.**  
 CONSULTING ENGINEERS  
 6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607  
 TELEPHONE: (919) 851-4222 FAX: (919) 851-8968  
 CERTIFICATION NUMBERS: NCBELS (C-0110); NCBLA (C-0267)

NO.	DATE	DESCRIPTION	BY

SCALE: 1" = 50'  
 CHK BY: MDD  
 DRAWING NO. 04-29-2022  
 JOB NO. RTO  
 DATE 03-21-23

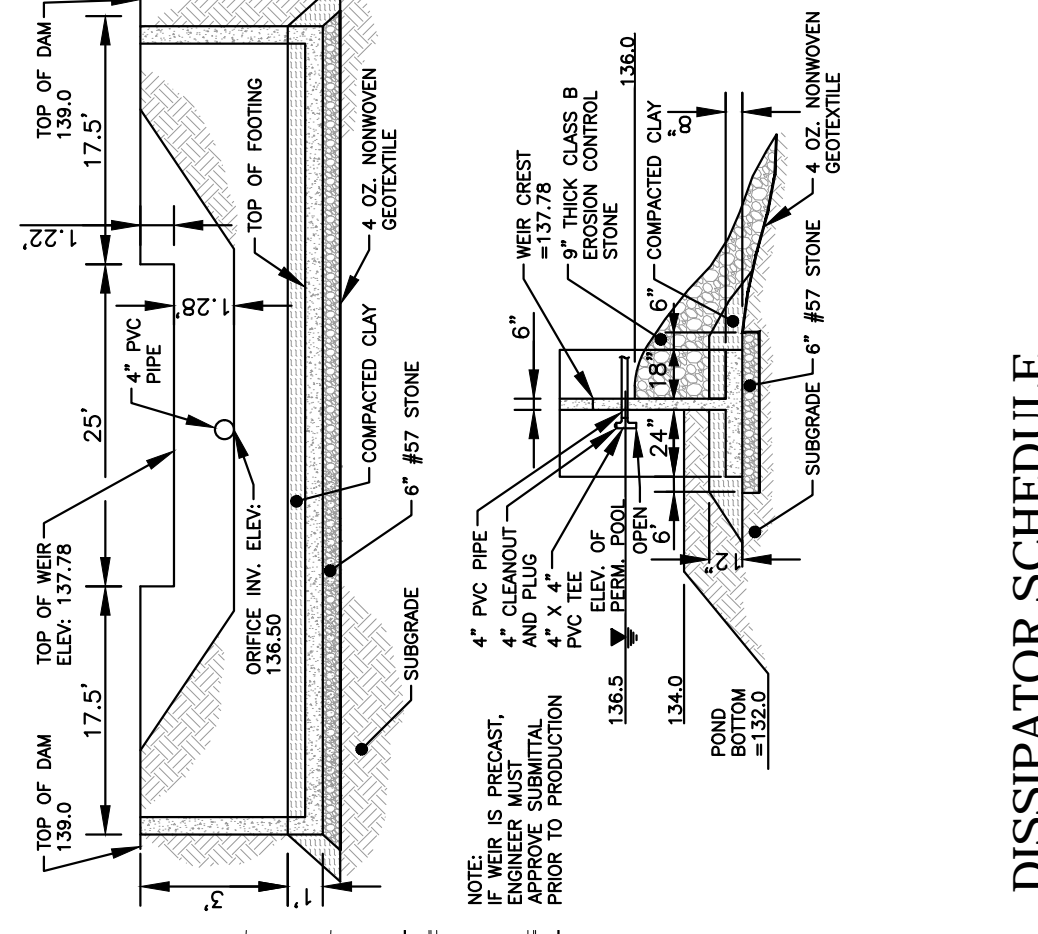
**BROGDEN INDUSTRIAL**  
 BROGDEN ROAD & WAL PAT ROAD  
 SMITHFIELD, JOHNSTON COUNTY, NORTH CAROLINA  
 NOT RELEASED FOR CONSTRUCTION OR BID SOLICITATION

SHEET C3.1

**PIPE NETWORK SCHEDULE**

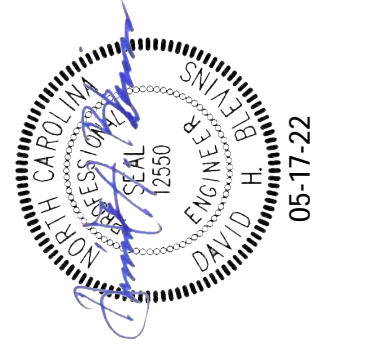
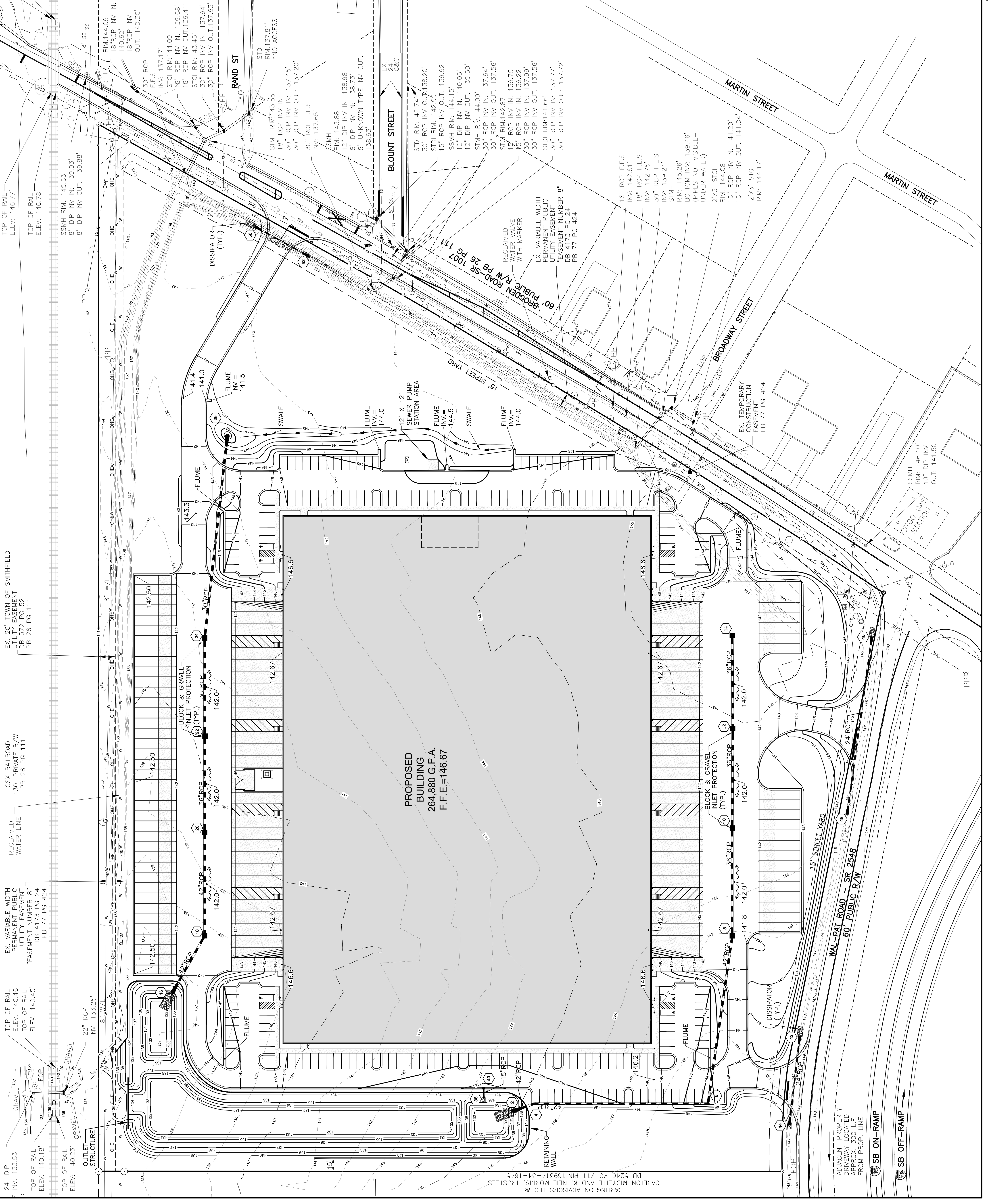
INLET TYPE	INLET ID	LENGTH (ft)	SIZE (in)	SLOPE (%)	INVERT UP	INVERT DN	GRAND ELEV.
FLARED END	52	50	24"	RCP 0.35%	139.00	138.75	143.50
FLARED END	48	46	20x0.00	24" RCP 0.24%	145.00	144.50	148.00
FLARED END	44	42	10x0.00	24" RCP 0.48%	146.50	146.00	148.00
CURB INLET	40	38	32.00	15" RCP 4.00%	137.80	136.50	143.80
FLARED END	26	24	23x0.00	30" RCP 0.20%	136.83	136.35	136.83
GRATE INLET	24	22	115.00	36" RCP 0.20%	136.35	136.12	141.40
GRATE INLET	22	20	115.00	36" RCP 0.20%	136.12	135.89	141.40
FLARED END	18	18	120.00	42" RCP 0.20%	135.89	135.65	141.40
FLARED END	16	16	77.00	42" RCP 0.19%	135.65	135.50	141.40
GRATE INLET	14	12	115.00	36" RCP 0.20%	137.05	136.82	141.40
GRATE INLET	10	10	111.00	36" RCP 0.20%	136.82	136.60	141.40
GRATE INLET	8	8	125.00	36" RCP 0.20%	136.60	136.35	141.40
GRATE INLET	6	6	198.00	42" RCP 0.20%	136.35	135.95	141.40
CURB INLET	6	4	206.00	42" RCP 0.20%	135.95	135.54	143.60
CURB INLET	4	2	16.00	42" RCP 0.25%	135.54	135.50	144.00

**WET DETENTION WEIR DETAIL**

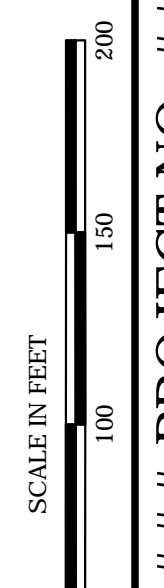


**DISSIPATOR SCHEDULE**

Structure	Flow	Velocity (ft/s)	Length (ft)	Width (ft)	Depth (ft)	Type	d <sub>16</sub>
FES-2	3.50	5.2	21	11	22	Class B	6" - 19"
FES-16	3.50	4.6	21	11	22	Class B	6" - 19"
FES-17	2.00	5.0	12	6	22	Class B	6" - 19"
FES-24	2.00	5.0	12	6	22	Class B	6" - 19"
FES-46	2.00	3.5	12	6	22	Class B	6" - 19"
FES-50	2.00	4.3	12	6	22	Class B	6" - 19"



NO WTLANDS EXIST ON-SITE  
 NO FLOODPLAINS EXIST ON-SITE  
 NOTE: ALL CONSTRUCTION ACTIVITY MUST BE IN ACCORDANCE WITH THE ACCEPTED POLICIES OF THE TOWN OF SMITHFIELD AND NCDOT



PROJECT NO. #

BASS, NIXON & KENNEDY, INC. EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPRITY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN PERMISSION AND CONSENT OF BASS, NIXON & KENNEDY, INC.

DARLINGTON ADVISORS LLC & CARLTON MRYETTE AND K. NEIL MORRIS, TRUSTEES  
 DB 5246 PG 711 PIN:169314-34-1645



# Request for Town Council Action

Public  
Hearing: CZ-22-03  
Date: 10/04/2022

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Subject: Blue Line Aviation- Conditional Zoning Map Amendment  
Department: Planning Department  
Presented by: Planning Director – Stephen Wensman  
Presentation: Public Hearing

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## Issue Statement

Blue Line Aviation is requesting a conditional rezoning of 14.43 -acres of land from R-20A to PUD-CZ with a master plan for a planned development consisting of a mix of uses: residential dormitory, classroom/office, hotel and flex industrial/office.

## Financial Impact

If constructed, the development might contribute **to the town's tax base**. An annexation petition has been submitted.

## Action Needed

The Town Council is respectfully requested to hold a public hearing to review the conditional rezoning request and to decide whether to approve, approve with conditions, or deny the rezoning.

## Recommendation

Planning Staff and the Planning Board recommend approval of CZ-22-03 with 9 conditions with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan AS TO BE AMENDED BY THIS REZONING and that the request is reasonable and in the public interest.

Approved:  Town Manager  Town Attorney  
Attachments:

1. Staff Report
2. Consistency Statement
3. Application
4. Master Plan
5. Traffic Impact Memo
6. Fire Apparatus Plan
7. Summary of Exceeded Code Regulations
8. Adjacent Property Owners Listing and Certification
9. Zoning Map
10. Planning Board Minutes
11. Legal Advertisement



# Staff Report

Public Hearing: CZ-22-03

**REQUEST:**

Blue Line Aviation, LLC is requesting a Planned Unit Development (PUD) conditional rezoning of 14.282-acres of land from R-20A to PUD CZ with a mixed-use master planned development consisting of 5 lot subdivision.

**PROPERTY LOCATION:**

West side of Swift Creek Road approximately 650 feet north of its intersection with Airport Industrial Drive.

**APPLICATION DATA:**

<b>Applicant:</b>	Blue Line Aviation, LLC
Legal Representative	Morningstar Law Group, LLC
Project Engineer	Kimley-Horne
Project Name:	Blue Line Aviation
Parcel ID	15J08015B
Property Owners	Blue Line Aviation, LLC
Acreage	14.34
Present Zoning:	R-20A
Proposed Zoning:	PUD CZ
Existing Use:	Clear cut / woodlands
Proposed Use:	Mix of uses
Fire District:	<b>Wilson's Mills</b>
School Impacts:	none
Parks and Recreation:	N/A
Water and Sewer Provider:	Town of Smithfield
Electric Provider:	Duke
New roads:	2,200 linear feet
Public R/W:	1.92 ac.
Development Density:	N/A

**ADJACENT ZONING AND LAND USES:**

**(see attached map)**

	<b>Zoning</b>	<b>Existing Land Uses</b>
<b>North</b>	R-20A	Rural Residential/Agricultural.
<b>South</b>	LI	Light Industrial Business Park
<b>East</b>	R-20A	Rural Residential/Agricultural.
<b>West</b>	R-20A	Rural Residential/Agricultural.

**EXISTING CONDITIONS/ENVIRONMENTAL:**

The property was recently cleared of trees. The front ½ acre to 1 acre has been graded and a gravel parking lot was installed. In the center of the site is the remnants of a former gravel storage yard. There have been no permits for any development on the site and none of the paving/impervious was approved.

#### MASTER PLAN/ANALYSIS:

- **Comprehensive Land Use Plan.** The proposed development is not supported by the **Town's** Comprehensive Growth Management Plan. The Comprehensive Plan guides the site for industrial and employment sectors and not for hospitality, office and non-government educational uses. Approval of the rezoning would be considered an amendment to the Comprehensive Plan.
- **Voluntary Annexation.** The developer has submitted a voluntary annexation petition with the development of the site. If accepted, the annexed land will be a satellite to the primary corporate limits.
- **Development Phasing.** The project is phasing plan is broken up into phase 1 and future phases, with a total of 3 potential phases. Phase 1 includes a parking lot for the Blueline facility on the airport property and a 28-room dormitory/classroom structure (expandable for additional 24 rooms) and associated parking. The remaining phase or phases consist of a 2-story classroom and school administrative building, an +/- 85 room 2-3 story hotel and a flex industrial building. Staff recommends that all the blueline facilities, the dorm and 2-story classroom and school administrative building including the lateral access to the adjacent property be included in the phase 1.
- **Site Access and Traffic.** The access to the development will be off Swift Creek Road. NCDOT has indicated it will require left turn lane into the development and an ADA accessible crosswalk tying the development into the airport property. A TIA will be required with the preliminary plat. Given the dangerous conditions that include hills, curves and poor visibility, staff recommends flashing lights or other safety equipment be installed, as permitted by NCDOT, to ensure public safety is achieved. NCDOT required turn lanes are not shown on the master plan.
- **Streets and Right-of-Way.**
  - The proposed streets are shown to be **27' wide b/b within a 50' right-of-way**. The **Town's standard right-of-way width is 60' wide (UDO Section 10.110.9)** but a **50' wide right-of-way** can be approved by the Town Council. The **50' public right-of-way** may be appropriate given the narrowness of the development site. Wider right-of-way may restrict the ability to develop the site. **27' wide b/b is narrow for a commercial street**, although there a variety of commercial street widths in town. For comparison purposes, **Towne Centre Place is 34' wide b/b and Equity Drive is 24' wide b/b with no parking.**
  - Lateral connections to the adjacent vacant parcel are appropriate and meet the UDO requirements. With a revised phase 1, there will be a lateral connection in the first phase and in a future phase.
  - Sidewalks are shown on the north side of the proposed street.

- A five-foot sidewalk is required along Swift Creek Road (not shown on the master plan)
- Fire Access.
  - The master plan has been modified and is now compliant with Fire Code. The changes to the plans permit fire apparatus to obtain access to the buildings as needed. The master plan includes a Fire Apparatus Plan.
- Building Setbacks. The Site Data Table on the master plan indicates building setbacks for front, side and rear. Depending on the future lot configuration, the indicated setbacks may not be accurate. With the conditional zoning, the setbacks are those shown on the master plan.
  - In Phase 1, the future 24-unit dorm is setback +/- **16' from the future street right-of-way and 25' from the adjacent property to the north.**
  - The future 2-story classroom/school administration building is setback +/- **14' from the future street right-of-way and 20' from the lateral street right-of-way.**
  - **The future hotel is approximately 28' from the adjacent property to the north.**
  - **The setback from Swift Creek Road is 50'.**
- Utilities. The proposed development is not possible without public sewer and water. The Town will serve this property with water and sewer by a master meter onto the County sewer. Duke Energy will serve the development with electricity.
- Landscaping and Buffering.
  - The Master Plan shows trees in the street yard and parking islands and identifies the street and buffer yards. There are no details on shrub plantings.
  - **The developer is proposing a 50' building setback and has shown a 50' wide buffer with a Type A buffer planting between the flex industrial and the residential area to the west. The buffer yard for the flex industrial/office should have a Type C planting, not a Type A. The existing vegetation is to remain undisturbed in this area.**
  - Foundation plantings and interior parking lot island shrubs are not shown but are required.
  - The developer is proposing an enhanced streetyard and side bufferyard with **3 canopy trees and 15 shrubs per 100' (2 trees and 12 shrubs/100' required).**
  - The rear loading area of the flex industrial/office should be screened from the residentially zoned property to the north with an opaque fence, wall or solid vegetated buffer.
- Parking. The master plan has been revised to address parking issues.
  - The master plan now shows +/- 127 parking spaces in phase 1 for 52-unit dormitory and +/- 25,000 sq. ft. office/school building. The classrooms will be occupied by those residing in the dorms, so the shared parking is appropriate, and an adequate amount of parking has been provided.



- The future +/- 85 room hotel now shows +/- 90 parking spaces dedicated and appropriately located for a hotel of this size.
- The flex industrial property requires 1 parking stall per employee for industrial, but 4 spaces/1000 sq. ft. for office. The Master Plan shows 90 parking spaces which may be in excess of what is needed depending on how the building is used.
- Parking areas are required to be paved with bituminous or concrete with standard curb and gutter.
- Stormwater Management. The developer has shown 2 conceptual stormwater ponds located on the southern property line and adjacent to the Airport Industrial Park.
- Trash and Recycling. The master plan shows locations for trash and recycling enclosures as required.
- Subdivision Signs. The PUD Masterplan shows locations for ground mounted identification signs in phase 1, but none in future phases.
- Property **Owner's** Association. An POA will be required to own and maintain the stormwater facilities and any property held in common. The POA declarations need to be submitted for review by the Town Attorney prior to final plat.
- Architectural Standards. No architectural standards are proposed. An illustration of the proposed phase 1 dormitory facility has been provided showing a prefabricated modular structure with façade details added at the entrances and elsewhere to provide visual interest. There are no details on the structures or palate of materials to be used on the future buildings.

PUD CONDITIONAL ZONING:

- The UDO lacks specific PUD standards except for PUD Streets found in UDO Section 10.110.19. This section addresses pedestrian and vehicular connectivity only. In the absence of specific standards, staff has evaluated the mixed-use development based on the overall mix of uses and the dimensional regulations typically associated with those uses. For instance, institutional uses found in the O/I district have setbacks that different than those found in commercial uses found in the B-3 zoning district. Industrial standards are again slightly different.
- Deviations from UDO. Because there are no specific PUD standards, there are no specific deviations requested from the UDO, however there are clearly several standards shown that should be considered:

Standard	UDO Typical	Proposed
Front Yard Setbacks	<ul style="list-style-type: none"> <li>● <b>O/I = 25'</b></li> <li>● <b>B-3 = 35'</b></li> <li>● <b>LI = 50'</b></li> </ul>	<ul style="list-style-type: none"> <li>● <b>15' for hotel and dormitory</b></li> </ul>
Architectural Standards	None required, but typically provided with Conditional Zoning	None provided

Right-of-way/Street	Transportation Plan Street Typology recommends a <b>34' b/b in 60' right-of-way.</b>	<b>27' b/b street in 50' right-of-way.</b>
Sidewalk	<b>5' sidewalk on Swift Creek Road</b>	None provided.

- Proposed Standards Exceeding UDO Requirements.
  - The round-a-bout will exceed the minimum turn radius specified in the Standard Details and Specifications Manual.
  - Enhanced Streetyard and Side bufferyard plantings with 3 canopy trees and 15 shrubs per 100 lineal feet.
  - Parking island spacing reduced from 15 spaces to 14 spaces resulting in more interior parking planting.
  - The minimum parking island area increased from 100 sq. ft. to 160 sq. ft.
  - 7% open space.

CONSISTENCY STATEMENT (Staff Opinion):

With the approval of the rezoning, the Town Council is required to adopt a statement describing whether the action is consistent with the adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest. Planning Staff considers the action to be consistent and reasonable:

- Consistency with the Comprehensive Growth Management Plan – *the development is not consistent with the comprehensive plan. If approved, the Council should acknowledge that the comprehensive plan is hereby amended guiding the property for Mixed Use development.*
- Consistency with the Unified Development Code – *the property will be developed in conformance with the UDO conditional zoning provisions that allows a good faith negotiation of development standards.*
- Compatibility with Surrounding Land Uses - *The property considered for rezoning will be compatible with the surrounding land uses.*

STAFF RECOMMENDATION:

Planning Staff recommends approval of CZ-22-03 with the following 9 conditions:

1. **That the parking lot entrances be constructed in accordance with the town’s standard driveway apron detail – drawing 0315 and that the detail be provided on future construction drawings.**

2. That the landscape plan be provided meeting the minimum requirements of the UDO Part III and with enhanced street yard and side bufferyard consisting of 3 canopy trees and 15 shrubs per 100 lineal feet.
3. **A 5' wide public sidewalk shall be provided** along the Swift Creek right-of-way.
4. The POA declarations need to be submitted for review by the Town Attorney prior to final plat.
5. That architectural standards be drafted and included in the POA declarations.
6. That an POA be responsible for the ownership and maintenance of all common amenities.
7. That flashing lights or other safety equipment be installed, as permitted by NCDOT, to ensure public safety is achieved at the crosswalk on Swift Creek Road along with all other NCDOT required improvements.
8. That phase 1 include the future 2-story simulator classrooms/school administration building and lateral access road.
9. All Parking areas shall be paved with bituminous or concrete with standard curb and gutter.

#### PLANNING BOARD RECOMMENDATION:

The Planning Board, at its July 14, 2022, meeting unanimously voted to recommend denial of CZ-22-03, Blue Line Aviation. Since that time, the master plan has been amended addressing fire code issues, parking issues and with enhanced landscaping. The Planning Board has not reviewed the amended master plan.

#### RECOMMENDED MOTION:

“Move to approve the zoning map amendment, CZ-22-03, with the 9 conditions of approval, finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan as hereby amended and other adopted plans, and that the amendment is reasonable and in the **public interest.**”

**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD TOWN COUNCIL  
CZ-22-03**

**Whereas** the Smithfield Town Council, upon acting on a zoning map 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 map 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 THE ORDINANCE IS ADOPTED,**

That the Town Council recommendation regarding text amendment CZ-22-03 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 public hearing; 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 map 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 and information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

**IN THE EVENT THAT THE MOTION TO RECOMMEND THE ORDINANCE FAILS,**

That the final recommendation regarding zoning map amendment CZ-22-03 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 map amendment does not promote this and therefore is neither reasonable nor in the public interest.



**Town of Smithfield  
Planning Department**

350 E. Market St Smithfield, NC 27577  
Smithfield-NC.com 919-934-2116

**CONDITIONAL ZONING APPLICATION**

Development Name **Blue Line Aviation**

Proposed Use **Aviation School and Other Uses**

Project location or address **Swift Creek Road (see PIN# below for specific parcel)**

Property Identification Number(s) and Tax ID Number (s) for each parcel to which these guidelines will apply:

PIN#	168509-05-2529	TAX ID#	15J08015B

Project type?  Single Family  Townhouse  Multi-Family  Non-Residential  PUD/Mixed Use

**PROPERTY OWNER INFORMATION**

Name **Blue Line Aviation, LLC**

Address **3149B SWIFT CREEK RD SMITHFIELD, NC 27577-6900**

Phone **(919)-578-3724** Email **info@blueline-usa.com**

**OWNER/DEVELOPER INFORMATION**

Company Name **Blue Line Aviation, LLC** Contact Name **Trey Walters**

Address **3149B SWIFT CREEK RD SMITHFIELD, NC 27577-6900**

Phone **(919)-578-3724** Email **trey@bluelineaviationllc.com**

**CONSULTANT/ENGINEERING FIRM**

Company Name **Morningstar Law Group** Contact Name **Patrick Byker**

Address **700 West Main Street 2nd Floor Durham, North Carolina 27701**

Phone **(919) 590-0384** Email **pbyker@morningstarlawgroup.com**

**ZONING INFORMATION**

Existing Zoning District **R-20A** Proposed Zoning District **PUD-CZ**

If more than one district, provide the acreage of each:

Overlay District?  Yes  No Inside City Limits?  Yes  No

**ENVIRONMENTAL QUALITY DATA INFORMATION**

Existing Impervious Surface acres/sf <b>1.03 AC</b>	Flood Hazard Area <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Proposed Impervious Surface acres/sf <b>10.82 AC Maximum (75%)</b>	Neuse River Buffer <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Watershed Protection Area <b>N/A</b>	Wetlands <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
FEMA Map Panel <b>3720168500K &amp; 3720167500K</b>	Base Flood Elevation

**SITE DATA**


Total # of single-family lots <b>N/A</b>	Total densities per zoning district <b>N/A</b>
Total # of townhouse lots <b>N/A</b>	Acreage in active open space <b>N/A</b>
Total # of all lots <b>N/A</b>	Acreage in passive open space <b>1.01 AC Minimum (7%)</b>
Linear feet of new roadways <b>2,100 LF Maximum (Private)</b>	Linear feet of new sewer mains <b>2,100 LF Maximum</b>
Linear feet of new water mains <b>2,100 LF Maximum</b>	Linear feet of new sidewalks <b>2,100 LF Maximum + Building Connections</b>
Proposed sewer allocation <b>6,000 gpd (phase 1)</b>	Linear feet in new trails <b>N/A</b>

**SIGNATURE BLOCK (Applicable to all developments)**

In filing this plan as the property owner(s), I/we do hereby agree and firmly bind ourselves, my/our heirs, executors, administrators, successors and assigns jointly and severally to construct all improvements and make all dedications as shown on this proposed plan as approved by the Town.

I hereby designate Patrick Byker to serve as my agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf, and to represent me in any public meeting regarding this application.

I/we have read, acknowledge, and affirm that this project is conforming to all application requirements applicable with the proposed development use.

Signature 	Date <b>3/29/22</b>
Signature	Date

**APPLICATION FEES**

Conditional Zoning (4 paper copies & **1 Digital copy of all documents on USB flash drive**) \$400.00 + \$10 per acre  
*Application Date* *Application Number* *Application Fee*

OWNER AUTHORIZATION

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

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

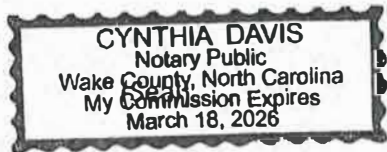
Signature of Owner [Signature] Printed Name of Owner Charles Walters

North Carolina  
(State)  
Wake  
(County)

I, Cynthia Davis, a Notary Public in and for said County and State, do hereby certify that Charles Walters personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the 29 day of March 2022.

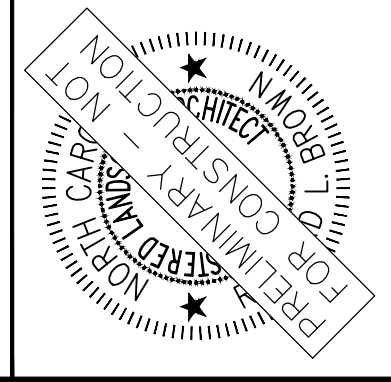
Notary Public: Cynthia Davis  
(Printed Name)  
[Signature]  
(Signature)



County of Commission: Wake  
Commission Expires: 3/18/26

No.	REVISIONS	DATE	BY
1	RESPONSE TO STAFF REVIEW COMMENTS	06/23/22	AMR

**Kimley-Horn**  
 © 2022 KIMLEY-HORN AND ASSOCIATES, INC.  
 421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601  
 PHONE: 919-677-2000 FAX: 919-677-2050  
 WWW.KIMLEY-HORN.COM #1012

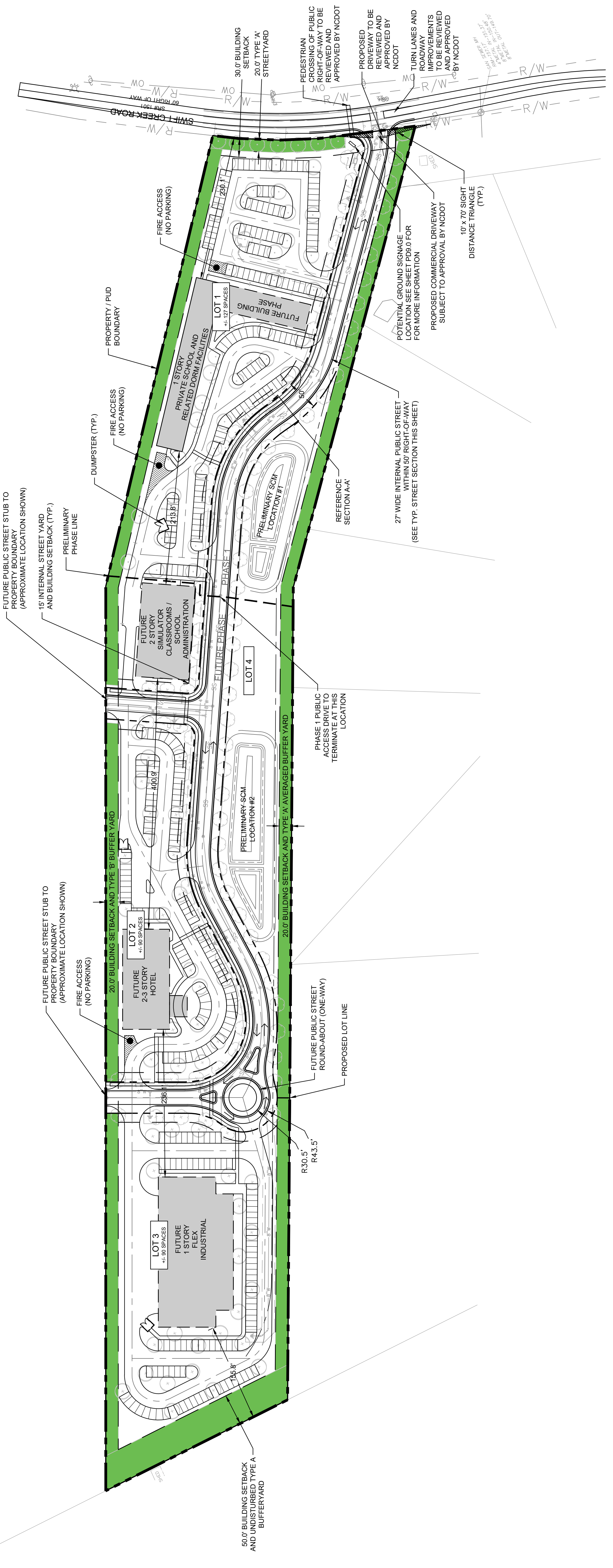


KHA PROJECT	01441000	DATE	06/23/2022
DESIGNED BY	AMR	SCALE	AS SHOWN
DRAWN BY	AMR	CHECKED BY	RLB

**BLUE LINE AVIATION SCHOOL**  
 PREPARED FOR  
**PUD REZONING REVIEW**  
 TOWN OF SMITHFIELD

**OVERALL SITE PLAN**

SHEET NUMBER  
**PD3.0**



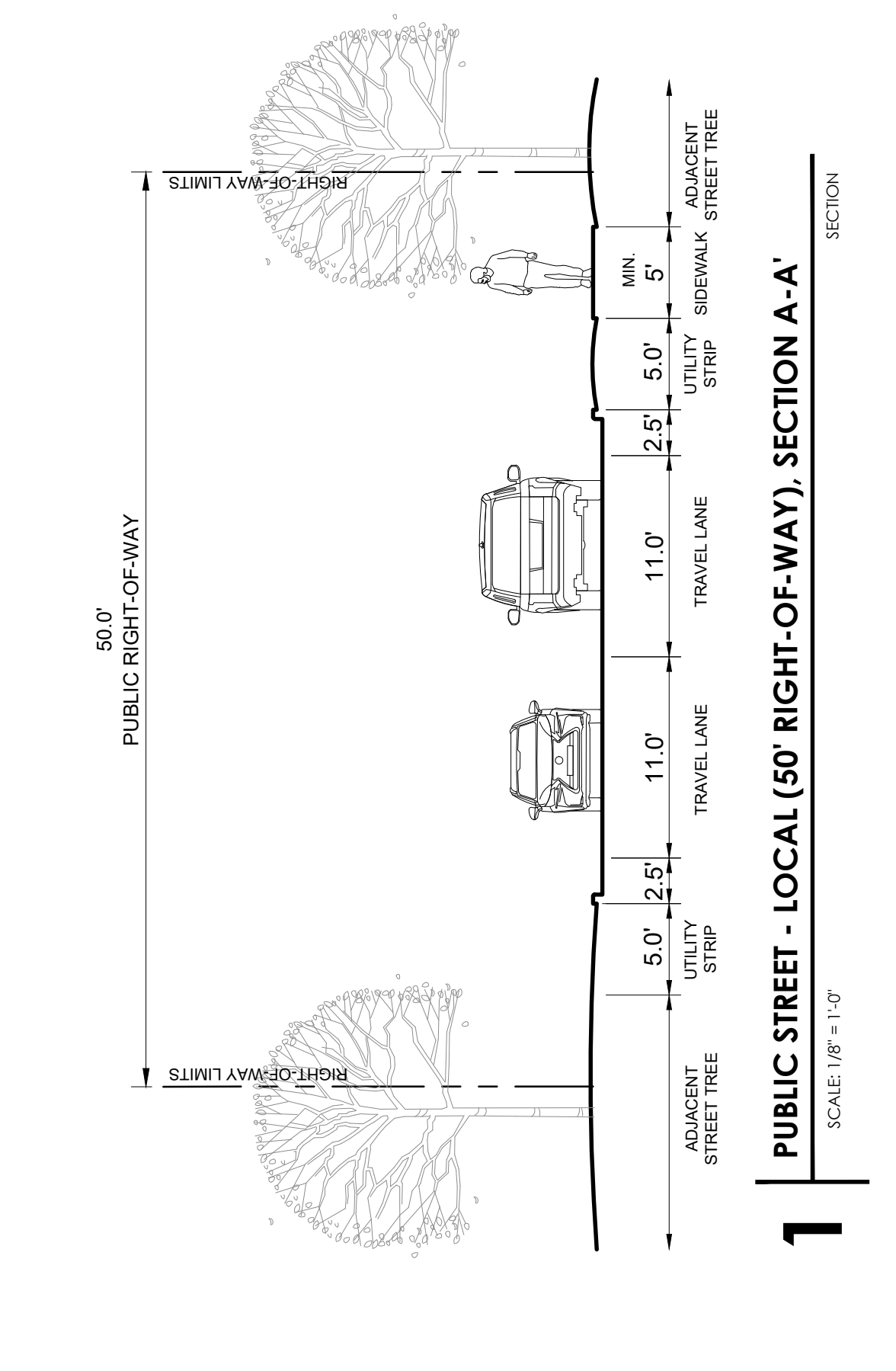
**SITE PLAN LEGEND**

---	EXISTING PROPERTY LINE
---	PROPOSED PROPERTY LINE
---	PROJECT BOUNDARY / PUD
-R/W-	EXISTING RIGHT OF WAY
-R/W-	PROPOSED RIGHT OF WAY
-R/W-	STORMWATER MAINTENANCE AND ACCESS EASEMENT
-R/W-	UTILITY EASEMENTS
-R/W-	SETBACKS
→	TRAFFIC DIRECTION

- SITE NOTES**
- THIS OVERALL SITE PLAN IS PRELIMINARY IN NATURE AND SUBJECT TO CHANGE PENDING FINAL APPROVAL OF REZONING AND SITE PLAN PROCESSES FOR THE TOWN OF SMITHFIELD.
  - ALL DEPICTED STORMWATER CONTROL MEASURES AND LOCATIONS ARE PRELIMINARY IN NATURE AND SUBJECT TO CHANGE PENDING APPROVAL OF THE PLAN BY THE TOWN OF SMITHFIELD.
  - ALL BUILDING FOOTPRINTS ARE PRELIMINARY IN NATURE AND SUBJECT TO CHANGE.

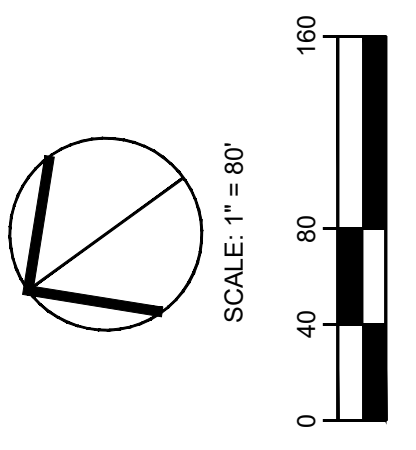
**SITE DATA TABLE**

TOTAL SITE AREA	14.43 ACRES
PROPOSED LAND USE	MULTI-USE PUD
OPEN SPACE	7% MINIMUM NET SITE AREA
SETBACKS	FRONT YARD: 30' SIDE YARD: 20' REAR YARD: 50'
BUFFERYARDS / STREET YARDS	FRONT STREET YARD: 20' SIDE BUFFER YARD: 20' REAR BUFFER YARD: 50'
PARKING REQUIREMENTS	MINIMUM REQUIRED PARKING: 46 SPACES PROVIDED PARKING: 46 SPACES
BUILDING HEIGHT RESTRICTION	60' MAXIMUM



**NOTE:** CONSTRUCTION TO BE IN ACCORDANCE WITH NCDEQ, NCDOT, AND TOWN OF SMITHFIELD STANDARDS AND SPECIFICATIONS APPLICABLE. IN THE EVENT OF A CONFLICT, THE MORE STRINGENT STANDARD SHALL COVER.

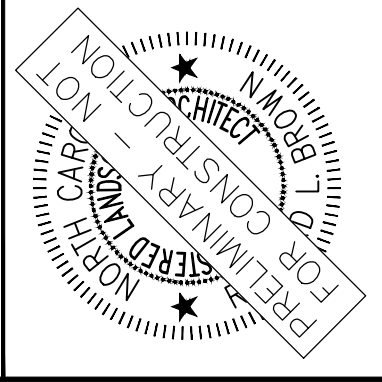
**SURVEY NOTE:** LOCAL SITE BOUNDARY AND TOPOGRAPHICAL INFORMATION WAS PROVIDED WITHIN A BOUNDARY SURVEY AND MAP OF TOPOGRAPHY PREPARED BY KCI ASSOCIATES OF NC, 4505 FALLS DRIVE, RALEIGH, NC 27609 (LICENSE NUMBER L-3860) 919-783-9214 DATED 02/07/2022. RECEIVED BY KIMLEY-HORN ON 02/07/2022. OFF-SITE TOPOGRAPHIC INFORMATION TAKEN FROM PUBLICLY AVAILABLE US DATA.





DATE	REVISIONS	No.
06/23/22 AMR	1 RESPONSE TO STAFF REVIEW COMMENTS	

**Kimley-Horn**  
 © 2022 KIMLEY-HORN AND ASSOCIATES, INC.  
 421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601  
 PHONE: 919-677-2000 FAX: 919-677-2050  
 WWW.KIMLEY-HORN.COM #F-0102

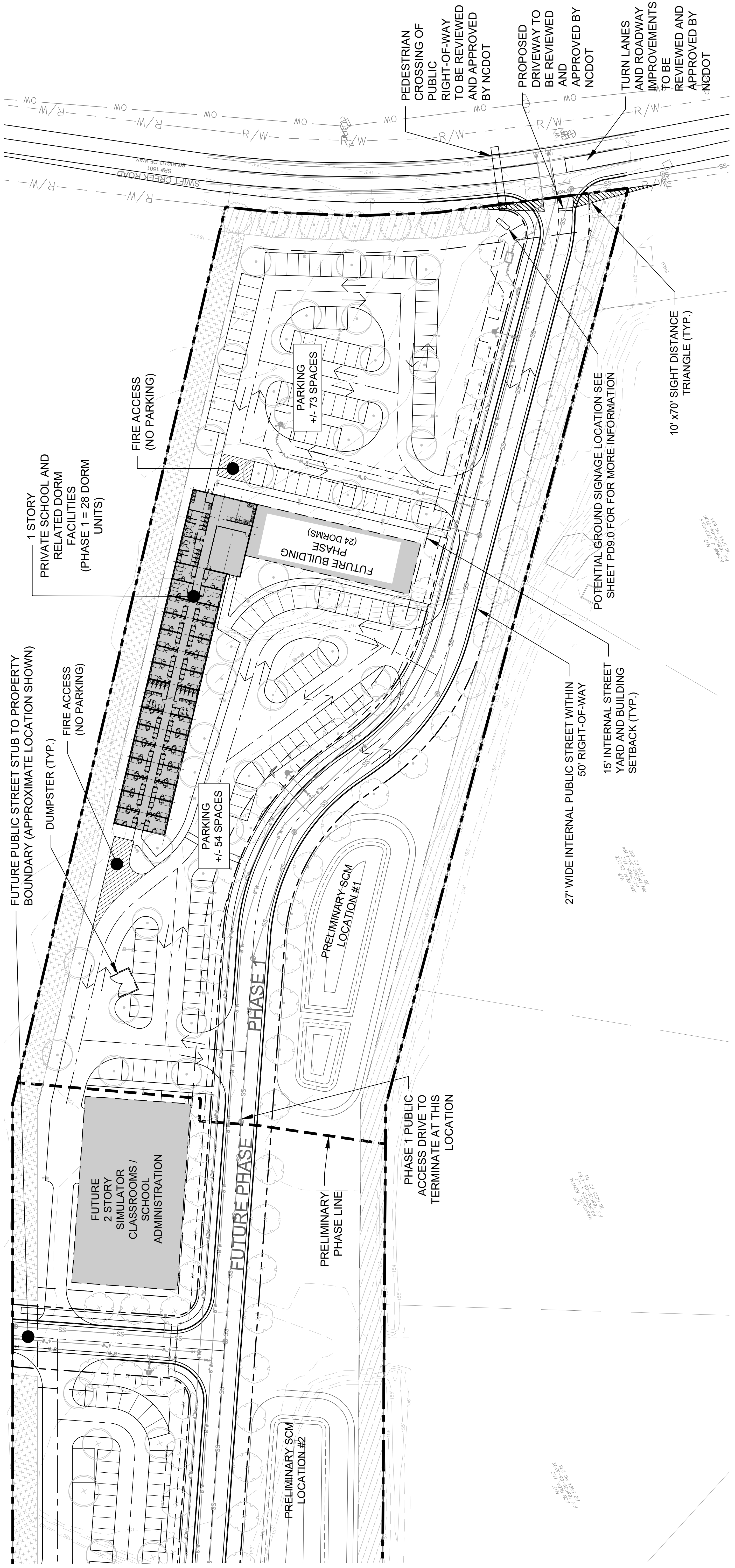


KHA PROJECT 01441000  
 DATE 06/23/2022  
 SCALE AS SHOWN  
 DESIGNED BY AMR  
 DRAWN BY AMR  
 CHECKED BY RLB

# PRELIMINARY PHASE 1 SITE PLAN

BLUE LINE AVIATION SCHOOL  
 PREPARED FOR  
 PUD REZONING REVIEW  
 TOWN OF SMITHFIELD

SHEET NUMBER  
**PD7.0**



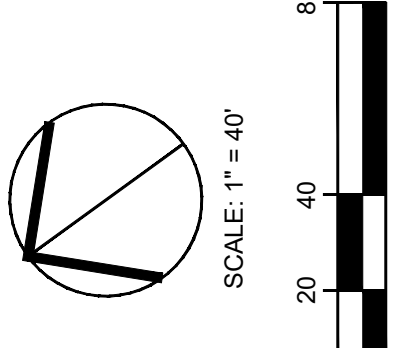
### SITE PLAN LEGEND

---	EXISTING PROPERTY LINE
- - -	PROPOSED PROPERTY LINE
---	PROJECT BOUNDARY / PUD
-R/W-	EXISTING RIGHT OF WAY
---	PROPOSED RIGHT OF WAY
---	STORMWATER MAINTENANCE AND ACCESS EASEMENT
---	UTILITY EASEMENTS
---	SETBACKS

- ### SITE NOTES
1. THIS PHASE 1 SITE PLAN IS PRELIMINARY IN NATURE AND SUBJECT TO CHANGE PENDING FINAL APPROVAL OF REZONING AND SITE PLAN APPROVAL BY THE TOWN OF SMITHFIELD, NCDOT, AND NCDOT. ALL PROPOSED IMPROVEMENTS AND UTILITY LOCATIONS ARE PRELIMINARY IN NATURE AND SUBJECT TO CHANGE. PENDING FINAL APPROVAL OF THE TOWN OF SMITHFIELD, NCDOT, AND NCDOT. COORDINATES ARE PRELIMINARY IN NATURE AND SUBJECT TO CHANGE.
  2. ALL PROPOSED IMPROVEMENTS DEPICTED HEREIN ALONG SWIFT CREEK ROAD ARE PRELIMINARY IN NATURE AND SUBJECT TO CHANGE. PENDING NCDOT REVIEW.

**NOTE:** CONSTRUCTION TO BE IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPLICABLE IN THE TOWN OF SMITHFIELD. CONTACT THE MORE STRINGENT STANDARD SHALL COVER.

**SURVEY NOTE:** ON-SITE BOUNDARY AND TOPOGRAPHICAL INFORMATION WAS PROVIDED WITHIN A BOUNDARY SURVEY AND MAP OF TOPOGRAPHY PREPARED BY KCI ASSOCIATES OF NC, 4505 FALLS DRIVE, RALEIGH, NC 27601 (LICENSE NUMBER L-3860) 919-783-9214 DATED 02/07/2022. RECEIVED BY KIMLEY-HORN ON 02/07/2022. OFF-SITE TOPOGRAPHIC INFORMATION TAKEN FROM PUBLICLY AVAILABLE GIS DATA.



## MEMORANDUM

To: Stephen Wensman, AICP, RLA  
Town of Smithfield – Planning Director

From: Kevin Dean, P.E., Kimley-Horn and Associates

Date: March 24, 2022

Subject: **Blue Line Aviation Rezoning – Smithfield, NC – Transportation Memorandum**



Kimley-Horn has prepared an evaluation of the potential trip generation impacts associated with the proposed rezoning for Blue Line Aviation generally northwest of the intersection of Swift Creek Road at Airport Industrial Drive in Smithfield, North Carolina. It is our understanding that development of the parcel, should the rezoning be approved, will occur in multiple phases due to constraints related to sewer capacity.

As currently envisioned, Phase 1 of the development is expected to include student housing associated with the Aviation School as well as a paved surface parking lot to serve overflow parking from operations at the Johnston County Regional Airport on the opposite side of Swift Creek Road. Future development on the parcel will accommodate additional student housing and office/classroom space associated with the Aviation School. Other future uses have yet to be determined, but for purposes of this analysis were assumed to include a hotel and industrial/flex space.

## Trip Generation

### Phase 1

Trip generation for the student housing in Phase 1 was determined using data from the 11<sup>th</sup> Edition of the *ITE Trip Generation Manual*. While ITE does not provide trip generation data for standalone dormitories, it was determined that the "Off-Campus Student Apartment – Low Rise (Adjacent to Campus)" category (land use code 225) would provide the most appropriate and conservative estimate of trip generation for that use. Phase 1 trip generation calculations are summarized below in [Table 1](#).

Land Use Code	Land Use	Intensity	Daily	AM Peak		PM Peak	
			Total	In	Out	In	Out
225	Off-Campus Student Apartments (Low-Rise, Adjacent to Campus)	52 students	342	6	10	12	11

As shown in Table 1, the 52-bedroom student housing in Phase 1 is anticipated to generate 342 trips on a typical weekday, with 16 trips during the AM peak hour and 23 trips during the PM peak hour.

To determine the total traffic volume expected to be using the site driveway in Phase 1, trips were also estimated for the surface parking lot. It was assumed that the peak hour trips to/from the proposed overflow parking surface lot would be equivalent to 2/3 of the 75 employees at Blue Line Aviation, with daily trips estimated to be 5x the total PM peak hour volume. Though those trips are not explicitly generated by development associated with this rezoning, the anticipated trips to/from the overflow parking lot were added to the dormitory trips to estimate total driveway volumes at build-out of Phase 1 as shown in [Table 2](#).

Table 2 Total Driveway Volumes – Phase 1							
Land Use Code	Land Use	Intensity	Daily	AM Peak		PM Peak	
			Total	In	Out	In	Out
Total Net New External Trips – Phase 1			342	6	10	12	11
-	Aviation School/Overflow Parking	75 employees	250	40	10	10	40
<b>Total Driveway Volumes – Phase 1</b>			<b>592</b>	<b>46</b>	<b>20</b>	<b>22</b>	<b>51</b>

**Potential Full Build-out**

As noted, development on this parcel is constrained to only those uses proposed in Phase 1 due to sewer capacity limitations. However, trip generation calculations were performed for uses that may be constructed in future phases of development for information purposes only. While it is expected that future phases will accommodate housing for approximately 48 additional students and office/classroom space associated with the Aviation School, the nature of other uses is unknown at this time. For purposes of this analysis, they were assumed to include 50,000 square feet (SF) of light industrial space and a 120-room hotel. No trips were generated for the office/classroom space as it will be used by the students already on-site. Full build-out trip generation calculations are summarized below in Table 3.

Table 3 ITE Trip Generation (Vehicles) – Potential Full Build-out							
Land Use Code	Land Use	Intensity	Daily	AM Peak		PM Peak	
			Total	In	Out	In	Out
110	General Light Industrial	50,000 SF	238	33	5	3	21
225	Off-Campus Student Apartments (Low-Rise, Adjacent to Campus)	100 students	558	9	15	19	19
310	Hotel	120 rooms	878	30	23	31	30
<b>Total Net New External Trips – Full Build</b>			<b>1,674</b>	<b>72</b>	<b>43</b>	<b>53</b>	<b>70</b>
-	Aviation School/Overflow Parking	75 employees	250	40	10	10	40
<b>Total Driveway Volumes – Full Build-out</b>			<b>1,924</b>	<b>112</b>	<b>53</b>	<b>63</b>	<b>110</b>

Full Build-out of the project, based on what is depicted in the current rezoning submittal, is anticipated to generate approximately 1,674 trips on a typical weekday with 115 trips during the AM peak hour and 123 trips during the PM peak hour. As with Phase 1, trips to/from the overflow parking lot were added to the projected trip generation to estimate the total driveway volumes at Full Build-out.

Should you have any questions or comments, please do not hesitate to contact me at (919) 678-4185 or [kevin.dean@kimley-horn.com](mailto:kevin.dean@kimley-horn.com).

**Blue Line Rezoning**

**Table 1 - Trip Generation - Phase 1**

Land Use	Intensity	Daily		AM Peak Hour			PM Peak Hour		
		Total		Total	In	Out	Total	In	Out
225 Off-Campus Student Apartment (Adjacent to Campus)	52 bedrooms	342		16	6	10	23	12	11
<b>Total Net New External Trips - Phase 1</b>		<b>342</b>		<b>16</b>	<b>6</b>	<b>10</b>	<b>23</b>	<b>12</b>	<b>11</b>
- Aviation School/Overflow Parking	75 employees	250		50	40	10	50	10	40
<b>Total Driveway Volumes</b>		<b>592</b>		<b>66</b>	<b>46</b>	<b>20</b>	<b>73</b>	<b>22</b>	<b>51</b>

<sup>1</sup> The student housing associated with this project is proposed to be located on-site. As ITE does not provide a land use code for that use, LUC 252 (off-campus student apartment) was used to present a very conservative analysis.

<sup>1</sup> Site trips associated with the overflow parking lot in each peak hour were assumed to be equivalent to 2/3 of the number of employees (75). Daily trips associated with the lot trip generation was estimated at 5x the total PM peak hour.

**Blue Line Rezoning**

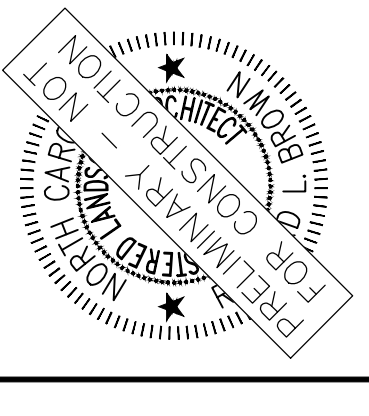
**Table 2 - Trip Generation - Potential Build-out**

Land Use	Intensity	Daily		AM Peak Hour		PM Peak Hour		
		Total		Total	In	Total	In	Out
110 General Light Industrial	50,000 s.f.	238		38	33	24	3	21
225 Off-Campus Student Apartment (Adjacent to Campus)	100 bedrooms	558		24	9	38	19	19
310 Hotel	120 rooms	878		53	30	61	31	30
<b>Total Net New External Trips - Potential Build-out</b>		<b>1,674</b>		<b>115</b>	<b>72</b>	<b>123</b>	<b>53</b>	<b>70</b>
- Aviation School/Overflow Parking	75 employees	250		50	40	50	10	40
<b>Total Driveway Volumes</b>		<b>1,924</b>		<b>165</b>	<b>112</b>	<b>173</b>	<b>63</b>	<b>110</b>

<sup>1</sup> The student housing associated with this project is proposed to be located on-site. As ITE does not provide a land use code for that use, LUC 252 (off-campus student apartment) was used to present a very conservative analysis.

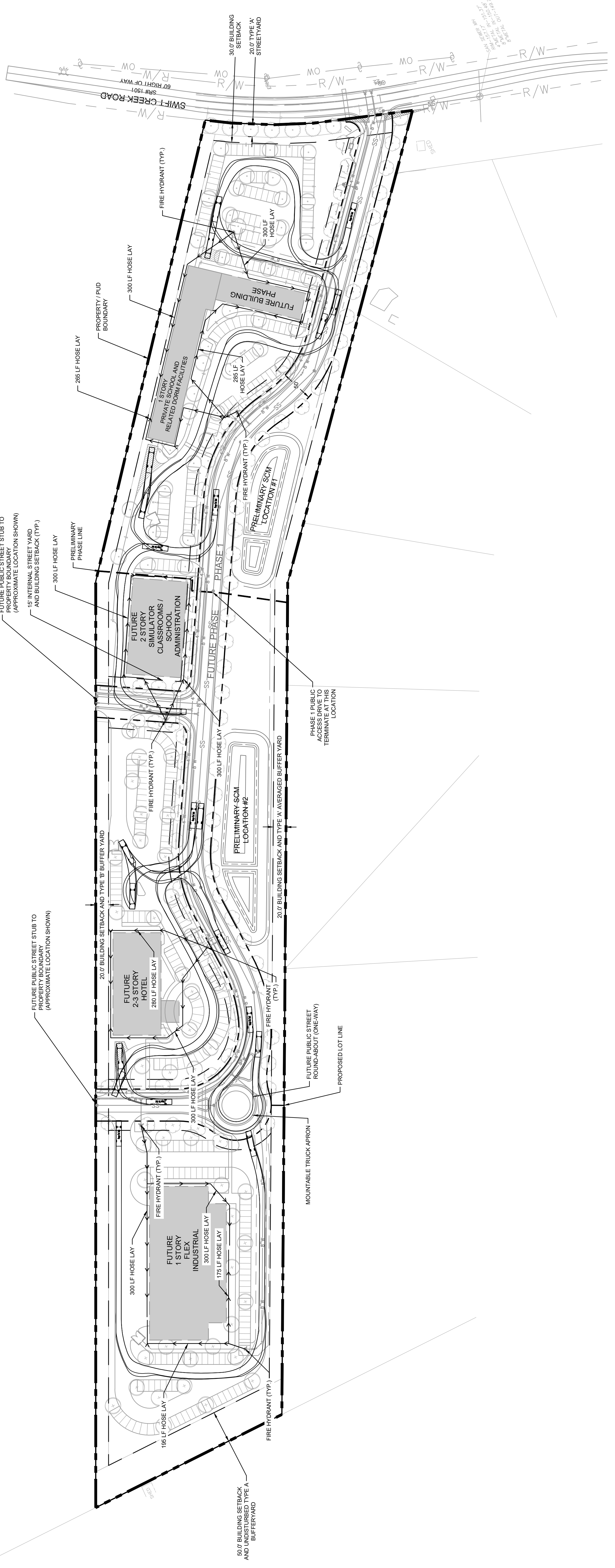
<sup>1</sup> For the technical school it was assumed that 10 staff instructors would arrive in the AM peak and depart in the PM peak to be conservative, and daily trip generation was estimated at 5x the total PM peak hour.

KHA PROJECT	01441000
DATE	06/23/2022
SCALE	AS SHOWN
DESIGNED BY	JAJ
DRAWN BY	QAS
CHECKED BY	RLB



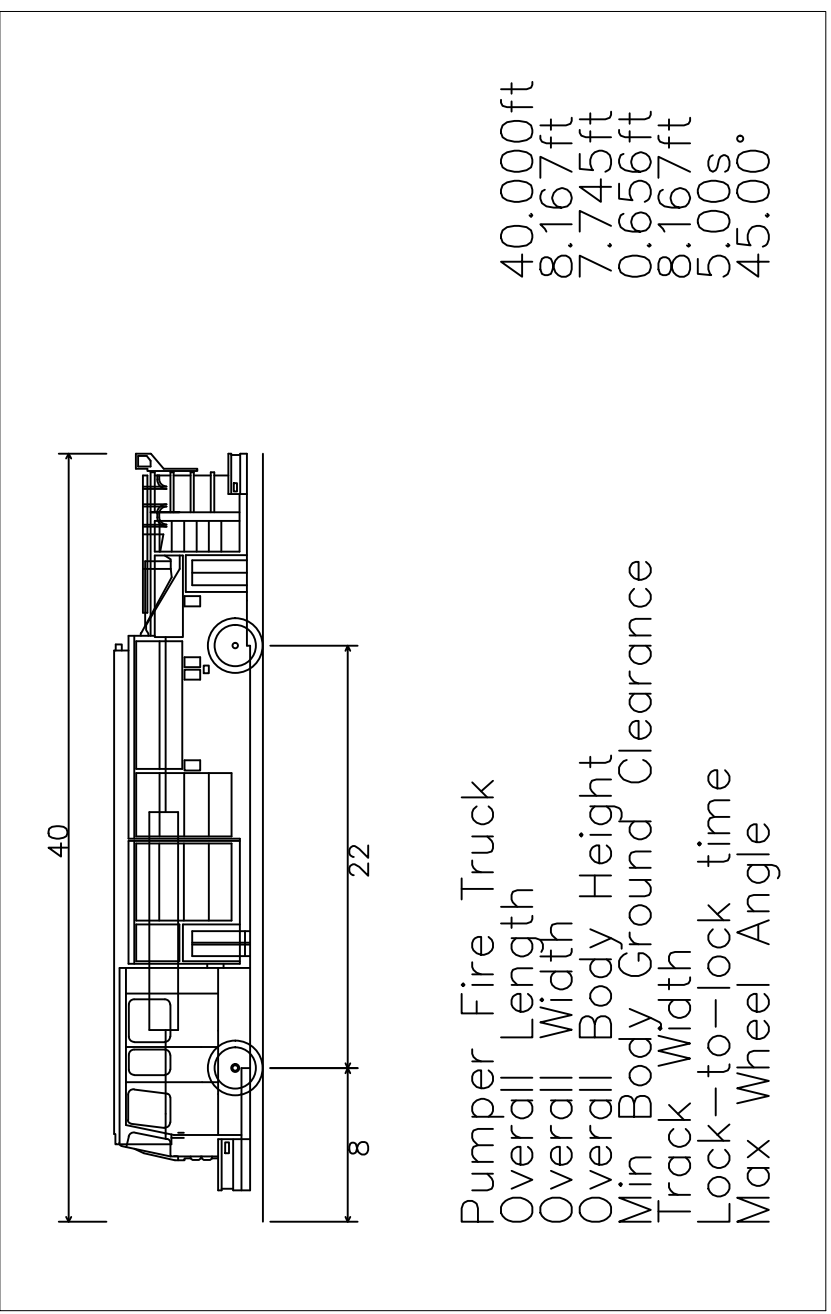
**Kimley-Horn**  
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.  
421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601  
WWW.KIMLEY-HORN.COM  
PHONE: 919-677-2000 FAX: 919-677-2050  
#F-0102

No.	REVISIONS	DATE	BY
1	RESPONSE TO STAFF REVIEW COMMENTS	06/23/22	AMR



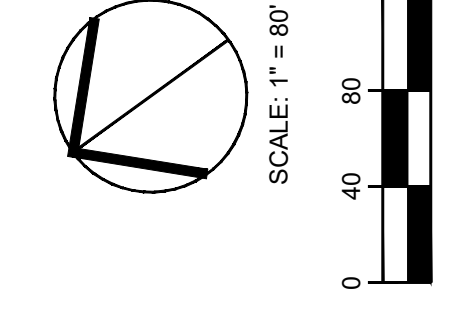
**SITE PLAN LEGEND**

---	EXISTING PROPERTY LINE
---	PROPOSED PROPERTY LINE
---	PROJECT BOUNDARY / PUD
-R/W-	EXISTING RIGHT OF WAY
---	PROPOSED RIGHT OF WAY
---	STORMWATER MAINTENANCE AND ACCESS EASEMENT
---	UTILITY EASEMENTS
---	SETBACKS



**SITE NOTES**

- THIS OVERALL SITE PLAN IS PRELIMINARY IN NATURE AND SUBJECT TO CHANGE PENDING FINAL APPROVAL OF REZONING AND SITE PLAN.
- ALL DEPICTED STORMWATER CONTROL MEASURES AND LOCATIONS ARE PRELIMINARY IN NATURE AND SUBJECT TO CHANGE PENDING FINAL APPROVAL OF THE TOWN OF SMITHFIELD.
- ALL BUILDING FOOTPRINTS ARE PRELIMINARY IN NATURE AND SUBJECT TO CHANGE.



**NOTE:** CONSTRUCTION TO BE IN ACCORDANCE WITH ADOPTED, HICDOT, AND TOWN OF SMITHFIELD STANDARDS AND SPECIFICATIONS APPLICABLE. IN THE EVENT OF A CONFLICT THE MORE STRINGENT STANDARD SHALL GOVERN.

**SURVEY NOTE:** ON-SITE BOUNDARY AND TOPOGRAPHICAL INFORMATION WAS PROVIDED WITHIN A BOUNDARY SURVEY AND MAP OF TOPOGRAPHY PREPARED BY KCI ASSOCIATES OF NC, 4505 FALLS DRIVE, RALEIGH, NC 27609 (LICENSE NUMBER L-3860), 919-783-9214 DATED 02/07/2022. RECEIVED BY KIMLEY-HORN ON 02/07/2022. OFF-SITE TOPOGRAPHIC INFORMATION TAKEN FROM PUBLICLY AVAILABLE US DATA.

**SUMMARY OF DEVELOPMENT REGULATIONS EXCEEDED**

CODE REGULATED ELEMENT	CODE REQUIREMENT	CODE REFERENCE	PROPOSED CODE COMPLIANCE
RIGHT-OF-WAY WIDTH	50' PUBLIC RIGHT-OF-WAY	SECTION 3.02.A DESIGN - STREET CLASSIFICATIONS (STANDARD DETAILS AND SPECIFICATIONS MANUAL)	50' PUBLIC RIGHT-OF-WAY
CUL-DE-SAC LENGTH	MAX. LENGTH 500 LF	CUL-DE-SAC DIMENSIONS - DRAWING 0308 (STANDARD DETAILS AND SPECIFICATIONS MANUAL)	PHASE 1 PUBLIC STREET LENGTH WILL NOT EXCEED 800'. PHASE 1 WILL PROVIDE MULTIPLE DRIVEWAYS THAT WILL SERVE AS VEHICULAR TURNAROUND OPPORTUNITIES. THESE DRIVEWAY LOCATIONS WILL BE LESS THAN 500' FROM SWIFT CREEK ROAD. FUTURE PHASES; THE PUBLIC STREET NETWORK WILL BE EXTENDED THROUGH THE PROPERTY AND STUBBED IN TWO LOCATIONS TO PROVIDE FUTURE INTERCONNECTIVITY WITH THE ADJACENT PARCEL(S). ADDITIONALLY, A ROUNDABOUT IS PROPOSED AND WILL EXCEED THE MINIMUM TURN RADIUS AS SPECIFIED IN THE STANDARD DETAILS AND SPECIFICATIONS DESIGN MANUAL.
CUL-DE-SAC BLULB STANDARD	CUL-DE-SAC WITH 40' MIN TURNING RADIUS	CUL-DE-SAC DIMENSIONS - DRAWING 0308 (STANDARD DETAILS AND SPECIFICATIONS MANUAL)	ROUNDABOUT WITH 43.5' MIN. TURNING RADIUS
PERIMETER BUFFER YARD	20' TYPE A BUFFER YARDS (2 CANOPY TREES, 12 SHRUBS PER 100 LF)	ARTICLE 10 PERFORMANCE STANDARDS - BUFFER YARD REQUIREMENTS (UDO SECTION 10.14)	FRONT AND SIDE 20' WIDTH TYPE A BUFFER YARDS (3 CANOPY TREES, 15 SHRUBS PER 100 LF) REAR BUFFER YARD 50' WIDTH TYPE A BUFFER YARD (UNDISTURBED)
INTERNAL STREET YARD	15' MAX STREET YARD	ARTICLE 10 PERFORMANCE STANDARDS - PARKING FACILITY REQUIREMENTS (UDO SECTION 10.1.8.3)	15' INTERNAL STREET YARDS
PARKING ISLAND SPACING	15 SPACE MAX BETWEEN PARKING ISLANDS	ARTICLE 10 PERFORMANCE STANDARDS - PARKING FACILITY REQUIREMENTS (UDO SECTION 10.1.8.3)	NO MORE THAN 14 SPACES BETWEEN PARKING ISLANDS
PARKING ISLAND WIDTH	8' MIN. PARKING ISLAND WIDTH	ARTICLE 10 PERFORMANCE STANDARDS - PARKING FACILITY REQUIREMENTS (UDO SECTION 10.1.8.3)	9' MIN. PARKING ISLAND WIDTH
PARKING ISLAND AREA	100 SF MIN. PARKING ISLAND AREA	ARTICLE 10 PERFORMANCE STANDARDS - PARKING FACILITY REQUIREMENTS (UDO SECTION 10.1.8.3)	160 SF MINIMUM PARKING ISLAND AREA
OPEN SPACE AREA	NOT REQUIRED FOR NON-RESIDENTIAL USES	-	7% MINIMUM NET SITE AREA
FIRE CODE - BUILDING COVERGE	HYDRANTS TO BE 40' FROM BUILDING AND TO ACHIEVE HOSE PULL AROUND ALL PROPOSED BUILDINGS	ENGINEERING STANDARDS FOR WATER AND SEWER (SECTION 6.00)	(SEE FIRE TURN EXHIBIT)
FIRE CODE - CIRCULATION	SITE ROADWAY NETWORK TO ALLOW FOR THE OPERATION OF FIRE APPARATUS TO REACH ALL BUILDINGS PROPOSED WITH SUFFICIENT TURNAROUND ABILITY ON SITE FOR SUFFICIENT BUILDING COVERAGE.	ENGINEERING STANDARDS FOR WATER AND SEWER (SECTION 6.00)	8' CONCRETE APRON HAS BEEN PROVIDED FOR THE ROUNDABOUT LOCATION TO PROVIDE TURNING ABILITY FOR FIRE APPARATUS  (SEE FIRE TURN EXHIBIT)

Adjacent Property Owners of  
CZ-22-03

TAG	MAPSHEET	NAME2	ADDRESS2	CITY	ZIPCODE
15J08015A	168509-05-3846	BYRDS WHOLESale INC	3777 US HIGHWAY 70 BUS W	CLAYTON	27520-0000
15J08013C	167500-95-4746	BREEN, MICHELLE	62 SUNSET POINTE DRIVE	CLAYTON	27520-0000
15J08013	167500-96-4244	CAROLINE CUSTOM HOMES LLC	476 SHOTWELL RD STE 102-122	CLAYTON	27520-3505
15J08017G	168500-04-8796	STEPHENS, RONNIE J.	128 AIRPORT INDUSTRIAL DR	CLAYTON	27520-4305
15J08013A	167500-96-4150	PROFFITT, MICHAEL Z	116 SUNSET POINTE DR	CLAYTON	27520-4344
15J08017A	167500-95-7398	EMG PROPERTIES LLC	120 ROCK PILLAR RD	CLAYTON	27520-6305
15J08014C	168500-14-1603	CREECH, NANCY S	769 LITTLE CREEK CHURCH RD	CLAYTON	27520-6871
15J08017I	168509-05-4180	MASSENGILL RENTAL PROP, LLC	181 GRILL RD	CLAYTON	27520-7032
15J08017H	168500-04-6994	CMC REAL ESTATE HOLDINGS, LLC	PO BOX 1833	CLAYTON	27528-1833
15J08013B	167500-95-4953	LAW, WALTER LEE-MITCHELL III	918 COPPERLINE DR	GARNER	27529-5946
15J08015B	168509-05-2529	BLUE LINE AVIATION, LLC	3149B SWIFT CREEK RD	SMITHFIELD	27577-6900
15079017D	168500-12-1015	JOHNSTON COUNTY AIRPORT AUTH	3146 SWIFT CREEK RD	SMITHFIELD	27577-9803
15J08017J	168509-05-3202	DCB BLDG, LLC	9541 INDUSTRY DR	RALEIGH	27603-8143
15J08017K	168509-05-1257	DCB BLDG, LLC	9541 INDUSTRY DR	RALEIGH	27603-8143





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, CZ-22-03, were notified by First Class Mail on 7-20-22.

Mark E. Helmer  
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

20th day of July, 2022

Julianne Edmonds  
Notary Public Signature

Julianne Edmonds  
Notary Public Name

My Commission expires on January 15, 2023  
(Seal)



# 3100 Block of Swift Creek Road

**File Number:**  
CZ-22-03

**Consultant:**  
Morning Star Law Group

**Location:**  
Swift Creek Road

**Tax ID#**  
15J08015B

**Existing Zoning:**  
R-20A

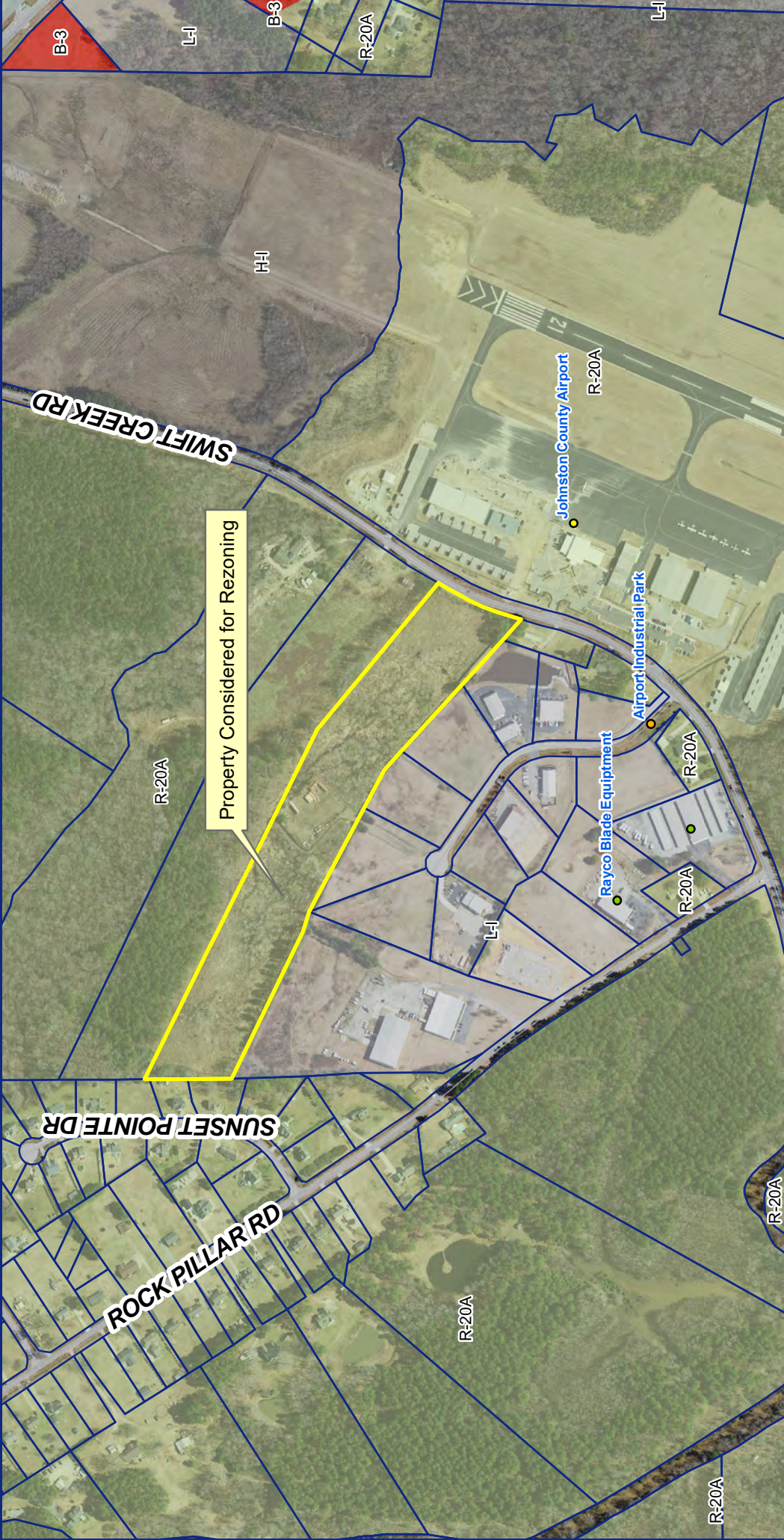
**Proposed Zoning:**  
CZ-PUD

**Project Name:**  
Blue Line Aviation

**Developer:**  
Blue Line Aviation



Map created by Mark E. Helmer, AICP  
Senior Planner, GIS Specialist on 5/24/2022



**Draft  
Town of Smithfield  
Planning Board Minutes  
Thursday, September 1st, 2022  
Town Hall Council Chambers  
6:00 PM**

Members Present:

Chairman Mark Lane  
Vice-Chairman Debbie Howard  
Ashley Spain  
Debbie Howard  
Brian Stanley  
Wiley Narron  
Alisa Bizzell

Members Absent:

Doris Wallace

Staff Present:

Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA** Debbie Howard made a motion to approve the agenda; seconded by Ashley Spain. Unanimously approved

**APPROVAL OF MINUTES for August 4th, 2022**

Debbie Howard made a motion to approve the minutes, seconded by Alisa Bizzell. Unanimously approved.

**NEW BUSINESS**

**Recognition of Chairman Steve Upton for his 15 years of dedicated service to the citizens of the Town of Smithfield.**

**ZA-22-02 Town of Smithfield:** The applicant is requesting an amendment to Unified Development Ordinances, Section 3.3.3.1, Composition and Vacancies to reduce the Board of Adjustment size from 7 regular members to 5 regular members and to amend Section 3.4.2.2 and section 3.5.4 to allow no more than 3 absences per calendar year for both the Planning Board and Board of Adjustment members. Coates' Cannons NC Local Government Law;

- Planning Board Basics - Staff Presentation

- Decision Types and Site-Specific Approvals - Institute of Government Internet Presentation
- Considerations for Legislative Development Decisions - Staff Presentation

**Further Reading in Urban Design;**  
Sidewalks, A Livability Fact Sheet

Mark Helmer presented ZA-22-02 by explaining the purpose of the requested amendment. He said over the past couple of years, there have been vacancies and absences on Town boards making it difficult to conduct the business of the town. This amendment addresses this issue by:

1. Reducing the required number of Board of Adjustment members, and
2. By creating reasonable and consistent attendance regulations across all boards.

**Attendance on Boards.** The Unified Development Ordinance (UDO) Article 3 addresses Board authority and regulations including Board meeting attendance. Between the three official boards, Planning Board, Board of Adjustment and Historic Properties Commission, the regulations on attendance differ:

- For Planning Board, **Section 3.3.3. Composition and Vacancies** states, ... “Faithful attendance of the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Planning Board. Failure to attend three (3) consecutive meetings shall be deemed adequate reason for termination of membership on the Planning Board by the Town Council.”
- For Board of Adjustments, **Section 3.4.2.2. Membership and Vacancies** lacks any language about Board of Adjustment attendance.
- For Historic Preservation Commission, **Section 3.5.4. Attendance at Meetings** states, “Any member of the commission who misses more than three (3) consecutive regular meetings or more than four (4) meetings in a calendar year shall lose his or her status as a member and shall be replaced or reappointed by the Town Council...”

For all three boards to function regular attendance is critical. At times, attendance has been an issue. Staff also believes there should be a consistency between the boards for meeting attendance and that failure to attend a total of three meetings per calendar year should be deemed adequate reason for termination of membership. The draft ordinance reflects these changes.

**Board of Adjustment Composition:** The Board of Adjustments is a board that meets infrequently and only when needed to address a zoning interpretation or variance petition. As a result, citizens tend to be less interested in servicing on the board and there are consistently vacancies on the board. To facilitate a full complement of board members when a meeting is

called, staff is suggesting a reduction to the required number of board members from 7 to 5, eliminating 1 in-town and 1 Extra-Territorial Jurisdiction (ETJ) member.

Mark Lane asked how many people could be on the Board of Adjustments now?

Mark Helmer said 7 members and 2 alternates. For a board that only meets several times a year he feels that 5 full time members and 2 alternates is sufficient. The fewer members a board has the less there is needed to make a quorum.

Bryan Stanley asked if the intent was to change absences to a maximum of 3 across the board on all boards?

Mark Helmer said yes, 3 total absences per calendar year.

Bryan Stanley made a motion to recommend approval of zoning text amendment, ZA-22-02 with no more than 3 unexcused absences, finding the amendment 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 Debbie Howard. Unanimously approved.

Mark Helmer showed a video on the history of planning and the functions of planning staff.

**Coates' Cannons NC Local Government Law;**

- a. Planning Board Basics - Staff Presentation
- b. Decision Types and Site-Specific Approvals - Institute of Government Internet Presentation
- c. Considerations for Legislative Development Decisions – Staff Presentation

**OLD BUSINESS:** None

**Adjournment**

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

Respectfully Submitted,



Julie Edmonds  
Administrative Support Specialist



## PLANNING DEPARTMENT

Mark E. Helmer, AICP, Senior Planner

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### **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, October 4, 2022 in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

**CZ-22-03 Blueline Aviation:** The applicant is requesting rezoning of a 14.43-acre tract of land from an R-20A (Residential) zoning district to a PUD (Conditional Zoning) district. The property considered for approval is located on the west side of Swift Creek Road approximately 650 feet north of its intersection with Airport Industrial Drive and further identified as Johnston County Tax ID# 15J08015B.

**ZA-22-02 Town of Smithfield:** The applicant is requesting an amendment to Unified Development Ordinances, Section 3.4.2.2, Composition and Vacancies to reduce the Board of Adjustment size from 7 regular members to 5 regular members and to amend Sections 3.3.3.2, 3.4.2.3, and 3.5.4 to allow no more than 3 absences per calendar year for the Planning Board, Board of Adjustment, Historic Preservation Commission members.

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](http://www.smithfield-nc.com).

Run Legal ad in the Johnstonian on September 21 and September 28, 2022.



# Request for Town Council Action

Public  
Hearing: ANX-22-02  
Date: 10/04/2022

---

Subject: Annexation Petition  
Department: Planning & Administration  
Presented by: Planning Director – Stephen Wensman  
Presentation: Public Hearing

---

## Issue Statement

Blue Line Aviation, LLC, has submitted a petition for a voluntarily satellite annexation of 14.43 acres to the Town of Smithfield.

## Financial Impact

The annexation will **add to the Town's tax base** and will require the Town to provide Town services.

## Action Needed

The Town Council is asked to consider adoption of Ordinance No. 511 extending the Corporate Limits of the Town of Smithfield. This can be done immediately or within six months.

## Recommendation

Consider adopting Ordinance No. 511 Extending the Corporate Limits of the Town of Smithfield.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Annexation Petition
3. Annexation Survey
4. **Annexation Map**
5. Ordinance No. 511



# Staff Report

Public  
Hearing: ANX-22-02

## PETITION:

The Town of Smithfield received a petition from Blue Line Aviation, LLC for a voluntarily satellite annexation of 14.43 acres to the Town of Smithfield, located on Swift Creek Road across from the Johnston County Regional Airport with the PID#168509-05-2529.

The applicant is proposing a PUD Mixed Use development that would utilize town water and sewer.

## ANALYSIS:

Utilities. Smithfield will provide sewer and water utilities which will be extended into the site to service the development with a master meter on the County lines.

Police. The Town Police Department is short staffed at this time.

Fire Protection. **The area is within the Wilson's Mills Fire District.**

Public Works. Trash and yard pickup are not services provided to Commercial/Industrial properties.

Code Enforcement. Code Enforcement can provide enforcement without any additional cost.

## FINDINGS:

Pursuant to NCGS 160A-58.2, If the council then finds and determines that:

- i. the area described in the petition meets all of the standards set out in G.S. 160A-58.1(b),
- ii. the petition bears the signatures of all of the owners of real property within the area proposed for annexation (except those not required to sign by G.S. 160A-58.1(a)),
- iii. the petition is otherwise valid, and
- iv. the public health, safety and welfare of the inhabitants of the city and of the area proposed for annexation will be best served by the annexation,

then council may adopt an ordinance annexing the area described in the petition. The ordinance may be made effective immediately or on any specified date within six months from the date of passage.



**ACTION REQUESTED:**

Pursuant to NCGS 160A-58.2, the Town Council shall accept public comments and consider adopting Ordinance No. 511 extending the Corporate Limits of the Town of Smithfield. The Ordinance may be adopted immediately or within six months.

The Town Council has three options:

1. Approve the noncontiguous annexation petition and adopt Ordinance No. 511
2. Table the decision for no longer than 6 months
3. Deny the annexation petition.



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

**Annexation Petition**  
 Submittal Checklist

<p><b>Please include all of the following (check off).</b> If any information is missing from the application package, you will be asked to complete the application and re-submit the petition, so please check the list below carefully before you submit:</p>			
<input checked="" type="checkbox"/>	<p><b>Electronic Word document of the written metes and bounds</b> must be e-mailed to:  <a href="mailto:Stephen.Wensman@smithfield-nc.com">Stephen.Wensman@smithfield-nc.com</a> or <a href="mailto:Mark.Helmer@smithfield-nc.com">Mark.Helmer@smithfield-nc.com</a>.</p>		
<input checked="" type="checkbox"/>	<p><b>Boundary Survey to be recorded upon approval or an existing recorded plat</b> showing the above written metes and bounds description of the property to be annexed. This document must be submitted electronically in .pdf format.</p>		
<input checked="" type="checkbox"/>	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"> <p><b>Copy of Approved Preliminary Site Plan or Final Site Plan</b> showing Town Permit number (Z-__-__, etc.) <b>or</b></p> </td> <td style="width: 50%;"> <p><b>Copy of Subdivision Plat</b> submitted for lot recording approval with Town file number (S-____-__, etc.)</p> </td> </tr> </table>	<p><b>Copy of Approved Preliminary Site Plan or Final Site Plan</b> showing Town Permit number (Z-__-__, etc.) <b>or</b></p>	<p><b>Copy of Subdivision Plat</b> submitted for lot recording approval with Town file number (S-____-__, etc.)</p>
<p><b>Copy of Approved Preliminary Site Plan or Final Site Plan</b> showing Town Permit number (Z-__-__, etc.) <b>or</b></p>	<p><b>Copy of Subdivision Plat</b> submitted for lot recording approval with Town file number (S-____-__, etc.)</p>		
<input checked="" type="checkbox"/>	<p><b>Projected Market Value of Development</b> at build-out (land and improvements).</p>		
<input checked="" type="checkbox"/>	<p><b>General Annexation Area Data:</b> Linear feet of public streets, total annexation area acreage, number of proposed residential units or square footage of commercial space, type of utility connections involved, specific land uses proposed.</p>		
<input checked="" type="checkbox"/>	<p><b>This application form</b> completed, <u>dated and signed</u> by the property owner(s) and attested <b>submitted by the deadlines.</b></p>		
<p><b>Required, but often missing information. Please make sure to include the following:</b></p>			
<input checked="" type="checkbox"/>	<p><b>Correct Parcel Identification Number(s) (PIN).</b> Call Johnston County Geographic Information Services at 919-989-5153, if there is any question about the parcel identifier. <b>This is very important.</b> Please indicate if the property being requested for annexation is only a portion of an existing parcel.</p>		
<input checked="" type="checkbox"/>	<p><b>Owner's Signatures and Date of Signatures.</b> See page 3 of this application. All real property owners must sign the application, and the <u>date of signature MUST be filled in!</u></p>		
<input checked="" type="checkbox"/>	<p><b>Corporate Seal</b> for property owned by a corporation.</p>		
<input checked="" type="checkbox"/>	<p><a href="#">Rezoning Application</a>, if the property is currently outside Town of Smithfield.</p>		

# Annexation Petition

Submittal Deadlines

Petitions for annexation are accepted by the Town of Smithfield Planning Department at any time. There is no fee required for submittal of an annexation petition. **The annexation will become effective immediately upon adoption of the annexation ordinance at the scheduled public hearing unless notified otherwise by the Town Clerk.**

(The Town of Smithfield reserves the right to make exceptions to this general processing schedule when necessary.)

## Summary Information / Metes and Bound. Descriptions

**Development Project Name**

BLUE LINE AVIATION - Johnston County Expansion

**Street Address**

SWIFT CREEK RD (SEE PIN # Below for specific parcel)

**Town of Smithfield Subdivision approval #**

(S-\_\_\_\_\_ - \_\_\_\_\_) or

**Building Permit Transaction #**

\_\_\_\_\_ or

**Site Plan approval # for multi-family**

(SP-\_\_\_\_\_ - \_\_\_\_\_)

**Johnston County Property Identification Number(s)** list below

**P.I.N.**  
168509-05-2529

**P.I.N.**

**P.I.N.**

**P.I.N.**

**P.I.N.**

**P.I.N.**

**Acreage of Annexation Site**

14.43

**Linear Feet of Public Streets within Annexation Boundaries**

0 (private)

Annexation site is requesting Town of Smithfield

Water

and/or Sewer

**yes to both**

**Number of proposed dwelling units**

0

**Type of Units:**

Private school and related facilities

Single Family N/A

Townhouse N/A

Condo N/A

Apartment N/A

**Building Square Footage of Non-Residential Space**

Phase 1 = +/-40,000 sf; Future Phases = +/-90,000 sf; Total = 130,000 sf

**Specific proposed use (office, retail, warehouse, school, etc.)**

Private school and related facilities

**Projected market value at build-out (land and improvements) \$**

\$1,164,000.00

**Person to contact if there are questions about the petition**

Patrick Byker

**Name**

Morningstar Law Group

**Address**

700 West Main Street 2nd Floor Durham, North Carolina 27701

**Phone**

919-590-0384

**Fax #**

919-882-8890

**Email**

pbyker@morningstarlawgroup.com

# Annexation Petition

**State of North Carolina, County of Johnston, Petition of Annexation of Property to the Town of Smithfield, North Carolina**

**Part 1** The undersigned, being all the owners of the real property described in this application respectfully request the annexation of said property to the Town of Smithfield, North Carolina. **The petitioners understand and agree that all streets and utilities within the annexed area will be constructed and installed by the developer according to the Unified Development Ordinance and any utilities that must be extended to the annexed area are the responsibility of the developers or successive property owners.** The property to be annexed is:


<input type="checkbox"/>	<b>Contiguous</b> to the present corporate limits of the Town Of Smithfield, North Carolina, or
<input checked="" type="checkbox"/>	<b>Not Contiguous</b> to the municipal limits of the Town of Smithfield, North Carolina, not closer to the limits of any other municipality and is located within three miles of the municipal limits of the Town of Smithfield, North Carolina (pursuant to Chapter 989 of the Sessions Law of North Carolina, 1967) <input type="checkbox"/> <input type="checkbox"/>

**Part 2** NC General Statutes require petitioners of both contiguous and satellite annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S.160A-385.1 or 153A-344.1 for properties subject to the petition.

Do you declare such vested rights for the property subject to this petition?      Yes      No

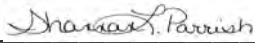
If yes, please submit proof that vested rights have been granted by governing board. I hereby declare that my failure to disclose existence of a vested right terminates any vested right previously acquired for this property.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the owners of the property described in Section C.

<p><b>Owner's Signature(s)</b></p> <p>Signature <u></u> Date <u>3/29/22</u></p> <p>Signature _____ Date _____</p> <p>Signature _____ Date _____</p> <p>Signature _____ Date _____</p>	<p><b>Corporate Seal</b></p>
<p><b>Print owner name(s) and information</b></p> <p>Name <u>Blue Line Aviation, LLC</u> Phone <u>919-578-3713</u></p> <p>Address <u>31498 Swift Creek Road, Smithfield, NC 27577</u></p> <p style="margin-left: 20px;"><u>314A-B</u></p> <p>Name _____ Phone _____</p> <p>Address _____</p> <p>Name _____ Phone _____</p> <p>Address _____</p> <p>Name _____ Phone _____</p> <p>Address _____</p>	

**Above signature(s) attested by**

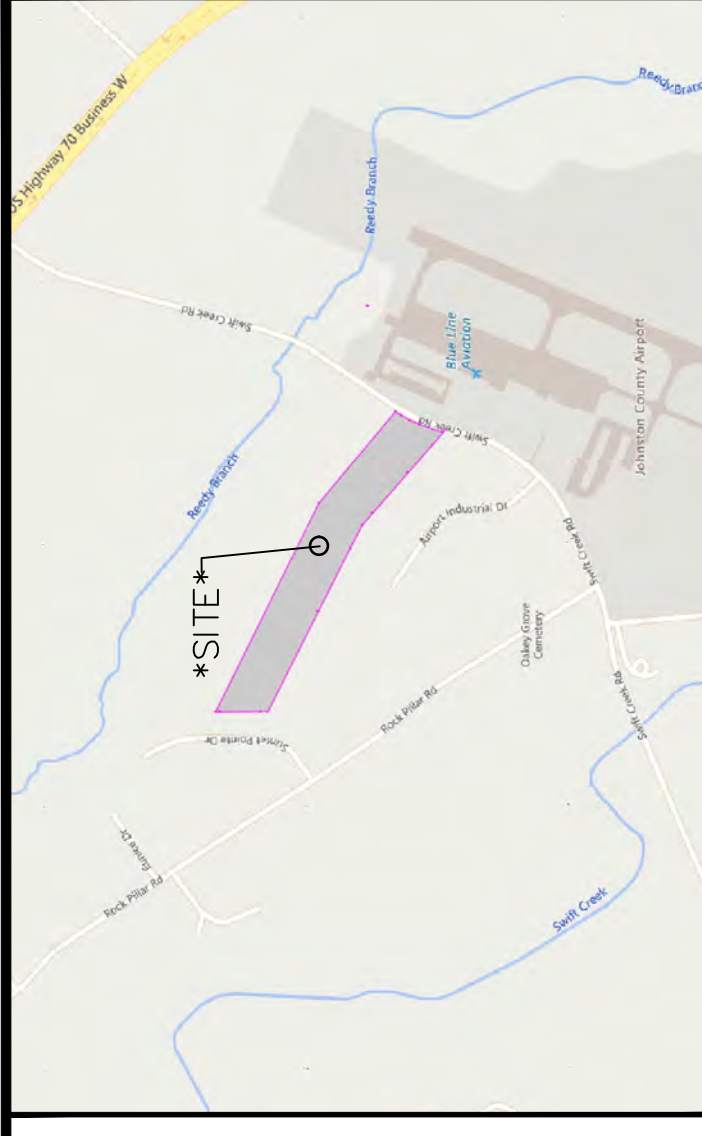
Received by the Town of Smithfield, North Carolina, this 2nd day of August, 2022, at a Council meeting duly held.

Signature of Town Clerk 

**GENERAL SURVEY NOTES:**

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH CAROLINA STATE PLANE GRID (NAD83/2011). VERTICAL DATUM BASED ON NAVD83.
2. THIS SURVEY WAS MADE IN ACCORDANCE WITH LAWS AND/OR MINIMUM STANDARDS OF THE STATE OF NORTH CAROLINA.
3. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A REPORT OF TITLE. EASEMENTS AND RESTRICTIONS MAY EXIST THAT ARE NOT SHOWN HEREON.
4. SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 370168500K, WITH AN EFFECTIVE DATE OF JUNE 20, 2018.
5. AREA COMPUTED BY COORDINATE METHOD.
6. ZONING: R 20A

SWANSET POINT  
SUBDIVISION  
PB 67 PG 36



VICINITY MAP  
(NOT TO SCALE)

- LEGEND**
- IBF IRON PIPE FOUND
  - IPF IRON BAR (PIN) FOUND
  - OBSTACLES
  - UTILITY POLE
  - TELEPHONE PEDESTAL
  - ELEC. HANDHOLE
  - WATER VALVE
  - SEWER MANHOLE
  - CD
  - PROPERTY
  - ADJACENT
  - ADJACENT



N/F  
BYRDS WHOLESALE, INC  
PIN 168509-05-3846  
DB 1185 PG 278

N/F  
BLUE LINE AVIATION, LLC  
PIN 168509-05-2929  
DB 6890 PG 571  
14.43 ACRES +/-

N/F  
DCB BLDG, LLC  
PIN 168509-05-1287  
DB 6038 PG 672

N/F  
DCB BLDG, LLC  
PIN 168509-05-3202  
DB 3884 PG 278

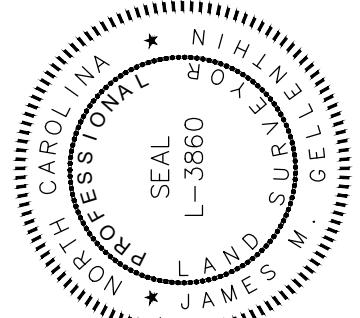
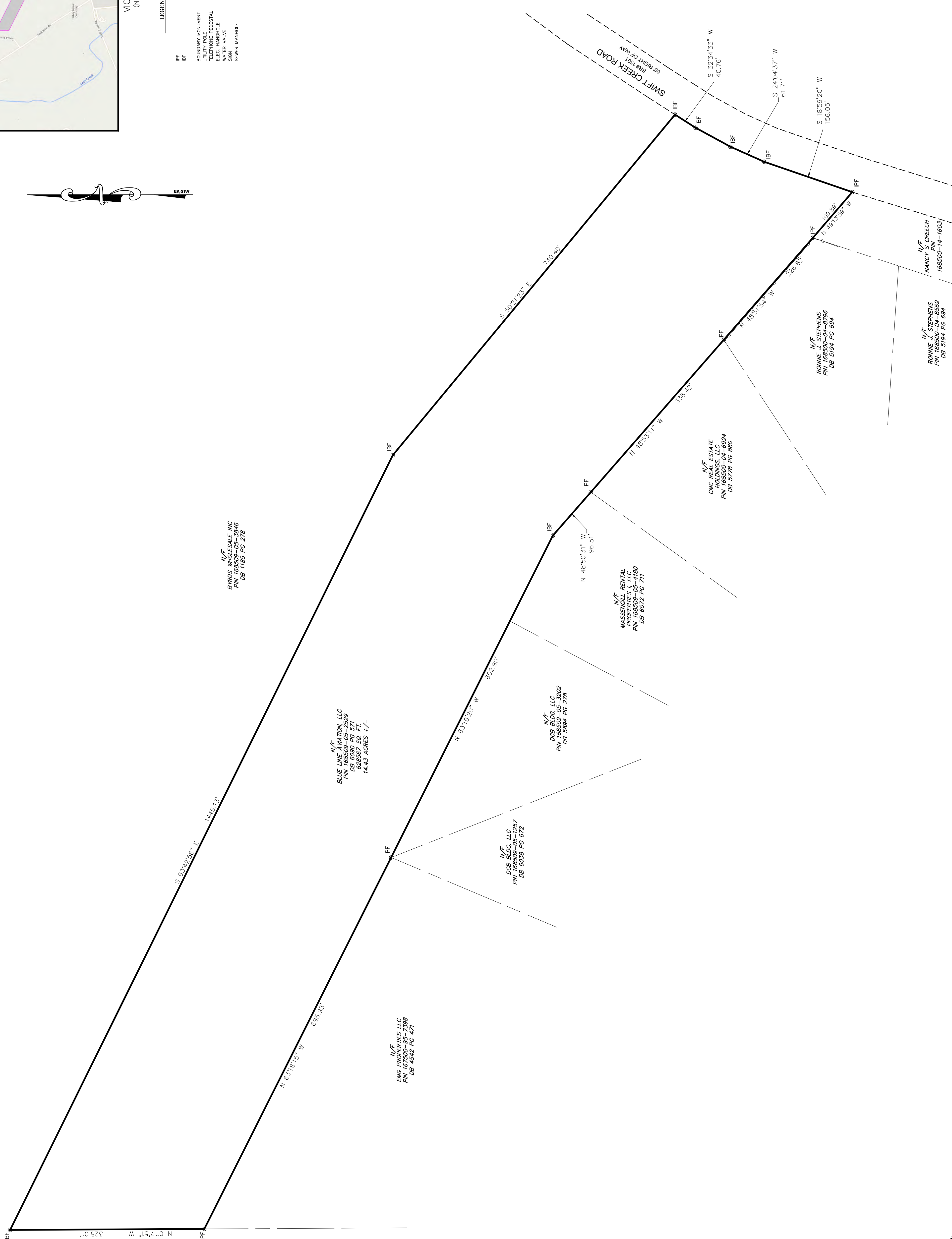
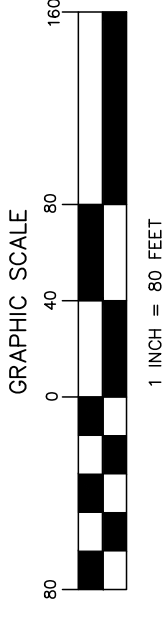
N/F  
MASSENGILL RENTAL  
PIN 168509-05-1180  
DB 6072 PG 711

N/F  
OMC REAL ESTATE  
PIN 168500-04-6894  
DB 5778 PG 880

N/F  
RONNIE J. STEPHENS  
PIN 168500-04-8586  
DB 5194 PG 694

N/F  
RONNIE J. STEPHENS  
PIN 168500-04-8589  
DB 5194 PG 694

N/F  
WINNIE S. CREECH  
PIN 168500-14-1603



SURVEYOR'S CERTIFICATION  
I, JAMES M. GELLENTHIN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM A SURVEY MADE UNDER MY SUPERVISION; THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAWS AND STANDARDS OF THE STATE OF NORTH CAROLINA; THAT I AM A LICENSED SURVEYOR IN THE STATE OF NORTH CAROLINA; AND THAT I AM THE AUTHOR OF THIS MAP. ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 27TH DAY OF APRIL, 2022.

James M. Gellenthin, NC PLS. No. L-3860 4/27/22

**KCI ASSOCIATES OF N.C.**  
ENGINEERS, SURVEYORS AND PLANNERS  
4505 FALLS OF NEUSE, FLOOR 4  
PHONE (919) 783-9214 • FAX (919) 783-9266  
rob.baumgartner@kci.com

ANNEXATION MAP  
OF  
3149B SWIFT CREEK ROAD  
TOWN OF SMITHFIELD  
JOHNSTON COUNTY, NORTH CAROLINA  
DATE: FEB. 7, 2022  
SCALE: 1" = 80'  
SHEET: 1 OF 1

**3000 Block of Swift Creek Road**

**File Number:**  
ANX-22-02

**Project Name:**  
Blue Line Aviation LLC

**Location:**  
3000 Block of  
Swift Creek Road

**Tax ID#:**  
15J08015B

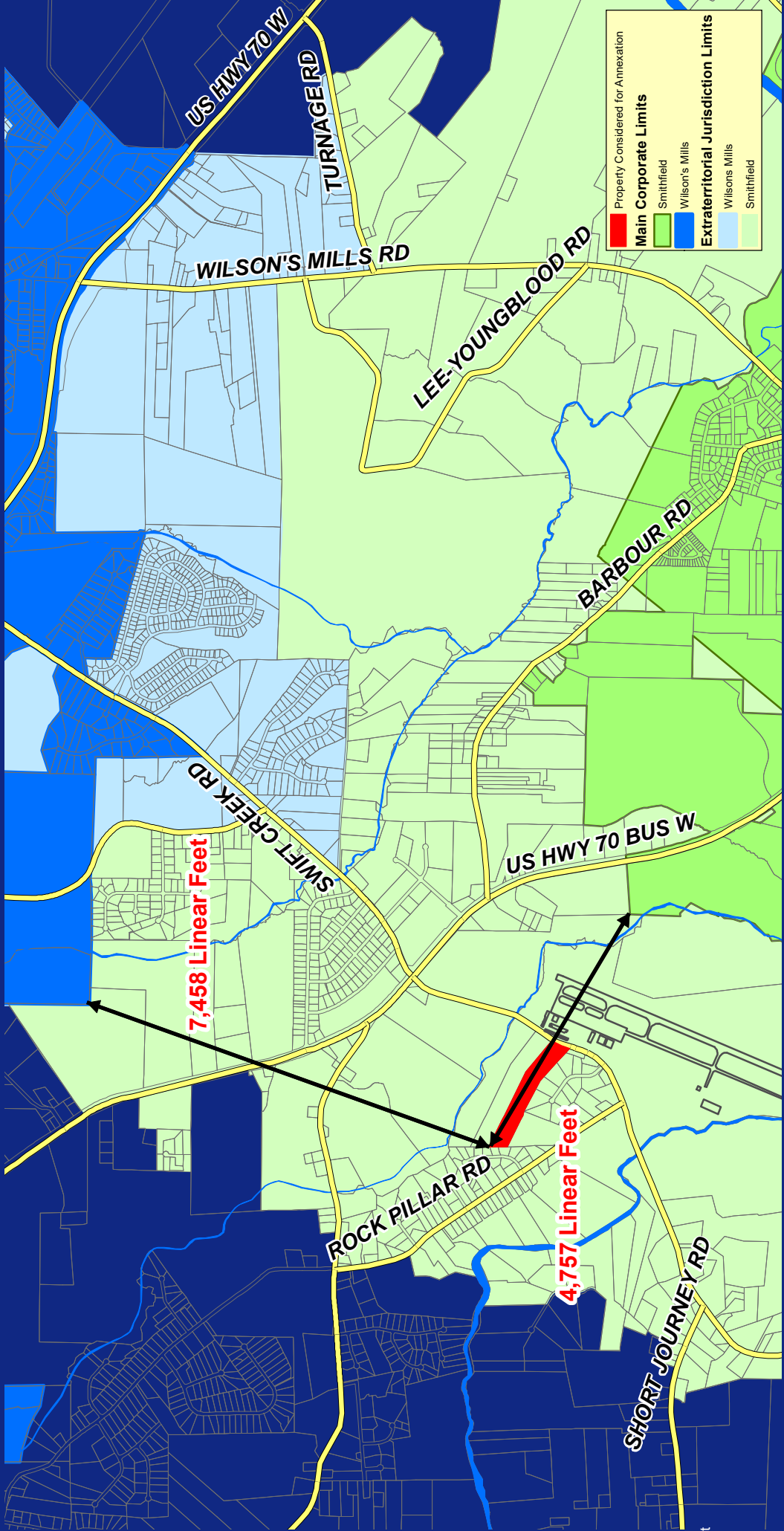
**Developer:**  
Blue Line Aviation, LLC

**Consultant:**  
Morning Star Law Group

**Property Owner:**  
Blue Line Aviation LLC



Map created by  
Mark E. Helmer, AICP  
Senior Planner, GIS Specialist on 8/23/2022



**ORDINANCE No. 511 TO EXTEND THE CORPORATE LIMITS OF THE**  
**TOWN OF SMITHFIELD, NORTH CAROLINA**

WHEREAS, the Town Council has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Council Chambers of the Smithfield Town Hall at 7:00 pm on October 4, 2022 after due notice by publication in the Johnstonian News on September 21, 2022; and

WHEREAS, the Town Council finds that the area described therein meets the standards of G.S. 160A-58.1 (b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c. The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

- e. By virtue of an act of the General Assembly, The Town of Smithfield is exempt from exceeding ten percent (10%) of the area within the primary corporate limits of the Town, and

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of the real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Smithfield, as of January 4, 2022

3149B SWIFT CREEK ROAD DESCRIPTION

A PARCEL OF LAND NOW OR PREVIOUSLY OWNED BY BLUE LINE AVIATION, LLC (DB 6090 PG 571) LOCATED IN THE TOWN OF SMITHFIELD, JOHNSTON COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIPE ON THE WESTERLY LINE OF SWIFT CREEK ROAD (SR #1501; 60 FOOT PUBLIC RIGHT OF WAY); SAID POINT BEING THE SOUTHERN MOST CORNER OF SAID LANDS OWNED BY BLUE LINE AVIATION, LLC;

THENCE N 49-13-59 W A DISTANCE OF 100.89 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY RONNIE STEPHENS (DB 5194 PG 694);

THENCE N 48-51-54 W ON THE NORTHEASTERLY LINE OF SAID STEPHENS LANDS, A DISTANCE OF 226.82 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY CMC REAL ESTATE (DB 5778 PG 880);

THENCE N 48-53-11 W ON THE NORTHEASTERLY LINE OF SAID CMC REAL ESTATE, A DISTANCE OF 338.42 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY MESSENGILL RENTAL (DB 6072 PG 711);

THENCE N 48-50-31 W ON THE NORTHEASTLY LINE OF SAID MASSENGILL RENTAL, A DISTANCE OF 96.51 FEET TO AN IRON BAR;

THENCE N 63-19-20 W ON THE NORTHERLY LINE OF SAID MASSENGILL RENTAL, AND DCB BLDG, LLC (DB 5894 PG 278) A DISTANCE OF 602.90 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY EMG PROPERTIES, LLC (DB 4542 PG 471);

THENCE N 63-18-15 W ON THE NORTHERLY LINE OF SAID EMG PROPERTIES LLC, A DISTANCE OF 695.95 FEET TO AN IRON PIPE ON THE



EAST LINE OF SUNSET POINTE SUBDIVISION;

THENCE N 0-17-51 W ON THE EAST LINE OF SUNSET POINTE SUBDIVISION A DISTANCE OF 325.01 FEET TO AN IRON BAR AT THE INTERSECTION WITH THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OWNED BY BYRDS WHOLESALE INC (DB 1185 PG 278);

THENCE S 63-42-56 E A ON THE SOUTHERLY LINE OF SAID BYRDS WHOLESALE INC, A DISTANCE OF 1446.13 FEET TO AN IRON BAR;

THENCE S 50-21-23 E CONTINUING ON THE SOUTHERLY LINE OF SAID BYRDS WHOLESALE INC, A DISTANCE OF 740.40 FEET TO THE WEST LINE OF SWIFT CREEK ROAD;

THENCE ON THE WEST LINE OF SWIFT CREEK ROAD THE FOLLOWING 4 CALLS:

- (1) S 32-34-33 W A DISTANCE OF 40.76 FEET TO AN IRON BAR;
- (2) S 28-33-01 W A DISTANCE OF 66.55 FEET TO AN IRON BAR;
- (3) S 24-04-37 W A DISTANCE OF 61.71 FEET TO AN IRON BAR;
- (4) S 18-59-20 W A DISTANCE OF 156.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 628,567 SQUARE FEET, OR 14.43 ACRES MORE OR LESS.

Section 2. Upon and after October 4, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Smithfield and shall be entitled to the same privileges and benefits as other parts of the Town of Smithfield. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Smithfield shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy this ordinance. Such a map shall also be delivered to the Town Board of Elections, as required by G.S. 163-288.1.

Adopted this 4<sup>th</sup> day of October, 2022

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M. Andy Moore, Mayor

ATTEST

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Shannan L. Parrish, Town Clerk

**North Carolina  
Johnston County**

This the \_\_\_\_ day of October, 2022, personally appeared before me Shannan L. Parrish, Town Clerk of the Town of Smithfield, who, being duly sworn by me, says that she knows the common seal for the Town of Smithfield and is acquainted with M. Andy Moore, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, Shannan L. Parrish, signed her name in attestation of said instrument in the presence of said Mayor

Witness by my hand and notarial seal, this the \_\_\_\_ day of October, 2022

(Notarial Seal)

\_\_\_\_\_  
Bethany B. McKeel, Notary Public

My commission expires 6<sup>th</sup> of August, 2024.



# Request for Town Council Action

Public Ordinance  
Hearing: Amendments  
Date: 10/04/2022

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Subject: **Amendments to the Town's Code of Ordinances:** Chapter 5 Article IV: Unsafe Buildings, Chapter 5 Article V: Commercial Building Maintenance and Chapter 8: Garbage, Trash and Refuse

Department: General Government

Presented by: Town Manager – Michael Scoot & Town Attorney – Bob Spence

Presentation: Public Hearing

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## Issue Statement

The Council is asked to hold a public hearing and consider Town Attorney recommended ordinance amendments in Chapter 5 Article IV: Unsafe Buildings and Chapter 5 Article V: Commercial Building Maintenance and Chapter 8: Garbage, Trash and Refuse of the **Town's Administrative Code of Ordinances**.

## Financial Impact

There is no financial gain or loss associated with these amendments.

## Action Needed

Hold public hearing and consider approving attached ordinance amendments by adopting Ordinance No.

## Recommendation

Approve ordinance amendments as recommended by Town Attorney

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Ordinance Amendments



# Staff Report

Public Ordinance  
Hearing Amendments

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After a review of the Town's Administrative Code, Chapter 5 and Chapter 8, the Town Attorney is recommending several amendments to bring the existing ordinances into compliance with new state statute changes and amend the ordinances to be more user friendly. A copy of the draft amendments is attached.

**TOWN OF SMITHFIELD**  
**North Carolina**  
**Ordinance No. 512**

**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD CODE OF ORDINANCES: ARTICLE IV. Unsafe Buildings Condemned Under G.S 160D-1119**

**Sec. 5-151. – Purpose**

In the prior, repealed code the town quoted the statutory provisions under 160A. Consistent with their previous ordinances, the Town of Smithfield sets forth these ordinances, which are a direct repetition of the current General Statutes set out in article 11, part 1119 through 1127 of chapter 160D as of June 1, 2022. The General Statutes should be consulted for amendments in the future. It is the statutes that govern not these provisions.

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**Sec. 5-152. – G.S. § 160D-1119. Unsafe buildings condemned.**

- (a) Designation of Unsafe Buildings. - Every building that shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating systems, inadequate means of egress, or other causes shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building.
- (b) Nonresidential Building or Structure. - In addition to the authority granted in subsection (a) of this section, an inspector may declare a nonresidential building or structure within a community development target area to be unsafe if it meets all of the following conditions:
- (1) It appears to the inspector to be vacant or abandoned.
  - (2) It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, or fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance.
- (c) Notice Posted on Structure. - If an inspector declares a nonresidential building or structure to be unsafe under subsection (b) of this section, the inspector must affix a notice of the unsafe character of the structure to a conspicuous place on the exterior wall of the building. For the purposes of this section, the term "community development target area" means an area that has characteristics of an urban progress zone under G.S. 143B-437.09, a "nonresidential redevelopment area" under G.S. 160A-503(10), or an area with similar characteristics designated by the governing board as being in special need of revitalization for the benefit and welfare of its citizens.
- (d) Applicability to Residential Structures. - A local government may expand subsections (b) and (c) of this section to apply to residential buildings by adopting an ordinance. Before adopting

such an ordinance, a local government shall hold a legislative hearing with published notice as provided by G.S. 160D-601.

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**Sec. 5-153. – G.S. § 160D-1120. Removing notice from condemned building.**

If any person shall remove any notice that has been affixed to any building or structure by a local inspector of any local government and that states the dangerous character of the building or structure, that person shall be guilty of a Class 1 misdemeanor.

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**Sec. 5-154. – G.S. § 160D-1121. Action in event of failure to take corrective action.**

If the owner of a building or structure that has been condemned as unsafe pursuant to G.S. 160D-1119 fails to take prompt corrective action, the local inspector shall give written notice, by certified mail to the owner's last known address or by personal service, of all of the following:

(1) That the building or structure is in a condition that appears to meet one or more of the following conditions:

- a. Constitutes a fire or safety hazard.
- b. Is dangerous to life, health, or other property.
- c. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.
- d. Has a tendency to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

(2) That an administrative hearing will be held before the inspector at a designated place and time, not later than 10 days after the date of the notice, at which time the owner will be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.

(3) That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate.

If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice shall be considered properly and adequately served if a copy is posted on the outside of the building or structure in question at least 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the local government's area of jurisdiction at least once not later than one week prior to the hearing.

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**Sec. 5-155. – G.S. § 160D-1122. Order to take corrective action.**

If, upon a hearing held pursuant to the notice prescribed in G.S. 160D-1119, the inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, or other property, the inspector shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating, or demolishing the building or structure or taking other necessary steps, within such period, not less than 60 days, as the inspector may prescribe, provided that where the inspector finds that there is imminent danger to life or other

property, the inspector may order that corrective action be taken in such lesser period as may be feasible.

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**Sec. 5-156. – G.S. § 160D-1123. Appeal; finality of order if not appealed.**

Any owner who has received an order under G.S. 160D-1122 may appeal from the order to the governing board by giving notice of appeal in writing to the inspector and to the local government clerk within 10 days following issuance of the order. In the absence of an appeal, the order of the inspector is final. The governing board shall hear an appeal in accordance with G.S. 160D-406 and render a decision within a reasonable time. The governing board may affirm, modify and affirm, or revoke the order.

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**Sec. 5-157. – G.S. § 160D-1124. Failure to comply with order.**

If the owner of a building or structure fails to comply with an order issued pursuant to G.S. 160D-1122 from which no appeal has been taken or fails to comply with an order of the governing board following an appeal, the owner is guilty of a Class 1 misdemeanor.

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**Sec. 5-158. – G.S. § 160D-1125. Enforcement.**

(a) Action Authorized. - Whenever any violation is denominated a misdemeanor under the provisions of this Article, the local government, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved.

(b) Removal of Building. - In the case of a building or structure declared unsafe under G.S. 160D-1119 or an ordinance adopted pursuant to G.S. 160D-1119, a local government may, in lieu of taking action under subsection (a) of this section, cause the building or structure to be removed or demolished. The amounts incurred by the local government in connection with the removal or demolition are a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments provided in Article 10 of Chapter 160A of the General Statutes. If the building or structure is removed or demolished by the local government, the local government shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The local government shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the clerk of superior court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

(c) Additional Lien. - The amounts incurred by a local government in connection with the removal or demolition are also a lien against any other real property owned by the owner of the building or structure and located within the local government's planning and development regulation jurisdiction, and for cities without extraterritorial planning and development

jurisdiction, within one mile of the city limits, except for the owner's primary residence. The provisions of subsection (b) of this section apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgment.

(d) Nonexclusive Remedy. - Nothing in this section shall be construed to impair or limit the power of the local government to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

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**Sec. 5-159. – G.S. § 160D-1126. Records and reports.**

The inspection department shall keep complete and accurate records in convenient form of all applications received, permits issued, inspections and reinspections made, defects found, certificates of compliance or occupancy granted, and all other work and activities of the department. These records shall be kept in the manner and for the periods prescribed by the Department of Natural and Cultural Resources. Periodic reports shall be submitted to the governing board and to the Commissioner of Insurance as they shall by ordinance, rule, or regulation require

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**Sec. 5-160. – G.S. § 160D-1127. Appeals.**

Unless otherwise provided by law, appeals from any order, decision, or determination by a member of a local inspection department pertaining to the State Building Code or other State building laws shall be taken to the Commissioner of Insurance or the Commissioner's designee or other official specified in G.S. 143-139 by filing a written notice with the Commissioner and with the inspection department within a period of 10 days after the order, decision, or determination. Further appeals may be taken to the State Building Code Council or to the courts as provided by law.

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**Secs. 5-161-5.170. - Reserved**

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:

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Robert Spence, Jr., Town Attorney

**TOWN OF SMITHFIELD**  
**North Carolina**  
**Ordinance No. 513**

**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD CODE OF  
ORDINANCES: ARTICLE V. – COMMERCIAL BUILDING MAINTENANCE  
STANDARDS**

**Sec. 5-171 Authority. – (160D-1129(a))**

(1) Pursuant to G.S. 160D-1129, it is the purpose of this article to establish minimum standards for the maintenance, sanitation and safety of all nonresidential buildings and structures within the corporate limits of the town. This article does not replace or modify requirements or standards otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities, except as provided in this article.

(2) The community development director and the code enforcement officer, or their designee, shall enforce the provisions of this article V on behalf of the town. For ease of reference, the community development director and the code enforcement officer will collectively be referred to as "the code enforcement officer" in this article V. The code enforcement officer shall have such authority and power as is necessary or convenient to carry out and effectuate the purpose of this article V, in addition to the others herein granted.

(3) The provisions of this article shall apply to all nonresidential buildings or structures which are now in existence, or which may be built within the corporate limits of the town. Every nonresidential building or structure and the property on which it is situated shall comply with the provisions of this article, whether or not such building or structure shall have been constructed, altered, or repaired before or after the enactment of this article, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or structure or for the installment or repair of equipment or facilities.

(4) Nothing in this article shall limit the town's authority to proceed with any other applicable statute, code, ordinance or other applicable law in lieu of or in addition to proceeding under the terms of this article V.

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**Sec. 5-172 Investigation. – (160D-1129(b))**

Whenever it appears to the public officer that any nonresidential building or structure has not been properly maintained or is otherwise in violation of the standards contained in section V, so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by section 5-202 and 5-203, the code enforcement officer shall undertake a preliminary investigation. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.

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**Sec. 5-173 Complaint and Hearing. – (160D-1129(c))**

If the preliminary investigation discloses evidence of a violation of the minimum standards established by this article, the code enforcement official shall issue a complaint and cause it to be served upon the owner of and parties in interest in such nonresidential building or structure. The complaint shall state the charges and contain a notice that a hearing will be held before the code enforcement official at a place therein fixed, not less than ten days or more than 30 days after the serving of such complaint. The owner or any party in interest shall have the right to correct the violation or to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearing before the code enforcement official.

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**Sec. 5-174 Order. – (160D-1129(d))**

If, after notice and hearing provided for in section 5-173, the code enforcement official determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established in this article, the code enforcement officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order.

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**Sec. 5-175 Limitations on Orders. – (160D-1129(e))**

(1) An order may only require the owner to repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by the governing board or to vacate and close the nonresidential building or structure for any use.

(2) An order may require the owner to remove or demolish the nonresidential building or structure if the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value. Notwithstanding any other provision of law, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the town council determines, after an administrative hearing as provided by ordinance, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, the order may require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by the governing board.

(3) An order may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be

required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

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**Sec. 5-176 Actions by Town Council Upon Failure to Comply With Order. - (160D-1129(f))**

(1) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the town council may adopt an ordinance ordering the code enforcement official to cause such building or structure to be repaired, altered or improved in order to bring it into compliance with the minimum standards established by this article or to be vacated and closed for any use. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the code enforcement official may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The code enforcement official may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.

(2) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the town council may adopt an ordinance ordering the code enforcement official to cause such building or structure to be removed or demolished. No ordinance shall be adopted to require removal or demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established in this article. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the code enforcement official may cause the building or structure to be removed or demolished.

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**Sec. 5-177 Action by Town Council Upon Abandonment of Intent to Repair. – (160D-1129(g))**

(1) If the town council has adopted an ordinance or the code enforcement official has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of two years pursuant to the ordinance or order, the town council may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the town in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. Upon such

findings, the town council may, after the expiration of the two-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- a. If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards is less than or equal to 50 percent of its then current value, the ordinance shall require that the owner either repair or demolish and remove the building or structure within 90 days; or
- b. If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds 50 percent of its then current value, the ordinance shall require the owner to demolish and remove the building or structure within 90 days.

(2) In the case of vacant manufacturing facilities or vacant industrial warehouse facilities, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before the town council may take action under this subsection. The ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with the ordinance, the code enforcement official shall cause the building or structure to be removed or demolished.

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**Sec. 5-178 Service of Complaint and Order. – (160D-1129(h))**

(1) Complaints or orders issued by the code enforcement official pursuant to this article shall be served upon persons either personally or by registered or certified mail so long as the means used are reasonably designed to achieve actual notice. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is refused, but the regular mail is not returned by the post office within ten days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the property affected.

(2) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the code enforcement official in the exercise of reasonable diligence, and the code enforcement official makes an affidavit to that effect, the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the town at least once no later than the time at which personal service would be required under this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the property affected.

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**5-178 Liens. – (160D-1129(i))**

(1) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer are a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.

(2) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition expended by the code enforcement official is also a lien on any other

real property of the owner located within the town limits except for the owner's primary residence. The additional lien provided in this subsection is inferior to all prior liens and shall be collected as a money judgment.

(3) If the nonresidential building or structure is removed or demolished by the code enforcement official, he shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the code enforcement official, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this article shall be construed to impair or limit in any way the power of the town council to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

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**5-179 Ejectment. – (160D-1129(j))**

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the code enforcement official may file a civil action in the name of the town to remove the occupant. Such action shall be filed in the nature of summary ejectment and conducted in accordance with G.S. 160D-1129(j).

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**5-180 Supplemental Powers. – (160D-1129(l))**

This ordinance authorizes the public officer to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this section including the following powers in addition to others herein granted:

- (1) To investigate nonresidential buildings and structures in the local government's planning and development regulation jurisdiction to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized.
- (2) To administer oaths, affirmations, examine witnesses, and receive evidence.
- (3) To enter upon premises pursuant to subsection 5-172 of this section for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.
- (4) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances adopted by the governing board.
- (5) To delegate any of his or her functions and powers under the ordinance to other officers and agents.

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**Sec. 5-181 Appeals. – (160D-1129(m) & 160D-1208)**

(1) Appeals shall be governed by G.S. 160D-1208. The town council designates the board of adjustments as its appeals board. An appeal from any decision or order of the code enforcement

officer pursuant to this article may be taken by any person aggrieved thereby. Any appeal from the code enforcement officer shall be taken within ten days from the rendering of the decision or within ten days of service of such order. Such appeal shall be taken by filing with the code enforcement officer and with the board of adjustment (hereinafter called "the board") a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the code enforcement officer shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the chief code enforcement officer refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the code enforcement officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the code enforcement officer certifies to the board after the notice of appeal is filed with him/her, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of the requirement would cause imminent peril to life or property. In that case, the requirement shall not be suspended except by a restraining order, which may be granted for due cause upon not less than one day's written notice to the code enforcement officer by the board, or by a court of record upon petition made pursuant to subsection 5-174 of this section. Except where in conflict with G.S. 160D-1208, all regulations, fees and other rules of the board shall apply to these appeals.

(2) The board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the code enforcement officer, but the concurring vote of 4/7 of the members of the board shall be necessary to reverse or modify any decision or order of the code enforcement officer. The board shall have power also in passing upon appeals, in any case where unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(3) Every decision of the board shall be subject to review by the county superior court by proceedings in the nature of certiorari instituted within 15 days of the decision of the board, but not otherwise.

(4) Any person aggrieved by an order issued by the code enforcement officer or a decision rendered by the board shall have the right, within 30 days after the issuance of the order or rendering of a decision, to petition the superior court for a temporary injunction, restraining the code enforcement officer pending a final disposition of the cause.

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### **Sec. 5-182 Funding. – (160D-1129(n))**

The town council is authorized pursuant to G.S. 160D-1129 to make appropriations from its revenues necessary to carry out the purpose of this section and may accept and apply grants or donations to assist in carrying out the provision of the adopted ordinances.

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**Sec. 5-183 No Effect on Just Compensation for Taking by Eminent Domain. – (160D-1129(o))**

Nothing in this section shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State.

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**Sec. 5-184 Definitions. – (160D-1129(p)).**

As used in this section, the following definitions apply:

- (1) Parties in interest. - All individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.
  - (2) Vacant industrial warehouse. - Any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.
  - (3) Vacant manufacturing facility. - Any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use.
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**Secs. 5-185—5-200. - Reserved.**

**Article 5 Subsection A of Subsection V.**

**5-201 Penalties. – (160D-1129(k)).**

(1) It shall be unlawful for the owner of any nonresidential building or structure to fail, neglect or refuse to repair, alter or improve the building or structure, or to vacate and close and remove or demolish, or to vacate and close the building or structure upon order of the code enforcement official duly made and served as provided in this article, within the time specified in such order; and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense.

(2) It shall be unlawful for the owner or agent of the owner of any nonresidential building or structure, with respect to which an order has been issued to occupy or permit the occupancy of the building after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and removal or demolition, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(3) Any owner who fails to comply with an order of the code enforcement official to repair, alter or improve the building or structure or to vacate and close and remove or demolish the building or structure, or vacate and close the building or structure within the time specified in the order, shall be subject to a civil penalty in the amount of \$50.00 for the first day of noncompliance and \$50.00 for each day thereafter until the building or structure is brought into compliance with the order. The civil penalty may be recovered by the town in a civil action in the nature of a debt if the owner does not pay the penalty. Enforcement by any remedy provided



in this article shall not prevent enforcement by any other remedy provided in this article or in other ordinances or laws.

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### **5-202 Minimum External Maintenance Standards. -**

It shall be the responsibility of the owner of all buildings, structures, and/or premises in the corporate limits of the Town of Smithfield that they be maintained in compliance with all applicable provisions herein. The following violations shall be corrected subsequent to the notice of violations as enumerated herein:

#### **(1) Exit requirements.**

(a) Minimum number of exits shall conform to the requirements of the state building code as applicable.

(b) Every stairway, deck, porch, and balcony, and all appurtenances attached thereto, including without limitation, handrails and guardrails, shall be maintained in a structurally sound condition, in good repair. Each shall be properly anchored and capable of supporting live or dead loads.

#### **(2) Electrical facilities.**

(a) No receptacles, ceiling fixtures, or other fixtures shall be hanging loose, unless designed and rated for that purpose.

(b) All switches and receptacles shall be safe.

(c) There shall be no unsafe wiring.

(d) There shall be no drop or extension cords in excess of six feet in length used in place of permanent wiring.

(e) No circuits shall be overloaded.

(f) Fuses shall be sized correctly and not bridged out.

(g) All wiring shall be in accordance with the National Electrical Code.

(h) All breaker boxes, wiring, junction boxes, busways, or other electrical enclosures shall be in good condition and maintained to prevent shock hazard.

#### **(3) Exterior walls.**

(a) There shall be no unsafe wall conditions such that the plumbline from the top center of studs falls outside the base plate at any point along the wall.

(b) Maximum spacing for studding, providing they show signs of being weak or overloaded, shall comply with the requirements of the state building code.

(c) Studs or other structural members shall be structurally sound and not likely to cause structural weakness in the future.

(d) There shall be no broken or cracked structural members.

(e) All siding shall be reasonably weathertight, with no holes or excessive cracks or decayed boards, or siding material.

(f) There shall be no loose siding.

(g) There shall be no deterioration because of lack of preventative maintenance consisting of painting, waterproofing and repair.

(h) All door fenestration shall be in operable condition.

**(4) Roofs.**

(a) All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the dead and live loads, including rafters and ceiling, or floor joists.

(b) The roof and flashing shall be sound, tight and not have defects which admit water or rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior of the structure. Roof drains, gutters, scuppers, and downspouts shall be maintained in good repair, and free from obstructions. Roof water shall not be discharged in a manner that creates a health or safety hazard.

**(5) Porches, vestibules and external covered areas.**

(a) The floor, ceiling, and roof shall be equal to requirements set forth in this article, except sills, joists and floors need not be level if providing drainage of floors; floors need not be weathertight.

(b) Every stairway, deck, porch and balcony, and all appurtenances attached thereto, including, without limitation, handrails and guardrails, shall be maintained in a structurally sound condition, in good repair. Each shall be properly anchored, and capable of supporting imposed loads.

**(6) Windows.**

(a) Windows, where provided, including frames, sash components, and glazing shall be maintained in good condition, with no broken, cracked, or missing glazing. Broken or missing glass may not be replaced with material other than glass.

**(7) Property maintenance.**

(a) Building structure. Exterior wood surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative with sufficient frequency to prevent deterioration.

(b) Open areas. There shall be no heavy undergrowth or accumulation of plant growth which is noxious or detrimental to health, or because it is overgrown, may provide harborage for criminal activity.

(c) Infestation. Grounds, buildings and structures shall be maintained free of infestation by rodents, insects and other pests.

(d) Chimneys and towers. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

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**5-203 Minimum Interior Maintenance Standards. -**

The interior of a structure, including wall and ceiling coverings, and equipment therein shall be maintained in good order, shall be structurally sound, and be in a sanitary condition. Occupants shall keep that part of the building or structure which they occupy or control in a clean and sanitary condition.

**(1) Exit requirements.**

(a) Minimum number of exits shall conform to the requirements of the state building code as applicable.

**(2) Plumbing systems and facilities.**

(a) In general, all fixtures and piping shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects. All plumbing shall be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(b) Plumbing fixtures shall have adequate clearance for usage and cleaning.

(c) Where it is found that a plumbing system in a building or structure creates an unsafe condition that is hazardous to the occupants, or by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation deterioration or damage, or for similar reasons, the code enforcement official shall require the defects to be corrected to eliminate the unsafe condition.

**(3) Heating facilities.**

(a) Building shall be weatherproof.

(b) Heating systems shall be maintained in good order and repair and shall be of sufficient capacity so as to heat all occupied areas in accordance with the state building code.

(c) All safety controls and all clearances to combustible materials for electrical equipment which produces heat shall be maintained in effective operation.

(d) Other heating facilities, where provided, shall meet the requirements of the state building code.

(e) All electric, gas and heating oil heating equipment installed on the property shall be listed by Underwriters' Laboratories, Inc. or American Gas Association and installed in accordance with the provisions of the state building code.

(f) All mechanical appliances, including ventilation and air conditioning or cooling systems, or appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(g) All fuel burning equipment or appliances shall be connected to an approved chimney or vent. Fuel burning equipment and appliances labeled for unvented use are an exception to this requirement.

(h) All required clearances to combustible materials shall be maintained.

(i) All safety controls for fuel burning equipment shall be maintained in effective operation.

**(4) Electrical facilities.**

(a) No receptacles, ceiling fixtures, or other fixtures shall be hanging loose unless designed and rated for that purpose.

(b) All switches and receptacles shall be safe.

(c) There shall be no unsafe wiring.

(d) There shall be no drop or extension cords in excess of six feet in length used in place of permanent wiring.

(e) No circuits shall be overloaded.

(f) Fuses shall be sized correctly and not bridged out.

(g) All wiring shall be in accordance with the National Electrical Code.

**(5) Structural standards.**

**(a) Foundation.**

- i. Beneath the building or structure there shall be firm ground, which is reasonably dry, properly drained and no water shall be running under the building or structure.
- ii. There shall be sound footings and adequate bearing.
- iii. There shall be sound piers and no loose mortar or masonry.
- iv. There shall be no piers in which the plumbline from the top center falls outside the middle one-third of the pier base.
- v. There shall be no isolated masonry piers exceeding in height ten times the least dimension of the pier.
- vi. There shall be no wood stiff-knee piers.

**(b) Floors.**

- i. Flooring shall be weathertight without holes or excessive cracks which permit air to penetrate rooms.
- ii. Flooring or floor covering shall be reasonably smooth and not decayed, fire damaged or worn through.
- iii. There shall be no loose flooring.
- iv. Floors shall be reasonably level.
- v. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the dead and live loads.

**(c) Interior load bearing walls.**

- i. There shall be no unsafe wall conditions such that the plumbline from the top center studs falls outside the base plate at any point along the wall.
- ii. Maximum spacing for studding, providing the studs show signs of being weak or overloaded, shall comply with the requirements of the state building code.
- iii. Studs or other structural members, including posts and columns, shall be structurally sound and not likely to cause structural weaknesses in the future.
- iv. There shall be no broken or cracked structural members.

**(d) Interior porches, landings and vestibules.**

- i. The floor and ceiling shall be equal to the requirements set forth in this article.
- ii. Every stairway, deck, porch and balcony and all appurtenances attached thereto, including, without limitation, handrails and guardrails, shall be maintained in a structurally sound condition and in good repair.
- iii. Any interior porch, landing or vestibule shall be properly anchored and capable of supporting live and dead loads.

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**5-204 Minimum Maintenance Standards For Vacant Buildings. –**

(1) The interior maintenance standards set forth in section 5-203 shall not apply to vacant nonresidential buildings or structures unless one or more of the following serious conditions is present on the property:

- (a) Overall conditions present a serious health or safety hazard.
- (b) The building or structure is a breeding area for rodents or insects.
- (c) The building or structure presents a fire hazard.
- (d) The building or structure is structurally unsafe and presents a threat to the safety of code enforcement personnel, fire department personnel and law enforcement officers or members of the general public.
- (e) The building or structure is frequented by vagrants.
- (f) The building or structure is not properly secured to prevent unauthorized access.
- (2) If the code enforcement official orders a nonresidential building or structure vacated and closed pursuant to this article, the owner shall board and secure such building or structure in accordance with the guidelines for boarding and securing a building or structure provided by the code enforcement official.

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**5-205 Alternative Remedies. -**

Enforcement by any remedy provided in this article shall not prevent enforcement by any other remedy provided in this article or in other ordinances or laws; including but not limited to G.S. 160D Art. 11, G.S. 160A-193 and G.S. 160A-174.

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**Secs. 5-206—5-220. - Reserved.**

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:

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Robert Spence, Jr., Town Attorney

**TOWN OF SMITHFIELD**  
**North Carolina**  
**Ordinance No. 514**

**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD CODE OF ORDINANCES: CHAPTER 8. – OFFENSIVE CONDITIONS ON PRIVATE PROPERTY**

**ARTICLE I. – NUISANCES AND DETRIMENTAL CONDITIONS**

**Sec. 8-1. – Prohibited Conditions**

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- (a) Duty to abate and remedy and public health considerations. It shall be the duty of every person owning or leasing, renting or occupying any lot within the city to keep such lot free from certain offensive conditions which might constitute a threat, either immediate or in the future, to the health, safety and welfare of surrounding properties, or any offensive aesthetic condition, upon a finding that the abatement or removal thereof, would bestow aesthetic benefits to the community that outweigh the burden imposed on the private property owner which would promote the peace and the dignity of the town. Such finding shall be in writing and shall be based on a balancing of the monetary loss to the apparent property owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance.
- (b) Offensive conditions *defined*. In determining the existence of offensive conditions, the following among other relevant facts may be considered:
- (1) Direct or indirect protection of public health and safety which may be indicated when one or more of the following exist:
    - a. A breeding ground or harbor for mosquitoes, insects, snakes, rats or other pests, or
    - b. A point of heavy growth of weeds or other noxious vegetation, or
    - c. A point of collection of pools or ponding water, or
    - d. A point of concentration or source of fire hazard due to flammable or explosive solids or liquids, or
    - e. A danger from any exposed surfaces of metal, glass or other jagged materials.
  - (2) Protection of property values;
  - (3) Promotion of tourism and other economic development opportunities;
  - (4) Preservation of the character and integrity of the community;
  - (5) Promotion of the comfort, happiness and emotional stability of area residents.

The cleaning up of any lot in accordance with the procedure prescribed by this article shall not prevent the city from proceeding in a criminal action against any person violating the provisions of this section.

- (c) Specific conditions of noxious weeds, grass and similar instances declared to be public nuisance. The following enumerated and described conditions, or any combination thereof, 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 city and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:
- (1) A place, other than a "wooded area" of heavy growth of weeds or grasses over twelve (12) inches in height which lies less than one hundred (100) feet from any adjoining property line which contains a dwelling or business structure. "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-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.
  - (2) 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) 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) Any accumulation of trash and/or garbage which is the result of the absence or of overflowing or improperly closed trash or garbage containers.
  - (5) Accumulation in an open place of hazardous or toxic materials and chemicals.
  - (6) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature.
  - (7) Any condition or accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.
  - (8) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
  - (9) The open storage of any discarded ice box, refrigerator, stove, washer, dryer, other "white goods," glass, building materials, building rubbish or similar items.
  - (10) 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 area



of confinement, or areas which may provide a habitat for rats, snakes, insects, or other pests.

- (11) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the City Manager or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
  - (12) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.
  - (13) Any improper or inadequate drainage on private property which causes flooding, interferes with use of, or endangers in any way the streets, sidewalks, parks or other town owned property of any kind.
  - (14) Any stormwater retention or detention pond or other impoundment device which is operating improperly.
  - (15) 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.
  - (16) 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.
  - (17) Any condition which violates the rules and regulations of the Johnston County Health Department.
  - (18) 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 8-21.
  - (19) Nuisance vehicle as set out in and controlled by Chapter 10 – Motor Vehicles and Traffic Article VI – Abandoned Nuisance and Junked Motor Vehicles.
  - (20) 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.
- (d) Specific external conditions for commercial and industrial properties declared detrimental. Pursuant to G.S. 160A-174, the town may enact ordinances that protect the health, safety,

or welfare of its citizens and the peace and dignity of the town. The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare and to harm the peace and dignity of the town and are hereby declared unlawful:

- (1) Every stairway, deck, porch, and balcony, and all appurtenances attached thereto, including without limitation, handrails and guardrails, shall be maintained in a structurally sound condition, in good repair. Each shall be properly anchored and capable of supporting live or dead loads.
  - (2) No receptacles, ceiling fixtures, or other fixtures shall be hanging loose, unless designed and rated for that purpose.
  - (3) There shall be no broken or cracked structural members.
  - (4) All siding shall be reasonably weathertight, with no holes or excessive cracks or decayed boards, or siding material.
  - (5) There shall be no loose siding.
  - (6) The roof and flashing shall be sound, tight and not have defects which admit water or rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior of the structure. Roof drains, gutters, scuppers, and downspouts shall be maintained in good repair, and free from obstructions. Roof water shall not be discharged in a manner that creates a health or safety hazard.
  - (7) Windows, where provided, including frames, sash components, and glazing shall be maintained in good condition, with no broken, cracked, or missing glazing. Broken or missing glass may not be replaced with material other than glass.
- (e) Procedure is alternative. Nothing in this article nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms of this article shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in section 8-6 and in other parts of the Code of Ordinances of the Town of Smithfield. This article shall not prevent the town from proceeding in a criminal actions against any person violating the provisions of this article as provided in G.S. 14-1.

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**Sec. 8-2. - Service of notice requiring correction of condition.**

If any person shall violate the provisions of section 8-1, it shall be the duty of the code enforcement officer to give notice to the owner or to any person in possession of the lot in question directing that, within a reasonable about of time from the date of such notice, all offensive, nuisance, or detrimental conditions must be removed from such lot. Such notice may be given by mail, or written notice may be personally served by the director of inspections or by any police officer of the city when so authorized by the director of inspections. If any such lot is owned by more than

one person, notice to any person having any estate or interest in such lot shall be deemed sufficient compliance with this section.

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**Sec. 8-3. - Correction of condition by city.**

- (a) Authorized. Upon the failure of a person served notice as provided by this article to comply with the notice within the time prescribed by the notice, or within a reasonable time frame after the determination of an appeal if one has been taken, or within such additional time as may be prescribed by the council on appeal, it shall be the duty of the code enforcement officer to go upon such lot and remove or abate the offensive, nuisance, or detrimental conditions.
  
  - (b) Payment of costs. Upon the completion of the work referred to in subsection (a) of this section, the code enforcement officer shall deliver to the city clerk a statement showing the actual cost of the cleaning up of the lot in question, including the cost of labor and hauling and other necessary items. The city clerk shall thereupon send to the owner of the lot a bill covering such cost, and the amount of such bill shall become a lien upon such lot, and if not paid within 30 days shall be collected in the manner provided for the collection of liens for special assessments.
- 

**Sec. 8-4. - Abatement and collection procedure when property owner unknown.**

If the owner of any lot upon which offensive, nuisance, or detrimental conditions exist cannot be ascertained by the exercise of reasonable diligence, it shall not be necessary to give the notice otherwise required by section 8-2, and the code enforcement officer, upon failure to ascertain the name of the owner, shall proceed to have such lot cleaned up. The statement of the cost of cleaning such lot, as made to the city clerk by the code enforcement officer, shall show the location of the lot so that it can be subsequently identified. In such case it shall not be necessary for the city clerk to send out a bill for the cost involved, but the bill shall be kept on file until the name of the owner of the lot can be ascertained. When the name of the owner of the lot is ascertained, such bill shall be sent to the owner, and upon his failure to pay the bill it shall become a lien upon the lot as provided in section 8-4(b).

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**Sec. 8-5. – Offensive, Nuisance, or Detrimental Conditions—Misdemeanor.**

If any person owning or leasing, renting, or occupying any lot within the limits of the city shall create or shall permit the creation of an offensive or dangerous menace or threat to public health or safety by virtue of the presence nuisance or detrimental conditions, said person shall be deemed to be in violation of this section and the maintenance of such condition shall be a misdemeanor. Every day on which a violation of this section exists shall constitute a separate violation and separate offense, and the violation of this section shall be punishable as provided in section 1-12.

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**Sec. 8-6. - Appeal of notice requiring correction of condition.**

Any person served with notice as provided by section 8-2 may appeal such notice to the city council. Such appeal must be filed within seven days of service of the notice and shall stay all proceedings under this article until the appeal has been heard and determined. The city council may hear and determine such appeal at any regular or special meeting, of which the appellant shall be given reasonable notice, but shall in any event act on such appeal no later than its next regular meeting following the filing of the appeal.

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**Secs. 8-7---8.20. – Reserved**

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**ARTICLE II. - OUTDOOR STORAGE OF USED AND SCRAP TIRES**

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**Sec. 8-21. - Outdoor storage.**

All used tires for sale and scrap tires stored in the Town of Smithfield shall be kept in a manner which prevents their exposure to and collection of the elements of nature. Tires must not be allowed to hold water, dirt, rubbish or other foreign materials to prevent mosquito breeding and rodent harborage.

- (1) Used or scrap tires stored outside shall be screened from public view.
- (2) Used or scrap tires stored outside shall be stored on racks or neatly stacked not in excess of ten (10) feet in height; or in a roll-off front-load dumpster, or other metal storage container, including a trailer not exceeding forty-five (45) feet x eight (8) feet x thirteen (13) feet if covered and if the stacked tires do not exceed height of thirteen (13) feet and used and scrap tires shall be shielded from rainwater.
- (3) There shall be no more than one (1) roll-off front-load dumpster, metal storage container or tire storage trailer per business. Such dumpster, container or trailer shall not occupy required parking areas. Tire storage trailers shall only be stored on approved paved surface areas and used and scrap tires shall be removed from the site on a regular basis.
- (4) Outdoor storage areas for tires shall be screened by a six (6) to eight (8) foot high opaque durable fence or wall. Tire storage dumpsters and containers shall be screened on three (3) sides by means of a durable opaque fence, opaque wall or solid vegetative buffer.

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**Secs. 8-22-8—40. – Reserved**

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**ARTICLE III. – Miscellaneous**

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**Sec. 8-41. - Sweeping or depositing from building onto sidewalk.**

It shall be unlawful for any person to sweep or throw any litter, dirt or garbage, from within any dwelling house, store or other building onto any sidewalk.

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**Sec. 8-42. - Depositing on travelled portion of street.**

It shall be unlawful for any person to deposit or to allow or to cause to be deposited any leaves, debris, trash or garbage within the travelled portion of the streets of the town. For the purpose of this section, the term "travelled portion" means the street from curbing to curbing.

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**Sec. 8-43. - Containers required; capacity.**

- (a) *Generally.* It shall be unlawful for any person to have or to keep on his premises or any other premises or the street or sidewalk adjacent thereto in the town, any garbage, or other refuse of like nature, except in leakproof, metal garbage cans or other like containers with tightly closed lids thereon, so that such garbage, slops or other refuse shall be at all times inaccessible to flies. No such container shall be of a capacity of more than thirty (30) gallons.
  - (b) *Places of business.* No person shall place waste paper or rubbish from any place of business in any street or alley or any other place where the same may be scattered by the winds; provided, however, that such waste paper may be placed in a barrel, box or other container for the purpose of preventing it from being scattered.
- 

**Secs. 8-44—8-60. – Reserved**

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

The is the \_\_\_\_\_ day of \_\_\_\_\_, 2020

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M. Andy Moore, Mayor

ATTEST

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Shannan L. Parrish, Town Clerk

APPROVED AS TO FORM:

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Robert Spence, Jr., Town Attorney



# Request for Town Council Action

Public  
Hearing: ZA-22-02  
Date: 10/04/2022

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Subject: Board member attendance  
Department: Planning Department  
Presented by: Planning Director – Stephen Wensman  
Presentation: Public Hearing

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## Issue Statement

Review the draft UDO Amendment amending the ordinances pertaining to the required number of Board of Adjustment members and attendance regulations for all town boards.

## Financial Impact

None

## Action Needed

The Council should hold a public hearing to review and discuss the proposal and make a decision to approve, to amend or deny the text amendment.

## Recommendation

Planning Staff and the Planning Board recommend approval of the zoning text amendment, ZA-22-2, 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. Proposed Ordinance
3. Consistency Statement
4. Application
5. **Town Attorney Email**
6. Planning Board Attendance



# Staff Report

Public  
Hearing: ZA-22-02

## OVERVIEW:

Over the past couple of years, there has been vacancies and absences on Town boards making it difficult to conduct the business of the Town. This amendment addresses this issue by:

1. Reducing the required number of Board of Adjustment members, and
2. By creating reasonable and consistent attendance regulations across all boards.

## ANALYSIS:

Attendance on Boards. The Unified Development Ordinance (UDO) Article 3 addresses Board authority and regulations including Board meeting attendance. Between the three official boards, Planning Board, Board of Adjustment and Historic Properties Commission, the regulations on attendance differ:

- For Planning Board, Section 3.3.3. Composition and Vacancies **states, ... "Faithful attendance of the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Planning Board. Failure to attend three (3) consecutive meetings shall be deemed adequate reason for termination of membership on the Planning Board by the Town Council."**
- For Board of Adjustments, Section 3.4.2.2. Membership and Vacancies lacks any language about Board of Adjustment attendance.
- For Historic Preservation Commission, Section 3.5.4. Attendance at Meetings **states, "Any member of the commission who misses more than three (3) consecutive regular meetings or more than four (4) meetings in a calendar year shall lose his or her status as a member and shall be replaced or reappointed by the Town Council...."**

For all three boards to function, regular attendance is critical. At times, attendance has been an issue. Staff also believes there should be a consistency between the boards for meeting attendance and that failure to attend a total of three meetings per year should be deemed adequate cause for removal from the board. The draft ordinance reflects these changes.



Board of Adjustment Composition. The Board of Adjustments is a board that meets infrequently and only when needed to address a zoning interpretation or variance petition. As a result, citizens tend to be less interested in servicing on the board and there are consistently vacancies on the board. To facilitate a full complement of board members when a meeting is called, Staff is suggesting a reduction to the required number of board members from 7 to 5, eliminating 1 in-town and 1 Extra-Territorial Jurisdiction (ETJ) member.

CONSISTENCY STATEMENT (STAFF OPINION):

Staff finds the zoning text amendment as proposed 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-22-2, 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.

STAFF RECOMMENDED MOTION:

**"Move to approve of zoning text amendment, ZA-22-02, finding the amendment 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."**

**DRAFT ORDINANCE # ZA-22-02**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 3 PERTAINING TO THE BOARD OF ADJUSTMENT MEMBERSHIP AND**  
**ATTENDANCE REQUIREMENTS FOR ALL TOWN BOARDS**

**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 reduce the number of Board of Adjustment membership by 1 in-Town and 1-ETJ member and to provide reasonable and consistent board attendance regulations for all Town boards. re

**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:

**PART 1**

[Revise Article 3, Section 3.3.3.1. COMPOSITION AND VACANCIES, amending the section and creating a new subsection 3.3.3.2 ATTENDANCE AT MEETINGS with 3 absences per year as the reasonable number of absences for the Planning Board]

**3.3.3.1. *Composition and Vacancies.*** The Planning Board....

~~Faithful attendance of the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Planning Board. Failure to attend three (3) consecutive meetings shall be deemed adequate reason for termination of membership on the Planning Board by the Town Council.~~

**3.3.3.2. *Attendance at Meetings.*** Faithful attendance at the meetings of the Planning Board is important for the functioning of the board. If a member is absent from three meetings within any 365-day period without permission of the board and the member does not resign, then the Town Manager may hold an informal hearing with the Member as to whether his or her absence is excusable or whether it so damages the Board as to constitute cause for removal. After the hearing the Manager may excuse the absences or may refer the issue to the Town Council for a hearing on whether there is cause for removal. The Manager shall give the Member 10 days' notice of the time and place of the hearing and the Member may present evidence as to why he or she should not be removed.

**PART 2**

[Revise Article 3, Section 3.4.2.2 MEMBERSHIP AND VACANCIES. To reduce the number of in-town and ETJ members by 1 each in order to better keep a full membership of the board. Also, create a

new subsection 3.4.2.3 ATTENDANCE AT MEETINGS with 3 absences per year as the reasonable number of absences for the Board of Adjustment]

**3.4.2.2. Membership and Vacancies.** The Board of Adjustment shall consist of five (5) ~~seven (7)~~ regular members and two (2) alternate members. ~~Five (5)~~ Four (4) members and one (1) alternate member shall be citizens and residents of the town and shall be appointed by the Smithfield Town Council. One (1) member ~~Two (2) members~~ and one (1) alternate member shall be citizens and residents of the extraterritorial jurisdiction surrounding the Town of Smithfield, as described pursuant to NCGS 160D-307 and shall be appointed by the Board of County Commissioners of Johnston County....”

**3.4.2.3. Attendance at Meetings.** Faithful attendance at the meetings of the Board of Adjustment is important for the functioning of the board. If a member is absent from three meetings within any 365-day period without permission of the board and the member does not resign, then the Town Manager may hold an informal hearing with the Member as to whether his or her absence is excusable or whether it so damages the Board as to constitute cause for removal. After the hearing the Manager may excuse the absences or may refer the issue to the Town Council for a hearing on whether there is cause for removal. The Manager shall give the Member 10 days’ notice of the time and place of the hearing and the Member may present evidence as to why he or she should not be removed.

### PART 3

[Revise Article 3, Section 3.5.4 Attendance at Meetings. with 3 absences per year as the reasonable number of absences for the Historic Preservation Commission]

**3.5.4. Attendance at Meetings.** Faithful attendance at the meetings of the Historic Preservation Commission is important for the functioning of the board. If a member is absent from three meetings within any 365-day period without permission of the board and the member does not resign, then the Town Manager may hold an informal hearing with the Member as to whether his or her absence is excusable or whether it so damages the Board as to constitute cause for removal. After the hearing the Manager may excuse the absences or may refer the issue to the Town Council for a hearing on whether there is cause for removal. The Manager shall give the Member 10 days’ notice of the time and place of the hearing and the Member may present evidence as to why he or she should not be removed.

~~Any member of the commission who misses more than three (3) consecutive regular meetings or more than four (4) meetings in a calendar year shall lose his or her status as a member and shall be replaced or reappointed by the Town Council. The council shall act within sixty (60) days to fill vacancies on the commission. Absence due to sickness, death in the family or other emergencies of like nature shall be recognized as approved absences and shall not affect the~~

~~member's status on the commission, except that in the event of a long illness or any other such cause for prolonged absence, the member shall be replaced.~~

**PART 4**

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

**PART 5**

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

Duly adopted this the \_\_\_\_ day of October 2022.

\_\_\_\_\_  
M. Andy Moore, Mayor

ATTEST

\_\_\_\_\_  
Shannan L. Parrish, Town Clerk

DRAFT

THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD TOWN COUNCIL  
ZA-22-02

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-22-02 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 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-22-02 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.



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:**

<u>Town of Smithfield</u>	<u>350 E Market St</u>
Petitioner's Name	Address or PO Box
<u>Smithfield, NC 27577</u>	<u>919-934-2116, ext 1114</u>
City, State, Zip Code	Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:  
 Amend Article 3 to create uniform and reasonable attendance regulations  
 and Amend the BOA membership regulations.

(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.

 \_\_\_\_\_ 8/3/22 \_\_\_\_\_  
 Signature of Petitioner Date

**FOR OFFICE USE ONLY**

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

## Stephen Wensman

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**From:** Bob Spence <Spence@sst-law.com>  
**Sent:** Thursday, September 15, 2022 4:22 PM  
**To:** Stephen Wensman  
**Subject:** Smithfield Absence

The statute says that these board members are for fixed terms, generally three years. That gives them due process rights once appointed, which means: (1) they may be removed only for cause; (2) they are entitled to a hearing as to the cause.

How would the following work which incorporates the hearing concept.

Faithful attendance at the meetings of the Board of Adjustment is important for the functioning of the board. If a member is absent from three meetings within any 365 day period without permission of the board and the member does not resign, then the Town Manager may hold an informal hearing with the Member as to whether his or her absence is excusable or whether it so damages the Board as to constitute CAUSE for removal. After the hearing the Manager may excuse the absences or may refer the issue to the Town Council for a hearing on whether there is CAUSE for removal. The Manager shall give the Member 10 days' notice of the time and place of the hearing and the Member may present evidence as to why he or she should not be removed.

Robert A. Spence, Jr.  
Spence, Carter & Reed, PA  
212 South Second Street  
P.O. Box 1335  
Smithfield NC 27577  
919-934-1149  
Fax 919-934-3635  
spence@sst-law.com

### **§ 160D-302. (Effective January 1, 2021) Boards of adjustment.**

(a) Composition. - A local government may by ordinance provide for the appointment and compensation of a board of adjustment consisting of five or more members, **each to be appointed for three-year terms**. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the governing board may appoint certain members for **less than three years so that the terms of all members shall not expire at the same time**. The governing board may appoint and provide compensation for alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.

(b) Duties. - The board shall hear and decide all matters upon which it is required to pass under any statute or development regulation adopted under this Chapter. The ordinance may designate a planning board or governing board to perform any of the duties of a board of adjustment in addition to its other duties and may create and designate specialized boards to hear technical appeals. If any board other than the board of adjustment is assigned decision-making authority for any quasi-judicial matter, that board shall comply with all of the procedures and the process applicable to a board of adjustment in making quasi-judicial decisions. (2019-111, s. 2.4.)

3.4.2.3. Attendance at Meetings. Faithful attendance of the meetings of the Board of Adjustment is considered a prerequisite for the maintenance of membership on the board. Failure to attend three (3) meeting per calendar year shall be deemed adequate reason for termination of membership on the board by the Town Council. **Absence due to sickness, death in the family or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the board, except that in the event of a long illness or any other such cause for**

prolonged absence, the member shall be replaced



**2019  
Planning Board Attendance**

**Thursday, January 3, 2019**

**Members Present:**

Chairman Stephen Upton  
Vice Chairman Mark Lane  
Teresa Daughtry  
Oliver Johnson  
Ashley Spain  
Leslie Lazarus  
Alisa Bizzell  
Michael Johnson

**Members Absent:**

**Thursday, February 7, 2019**

**Members Present:**

Chairman Stephen Upton  
Vice Chairman Mark Lane  
Teresa Daughtry  
Oliver Johnson  
Ashley Spain  
Leslie Lazarus  
Michael Johnson

**Members Absent:**

Alisa Bizzell

**Thursday, March 7, 2019**

**Members Present:**

Chairman Stephen Upton  
Vice Chairman Mark Lane  
Oliver Johnson  
Ashley Spain  
Leslie Lazarus  
Michael Johnson

**Members Absent:**

Teresa Daughtry

**Thursday, May 2, 2019**

**Members Present:**

Chairman-Stephen Upton  
Teresa Daughtry  
Ashley Spain  
Michael Johnson  
Leslie Lazarus  
Oliver Johnson

**Members Absent:**

Mark Lane  
Alisa Bizzell

**Members Present:**

Chairman-Stephen Upton  
Teresa Daughtry  
Ashley Spain  
Michael Johnson  
Oliver Johnson  
Alisa Bizzell

**Thursday, June 6, 2019**

**Members Absent:**

Vice Chairman Mark Lane  
Leslie Lazarus

**Thursday, July 11, 2019**

**Members Present:**

Chairman-Stephen Upton  
Vice Chairman Mark Lane  
Teresa Daughtry  
Ashley Spain  
Michael Johnson  
Alisa Bizzell

**Members Absent:**

Oliver Johnson  
Leslie Lazarus

**Thursday, August 1, 2019**

**Members Present:**

Chairman-Stephen Upton  
Vice Chairman Mark Lane  
Teresa Daughtry  
Ashley Spain  
Oliver Johnson

**Members Absent:**

Michael Johnson  
Alisa Bizzell

**Thursday, October 3, 2019**

**Members Present:**

Chairman-Stephen Upton  
Vice Chairman Mark Lane  
Teresa Daughtry  
Debbie Howard  
Michael Johnson

**Members Absent:**

Alisa Bizzell  
Ashley Spain

**Thursday, November 7, 2019**

**Members Present:**

Chairman Stephen Upton  
Vice-Chair Mark Lane  
Teresa Daughtry  
Debbie Howard  
Michael Johnson  
Ashley Spain  
Alisa Bizzell

**Members Absent:**

# 2020 Planning Board Attendance

Thursday, January 2, 2020

**Members Present:**

Chairman Stephen Upton  
Vice Chairman Mark Lane  
Teresa Daughtry  
Debbie Howard  
Ashley Spain  
Doris Wallace  
Alisa Bizzell  
Michael Johnson

**Members Absent:**

Thursday, February 6, 2020

**Members Present:**

Chairman Stephen Upton  
Vice Chairman Mark Lane  
Teresa Daughtry  
Michael Johnson  
Debbie Howard  
Doris Wallace

**Members Absent:**

Alisa Bizzell  
Ashley Spain

Thursday, May 7, 2020

**Members Present:**

Chairman-Stephen Upton  
Vice Chairman Mark Lane  
Michael Johnson  
Alisa Bizzell  
Debbie Howard

**Members Absent:**

Ashley Spain  
Teresa Daughtry  
Doris Wallace

Thursday, June 4, 2020

**Members Present:**

Chairman-Stephen Upton  
Debbie Howard  
Ashley Spain  
Alisa Bizzell  
Doris Wallace

**Members Absent:**

Vice Chairman Mark Lane  
Teresa Daughtry  
Michael Johnson

**Thursday, July 9, 2020**

**Members Present:**

Chairman Stephen Upton  
Vice Chair Mark Lane  
Debbie Howard  
Doris Wallace  
Michael Johnson

**Members Absent:**

Alisa Bizzell  
Ashley Spain  
Teresa Daughtry

**Thursday, August 6, 2020**

**Members Present:**

Chairman Stephen Upton  
Michael Johnson  
Debbie Howard  
Ashley Spain  
Alisa Bizzell

**Members Absent:**

Vice Chair Mark Lane  
Doris Wallace  
Teresa Daughtry

**Members Present:**

NO MEETING

**Thursday, September 3, 2020**

**Members Absent:**

**Members Present:**

Chairman Stephen Upton  
Vice Chair Mark Lane  
Teresa Daughtry  
Michael Johnson  
Debbie Howard

**Thursday, October 1, 2020**

**Members Absent:**

Alisa Bizzell  
Ashley Spain  
Doris Wallace

**Members Present:**

Chairman Stephen Upton  
Vice Chair Mark Lane  
Ashley Spain  
Teresa Daughtry  
Doris Wallace  
Debbie Howard  
Alisa Bizzell

**Thursday, November 5, 2020**

**Members Absent:**

Michael Johnson

**Members Present:**

Chairman Stephen Upton  
Vice Chair Mark Lane  
Ashley Spain  
Michael Johnson  
Doris Wallace  
Debbie Howard  
Alisa Bizzell

**Thursday, December 3, 2020**

**Members Absent:**

Teresa Daughtry

# 2021 Planning Board Attendance

Thursday, January 7, 2021

**Members Present:**

Chairman Stephen Upton  
Vice Chairman Mark Lane  
Teresa Daughtry  
Debbie Howard  
Doris Wallace  
Michael Johnson

**Members Absent:**

Ashley Spain  
Alisa Bizzell

Thursday, February 4, 2021

**Members Present:**

Chairman Stephen Upton  
Alisa Bizzell  
Teresa Daughtry  
Michael Johnson  
Debbie Howard  
Doris Wallace

**Members Absent:**

Mark Lane  
Ashley Spain

Thursday, March 4, 2021

**Members Present:**

Chairman-Stephen Upton  
Vice Chairman Mark Lane  
Michael Johnson  
Ashley Spain  
Debbie Howard  
Doris Wallace

**Members Absent:**

Alisa Bizzell  
Teresa Daughtry

Thursday, April 1, 2021

**Members Present:**

Chairman-Stephen Upton  
Debbie Howard  
Ashley Spain  
Alisa Bizzell  
Doris Wallace  
Michael Johnson  
Sloan Stevens

**Members Absent:**

Mark Lane

**Thursday, May 6, 2021**

**Members Present:**

Chairman Stephen Upton  
Vice Chair Mark Lane  
Debbie Howard  
Doris Wallace  
Alisa Bizzell  
Sloan Stevens

**Members Absent:**

Ashley Spain  
Michael Johnson

**Thursday, July 8, 2021**

**Members Present:**

Chairman Stephen Upton  
Vice Chair Mark Lane  
Debbie Howard  
Alisa Bizzell  
Sloan Stevens  
Doris Wallace

**Members Absent:**

Michael Johnson  
Ashley Spain

**Thursday, August 5, 2021**

**Members Present:**

Chairman Stephen Upton  
Vice Chair Mark Lane  
Debbie Howard  
Doris Wallace  
Alisa Bizzell  
Sloan Stevens  
Ashley Spain  
Michael Johnson

**Members Absent:**

**Thursday, September 2, 2021**

**Members Present:**

Chairman Stephen Upton  
Alisa Bizzell  
Michael Johnson  
Debbie Howard  
Doris Wallace  
Ashley Spain  
Sloan Stevens

**Members Absent:**

Vice Chair Mark Lane

**Members Present:**

Chairman Stephen Upton  
Vice-Chairman Mark Lane  
Debbie Howard  
Doris Wallace  
Debbie Howard

**Thursday, October 7, 2021**

**Members Absent:**

Alisa Bizzell  
Ashley Spain  
Sloan Stevens

**Members Present:**

Chairman Stephen Upton  
Vice-Chairman Mark Lane  
Debbie Howard  
Ashley Spain  
Debbie Howard  
Sloan Stevens  
Alisa Bizzell

**Thursday, November 4, 2021**

**Members Absent:**

Doris Wallace

**Members Present:**

Chairman Stephen Upton  
Vice-Chairman Mark Lane  
Debbie Howard  
Ashley Spain  
Debbie Howard  
Sloan Stevens  
Alisa Bizzell  
Doris Wallace

**Thursday, December 2, 2021**

**Members Absent:**

# 2022 Planning Board Attendance

Thursday, January 6, 2022

**Members Present:**

Chairman Stephen Upton  
Vice Chairman Mark Lane  
Debbie Howard  
Doris Wallace  
Ashley Spain  
Sloan Stevens

**Members Absent:**

Alisa Bizzell  
Michael Johnson

Thursday, February 3, 2022

**Members Present:**

Chairman Stephen Upton  
Vice Chairman Mark Lane  
Alisa Bizzell  
Michael Johnson  
Debbie Howard  
Doris Wallace  
Ashley Spain  
Sloan Stevens

**Members Absent:**

Thursday, March 3, 2022

**Members Present:**

Chairman-Stephen Upton  
Michael Johnson  
Doris Wallace  
Alisa Bizzell

**Members Absent:**

VC-Mark Lane  
Sloan Stevens  
Ashley Spain  
Debbie Howard

Thursday, April 7, 2022

**Members Present:**

Chairman-Stephen Upton  
Vice Chairman Mark Lane  
Debbie Howard  
Ashley Spain  
Doris Wallace  
Michael Johnson  
Sloan Stevens

**Members Absent:**

Alisa Bizzell



**Thursday, May 5, 2022**

**Members Present:**

Chairman Stephen Upton  
Vice Chair Mark Lane  
Debbie Howard  
Doris Wallace  
Sloan Stevens  
Michael Johnson  
Ashley Spain

**Members Absent:**

Alisa Bizzell

**Thursday, June 2, 2022**

**Members Present:**

NO MEETING

**Members Absent:**

**Members Present:**

Chairman Stephen Upton  
Vice Chair Mark Lane  
Debbie Howard  
Doris Wallace  
Alisa Bizzell

**Thursday, July 14, 2022**

**Members Absent:**

Ashley Spain

**Members Present:**

Chairman Stephen Upton  
Vice Chair Mark Lane  
Debbie Howard  
Doris Wallace  
Ashley Spain  
Bryan Stanley  
Wiley Narron

**Thursday, August 4, 2022**

**Members Absent:**

Alisa Bizzell

**Members Present:**

Chairman Stephen Upton  
Vice Chair Mark Lane  
Debbie Howard  
Ashley Spain  
Bryan Stanley  
Wiley Narron  
Alisa Bizzell

**Thursday, September 1, 2022**

**Members Absent:**

Doris Wallace

**Thursday, September 1, 2022**

**Members Present:**

Chairman Stephen Upton  
Vice Chair Mark Lane  
Debbie Howard  
Ashley Spain  
Bryan Stanley  
Wiley Narron  
Alisa Bizzell

**Members Absent:**

Doris Wallace

# Consent

## Agenda Items



The Smithfield Town Council held a Special Meeting on Tuesday, August 30, 2022 at 6:30 pm in the Council Chambers of the Smithfield Town Hall. Mayor M. Andy Moore presided.

Councilmen Present:

Mayor Pro-Tem Dunn  
Marlon Lee – District 1  
Sloan Stevens, District 2  
Travis Scott, District 3  
Dr. David Barbour, District 4  
Stephen Rabil, At-Large

Councilmen Absent

Roger Wood, At-Large

Administrative Staff Present

Michael Scott, Town Manager  
Ted Credle, Public Utilities Director  
Gary Johnson, Parks and Recreation Director  
Shannan Parrish, Town Clerk  
Stephen Wensman, Planning Director

Also In Attendance

Bob Spence, Town Attorney

- I. Call to Order  
Mayor Moore called the meeting to order at 6:30 pm
- II. Approval of the Agenda  
Councilman Stevens made a motion, seconded by Councilman Barbour, to approve the agenda with the following amendment:  
Add to the Closed Session Statute subsection (6).  
Unanimously approved.
- III. Topics of Discussion

1. **Discussion concerning amendments to the Town’s Code of Ordinance:** Article IV Chapter 5 “Buildings and Building Regulations”, Article V Chapter 5 “Commercial Building Maintenance and Appearance Regulations” and Chapter 8 Garbage, Trash and Refuse

Town Attorney Bob Spence explained the proposed ordinance amendments were before the Council for discussion purposes only. The Ordinances could not be adopted without a public hearing. He explained the Town can act on nuisance buildings, but the section in the administrative code were **outdated and quoted obsolete State Statute. Also, with the State’s adoption of 160D, the administrative code had to be updated.**

With 160D-1119 and 1129, it allows Town to pass Ordinances to set standards for commercial buildings. The proposed building code will reference the current state statutes. By adopting those standards, the Town would have those resources available to use if it ever needed to.

Mr. Spence explained the Minimum Housing Code was also outdated and needed to follow the new state statute. This allows for repairs unless the cost of repairs exceeds 50% of the value.

Mr. Spence explained 160D-1119 Condemnation of Unsafe Buildings. The proposed amendments to the Town Ordinance will now follow the state statute. This will allow for the property owner to make repairs, but it outlines a procedure that must be followed.

Article 5 Commercial Buildings: Mr. Spence explained the proposed ordinance amendments would follow the state statute. The state statute does apply to residential properties, but he was proposing to apply it only to commercial property. Mr. Spence explained the community development target area and the certified action that could be taken by Council as referenced in NCGS 160D-1119(c). This allows the Town to bring its Code into compliance with state law. Mr. Spence explained the process for adopting the proposed Ordinances. The Town Manager explained the Council could not legally adopt these ordinances without proper notice and a public hearing.

Councilman Scott stated he had some concerns because the proposed ordinance referenced misdemeanor charges. Mr. Spence responded that it only related to commercial buildings and it was included because state statute allows it. Mr. Spence stated it was the intent not to charge someone with a misdemeanor, but to leverage that so the property would be repaired.

Chapter 8: Garbage: Mr. Spence explained the minimum housing standards have been updated and the proposed ordinance amendment would mirror the state statute. Mr. Spence further stated these updates were not meant to cause any harm to anyone, but to simply force people to clean up their properties. Mr. Spence informed the Council that since these were amendments to the Administrative Code of Ordinances, they would not be reviewed by the Planning Board. They would **appear on the Council's October agenda.**

Mayor Moore asked the Council to review all the information provided and send any questions or concerns to the Town Attorney or the Town Manager

## 2. Discussion concerning Park in Lieu Fees

Parks and Recreation Director Gary Johnson explained this issue was first introduced during the budget sessions. He explained the Town currently assesses a fee of 1/57<sup>th</sup> of the appraised value of the property per acre per unit for park in lieu fees. With the adoption of NCGS 160D, the fee should be assessed on the taxed value and not the appraised value. The calculation is based on the tax value, the density and how the density would affect parks.

Councilman Stevens stated this needed to be investigated because the Town would have to fund future park space.

Mayor Moore asked if the proposed change allows for the developer to receive credit for a private park. He stated he did not agree with providing credit to a developer for a private park. Mr. Wensman stated the park dedication is used for public parks not private parks.

The Council was given two methods of calculating park in lieu fees based on the statute. One was where a certain percentage of the tax value of the property was collected as a fee. The other method was a fee determined by the code required square footage of open space multiplied by the tax value of the property. Also, alternative percentages of tax value were evaluated as potential changes. Those percentages were 1.75%, 2.25% and 3%.

Councilman Scott questioned if staff could calculate a 5% or 7% of the tax value. Staff will provide those figures to the Council.

Councilman Stevens asked what was the process for updating the Park in Lieu fees. Mr. Wensman explained since this was a UDO amendment, it would be taken to the Planning Board and then to the Council for consideration and approval.

Mayor Moore encouraged the Council to discuss any issues with the Planning Director before it was introduced to the Planning Board at its October meeting.

## 3. Discussion concerning Storm Water and Storm Water Funding

Town Manager Michael Scott explained that this issue has been discussed before. Stormwater issues are not improving and the Council should consider moving forward with the ERU Study. Planning Director Stephen Wensman explained there was a grant the Town was interested in, and it would be competitive, but the Council needed to pass a resolution committing to implementing a stormwater enterprise fund.

Councilman Scott stated that stormwater was a real issue and some action needed to be taken.

Councilman Scott made a motion, seconded by Council Barbour, to adopt Resolution 709 (18-2022). Unanimously approved.

RESOLUTION No. 709 (18-2022)  
BY TOWN OF SMITHFIELD TO DEVELOP AND IMPLEMENT A NEW STORMWATER  
UTILITY WITH STORMWATER ENTERPRISE FUND

WHEREAS, North Carolina General Assembly (NCGA) Session Law 2021-180 Section 12.14 established the Local Assistance for Stormwater Infrastructure Investments (LASII) Fund as a special fund in the Department of Environmental Quality to provide grants to eligible entities as defined in the Session Law for projects that will improve or create infrastructure for controlling stormwater quantity and quality, and

WHEREAS, The Town of Smithfield intends to request, or to partner with a Council of Government or non-profit entity to request, LASII grant assistance to develop and implement a new stormwater utility in the Town of Smithfield in a project described as Smithfield Stormwater Utility and Mapping Project, and

WHEREAS, The Town of Smithfield does not have a stormwater utility with a stormwater Enterprise Fund at the time of application,

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

That Town of Smithfield will develop and implement a Stormwater Utility by providing staff and resources as determined by the project described above before the completion of the project.

That Town of Smithfield will establish a Stormwater Enterprise Fund before the completion of the project described above.

That Town of Smithfield will adopt and place into effect on, before, or upon completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for the Stormwater Enterprise Fund and for the proper operation, maintenance, and administration of the Stormwater Utility.

That Michael Scott, Town Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Smithfield with the State of North Carolina for a grant to aid in the development and implementation of a new stormwater utility 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 Town of Smithfield 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.

- IV. Closed Session Pursuant to NCGS 143-318.11 (a) (5) & (6)  
Councilman Rabil made a motion, seconded by Councilman Stevens, to enter into Closed Session pursuant to the aforementioned statutes. Unanimously approved at 8:08 pm.
- V. Reconvene in Open Session  
Councilman Barbour made a motion, seconded by Councilman Rabil, to reconvene in open session. Unanimously approved at 10:23 pm.
- VI. Adjourn

Having no further business, Councilman Barbour made a motion, seconded by Mayor Pro-Tem Dunn, to adjourn the meeting. The meeting adjourned at approximately 10:24 pm.

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M. Andy Moore, Mayor

ATTEST:

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Shannan L. Parrish, Town Clerk



The Smithfield Town Council met in regular session on Tuesday, September 6, 2022 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore, presided.

Councilmen Present:

John Dunn, Mayor Pro-Tem  
Marlon Lee, District 1  
Travis Scott, District 3  
David Barbour, District 4  
Stephen Rabil, At-Large  
Roger Wood, At-Large

Councilmen Absent

Sloan Stevens, District 2

Administrative Staff Present

Michael Scott, Town Manager  
Michael Brown, Fire Chief  
Ted Credle, Public Utilities Director  
Lawrence Davis, Public Works Director Dr.  
Gary Johnson, Parks & Rec Director  
Tim Kerigan, Human Resources/PIO  
Eric McDowell, IT Director  
Shannan Parrish, Town Clerk  
R. Keith Powell, Chief of Police  
Greg Siler, Finance Director  
Stephen Wensman, Planning Director

Also Present

Bob Spence, Town Attorney

Administrative Staff Absent

**CALL TO ORDER**

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

**INVOCATION**

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

**APPROVAL OF AGENDA:**

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

- Remove from Presentations: Item 3: Administering Oath of Office to new Police Officer Joshua Lynch
- At the request of the applicant, remove the following item from the Public Hearings until the October 2022 meeting:
  1. Economic Development Incentive Grant – Project Neyer: In accordance with NCGS 158-7.1(a), The Town Council has called for a public hearing to consider an economic development incentive grant and adoption of Resolution No. 706 (15-2022)
- Add to the Consent Agenda: Item 11: Special Event: Buds Foundation Car & Bike Show: Buds Foundation is requesting approval to hold a bike and car show on September 10, 2022 from 10 am until 3:00 pm at 1043 Outlet Center Drive.
- Move Business Item 3: Advisory Board Appointments to the Consent Agenda
- Move Business Item 4: Discussion concerning future sewer capacity to Business Item 1
- Add a Closed Session pursuant to NCGS 143-318.11 (a) (5)

**PRESENTATIONS:**

**1. Proclamation: Honoring Stephen Upton's Years of Service on the Planning Board**

Mayor Moore presented the following proclamation to Stephen Upton and thanked him for her service to the Town of Smithfield

**PROCLAMATION  
In Honor of Stephen Upton's  
Dedicated Service to the  
Town of Smithfield's Planning Board**

WHEREAS, Stephen Upton, a lifelong resident of the Town of Smithfield, dedicated his time and attention by serving on the Planning Board for fifteen years; and

WHEREAS, in addition to serving on the Planning Board, Stephen Upton also spent countless hours serving on the Unified Development Ordinance subcommittee and continues to serve on the Board of Adjustment; and

WHEREAS, during his tenure, Stephen Upton has served as Chairman and Vice Chairman of the Planning Board; and

WHEREAS, the citizens are fortunate to have had a person of such experience dedicate so many years of service to the Town of Smithfield's growth and prosperity; and

WHEREAS, The Town Council deeply appreciates the important contributions Stephen Upton has made to the Town of Smithfield for its citizens.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield along with the members of the Town Council, express our sincere appreciation to Stephen Upton for his distinguished service to the Town of Smithfield.

**2. Proclamation: Declaring September 17-23, 2022 as Constitution Week in the Town of Smithfield**

Mayor Moore presented the following Proclamation to the Smith-Bryan Chapter of the Daughters of the American Revolution.

Proclamation  
Constitution Week  
September 17 – 23, 2022  
In the Town of Smithfield, North Carolina

Whereas, September 17, 2022 marks the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

Whereas, Public Law 915 guarantees the issuing of a Proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield do hereby proclaim September 17 through 23, 2022 to be

CONSTITUTION WEEK

in the Town of Smithfield and ask our citizens to reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

### 3. Appearance Commission's Annual Report

Chairperson Stuart Lee presented the Appearance Commission's Annual Report to the Town Council.

## PUBLIC HEARING:

1. **Street Closing and adoption of Resolution No. 707 (16-2022):** In accordance with NCGS 160A-299, a public hearing must be held to permanently close Circle Drive from South Brightleaf Boulevard to South Seventh Street

Councilman Barbour made a motion, seconded by Councilman Rabil, to open the public hearing. Unanimously approved

Planning Director Stephen Wensman explained the applicant, Walter Sanders Funeral and Cremation Services was requesting the permanent closure of Circle Drive. Circle Drive is a 20' wide nonconforming paved street located between S. Brightleaf Boulevard and S. Seventh Street. Walter Sanders Funeral and Cremation Services LLC owns all the property on both sides of Circle Drive. All properties have street frontage on adjacent streets except one residential property owned by the funeral home. With the recombination plat, the single-family property will have street frontage. The street closure will facilitate future redevelopment of the overall block (none currently proposed).

The Town has existing utilities in the right-of-way and if closed, a 20-foot-wide utility easement will be needed and is shown on the attached plat.

All the abutting property owners have signed the petition.

On August 2, the Council adopted Resolution 705 declaring the intent to close Circle Drive and to hold the public hearing on September 6th.

Mayor Moore asked if there were any questions from Council.

Councilman Barbour questioned if the house owned by applicants would have to have road frontage. Mr. Wensman replied the house would have to have lot frontage.

Mayor Moore asked if there was anyone in attendance who wished to speak on the matter. There was no one in attendance that wished to speak on this matter.

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

Councilman Scott made a motion, seconded by Councilman Barbour, to adopt Resolution No. 707 (16-2022) permanently closing Circle Drive from South Brightleaf Blvd to South Seventh Street. Unanimously approved.

**TOWN OF SMITHFIELD**  
**RESOLUTION NO.707 (16-2022)**  
**Street Closing Order**

**A RESOLUTION ORDERING THE CLOSING OF THE CIRCLE DRIVE LOCATED BETWEEN SOUTH BRIGHTLEAF BOULEVARD AND SOUTH SEVENTH STREET**

WHEREAS, on the 2<sup>nd</sup> day of August, 2022, the Town Council of the Town of Smithfield

directed the Town Clerk to publish the Resolution of Intent of the Town Council to consider closing Circle Drive located between South Brightleaf Boulevard and South Seventh Street, in the Johnstonian News newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in Council Chambers at the Town Hall, 350 E Market Street, Smithfield, NC 27577 on September 6, 2022; and

WHEREAS, the Town Council on the 2<sup>nd</sup> day of August, 2022, ordered the (Town) Clerk to notify all persons owning property abutting that portion of Circle Drive located between South Brightleaf Boulevard and South Seventh Street, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the Town Clerk has advised the Town Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing Circle Drive located between South Brightleaf Boulevard and South Seventh Street, said letters having been sent by registered or certified mail; and

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

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on September 6, 2022; and

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

NOW, THEREFORE, closing Circle Drive located between South Brightleaf Boulevard and South Seventh Street are hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

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

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

Upon motion duly made by Councilmember Scott and duly seconded by Councilmember Barbour, the above resolution was duly adopted by the Town Council at a meeting held on the 6<sup>th</sup> day of September, 2022 in the Town Hall Council Chambers located at 50 East Market Street, Smithfield, North Carolina.

Upon call for a vote the following Councilmembers voted in the affirmative: Councilman Scott, Councilman Barbour, Mayor Pro-Tem Dunn, Councilman Lee, Councilman Rabil and Councilman Wood

and the following Councilmembers voted in the negative: none

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

2. **Special Use Permit Request – Home2 Suites (SUP-22-02):** The applicant was requesting a special use permit for the construction of a five-story hotel that exceeds 40 feet in height. The project considered for approval is located on a 2.26-acre tract of land within a B-3 (Business) zoning district. The property is located on Towne Centre Place approximately 850 feet southeast of its intersection with East Market Street and further identified as Johnston County Tax ID# 15L11001H.

Councilman Wood made a motion, seconded by Councilman Barbour, to open the public

Planning Director Stephen Wensman testified that Wintergreen Hospitality was requesting a special use permit to exceed the 40' height limitation in the B-3 Zoning District. He further testified the developer, Wintergreen Hospitality, is proposing a Home2 Suites hotel on the 2.26-acre property located at the end of the Towne Centre Place cul-de-sac. The Hotel will provide required parking, landscaping, and dumpster screening in accordance with the UDO. The applicant is requesting a special use permit to allow the hotel to exceed the 40' height maximum (roughly 70' proposed) in the B-3 District in accordance with UDO Section 8.13.5. The requested building height is typical of other hotels in the area and creates no offsite issues.

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

#### **STAFF'S OPINION ON THE FINDINGS OF FACT**

4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. The project will not be detrimental to or endanger the public health, safety or general welfare. ***The additional height is typical for hotels in the B-3 district. The Fire Marshall has reviewed the application and has no concerns. Therefore, staff believes the special use will not be a deterrent to the public, health, safety or welfare.***

4.9.4.5.2. 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 project will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.***

4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided. The development will provide adequate utilities, drainage, parking and necessary facilities. ***The development will have adequate utilities, drainage, parking and necessary facilities.***

4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. ***The use will not create such nuisances.***

4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Proper ingress and egress will be provided. ***Adequate ingress and egress will be provided as required.***

4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property. ***The use will have no adverse impacts on the abutting or adjoining properties.***

4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. ***The proposed hotel is adjacent to another hotel and nearby retail and it will be in harmony with the area.***

4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. ***The proposed project will be in conformance with the UDO requirements.***

Planning Staff recommends the Town Council approve the Special Use Permit with no conditions based on the finding of fact for special use permits.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the September 6, 2022 agenda packet.

Mayor Moore asked if there were any questions from Council. There were none.

Mayor Moore asked the applicant if he/she agreed with the testimony provided by Mr. Wensman and if he had additional testimony to offer. On behalf of the applicant, Rachel Zalinski, testified that she was in agreement with the testimony offered by Mr. Wensman

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

Mayor Pro-Tem Dunn questioned if this building's height would be consistent with the adjacent building. Mr. Wensman responded that both buildings were at least 60' but less than 100' in height.

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

Councilman Wood made a motion, seconded by Councilman Rabil, to approve SUP-22-02 based on the Finding of Facts and without any conditions. Unanimously approved.

#### **CITIZEN'S COMMENTS:**

- Lynn Johnson expressed her concerns about parking enforcement on Market Street. She stated a lot of car park on the sidewalk because Market Street is too narrow for parking and thru traffic. Many have sustained damage to their vehicles because of the traffic on Market Street.

#### **CONSENT AGENDA:**

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

1. The following minutes were approved:
  - August 2, 2022 – Regular Meeting
  - August 2, 2022 – Closed Session
2. Special Event: Church Picnic – Saint Paul Episcopal Church was granted approval to close Church Street from Second Street to Front Street on September 11, 2022 from 10:00 am until 3:00 pm.
3. Special Event: Family Days Fall Festival – Inners Shows, Inc was granted approval to hold a carnival September 15-25, 2022 at the Carolina Premium Outlets
4. Special Event: JoCo Praise in the Park – Keanna Howell was granted approval to hold an event on September 17, 2022 from 1:00 pm until 5:00 pm at Smith- Collins Park. The use of amplified sound was also approved.
5. Special Event: Community Outreach Event - Compass Community Church was granted approval to hold a community outreach event on September 17, 2022 from 4:00 pm until 6:00 pm at the Rotary Shelter at Community Park. The use of amplified sound was also approved.
6. Special Event: JoCo Works Career Expo - The Triangle East Economic Development Foundation is requesting approval to hold a career expo October 13-14, 2022 from 8:00 am until 5:00 pm at Johnston Community College. The use of amplified sound was also approved.
7. Promotion: Approval of an internal candidate to be promoted to the position of Water Plant Superintendent

8. Approval to hire the MAPS Group to conduct the Police Chief search and assessment.
9. Approval to bring forth encumbrances from FY 2021-2022 to FY 2022-2023 in the General, Water/Sewer, Electric and JB George Funds

**ENCUMBRANCES FROM 2021-2022 TO 2022-2023**

**GENERAL FUND**

10-61-4110-5300-5710	Non-Departmental - Economic Development	\$ 11,899
10-61-4110-5300-5711	Non-Departmental - Public Library (HVAC)	22,930
10-61-4110-5300-5712	Non-Departmental - S.H.A.R.P Reimbursements	39,000
10-10-4200-5700-7400	Finance Department - Capital Outlay (Chairs/Collection Window)	1,500
10-10-4900-5300-4501	Planning - Service Contracts (Engineering Standards Manual & Pedestrian Planning)	15,000
10-10-4900-5700-4502	Planning - Condemnation	48,000
10-60-5500-5300-3440	General Serv. - Appearance Commission	15,863
10-60-5500-5700-7400	General Serv. - Capital Outlay (Replacement Dump Truck)	60,000
10-60-5500-5700-7400	General Serv. - Capital Outlay (Christmas Lights)	5,000
10-30-5600-5300-7300	Streets -Sidewalk & Curb Repair (NCDOT Sidewalk Agreement)	112,406
10-30-5600-5700-7400	Streets -Capital Outlay (I95 Bridge Lighting)	93,000
10-60-6200-5700-7400	Recreation - Capital Outlay (2 Pick-Up Trucks)	<u>65,000</u>
		<u>\$</u> <u>489,598</u>

**WATER FUND**

30-71-7220-5700-7400	Water Dist/Sewer - Capital Outlay (Work Truck)	\$ 35,000
30-76-7220-5970-9101	- Wtr/Sewer Dist. -	
Transfer to WSCPF	Water Plant - Transfer to W/S Cap Proj Fund	17,250
30-71-7220-5300-5710	Water Dist/Sewer Coll. - Economic Development	<u>245,496</u>
		<u>\$</u> <u>297,746</u>

**Electric FUND**

31-72-7230-5300-5710	Electric - Economic Development	<u>\$</u> <u>195,496</u>
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**J.B. GEORGE BEAUTIFICATION FUND**

40-61-4100-5300-3400 J.B. George Projects  
 40-61-4100-5300-3410 J.P. George Projects

\$  
 397  
 \_\_\_\_\_  
 544  
 \_\_\_\_\_  
 \$  
 941  
 \_\_\_\_\_

**Attachment B**

<b>G/L ACCOUNT</b>	<b>ACCOUNT DESCRIPTION</b>	<b>DEPARTMENT</b>	<b>VENDOR</b>	<b>PO#</b>	<b>AMOUNT</b>
10-20-5100-5300-1700	Equip. Maint. & Repair	Police	Dell Marketing LP	20229074	\$ 6,260.56
10-20-5100-5300-3100	Vehicle Supplies/ Maint.	Police	Mary Jacobs	20229579	\$ 2,900.00
10-20-5100-5300-3300	Supplies/Operations	Police	American Uniforms Sales Inc	20229640	\$ 835.00
10-20-5100-5300-3600	Uniforms	Police	Lawmens Safety Supply Inc	20229612	\$ 732.00
10-20-5100-5300-3600	Uniforms	Police	Lawmens Safety Supply Inc	20229614	\$ 1,008.00
10-20-5100-5300-3600	Uniforms	Police	Lawmens Safety Supply Inc	20229615	\$ 732.00
10-20-5100-5700-7400	Capital Outlay	Police	Performance Chrysler Jeep Dodge	20229457	\$ 134,786.48
10-20-5100-5700-7400	Capital Outlay	Police	Communications International	20229585	\$ 24,237.40
10-20-5300-5300-1700	Equip. Maint. & Repair	Fire Dept	Batteries of NC	20229644	\$ 2,569.20
10-20-5300-5300-3100	Vehicle Supplies/ Maint.	Fire Dept	Dana Safety Supply	20229486	\$ 2,175.00
10-20-5300-5300-3100	Vehicle Supplies/ Maint.	Fire Dept	CW Williams & Co Inc	20229636	\$ 1,480.00
10-20-5300-5300-3300	Supplies/Operations	Fire Dept	Connection Public Sector Solutions	20229407	\$ 1,802.62
10-20-5300-5300-3300	Supplies/Operations	Fire Dept	FCB Visa	20229635	\$ 1,700.97
10-20-5300-5300-3600	Uniforms	Fire Dept	Atlantic Emergency Solutions	20229535	\$ 9,500.00
10-30-5650-5700-7400	Capital Outlay	Public Works	Griffin Garage Doors	20229379	\$ 10,900.00
10-30-5700-5300-3300	Supplies/Operations	Public Works	ST Wooten Corp	20228966	\$ 2,000.00
10-30-5700-5300-3300	Supplies/Operations	Public Works	Blythe Construction	20228968	\$ 2,000.00
10-30-5700-5300-3300	Supplies/Operations	Public Works	Core & Main LP	20228967	\$ 2,802.12
10-30-5700-5300-3310	Drainage	Public Works	Hanson Aggregates Inc	20228964	\$ 1,087.74
10-30-5700-5300-3310	Drainage	Public Works	Argos USA LLC	20228965	\$ 1,823.32
10-30-5700-5700-7310	Patch & Resurface	Public Works	Tripp Brothers	20229658	\$ 194,138.15
10-40-5800-5300-3100	Vehicle Supplies/ Maint.	Public Works	Velocity Truck Centers	20229450	\$ 632.49



10-40-5900-5300-3310	Drainage	Public Works	Hanson Aggregates Inc	20229516	\$ 1,501.58
10-40-5900-5700-7400	Capital Outlay	Public Works	Tracer Electronics	20229657	\$ 12,600.00
10-60-5500-5300-3440	Appearance Commission	Parks and Rec	Cutting Time Landscape Mgmt	20229377	\$ 4,900.00
10-60-6200-5300-4501	Service Contracts	Parks and Rec	Maurer Architecture	20229680	\$ 25,000.00
10-60-6200-5700-7400	Capital Outlay	Parks and Rec	McAdams	20229401	\$ 37,035.79
10-60-6220-5300-1301	Generator Fuel/Maint.	Parks and Rec	PowerSecure Inc	20218864-R1	\$ 649.96
10-60-6220-5300-3300	Supplies/Operations	Parks and Rec	Capital Promotions Inc	20229630	\$ 1,200.00
10-60-6220-5700-7400	Capital Outlay	Parks and Rec	Duffield Aquatics	20229662	\$ 3,699.72
					\$ 492,690.10
30-71-7220-5300-3300	Supplies/Operations	Water/Sewer	Core & Main LP	20229572	\$ 5,150.68
30-71-7220-5700-7400	Capital Outlay	Water/Sewer	Core & Main LP	20229440	\$ 47,644.60
					\$ 52,795.28
31-72-7230-5300-3300	Supplies/Operations	Electric	Wesco Receivables Group	20229523	\$ 5,261.00
31-72-7230-5700-7400	Capital Outlay	Electric	Piedmont Truck Center	20229179	\$ 150,000.00
31-72-7230-5700-7400	Capital Outlay	Electric	Versalift Southeast	20229245	\$ 11,276.50
31-72-7230-5700-7401	East River Electric Infrastructure	Electric	Wesco Receivables Group	20229273	\$ 27,569.74
					\$ 194,107.24

Total \$ 739,592.62

Attachment C

**BUDGET**  
**AMENDMENTS**  
**Sep-22**

**1. Revenue**

10-00-3900-3900-0000 Fund Balance Appropriation \$39,875.00 \$982,288.10 \$1,022,163.10

**Expenditure**

10-61-4110-5300-5710	Non-Departmental - Economic Development	25,000.00	11,899.00	36,899.00
10-61-4110-5300-5711	Non-Departmental - Public Library (HAC)	270,000.00	22,930.00	292,930.00
10-61-4110-5300-5712	Non-Departmental - S.H.A.R.P. Reimb Finance Dept. - Capital Outlay (Collection Window Chairs)	18,000.00	39,000.00	57,000.00
10-10-4200-5700-7400	Planning - C.S./Engineering Standards Manual	8,000.00	1,500.00	9,500.00
10-10-4900-5300-4501	Planning - Condemnation	26,900.00	15,000.00	41,900.00
10-10-4900-5300-4502	Police - Equip Maintain & Repair (Dell Marketing)	0.00	48,000.00	48,000.00
10-20-5100-5300-1700	Police - Vehicle Supplies(Mary Jacobs)	59,600.00	6,260.56	65,860.56
10-20-5100-5300-3100	Police - Supplies/Operations (American Uniform Sales)	86,300.00	2,900.00	89,200.00
10-20-5100-5300-3300	Police - Uniforms (Lawmens)	85,150.00	835.00	85,985.00
10-20-5100-5300-3600	Police - Capital Outlay - Performance Chrysler Jeep Dodge	33,300.00	2,472.00	35,772.00
10-20-5100-5700-7400	Police - Capital Outlay - Communications International	0.00	134,786.48	134,786.48
10-20-5100-5700-7400	Fire - Equipment Maint & Repair Batteries of NC)	0.00	24,237.40	24,237.40
10-20-5300-5300-1700	Fire - Vehicle Maintenance (Dana Safety Supply)	40,000.00	2,569.20	42,569.20
10-20-5300-5300-3100	Fire - Vehicle Maintenance (CW Williams &Co Inc)	65,000.00	2,175.00	67,175.00
10-20-5300-5300-3100	Fire - Supplies/Operations (Connections Public Sector Solutions)	65,000.00	1,480.00	66,480.00
10-20-5300-5300-3300	Fire - Supplies/Operations (FCB Visa)	65,000.00	1,802.62	66,802.62
10-20-5300-5300-3300	Fire - Uniforms (Atlantic Emergency Solutions)	65,000.00	1,700.97	66,700.97
10-20-5300-5300-3600	General Services - Appearance Commission	52,500.00	9,500.00	62,000.00
10-60-5500-5300-3440	General Services - Appearance Commission (Cutting Time Landscape)	15,000.00	15,863.00	30,863.00
10-60-5500-5300-3440	General Services -Capital Outlay (Replacement Dump Truck)	15,000.00	4,900.00	19,900.00
10-60-5500-5700-7400	General Services -Capital Outlay (Christmas Lights)	5,000.00	60,000.00	65,000.00
10-60-5500-5700-7400	Streets - Sidewalk & Curb Repair (NCDOT Sidewalk Agreement)	5,000.00	5,000.00	10,000.00
10-30-5600-5300-7300	Streets - Capital Outlay (I95 Bridge Lighting)	25,000.00	112,406.00	137,406.00
10-30-5600-5700-7400	Garage - Capital Outlay (Griffin Garage Doors)	16,500.00	93,000.00	109,500.00
10-30-5650-5700-7400	Powell Bill - Supplies Operations (S.T. Wooten)	0.00	10,900.00	10,900.00
10-30-5700-5300-3300	Powell Bill - Supplies Operations (Blythe Construction)	12,000.00	2,000.00	14,000.00
10-30-5700-5300-3300	Powell Bill - Supplies Operations (Core & Maine LP)	12,000.00	2,802.12	14,802.12
10-30-5700-5300-3310	Powell Bill - Drainage (Hanson Aggregates Inc)	12,000.00	2,000.00	14,000.00
10-30-5700-5300-3310	Powell Bill - Drainage (Argos USA LLC)	13,000.00	1,087.74	14,087.74
10-30-5700-5300-3310	Powell Bill - Patch & Resurface (Tripp Brothers)	13,000.00	1,823.32	14,823.32
10-30-5700-5700-7310	Sanitation -Vehicle Supplies & Maint Stormwater - Drainage (Hanson Aggregates)	289,593.00	194,138.15	483,731.15
10-40-5800-5300-3100	Stormwater - Capital Outlay (Tracer Electronics)	80,000.00	632.49	80,632.49
10-40-5900-5300-3310	Parks & Rec - Service Contracts Maurer Architecture)	69,000.00	1,501.58	70,501.58
10-40-5900-5700-7400	Parks & Rec - Capital Outlay (McAdams)	0.00	12,600.00	12,600.00
10-60-6200-5300-4501	Parks & Rec - Service Contracts Maurer Architecture)	75,270.00	25,000.00	100,270.00
10-60-6200-5700-7400	Parks & Rec - Capital Outlay (McAdams)	109,500.00	37,035.79	146,535.79

10-60-6200-5700-7400	Parks & Rec - Capital Outlay (2 Pick-Up Trucks))	109,500.00	65,000.00	174,500.00
10-60-6220-5300-1301	SRAC - Generator Fuel/Maintenance (Powersecure Inc)	23,665.00	649.96	24,314.96
10-60-6220-5300-3300	SRAC - Supplies/Operations (Capital Promotions)	35,000.00	1,200.00	36,200.00
10-60-6220-5700-7400	SRAC - Capital Outlay (Duffield Aquatics)	91,500.00	3,699.72	95,199.72
			0.00	0.00
		<u>\$1,991,278.00</u>	<u>\$982,288.10</u>	<u>\$2,973,566.10</u>

To bring forward encumbrances from the 2021-2022 General Fund Budget to FY22-23

**2. Revenue**

30-71-3900-3900-0000	Fund Balance Appropriation	<u>\$1,265,880.00</u>	<u>\$350,541.28</u>	<u>\$1,616,421.28</u>
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**Expenditures**

30-71-7220-5300-3300	Water Dist/Sewer Coll - Supplies/Operations	238,740.00	5,150.68	243,890.68
30-71-7220-5700-7400	Water Dist/Sewer - Capital Outlay (Work Truck)	171,700.00	35,000.00	206,700.00
30-71-7220-5700-7400	Water Dist/Sewer - Capital Outlay (Core and Main)	171,700.00	47,644.60	219,344.60
30-71-7220-5300-5710	Water Dist/Sewer Coll. - Economic Development	95,000.00	245,496.00	340,496.00
30-71-7220-5970-9101	Water Dist/Sewer Coll. - Transfer to W/S Cap Proj Fund	<u>1,945,880.00</u>	<u>17,250.00</u>	<u>1,963,130.00</u>
		<u>\$2,623,020.00</u>	<u>\$350,541.28</u>	<u>\$2,973,561.28</u>

To bring forward encumbrances from the 2021-2022 Water/Sewer Fund Budget to FY22-23

**3. Revenue**

31-72-3900-3900-0000	Fund Balance Appropriation	<u>\$305,000.00</u>	<u>\$389,603.24</u>	<u>\$694,603.24</u>
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**Expenditures**

31-72-7230-5300-3300	Electric - Supplies/Operations	\$295,500.00	\$5,261.00	\$300,761.00
31-72-7230-5300-5710	Electric - Economic Development	0.00	195,496.00	195,496.00
31-72-7230-5700-7400	Electric - Capital Outlay (Piedmont Truck Center)	16,700.00	150,000.00	166,700.00
31-72-7230-5700-7400	Electric - Capital Outlay (Versalift Southeast)	16,700.00	11,276.50	27,976.50
31-72-7230-5700-7401	Electric - East River Electric Infrastructure (Wesco)	<u>200,000.00</u>	<u>27,569.74</u>	<u>227,569.74</u>
		<u>\$528,900.00</u>	<u>\$389,603.24</u>	<u>\$918,503.24</u>

To bring forward encumbrances from the 2022-2022 Electric Fund Budget to FY22-23

**4. Revenue**

40-61-3900-3900-0000	Fund Balance Appropriation	<u>\$0.00</u>	<u>\$941.00</u>	<u>\$941.00</u>
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**Expenditures**

40-61-4100-5300-3400	J.B. George Projects	360.00	397.00	757.00
40-61-4100-5300-3410	J.P. George Projects	<u>40.00</u>	<u>544.00</u>	<u>584.00</u>
		<u>\$400.00</u>	<u>\$941.00</u>	<u>\$1,341.00</u>

To bring forward encumbrances from the 2021-2022 J.B. George Fund Budget to FY22-23

10. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Recreation Staff	P&R – Recreation	10-60-6200-5100-0210	\$10.00/hr.

**Current Vacancies**

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Electric Line Technician (2 positions)	PU – Electric	31-72-7230-5100-0200
Police Officer I/II – Patrol (6 positions)	Police	10-20-5100-5100-0200
P/T Collections Assistant	PU – Electric	31-72-7230-5100-0200
Public Works Administrative Assistant	PW – Streets	10-30-5600-5100-0200
Sanitation Equipment Operator (3 positions)	PW – Sanitation	10-40-5800-5100-0200
Utility Line Mechanic (3 positions)	PU – Water/Sewer	30-71-7220-5100-0200
Water Plant Superintendent	PU – Water Plant	30-71-7200-5100-0200

11. Special Event: Buds Foundation Car & Bike Show: Buds Foundation was granted approval to hold a bike and car show on September 10, 2022 from 10 am until 3:00 pm at 1043 Outlet Center Drive.

12. Advisory Board Appointments

- Terri Lee was reappointed to serve a second term on the Library Board of Trustees.
- Debbie Howard was reappointed to serve a second term on the Planning Board.
- Elizabeth Temple was appointed to serve a first term on the Historic Properties Commission.

**BUSINESS ITEMS:**

**1. Discussion concerning future sewer capacity**

Town Manager Michael Scott informed the Council this item was on the agenda to provide a history on the Town’s sewer capacity, the sewer plant; as well as, Smithfield’s involvement in the region. Most of this took place in the 1970’s when Smithfield operated its own sewer plant. Councilman Scott explained that he did some extensive research into the history of the sewer plant, its capacities and Smithfield’s assistance with sewer capacity to neighboring communities. Councilman Scott explained the 201 Study was conducted by Ragsdale Engineers in the 1970s which was a regional sewer system study that involved Smithfield, Selma, Pine Level, Four Oaks and Johnston County. Smithfield was the lead agency for this project. It was later decided that the County would own, operate and control the waste water treatment plant. The County was adamant that each Town should pay their part.

Councilman Scott stated it was important for this Council to understand the history of the sewer treatment plant and Smithfield’s role because decisions made in the past were now affecting growth. Councilman Scott asked members of the Council to review the data he collected so they could make an informed decision on the new sewer contract being proposed by the County.

Mayor Moore thanked Councilman Scott for his extensive research. He stated this was a very important issue and one that was not being taken lightly.

**2. Annexation Request – Blueline Aviation (ANX-22-02): The property owner has submitted a request for voluntarily noncontiguous annexation of 14.43 acres into the Town of Smithfield and adoption of Resolution No. 708 (17-2022) setting the date of the public hearing for October 4, 2022**

Planning Director Stephen Wensman addressed the Council on a request by Blueline Aviation to annex 14.43 acres into the Town of Smithfield. Mr. Wensman explained this was the first step in the annexation process. The Council was asked to adopt Resolution No. 708 (17-2022) setting the date of the public hearing for October 4, 2022.

Councilman Barbour made a motion, seconded by Councilman Wood, to adopt Resolution No. 708 (17-2022) setting the date of the public hearing for October 4, 2022. Unanimously approved.

**TOWN OF SMITHFIELD  
RESOLUTION No. 708 (17-2022)  
FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION  
PURSUANT TO G.S. 160A-58.2**

**WHEREAS**, a petition requesting annexation of the non-contiguous area described herein has been received; and

**WHEREAS**, the Town Council has by Resolution No. 704 (13-2022) directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1: A public hearing on the question of annexation of the non-contiguous area described herein will be held in the Council Chambers of the Town Hall located at 350 East Market Street, Smithfield North Carolina at 7:00 pm on October 4, 2022.

Section 2: The area proposed for annexation is described as follows:

**3149B SWIFT CREEK ROAD DESCRIPTION**

A PARCEL OF LAND NOW OR PREVIOUSLY OWNED BY BLUE LINE AVIATION, LLC (DB 6090 PG 571) LOCATED IN THE TOWN OF SMITHFIELD, JOHNSTON COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIPE ON THE WESTERLY LINE OF SWIFT CREEK ROAD (SR #1501; 60 FOOT PUBLIC RIGHT OF WAY); SAID POINT BEING THE SOUTHERN MOST CORNER OF SAID LANDS OWNED BY BLUE LINE AVIATION, LLC;

THENCE N 49-13-59 W A DISTANCE OF 100.89 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY RONNIE STEPHENS (DB 5194 PG 694);

THENCE N 48-51-54 W ON THE NORTHEASTERLY LINE OF SAID STEPHENS LANDS, A DISTANCE OF 226.82 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY CMC REAL ESTATE (DB 5778 PG 880);

THENCE N 48-53-11 W ON THE NORTHEASTERLY LINE OF SAID CMC REAL ESTATE, A DISTANCE OF 338.42 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY MESSENGILL RENTAL (DB 6072 PG 711);

THENCE N 48-50-31 W ON THE NORTHEASTLY LINE OF SAID MASSENGILL RENTAL, A DISTANCE OF 96.51 FEET TO AN IRON BAR;

THENCE N 63-19-20 W ON THE NORTHERLY LINE OF SAID MASSENGIIL RENTAL, AND DCB BLDG, LLC (DB 5894 PG 278) A DISTANCE OF 602.90 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY EMG PROPERTIES, LLC (DB 4542 PG 471);

THENCE N 63-18-15 W ON THE NORTHERLY LINE OF SAID EMG PROPERTIES LLC, A DISTANCE OF 695.95 FEET TO AN IRON PIPE ON THE EAST LINE OF SUNSET POINTE SUBDIVISION;

THENCE N 0-17-51 W ON THE EAST LINE OF SUNSET POINTE SUBDIVISION A

DISTANCE OF 325.01 FEET TO AN IRON BAR AT THE INTERSECTION WITH THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OWNED BY BYRDS WHOLESALE INC (DB 1185 PG 278);

THENCE S 63-42-56 E A ON THE SOUTHERLY LINE OF SAID BYRDS WHOLESALE INC, A DISTANCE OF 1446.13 FEET TO AN IRON BAR;

THENCE S 50-21-23 E CONTINUING ON THE SOUTHERLY LINE OF SAID BYRDS WHOLESALE INC, A DISTANCE OF 740.40 FEET TO THE WEST LINE OF SWIFT CREEK ROAD;

THENCE ON THE WEST LINE OF SWIFT CREEK ROAD THE FOLLOWING 4 CALLS:

- (1) S 32-34-33 W A DISTANCE OF 40.76 FEET TO AN IRON BAR;
- (2) S 28-33-01 W A DISTANCE OF 66.55 FEET TO AN IRON BAR;
- (3) S 24-04-37 W A DISTANCE OF 61.71 FEET TO AN IRON BAR;
- (4) S 18-59-20 W A DISTANCE OF 156.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 628,567 SQUARE FEET, OR 14.43 ACRES MORE OR LESS.

Section 3: Notice of the public hearing shall be published once in the Johnstonian News, a newspaper having general circulation in the Town of Smithfield, at least ten (10) days prior to the date of the public hearing.

**3. Drive Consideration and request for approval enter into a contract with KCI Associates of NC to update the Town’s Standards Details and Specification Manual**

Planning Director Stephen Wensman explained the Town’s Standard Details and Specifications Manual (Manual) were prepared in 2000 and are outdated and in need of an update. The standards are out of synch with the Town’s Unified Development Ordinance (UDO), Fire Code and Engineering Best Practices. The Smithfield Utilities Department updated the Water and Sewer Standard Details and Specifications several years ago and these are not included in this update project. The Planning Department has been updating the UDO over the last several years, but has not submitted updates to Article 10, Performance Standards because they are linked to the Manual. Article 10 and the Manual should be updated together at the same time.

The Planning Staff had contacted several planning/engineering firms last year to get a ballpark estimate for the update work. The estimated cost received from one of the firms was around \$30,000 which was adopted by the Town Council in the Planning Department Budget. Staff sent out an RFQ (Request for Qualifications) and due to inflation, the actual cost was \$9,700 over the original budget estimate. Also, only one firm, KCI Associates of NC, out of the 5 contacted was interesting in the project. Staff was requesting the Council approve the contract with KCI Associates of NC and approve the budget amendment for the additional unbudgeted funds.

Mayor Pro-Tem Dunn questioned asked if the Standards Detail and Specification Manual would be specific for Smithfield. Mr. Wensman responded it would be specific to the Town.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve the contract with KCI Associates of NC in the amount of \$39,700 and the budget amendment associated with the contract. Unanimously approved.

<u>GENERAL FUND</u>	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
<b>1. Expenditures</b>			
10-00-9990-5300-0000 GF			
Contingency	\$ 275,000	\$ (9,700)	\$ 265,300
10-10-4900-5300-4501 Planning -			
Contract Services	<u>26,900</u>	<u>9,700</u>	<u>36,600</u>
	<u>\$ 301,900</u>	<u>\$ -</u>	<u>\$ 301,900</u>

To fund cost increase of Standard Specifications and Details Manual (AKA Engineering Standards)

**Councilmembers Comments:**

- Councilman Barbour informed the Council the second annual Drone Fly In event would be take place on October 8, 2022 at 10:00am at Johnson Park in West Smithfield.

**Town Manager's Report:**

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

- 9/11 Community Event on September 10, 2022 at 4:00 pm at the Community Garden
- The amphitheater drawings were moving forward so we can complete this project with the grant requirement
- The Hasting House renovations were grant funded and progressing nicely.
- The SRAC gymnasium will be closed until September 30<sup>th</sup> so the floors can be refinished
- Halloween will be observed on October 31, 2022 from 5:00 pm until 8:00 pm

**Closed Session: Pursuant to NCGS 143-318.11 (a) (5)**

Councilman Wood made a motion, seconded by Councilman Rabil, to enter into Close Session pursuant to the aforementioned statute. Unanimously approved at 8:33 pm.

**Reconvene in Open Session**

Councilman Barbour made a motion, seconded by Councilman Wood, to reconvene in open session. Unanimously approved at 9:42 pm.

**Adjourn**

Having no further business, Councilman Barbour made a motion, seconded by Mayor Pro-Tem Dunn, to adjourn the meeting. The meeting adjourned at approximately 9:43 pm.

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M. Andy Moore, Mayor

ATTEST:

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Shannan L. Parrish, Town Clerk







# Request for Town Council Action

Consent Agenda Item:  
Date: 10/04/2022

Application for Temporary Use Permit

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Subject: Temporary Use Permit  
Department: Planning Department  
Presented by: Planning Director – Stephen Wensman  
Presentation: Consent Agenda Item

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## Issue Statement

The Smithfield Police Department would like to hold a Faith and Blue event on October 8, 2022 from 10am - 2pm.

## Financial Impact

N/A

Action Needed **Council approval of the Temporary Use Permit Application**

Recommendation **Staff recommends approval of the Temporary Use Permit Application**

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Temporary Use Permit Application



# Staff Report

Consent  
Agenda  
Item: Application  
for  
Temporary  
Use Permit

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The Smithfield Police Department has requested to hold Faith and Blue event at Smith-Collins Park on E. Lee Street October 8, 2022 from 10 am-2 pm. This event will include barbecue, bouncy houses, music, popcorn and cotton candy. Parks & Rec will be providing games and there will also be pumpkin painting. Over 100 people are expected to attend, amplified sound will be used. (6) event trash cans have been requested. Cleanup should conclude by 3:30. No security is needed.



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

### Temporary Use Permit Application

Completed applications should be submitted to the Town of Smithfield Planning Department at least 4 weeks prior to the event. Email applications to [julie.edmonds@smithfield-nc.com](mailto:julie.edmonds@smithfield-nc.com) or drop off in the Planning Department. All applicants should read the following pages before completing all sections required. Incomplete applications may increase the permit processing time. If a person other than the property owner signs this application, a notarized written authorization from the property owner must be attached.

**TYPES OF EVENT**

- Special Event
  - Town recognized event Faith & Blue
  - Over 100 people in attendance
  - Live Band or Amplified Sound \_\_\_\_\_
  - 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) \_\_\_\_\_

<u>Faith &amp; Blue</u> Name of Event	<u>Smith-Collins Park, E Lee St, Smithfield, NC</u> Location of Event (exact street address)
--	---

Applicant name Officer Julie S. Carroll E-mail address juliescarroll@smithfieldpd.org ✂

Address 110 S Fifth St, Smithfield, NC Zip 27577 jscarroll@smithfieldpd.org

Phone number 919-934-2121 Event date 10/08/2022

Event start time ~~4000~~ 10:00 am Event end time ~~4400~~ 2:00 pm

Event set up time ~~0830~~ 8:30 am Event cleanup time ~~1530~~ 3:30 pm

Sound amplification Hours 1000-1400 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)? Smith-Collins Park

If any Town streets require closure, please list all street names. N/A

Are event trash cans needed? Yes How many? 6

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.

Julie S. Carroll  
Applicant's Name (print)

Julie S. Carroll  
Signature

09/13/2022  
Date





# Request for Town Council Action

Consent  
Agenda  
Item: Application  
for  
Temporary  
Use Permit  
Date: 10/04/2022

---

Subject: Temporary Use Permit  
Department: Planning Department  
Presented by: Planning Director – Stephen Wensman  
Presentation: Consent Agenda Item

---

## Issue Statement

Donna Bailey-Taylor on behalf of the Ava Gardner Museum is requesting to hold the Ava Gardner Festival on October 8<sup>th</sup>, 2022 from 9:00 am to 5:00 pm.

## Financial Impact

N/A

Action Needed **Council approval of the Temporary Use Permit Application**

Recommendation **Staff recommends approval of the Temporary Use Permit Application**

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Temporary Use Permit Application



# Staff Report

Consent  
Agenda  
Item: Application  
for  
Temporary  
Use Permit

---

On behalf of the Ava Gardner Museum, Donna Bailey-Taylor is requesting to hold the Ava Gardner Festival on October 8<sup>th</sup>, 2022 from 9:00 am to 5:00 pm. It will be located at 325 E. Market Street. Over 100 people are expected to attend. Amplified sound will be used between 10:00 and 10:30 am. Seven Jars Distillery will have wine and alcohol tastings using their permit. The applicant has requested traffic cones to be placed in front of the museum for a 38-passenger bus for heritage tours. No security is needed.



## Temporary Use Permit Application

Completed applications must be submitted at least 4 weeks prior to the event by emailing Julie Edmonds at [julie.edmonds@smithfield-nc.com](mailto:julie.edmonds@smithfield-nc.com) or by dropping them off in the Town of Smithfield Planning Department. All applicants should read the following pages before completing all sections required. Incomplete applications may increase the permit processing time. All required information must be submitted along with this application in order for it to be processed. If a person other than the property owner signs this application, a notarized written authorization from the property owner must be attached.

### TYPES OF TEMP USE OR EVENT

- Special Event
- Town recognized event AVA GARDNER FESTIVAL
  - Over 100 people in attendance
  - Live Band or Amplified Sound MURAL DEDICATION
  - 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 (Contact Smithfield Fire Department 919-934-2468)

### OTHER TEMP USES

- 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) SEVEN JARS TASTING

<u>AVA GARDNER FESTIVAL</u> Name of Event	<u>325 E. MARKET ST.</u> Location of Event/Use (exact street address)
--	--

### APPLICANT:

Name DONNA BAILEY-TAYLOR  
 Address 234 VENTURE DR.  
 Phone number 919-989-8687  
 Email address dbtaylor@johnstoncountync.org  
 Event date OCT 8,  
 Event start time 9 AM  
 Event set up time 9 AM  
 Sound Amplification Type MICROPHONE  
 Sound Amplification Time 10 AM - 10:30 AM

### PROPERTY OWNER:

Name Lynell Seabold.  
 Address 325 E. Market St.  
 Phone number 919-934-5830  
 Email address Lynelladawagardner.org  
 Will alcohol be sold or served?  Y or N  
 Event end time 5 pm  
 Event cleanup time 5 pm  
 Will food or goods be sold? Y or  N

# Food Trucks (if applicable \_\_\_\_\_) (Each Food Truck Requires Certificate of Inspections by Johnston County Environmental Health Department, Proof of Insurance, A Copy of the Vehicle or Trailer Registration and/or ABC Permit, if applicable and must be submitted with this application).

Security agency name & phone, if applicable: N/A  
(If using Smithfield Police, applicant must contact the PD to schedule security.)

Will any town property be used (i.e., streets, parks, greenways)? NO

If any town streets require closure, please list all street names. NO

Are event trash cans needed? Y or  N How many? \_\_\_\_\_

Please provide a detailed description of the proposed temporary use or special event:

AVA GARDNER FESTIVAL WILL USE CONES IN FRONT OF THE MUSEUM FOR 38 PASSENGER BUS FOR HERITAGE TOURS. THE MUSEUM & ROSE GARDEN DEDICATION WILL BE AT 10AM W/ MICROPHONE OUTSIDE THE MUSEUM. SEVEN JARS DISTILLERY WILL HAVE WINE & ALCOHOL TASTINGS USING THEIR PERMIT.

Temporary Use Submittal Checklist:

1. Completed Temporary Use Permit application
2. Other documentations deemed necessary by the administrator
3. Application fee - \$100
4. Site plan, if required by the administrator

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

Payment Received By: \_\_\_\_\_

Date: \_\_\_\_\_

**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

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/use will be conducted per all applicable local laws. I certify that I have received the attached information concerning the regulations for temporary uses. If an event, I certify that I have notified all adjoining property owners of the planned event.

DONNA BAILEY TAYLOR      Donna Taylor      9/20/22  
Applicant's Name (Print)      Signature      Date

Planning Director Signature: Stephen Men      Date: 9/21/22





# Request for Town Council Action

Consent  
Agenda  
Item: Application  
for  
Temporary  
Use Permit  
Date: 10/04/2022

---

Subject: Temporary Use Permit  
Department: Planning Department  
Presented by: Planning Director – Stephen Wensman  
Presentation: Consent Agenda Item

---

## Issue Statement

Down Home NC would like to hold Down Home NC Super Saturday on October 29, 2022 from 10:00 am to 4:00 pm.

## Financial Impact

N/A

Action Needed **Council approval of the Temporary Use Permit Application**

Recommendation **Staff recommends approval of the Temporary Use Permit Application**

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Temporary Use Permit Application



# Staff Report

Consent  
Agenda  
Item: Application  
for  
Temporary  
Use Permit

---

Down Home NC would like to hold Down Home NC Super Saturday on October 29, 2022 from 10:00 am to 4:00 pm at Smith-Collins Park on 909 East Lee Street. This event will be a fun, community friendly celebration with games, prizes, giveaways and free food. The applicant will have amplified sound. Two food trucks will be present. Three event trash cans have been requested.



## Temporary Use Permit Application

Completed applications must be submitted at least 4 weeks prior to the event by emailing Julie Edmonds at [julie.edmonds@smithfield-nc.com](mailto:julie.edmonds@smithfield-nc.com) or by dropping them off in the Town of Smithfield Planning Department. All applicants should read the following pages before completing all sections required. Incomplete applications may increase the permit processing time. All required information must be submitted along with this application in order for it to be processed. If a person other than the property owner signs this application, a notarized written authorization from the property owner must be attached.

### TYPES OF TEMP USE OR EVENT

- Special Event
- Town recognized event \_\_\_\_\_
  - Over 100 people in attendance
- Live Band or Amplified Sound \_\_\_\_\_
- 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 (Contact Smithfield Fire Department 919-934-2468)

### OTHER TEMP USES

- 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) \_\_\_\_\_

<b>Down Home NC SuperSaturday</b>	Smith Collins Park - E. Lee St., Smithfield, NC 27577
Name of Event	Location of Event/Use (exact street address)

### APPLICANT:

Name Esperanza Peral & Elizabeth Lynn

Address 27 Fieldale Drive, Smithfield, NC 27577

Phone number (984) 960-7575

Email address liz@downhomenc.org

Event date 10/29/2022

Event start time 10AM

Event set up time 8 - 10AM

Sound Amplification Type \_\_\_\_\_

Sound Amplification Time 1-4PM

### PROPERTY OWNER:

Name Town of Smithfield

Address \_\_\_\_\_

Phone number \_\_\_\_\_

Email address \_\_\_\_\_

Will alcohol be sold or served? Y or N

Event end time 4PM

Event cleanup time 4 - 5PM

Will food or goods be sold? Y or N

# Food Trucks (if applicable) 2 (Each Food Truck Requires Certificate of Inspections by Johnston County Environmental Health Department, Proof of Insurance, A Copy of the Vehicle or Trailer Registration and/or ABC Permit, if applicable and must be submitted with this application).

Security agency name & phone, if applicable: \_\_\_\_\_

(If using Smithfield Police, applicant must contact the PD to schedule security.)

Will any town property be used (i.e., streets, parks, greenways)? Smith Collins Park

If any town streets require closure, please list all street names. \_\_\_\_\_

Are event trash cans needed? Y or N How many? 2-3

**Please provide a detailed description of the proposed temporary use or special event:**

Down Home NC "Super Saturday" Events are a fun, community-friendly way for our members and volunteers to celebrate with one another. We invite the community to join as we learn more about canvassing and volunteering opportunities with DHNC

and our Johnston County Chapter. The family-friendly event includes games, prizes, giveaways and free food will be provided

by food trucks. We hope for this event to be a fun way for people to be involved in the local election cycle.

**Temporary Use Submittal Checklist:**

- 1. Completed Temporary Use Permit application
- 2. Other documentations deemed necessary by the administrator
- 3. Application fee - \$100
- 4. Site plan, if required by the administrator



Method of Payment: Cash \_\_\_\_\_ Check# \_\_\_\_\_ Credit Card  Amount \$ 100

Payment Received By: Sept 21 2022 (JE)

Date: 9.21.22

**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

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/use will be conducted per all applicable local laws. I certify that I have received the attached information concerning the regulations for temporary uses. If an event, I certify that I have notified all adjoining property owners of the planned event.

Esperanza Peral Esperanza Peral 09/21/2022  
 Applicant's Name (Print) Signature Date

Planning Director Signature: [Signature] Date: 9/23/22



# SANITATION RATING

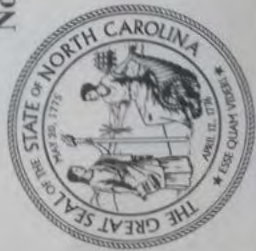
# A 100.0

*This is to certify that*

Island Flavour

*was inspected on* August 5th, 2022.

North Carolina Department of Health and Human Services  
Division of Public Health  
Environmental Health Section



By Joseph MacREIL  
Registered Environmental Health Specialist



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
8/24/2022

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

<b>PRODUCER</b> SureVest Insurance Group, LLC 1033 Oberlin Road, Ste. 210 Raleigh NC 27605	<b>CONTACT NAME:</b> Janice Baker <b>PHONE (A/C No. Ext):</b> 919-832-9420 x435 <b>FAX (A/C, No):</b> 866-297-6946 <b>E-MAIL ADDRESS:</b> jbaker@surevestinsurance.com												
<b>INSURER(S) AFFORDING COVERAGE</b>													
<b>INSURED</b> OLDFASH-01 Old Fashioned Ice Cream, LLC 116 Waterleaf Place Clayton NC 27527	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"><b>INSURER A :</b> Erie Insurance Exchange</td> <td style="width: 20%;"><b>NAIC #</b> 26271</td> </tr> <tr><td><b>INSURER B :</b></td><td></td></tr> <tr><td><b>INSURER C :</b></td><td></td></tr> <tr><td><b>INSURER D :</b></td><td></td></tr> <tr><td><b>INSURER E :</b></td><td></td></tr> <tr><td><b>INSURER F :</b></td><td></td></tr> </table>	<b>INSURER A :</b> Erie Insurance Exchange	<b>NAIC #</b> 26271	<b>INSURER B :</b>		<b>INSURER C :</b>		<b>INSURER D :</b>		<b>INSURER E :</b>		<b>INSURER F :</b>	
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<b>INSURER B :</b>													
<b>INSURER C :</b>													
<b>INSURER D :</b>													
<b>INSURER E :</b>													
<b>INSURER F :</b>													

**COVERAGES**      **CERTIFICATE NUMBER: 1039288252**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			Q61-0119571	7/7/2022	7/7/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			Q91-0700831	7/7/2022	7/7/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**  
Ice cream vendor.

<b>CERTIFICATE HOLDER</b>  For Information Purposes Only	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  
--	--

2023

NOT TRANSFERABLE  
STATUTE GS 81.106.119

LICENSE/CERTIFICATE: Retail Frozen Dessert

EXPIRATION DATE: 06/30/2023

LICENSEE  
OR  
CERTIFICATOR

OLD FASHIONED ICE CREAM  
124 N. RAIFORD ST.  
SELMA, NC 27576

THIS LICENSE/CERTIFICATE MAY BE SUBJECT TO REVOCATION OR SUSPENSION AS PROVIDED BY LAW

North Carolina Department of Agriculture & Consumer Services

Steve Troxler, Commissioner  
License/Certificate



LICENSE/CERTIFICATE NO.  
9661

*Steve Troxler*  
STEVE TROXLER, COMMISSIONER





# Request for Town Council Action

Consent  
Agenda  
Item: Application  
for  
Temporary  
Use Permit  
Date: 10/04/2022

---

Subject: Temporary Use Permit  
Department: Planning Department  
Presented by: Planning Director – Stephen Wensman  
Presentation: Consent Agenda Item

---

## Issue Statement

The Council is being asked to allow Greater Vision Worship Center Church of God of Prophecy to use the parking lot at Town Hall for a Homeless Outreach Community Event.

## Financial Impact

N/A

Action Needed **Council approval of the Temporary Use Permit Application**

Recommendation **Staff recommends approval of the Temporary Use Permit Application**

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Temporary Use Permit Application



# Staff Report

Consent  
Agenda  
Item: Application  
for  
Temporary  
Use Permit

---

Greater Vision Worship Center Church of God of Prophecy is requesting to use the parking lot at Town Hall located at 350 E. Market Street on November 19<sup>th</sup>, 2022 from 9:00 am to 4:00 pm. This will be a homeless outreach community project. Free food and clothing will be given away. Amplified sound will be used. Over 100 people are expected to attend. (6) trash cans have been requested from Public Works.



## Temporary Use Permit Application

Completed applications must be submitted at least 4 weeks prior to the event by emailing Julie Edmonds at [julie.edmonds@smithfield-nc.com](mailto:julie.edmonds@smithfield-nc.com) or by dropping them off in the Town of Smithfield Planning Department. All applicants should read the following pages before completing all sections required. Incomplete applications may increase the permit processing time. All required information must be submitted along with this application in order for it to be processed. If a person other than the property owner signs this application, a notarized written authorization from the property owner must be attached.

### TYPES OF TEMP USE OR EVENT

- Special Event
- Town recognized event \_\_\_\_\_
- Over 100 people in attendance
- Live Band or Amplified Sound \_\_\_\_\_
- 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 (Contact Smithfield Fire Department 919-934-2468)

### OTHER TEMP USES

- 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) \_\_\_\_\_

Name of Event <u>Greater Vision Worship</u>	Location of Event/Use (exact street address) <u>3245 Hwy 70 West</u>
---	--

### APPLICANT:

Name Passion Jones  
 Address 207 Strickland Dr.  
 Phone number (919) 219-9880  
 Email address passionjones5@gmail.com  
 Event date Nov. 19th 2022  
 Event start time 7am - 9am  
 Event set up time 7am - 9am  
 Sound Amplification Type mics, music  
 Sound Amplification Time \_\_\_\_\_

### PROPERTY OWNER:

Name Greater Vision Worship Ct.  
 Address 3245 U.S. Hwy 70 West  
 Phone number 919-934-4822  
 Email address passionjones5@gmail.com  
 Will alcohol be sold or served? Y or N  
 Event end time before 5pm  
 Event cleanup time 4pm  
 Will food or goods be sold? Y or N

# Food Trucks (if applicable) \_\_\_\_\_ (Each Food Truck Requires Certificate of Inspections by Johnston County Environmental Health Department, Proof of Insurance, A Copy of the Vehicle or Trailer Registration and/or ABC Permit, if applicable and must be submitted with this application).

Security agency name & phone, if applicable: N/A  
(If using Smithfield Police, applicant must contact the PD to schedule security.)

Will any town property be used (i.e., streets, parks, greenways)? parking lot, park sitting area

If any town streets require closure, please list all street names. N/A

Are event trash cans needed? Y or N How many? 6

**Please provide a detailed description of the proposed temporary use or special event:**

Homeless Outreach Community in the area. Feeding, clothing. We will be giving away free food & clothes.

**Temporary Use Submittal Checklist:**

- 1. Completed Temporary Use Permit application
- 2. Other documentations deemed necessary by the administrator
- 3. Application fee - \$100
- 4. Site plan, if required by the administrator

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

Payment Received By: \_\_\_\_\_ non-profit organization

Date: \_\_\_\_\_

**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

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/use will be conducted per all applicable local laws. I certify that I have received the attached information concerning the regulations for temporary uses. If an event, I certify that I have notified all adjoining property owners of the planned event.

Passion Jones Passion Jones 8-28-22  
Applicant's Name (Print) Signature Date

Planning Director Signature: [Signature] Date: 8/3/22

**OWNERS AUTHORIZATION**

I hereby give CONSENT to Passhon Jones (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.

Property owners name (print) Deplulle Stephen Wensman

Address 350 E MARKET Zip 27577

Phone number \_\_\_\_\_ Email \_\_\_\_\_

Signature: Stephen Wensman Date: 9/26/22

**OWNER'S CONSENT FORM**

Name of Event: Greater Vision Worship Submittal Date: 8-28-22

**OWNERS AUTHORIZATION**

I hereby give CONSENT to Passhon Jones (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.

Deplulle  
Signature of Owner

Stephen Wensman  
Print Name

9/26/22  
Date





# Request for Town Council Action

Consent  
Agenda  
Item: Police  
Date: Promotion  
10/04/2022

---

Subject: Promotion  
Department: Police Department  
Presented by: Chief of Police - R. Keith Powell  
Presentation: Consent Agenda

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## Issue Statement

This is a request to promote one officer from the rank of Police Officer II (POII) to Master Police Officer (MP), **moving from pay grade 17 to pay grade 18. Under the Town's Employee Handbook, all promotions to a higher pay grade will be accompanied by an increase to the next pay grade minimum salary or 5% increase, whichever is greater.**

## Financial Impact

Approved Budgeted Amount for FY 2022-2023: Covered by the Current Budget

This salary increase will be covered by the Police **Department's current budget and will not** require a budget amendment to the current salary line item. In this case, the required salary increase for the 2022/2023 Budget will cost will be \$1,021.00.

## Action Needed

The Officer has followed the attached career ladder policy previously approved by the Council found in the support documentation and has earned the promotion. The Police Chief recommends this promotion and a five percent salary increase, moving him to the next pay grade in the current Town salary schedule.

## Recommendation

It is requested to allow this Officer to be promoted to Master Patrol Officer (MPO).

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Officer Request and Training Record
3. Career Ladder



# Staff Report

Consent  
Agenda  
Item: Police  
Promotion

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This is a request to promote one officer from the rank of Police Officer II (POII) to Master Police Officer (MPO), **moving from pay grade 17 to pay grade 18. Under the Town's Employee Handbook, all promotions to a higher pay grade will be accompanied by an increase to the next pay grade minimum salary or 5% increase, whichever is greater.**



**Smithfield Police Department**  
**Interoffice Memorandum**

Date: 08-24-2022

To:

From:

Subject: Master Police Officer

I Officer would like to be considered for promotion from Police officer II to Master Police Officer. I have met all the required criteria per policy. I have served as a Police Officer II for more than one year and have obtained certifications for Case Preparation Management on 03-02-2001, Personnel Management Issues 05-01-2008, CIT 04-20-2018, FTO 07-15-2022

I have a rating of Better than Satisfactory or higher on all of my performance ratings while working with the department.

Thank you for consideration for promotion to Master Police Officer.

# North Carolina Justice Academy

STATE OF NORTH CAROLINA DEPARTMENT OF JUSTICE

Awards this Certificate to



for completion of the course



Field Training Officer

on

07/15/2022

40h 0m  
Hours/Credits

Handwritten signature of Josh Stein in cursive.

Josh Stein, NC Attorney General

Handwritten signature of Trevor Allen in cursive.

Trevor Allen, NCJA Director

Raleigh Police Department  
 EMPLOYEE TRAINING RECORD  
 Employee: ( )

Date	Description	Remark	Hours
05/02/18	MANDATORY IN-SERVICE	2018 IMPLICIT BIAS TRAINING FOR OFFICERS AND DETECTIVES	6.00
04/20/18	OUT OF HOUSE SCHOOL	CIT TRAINING	4.00
03/22/18	MANDATORY IN-SERVICE	2018 CLASSROOM SESSION 1: COMMUNICATION SKILLS WITH PERSON IN CRISIS - DE-ESCALATION TECHNEQUES (4); LEGAL UPDATE (4)	8.00
02/01/18	MANDATORY IN-SERVICE	2018 FIREARMS SESSION 1: FIREARMS CLASSROOM (2); NIGHT FIREARMS QUALIFICATION (4); NIGHT DECISION MAKING COURSE OF FIRE (2)	8.00
12/11/17	MANDATORY IN-SERVICE	2017 RESILIENCE FILM SCREENING	1.50
11/21/17	MANDATORY IN-SERVICE	2017 CLASSROOM SESSION 3 IST: PROTECTING OUR OFFICERS: SUICIDE PREVENTION FOR LE (2); COMMUNITY POLICING (2); NIBRIS (4)	8.00
11/20/17	MANDATORY IN-SERVICE	2017 FIREARMS SESSION 2: FIREARMS TRAINING (DAY DECISION MAKING COUSE OF FIRE) (4); RBT TRAINING (2); GAS-MASK FITTING (1); GUN CLEANNING (1)	8.00
10/13/17	IN HOUSE SCHOOL	OPEN RANGE	2.00
08/15/17	MANDATORY IN-SERVICE	2017 CLASSROOM SESSION 2 IST: JMST: POSITIVELY IMPACTING TODAYS YOUTH (2); IMPROVING DECISION-MAKING SKILLS (4); ETHICS AND CHIEF'S BRIEFING (1); NARCAN AND THE OPIOID OVERDOSE (1)	8.00
05/04/17	MANDATORY IN-SERVICE	2017 MENTAL HEALTH FIRST AID	8.00
04/03/17	MANDATORY IN-SERVICE	2017 FIREARMS SESSION 1: FIREARMS CLASSROOM (2); DAY AND NIGHT QUALIFICATION (4); NIGHT DECISION MAKING COUSE OF FIRE (2)	8.00
03/30/17	MANDATORY IN-SERVICE	2017 CLASSROOM SESSION 1 IST: LEGAL UPDATES (4); DOMESTIC VIOLENCE (4)	8.00
02/23/17	MANDATORY IN-SERVICE	2017 HAZARDOUS MATERIALS/BLOODBORNE PATHOGENS	4.00
12/22/16	MANDATORY IN-SERVICE	2016 RBT IST: LOW PROFILE BATON TRAINING	1.00
	MANDATORY IN-SERVICE	2016 DAY FIREARMS IST: FIREARMS CLASSROOM AND DAY FIREARMS QUALIFICATION (4); DAY COMBAT; GAS MASK (4)	3.00
11/17/16	MANDATORY IN-SERVICE	2016 IST SESSION 2: STATE MANDATED FIREARMS LAWS CLASS; OFFICER INVOLVED SHOOTINGS; CRITICAL STRESS DEBRIEFING; ETHICS; AND TALK WITH THE CHIEF (8)	8.00

Date	Description	Remark	Hours
09/14/16	OUT OF HOUSE SCHOOL	PERMIT TO PERFORM CHEMICAL ANALYSES OF BREATH	8.00
07/31/16	MANDATORY IN-SERVICE	2016 HAZARDOUS MATERIALS/BLOODBORNE PATHOGENS	4.00
04/16/16	MANDATORY IN-SERVICE	2016 CITY OF RALEIGH COMPLIANCE TRAINING	3.00
03/15/16	MANDATORY IN-SERVICE	2016 CLASSROOM IN-SERVICE TRAINING FOR SWORN PERSONNEL SESSION 1: LEGAL UPDATE (4)	4.00
02/29/16	MANDATORY IN-SERVICE	2016 CLASSROOM IN-SERVICE TRAINING FOR SWORN PERSONNEL SESSION 1: JMST (2); HUMAN TRAFFICKING AWARENESS (2)	4.00
01/12/16	MANDATORY IN-SERVICE	2016 NIGHT FIREARM IST: COMBAT PREP (4); NIGHT COMBAT (2); NIGHT FIREARMS (2)	8.00
08/18/15	MANDATORY IN-SERVICE	2015 RBT IST	4.00
07/30/15	MANDATORY IN-SERVICE	2015 Summer IST: Mental Illness Class (2); HAZMAT, Blood Borne Pathogens, and CPR Refresher Classes(2); Ethics and Talk with the Chief Class(2); and a Missing and Abducted Children	8.00
07/06/15	MANDATORY IN-SERVICE	2015 FIREARMS PRACTICALS: FIREARMS TRAINING/ GAS MASK/ WEAPONS CLEANING (4); SCAT (2); CROWD CONTROL (2)	8.00
05/28/15	MANDATORY IN-SERVICE	2015 CLASSROOM IST: LEGAL UPDATE	4.00
05/27/15	MANDATORY IN-SERVICE	2015 CLASSROOM IST: DOMESTIC VIOLENCE: TEEN DATING VIOLENCE	2.00
	MANDATORY IN-SERVICE	2015 CLASSROOM IST: A JUVENILE - WHAT DOES IT HAVE TO DO WITH ME?	2.00
05/21/15	ADVANCED LAW ENF CERT.	ADVANCED LAW ENFORCEMENT CERTIFICATE	0.00
02/19/15	MANDATORY IN-SERVICE	2015 HOSPITALITY DISTRICT ENTERTAINMENT PERMIT PILOT PROGRAM	0.00
02/02/15	MANDATORY IN-SERVICE	2015 FIREARM QUALIFICATION: DAY FIREARMS CLASSROOM/ FIREARMS TRAINING (4); NIGHT FIREARMS/ DRILLS (4)	8.00
12/19/14	IN HOUSE SCHOOL	2014 REMEDIAL FIREARMS	2.00
10/20/14	MANDATORY IN-SERVICE	2014 DAY QUALIFICATION: FIREARMS CLASSROOM (2); FIREARMS QUALIFICATION (2)	4.00
	MANDATORY IN-SERVICE	2014 DAY QUALIFICATION: SIMUNITIONS (1); DRIVING (1); PRACTICAL APPLICATIONS (1); GAS MASK/WEAPONS CLEANING (1)	4.00

Date	Description	Remark	Hours
	OUT OF HOUSE SCHOOL	PERMIT TO PERFORM CHEMICAL ANALYSES OF BREATH EXPIRE: 10-1-16	0.00
08/18/14	MANDATORY IN-SERVICE	2014 IST: ETHICS, DIVERSITY, & VEHICLE AMBUSH SURVIVAL TACTICS	8.00
08/07/14	IN HOUSE SCHOOL	2014 RESILIENCY TRAINING (VISION OF COURAGE)	4.00
06/21/14	MANDATORY IN-SERVICE	2014 DOMESTIC VIOLENCE ONLINE TRAINING: THE DYNAMICS OF OFFICER-INVOLVED DOMESTIC VIOLENCE	2.00
04/17/14	MANDATORY IN-SERVICE	ACTIVE SHOOTER (1 HR.); OFFICER SAFETY: THE FIRST FIVE MINUTES (4 HRS.)	5.00
02/27/14	MANDATORY IN-SERVICE	2014 CLASSROOM IST: JMST: A JUVENILE - WHAT NOW? (2)	2.00
	MANDATORY IN-SERVICE	2014 CLASSROOM IST: LEGAL UPDATES (6)	6.00
02/19/14	MANDATORY IN-SERVICE	2014 NIGHT QUALIFICATION: FORCE ON FORCE/ SIMUNITIONS (2); FATS (1); DRIVING (1)	4.00
	MANDATORY IN-SERVICE	2014 NIGHT QUALIFICATION: NIGHT FIREARMS/DRILLS (4)	4.00
02/01/14	MANDATORY IN-SERVICE	2014 BLOODEBORNE PATHOGENS	2.00
	MANDATORY IN-SERVICE	2014 HAZMAT	2.00
10/24/13	MANDATORY IN-SERVICE	2013 Fall IST - IMAP (1), Intro to Reality Based Training(1), Firearms Training (6)	8.00
09/10/13	IN HOUSE SCHOOL	MOUNTED TRAINING	10.00
04/24/13	MANDATORY IN-SERVICE	2013 SPRING IST: FIREARMS CLASSROOM AND FIREARMS TRAINING	4.00
	MANDATORY IN-SERVICE	2013 SPRING IST: IAU	1.00
	MANDATORY IN-SERVICE	2013 SPRING IST: GAS MASK	1.00
	MANDATORY IN-SERVICE	2013 SPRING IST: JMST	2.00
02/23/13	IN HOUSE SCHOOL	MOUNTED TRAINING	10.00
02/06/13	IN HOUSE SCHOOL	MOUNTED TRAINING	10.00
02/05/13	MANDATORY IN-SERVICE	2013 IST LEGAL UPDATES	4.00
	MANDATORY IN-SERVICE	2013 IST MENTAL ILLNESS	2.00
	MANDATORY IN-SERVICE	2013 IST DOMESTIC VIOLENCE: THE CHILDREN ARE WATCHING	2.00
01/28/13	MANDATORY IN-SERVICE	2013 HAZMAT	2.00
	MANDATORY IN-SERVICE	2013 BLOODEBORNE PATHOGENS	2.00
11/19/12	IN HOUSE SCHOOL	2012 FALL PATROL RIFLE IN-SERVICE TRAINING AND	4.00

Date	Description	Remark	Hours
		QUALIFICATIONS	
10/22/12	MANDATORY IN-SERVICE	2012 FALL IST - JUVENILE MINORITY SENSITIVITY TRAINING (2HRS); RPD RESOURCES (RALEIGH INTELLIGENCE CENTER, YOUTH AND FAMILY SERVICES, AND SPECIAL OPERATIONS) (2HRS); NIGHT FIREARMS QUALIFICATION (4HRS)	8.00
08/20/12	MANDATORY IN-SERVICE	2012 SUMMER IST (DRIVING & FIREARMS) TRAINING	8.00
08/05/12	MANDATORY IN-SERVICE	2012 BRIEFING WITH THE CHIEF	4.00
08/03/12	MANDATORY IN-SERVICE	2012 SCAT/SIMS IST	8.00
05/03/12	SPECIALITY TRAINING	INTERMEDIATE LAW ENFORCEMENT CERTIFICATE	0.00
03/30/12	MANDATORY IN-SERVICE	2012 SPRING FIREARMS IST	4.00
	MANDATORY IN-SERVICE	2012 IST (ANNUAL WEAPON CLEANING, PLAIN CLOTHES ENCOUNTERS, RETURNING MILITARY & GAS MASK FIT TEST)	5.00
02/08/12	SPECIALITY TRAINING	2012 PATROL RIFLE IST (DAY)	4.00
02/03/12	MANDATORY IN-SERVICE	2012 CAREER SURVIVAL	4.00
	MANDATORY IN-SERVICE	2012 LEGAL UPDATE	4.00
01/24/12	MANDATORY IN-SERVICE	2012 HAZMAT	2.00
	MANDATORY IN-SERVICE	2012 BLOODBORNE PATHOGENS	2.00
12/19/11	IN HOUSE SCHOOL	BCI MODULE 1 RECERTIFICATION	1.00
12/14/11	MANDATORY IN-SERVICE	2011 IN-SERVICE RIFLE QUALIFICATION TRAINING (NIGHTS)	3.00
11/28/11	MANDATORY IN-SERVICE	2011 FALL FIREARMS RIOT CONTROL (4HRS), SPEED SEMINAR (1HR), AND FIREARMS/FLASHLIGHT TRAINING (5HRS)	10.00
06/23/11	SPECIALITY TRAINING	PATROL RIFLE IN-SERVICE AND DAY/NIGHT QUALIFICATIONS	3.00
05/16/11	SPECIALITY TRAINING	CHEMICAL ANALYSES	40.00
04/19/11	MANDATORY IN-SERVICE	2011 JMST (2HRS), DOMESTIC VIOLENCE (2HRS), GAS MASK FIT TEST (1HR)	5.00
	MANDATORY IN-SERVICE	2011 SPRING FIREARMS	4.00
04/02/11	MANDATORY IN-SERVICE	2011 BRIEFING W/CHIEF	4.00
03/03/11	MANDATORY IN-SERVICE	2011 BLOODBORNE PATHOGENS (2HRS) AND HAZ-MAT	4.00

Date	Description	Remark	Hours
		(2HRS)	
02/03/11	MANDATORY IN-SERVICE	LEGAL UPDATES	4.00
	MANDATORY IN-SERVICE	2011 CAREER SURVIVAL (LEADERSHIP & MENTORING)	4.00
12/06/10	MANDATORY IN-SERVICE	2010 DOMESTIC VIOLENCE ASSAULT (2HRS) AND SUICIDE BY COP (2HRS)	4.00
	SPECIALITY TRAINING	2010 PATROL RIFLE IN-SERVICE TRAINING	8.00
10/15/10	SPECIALITY TRAINING	CRIMINAL JUSTICE LAW ENFORCEMENT AUTOMATED DATA SERVICES	2.00
10/05/10	SPECIALITY TRAINING	POLICE BICYCLE PATROL TECHNIQUES	8.00
09/29/10	MANDATORY IN-SERVICE	2010 FALL FIREARMS QUALIFICATION	8.00
08/09/10	MANDATORY IN-SERVICE	2010 ROBBERY SUPPRESSION (2HRS) AND INCIDENT COMMAND SYSTEMS (2HRS)	4.00
	MANDATORY IN-SERVICE	2010 GANG AWARENESS (2HRS) AND CRIME SCENE MANAGEMENT (2HRS)	4.00
07/21/10	SPECIALITY TRAINING	2010 PATROL RIFLE TRAINING	24.00
06/07/10	MANDATORY IN-SERVICE	2010 FIREARMS SIMULATOR (FATS) TRAINING AND DRIVING SIMULATOR TRAINING	1.00
05/10/10	SPECIALITY TRAINING	2010 BASIC ATV TRAINING	1.00
05/07/10	SPECIALITY TRAINING	STANDARDIZED FIELD SOBRIETY TESTING	24.00
04/14/10	MANDATORY IN-SERVICE	2010 SPRING FIREARMS QUALIFICATION AND CLASSROOM	4.00
	MANDATORY IN-SERVICE	2010 JHST: RACE MATTERS (2HRS), TAXI INSPECTION (1HR) AND GAS MASK FIT TESTING (1HR)	4.00
02/17/10	MANDATORY IN-SERVICE	2010 CAREER SURVIVAL: POSITIVE WAYS TO BE SUCCESSFUL	4.00
	MANDATORY IN-SERVICE	2010 LEGAL UPDATES	4.00
02/01/10	MANDATORY IN-SERVICE	2010 BLOODBORNE PATHOGENS AND HAZ-MAT	4.00
12/17/09	SPECIALITY TRAINING	EMOTIONAL SURVIVAL TRAINING	8.00
11/15/09	MANDATORY IN-SERVICE	2009 CHIEF'S OFFICE IN-SERVICE TRAINING	4.00
09/21/09	MANDATORY IN-SERVICE	2009 FALL FIREARMS QUALIFICATION AND TRANSITION TRAINING TO NEW DUTY HANDGUN	10.00
09/09/09	MANDATORY IN-SERVICE	2009 SHP DRIVERS TRAINING	8.00
07/23/09	MANDATORY IN-SERVICE	2009 BLOODBORNE PATHOGENS AND HAZ-MAT	4.00

Date	Description	Remark	Hours
07/22/09	MANDATORY IN-SERVICE	2009 DOMESTIC VIOLENCE TRAINING	2.00
07/20/09	IN-SERVICE TRAINING	IS-100 INTRODUCTION TO THE INCIDENT COMMAND SYSTEM FOR LAW ENFORCEMENT AND IS-700 NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AN INTRODUCTION	6.00
	MANDATORY IN-SERVICE	2009 LEGAL UPDATES	4.00
07/07/09	MANDATORY IN-SERVICE	2009 SPRING FIREARMS QUALIFICATION AND FIREARMS CLASSROOM	8.00
06/24/09	MANDATORY IN-SERVICE	2009 CAREER SURVIVAL: TRAINING AND STANDARDS ISSUES	2.00
06/23/09	MANDATORY IN-SERVICE	2009 DRUG DIVERSION FOR PATROL OFFICERS (2HRS) AND JMST: JUVENILE LAW - "IN THE REAL WORLD"	4.00
05/01/08	OUT OF HOUSE SCHOOL	PERSONNEL/MANAGEMENT ISSUES	4.00
04/14/05	OUT OF HOUSE SCHOOL	THE REID METHOD OF CRIMINAL INTERVIEWS AND INTERROGATION	21.00
10/15/04	OUT OF HOUSE SCHOOL	HOMICIDE INVESTIGATOR'S ASSOCIATIONS	24.00
06/28/02	OUT OF HOUSE SCHOOL	SEX CRIMES INVESTIGATION COURSE	80.00
04/04/02	OUT OF HOUSE SCHOOL	CHILD DEATH INVESTIGATION	16.00
03/02/01	OUT OF HOUSE SCHOOL	CASE PREPARATION	24.00
01/25/01	OUT OF HOUSE SCHOOL	JUVENILE HOMICIDE AND VIOLENT CRIMES	16.00
11/03/00	OUT OF HOUSE SCHOOL	ADVANCED WEAPONS AND TACTICS	40.00
06/16/00	OUT OF HOUSE SCHOOL	HOMICIDE INVESTIGATION	80.00
05/03/00	OUT OF HOUSE SCHOOL	SEXUAL ASSAULT INVESTIGATION DEALING WITH THE VICTIM	24.00
03/16/00	OUT OF HOUSE SCHOOL	ADVANCED INTERVIEW AND INTERROGATION	32.00
02/08/00	OUT OF HOUSE SCHOOL	BEHAVIORAL ASPECTS OF DEATH INVESTIGATION	16.00
06/10/94	OUT OF HOUSE SCHOOL	POLICE LAW INSTITUTE	80.00
02/09/94	OUT OF HOUSE SCHOOL	DEFENSIVE TACTICS	8.00
09/24/93	OUT OF HOUSE SCHOOL	BASIC SWAT SCHOOL	40.00
11/24/92	SPECIALITY TRAINING	BASIC LAW ENFORCEMENT TRAINING	0.00



PS1727

Raleigh Police Department  
EMPLOYEE TRAINING RECORD  
Employee: ()

14:21:50 08-15-22

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Date	Description	Remark	Hours
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125 records listed.



**Chapter 500**  
**Personnel Policy 504: Promotions & Career Development**  
**Effective Date: January 1, 2014 Revised Date: June 15, 2020**  
**Approved by: Chief Robert K. Powell**

*R.K. Powell*

**I. POLICY STATEMENT**

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

**II. COMMENTARY**

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

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

**III. PROCEDURES**

A. Administration

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

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

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

B. Vacancy Announcements

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

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

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

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

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

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

C. Promotional Procedures

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

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

D. Minimum Qualifications for Promotion

1. Sergeant

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

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

2. Lieutenant

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

- a) Have served as a Sergeant for two years;
- b) Within 12 months of promotion to Lieutenant, an officer must complete a Law Enforcement management program such as AOMP, FBI National Academy, etc;
- c) Have been awarded the Intermediate Law Enforcement Certificate by the North Carolina Criminal Justice Education and Training Standards Commission;
- d) Have received a rating of "Better than Satisfactory" or higher on the last two annual performance appraisals or a rating of "Outstanding" on the last annual performance appraisal;
- e) The effect of disciplinary action on eligibility for advancement is at the supervisor's discretion.

3. Captain

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

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

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

E. Review and Appeal

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

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

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

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

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

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

F. Career Ladder

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

- a) Police Officer I
- b) Police Officer II
- c) Master Police Officer
- d) Bilingual / Spanish Speaking

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

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

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

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

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

G. Minimum Qualifications for Advancement

1. Police Officer I

Entry-level candidates must:

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

All finalists will be interviewed by the Chief of Police. Officers are required to successfully complete the department's Field Training Program and required Solo Patrol Assignment within the first year of Probationary employment.

2. Police Officer II

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

- a) Have completed the following as a Police Officer I:
  - \* Successfully completed one year probation and probationary requirements in as required in Police Officer I
  - \* Receive Radar Certification
  - \* Receive Standardized Field Sobriety Testing Certification
  - \* Receive Intoximeter Certification
- b) Have been awarded the Basic Law Enforcement Certificate by the North Carolina Criminal Justice Education and Training Standards Commission
- c) Have received a rating of "Satisfactory" or higher on the last annual performance appraisal
- d) The effect of disciplinary action on eligibility for advancement is at the supervisor's discretion.

3. Master Police Officer

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

- a) Have served as a Police Officer II for one year
- b) Have completed training hours, including:
  - 40 hours of Management/Supervision Training
  - Field Training Officer Certification and become Field Training Officer for the Department. After completion of FTO Training, the officer can be assigned a trainee by the Chief of Police or his Designee
  - Completion of Crisis Intervention Team (CIT) Certification.

c) Have received a rating of "Better than Satisfactory" or higher on the last two annual performance appraisals or a rating of "Outstanding" on the last annual performance appraisal

d) The effect of disciplinary action on eligibility for advancement is at the supervisor's discretion.

4. Bilingual/Spanish Speaking

a) Up to five percent one time incentive for proficiency in Spanish.

b) Fluent in Spanish language (oral and written as determined by testing).

c) In an effort to bridge the gap between the Smithfield Police Department and the Hispanic community. The department would offer an incentive to attract and retain Spanish speaking officers.





# Request for Town Council Action

Consent  
Agenda  
Item: Awarding  
Service  
Badge &  
Firearm  
Date: 10/04/2022

---

Subject: Lt. Memmelaar Service Weapon and Badge  
Department: Police Department  
Presented by: Chief of Police – R. Keith Powell  
Presentation: Consent Agenda **Item**

---

## Issue Statement

Lt. Memmelaar is officially retiring on November 1, 2022 with 20 years of service with the Smithfield Police Department. He is retiring with a total of 30 years in law enforcement. I am requesting he be allowed to purchase his service weapon and badge.

## Financial Impact

No financial Impact

## Action Needed

Council to approve Lt. Memmelaar to be allowed to purchase his service weapon, a Glock 45, Serial Number BSTD914 and service badge for \$1.00

## Recommendation

Adopt Resolution No. 710 (19-2022) allowing Lt. Memmelaar to purchase his service weapon and badge.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Resolution No. 710 (19-2022)



## Staff Report

Consent  
Agenda  
Item: Awarding  
Service  
Badge &  
Firearm

---

Lt. Memmelaar is officially retiring in November 1, 2022 with 20 years of service with the Smithfield Police Department. Lt Memmelaar worked with the Mount Olive Police Department before coming to work with the Town. He is retiring with a total of 30 years in law enforcement. I am requesting he be allowed to purchase his service weapon (Glock 45/Serial number: BSTD914 and department issued badge for \$1.00. Thank you for your hard work and dedication to the department and the Town. Congratulations on your upcoming retirement.

**TOWN OF SMITHFIELD  
RESOLUTION NO. 710 (19-2022)  
AWARDING BADGE AND SERVICE WEAPON TO  
RETIRING POLICE LIEUTENANT NATHAN MEMMELAAR**

**WHEREAS**, NCGS § 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

**WHEREAS**, NCGS § 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service weapon of such retiring member; and

**WHEREAS**, Lieutenant Nathan Memmelaar has served as a sworn law enforcement officer in North Carolina for 30 years with 20 of those years as a member of the Smithfield Police Department. Lieutenant Memmelaar will be retiring from the Smithfield Police Department on November 1, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Town Council do hereby declare the service firearm (Glock 45, Serial Number BSTD914) and badge used by Lieutenant Memmelaar during his service with the Town of Smithfield as surplus property and be awarded to him at a cost of \$1.00 on his retirement.

Duly adopted this the 4<sup>th</sup> day of October, 2022.

---

M. Andy Moore, Mayor

ATTEST:

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Shannan L. Parrish, Town Clerk





# Request for Town Council Action

Consent  
Agenda  
Item: Awarding  
Service  
Badge &  
Firearm  
Date: 10/04/2022

---

Subject: Officer Rickey Parker Service Weapon and Badge  
Department: Police Department  
Presented by: Chief of Police – R. Keith Powell  
Presentation: Consent Agenda Item

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## Issue Statement:

Officer Parker is officially retiring on November 1, 2022 with 20 years of service in law enforcement. Officer Parker worked with the Raleigh Police Department and Longleaf Neuro Medical Police Department (assigned to the School of the Deaf) until he came to work for Smithfield. He is retiring with a total of 20 years in law enforcement. I am requesting he be allowed to purchase his service weapon and badge.

## Financial Impact

No financial Impact

## Action Needed

Council approve Officer Parker to be able to purchase his service weapon, a Glock 45, Serial Number BSTD916 and service badge for \$1.00

## Recommendation

Officer Parker would be allowed to purchase these items for his retirement

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Resolution No. 711 (20-2022)



# Staff Report

Consent  
Agenda  
Item: Awarding  
Service  
Badge &  
Firearm

---

Officer Parker is officially retiring in October of 2022 with 20 years of service in law enforcement. Officer Parker worked with the Raleigh Police Department and the Longleaf Neuro Medical Police Department (assigned to the School of the Deaf) until he came to work for Smithfield. He is retiring with a total of 20 years in law enforcement. I am requesting he be allowed to purchase his service weapon (Glock 45/serial number BSTD916) and his department issued badge. Thank you for your hard work and dedication to the department and the town. Congratulations on your retirement.

**TOWN OF SMITHFIELD  
RESOLUTION NO. 711 (20-2022)  
AWARDING BADGE AND SERVICE WEAPON TO  
RETIRING MASTER POLICE OFFICER RICKEY PARKER, Jr.**

**WHEREAS**, NCGS § 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

**WHEREAS**, NCGS § 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service weapon of such retiring member; and

**WHEREAS**, Master Police Officer Rickey Parker has served as a sworn law enforcement officer in North Carolina for 20 years with 7 of those years as a member of the Smithfield Police Department. Officer Parker will be retiring from the Smithfield Police Department on November 1, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Town Council do hereby declare the service firearm (Glock 45, Serial Number BSTD916) and badge used by Officer Parker during his service with the Town of Smithfield as surplus property and be awarded to him at a cost of \$1.00 on his retirement.

Duly adopted this the 4<sup>th</sup> day of October, 2022.

---

M. Andy Moore, Mayor

ATTEST:

---

Shannan L. Parrish, Town Clerk







# Request for Town Council Action

Consent  
Agenda  
Item:  
Date: 10/04/2022  
Crosswalks  
Installation

---

Subject: Installing Cross walks on Fourth Street and Johnston Street  
Department: Police Department  
Presented by: Chief of Police – R. Keith Powell  
Presentation: Consent Agenda Item

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## Issue Statement

The First Baptist Church on South Fourth Street has requested two cross walks be installed. The cross walks will be installed so the children and members of the church **can cross the street safely to the church's property on the Eastside of Fourth Street.** One crosswalk would be on Fourth Street from the Church to the First Baptist Ministry Center. A second crosswalk would be installed on Johnston Street between the First Baptist Ministry Center and the playground area.

## Financial Impact

It will cost the Town approximately \$200.00 to install the signs and paint the striping on the street. Cost is covered by current budget.

## Action Needed

Allow Public works to install the cross walks and signs on Fourth Street and Johnston Street, between the church and the First Baptist Ministry Center as well as between the First Baptist Ministry Center and the playground.

## Recommendation

Approve the crosswalks and crosswalk signs be installed on Fourth Street and Johnston Street for the First Baptist Church.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report



# Staff Report

Consent  
Agenda  
Item: Crosswalk  
Installation

---

The First Baptist Church on South Fourth Street has requested two cross walks be installed. The cross walks will be installed so the children and members of the church **can cross the street safely to the church's property on the Eastside of Fourth Street.** One crosswalk would be on Fourth Street from the Church to the First Baptist Ministry Center. A second crosswalk would be installed on Johnston Street between the First Baptist Ministry Center and the playground area. The Public Works department would paint the crosswalks and erected crosswalk signs for both areas.



# Request for Town Council Action

Consent  
Agenda  
Item: Award of  
Contract  
Date: 10/04/2022

---

Subject: Award of Contract for Design Services Related for the West  
Smithfield Sanitary Sewer Improvements Project

Department: Public Utilities – Water/Sewer

Presented by: Public Utilities Director – Ted Credle

Presentation: Consent Agenda Item

---

## Issue Statement

In 2021, the Town applied for, and received a \$2,700,000 grant from the US Department of Commerce to assist in making improvements to the main sanitary sewer outfall in West Smithfield. In accordance with the approved application, the Town advertised for a qualified contractor to perform surveying & engineering design services. Proposals were received, and the most qualified contractor has been submitted for Council approval.

## Financial Impact

The funds (not to exceed \$269,000.00) to pay for these services will be taken from the approved funds in the budgeted line item 45-71-7220-57007428, which was set up to cover these services.

## Action Needed

Approve the selected contractor (The Wooten Company), as recommended by staff, and authorize the Town Manager to execute the proposed agreement, provided the agreement is within the project budget and is also approved by the US Department of Commerce.

## Recommendation

Staff recommends the approval of The Wooten Company as the most qualified proposer and authorize the Town Manager to execute the contract

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Proposal from Contractor
3. Selection Panel Score Sheet



# Staff Report

Consent  
Agenda  
Item: Award of  
Contract

---

In 2021, the Town applied for and was awarded a grant in the amount of \$2,700,000 from **the US Department of Commerce's Economic Development Administration (EDA)**. This grant was to improve the main sanitary sewer outfall in West Smithfield. Per the approved project application, the Town advertised for survey & engineering design services, to assist in this project.

A total of two (2) proposals for these services were received on September 1, 2022. Since a third entry was received, stating the company could not submit anything at this time, **the third entrant was considered a "no entry"**. This third entry satisfies both NC Law and the EDA funding requirements. The proposals were evaluated and the proposed contractor was selected.

Staff is asking the Council to approve the proposed contractor. Further, to authorize the Town Manager to execute a contract with the proposed contractor, to perform engineering and survey services, provided the proposed contract is approved by the EDA. Lastly, that the amount of this contract for these services is not to exceed the approved amount of \$269,000.00.

\*\*



# **TOWN OF SMITHFIELD STATEMENT OF QUALIFICATIONS**

**WEST SMITHFIELD SANITARY SEWER  
IMPROVEMENTS  
SEPTEMBER 1, 2022**

# **Wooten**

# COVER LETTER

September 1, 2022

Ted Credle, PE, Public Utilities Director  
Town of Smithfield  
230 Hospital Rd.  
Smithfield NC, 27577



RE: Request for Qualifications – West Smithfield Sanitary Sewer Improvements

Dear Mr. Credle:

The Town of Smithfield has had the good fortune of recent economic development opportunities, and is on the cusp of significant residential growth to accompany what has been occurring in Johnston County. It is an exciting time but also brings challenges – such opportunity requires that infrastructure keep pace. The Town has been proactive by making investment in its utility infrastructure to support this growth, and continues that effort by identifying sanitary sewer capacity improvements in support of large scale development planned in West Smithfield. It is with this in mind that we submit our Statement of Qualifications (SOQ) for the West Smithfield Sanitary Sewer Improvements project.

The Wooten Company has spent decades focused on assisting communities just like Smithfield across North Carolina with their engineering needs. We are proud of our long-term partnership with the Town of Smithfield, delivering numerous successful projects. Our focus has been and remains committed to local governments, and our focus is your focus. We will not be swayed by development pressures or conflict of interest; we are your advocate through construction. Thus, we invite you to explore and review our SOQ that shows this commitment and demonstrates our experience and expertise in providing the services listed in the Request for Qualifications. This submittal also highlights our team's strengths in these types of projects. When reviewing the SOQ a few points will hopefully be evident:

- **Availability** – We are all busy these days, but we have capacity to begin surveying services immediately. This is an essential component for not only design, but of the project schedule.
- **Proximity** – We are in close proximity to the Town with our headquarters in Raleigh. This means that we have a number of resources nearby allowing for a high level of responsiveness and accessibility.
- **Experience** – Our Water Resources Practice is focused largely on municipal water and wastewater engineering. We have recent experience with sanitary sewer projects in similar environments, and will leverage recent project experience with the Town to expedite the schedule.

We are certainly interested in continuing our extensive working relationship with the Town and being a resource for you and the citizens of Smithfield. We are confident that our combination of expert knowledge, experience, and close proximity will provide Smithfield with the resources necessary to complete this project successfully. With the Town's best interests as our goal, please let me know if you have any questions.

Respectfully,

**THE WOOTEN COMPANY**



W. Brian Johnson, PE – Vice President  
120 N. Boylan Avenue, Raleigh, NC 27603  
919.828.0531 – bjohnson@thewootencompany.com



**REQUEST FOR QUALIFICATIONS**

**WEST SMITHFIELD  
SANITARY SEWER IMPROVEMENTS**

**RFQ No. 23-001**

**ISSUE DATE:**

**Date: July 22, 2022**

**ISSUING DEPARTMENT:**

**Smithfield Public Utilities  
230 Hospital Road  
Smithfield, NC 27577**

Proposals will be received until 2:00 P.M., on SEPTEMBER 1, 2022, to provide surveying & engineering design services.

All inquiries concerning the Scope of Services, Proposal Submission Requirements or Procurement Procedures should be directed to:

**Ted Credle, (919) 934-2798  
Public Utilities Department  
Ted.credle@smithfield-nc.com**

Proposals shall be mailed and/or hand delivered to the Issuing Department shown above, and the envelope shall bear the name and number of this Request for Qualifications (RFQ). It is the sole responsibility of the Proposer to ensure that his/her Proposal reaches the Utilities Department by the designated date and hour indicated above.

**In compliance with this Request for Qualifications and to all the terms and conditions imposed herein, the undersigned offers and agrees to furnish the goods and services described in accordance with the attached signed proposal.**

Firm Name: The Wooten Company

Date: 08/31/2022

Address: 120 N. Boylan Ave.

Phone: 919.828.0531

Raleigh, NC 27603

By: W. Brian Johnson, PE

(Name Typed/Printed)

Phone: 919.828.0531

By: 

(Signature in Ink)

Attachment B



**ADDENDUM ACKNOWLEDGEMENT**

Receipt of the following Addendum is acknowledged:

Addendum no. \_\_\_\_\_ Date \_\_\_\_\_

Addendum no. \_\_\_\_\_ Date \_\_\_\_\_

Addendum no. \_\_\_\_\_ Date \_\_\_\_\_

Addendum no. \_\_\_\_\_ Date \_\_\_\_\_

Addendum no. \_\_\_\_\_ Date \_\_\_\_\_

Signature:  Date: 08/31/2022

W. Brian Johnson, PE - Vice President

Title

The Wooten Company

Name of Firm



Attachment C



NON-COLLUSION AFFIDAVIT

State of North Carolina  
Town of Smithfield

W. Brian Johnson, being first duly sworn, deposes and says that:

1. He/She is the Vice President of The Wooten Company, the Proposer that has submitted the attached proposal;
2. He/She is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;
3. Such Proposal is genuine and is not a **collusive** or **sham** Proposal;
4. Neither the said Proposer nor any of its officers, partners, owners agents, representatives, employees or parties of interest, including this affidavit, has in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Proposer, firm or person to submit a **collusive** or **sham** Proposal in connection with the contract for which the attached Proposal has been submitted or to refrain from bidding in connection with such contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Proposer, firm or person to fix the price or prices in the attached Proposal or of any other Proposer, or to fix any overhead, profit or cost element of the Proposal price of any other Proposer or to secure through collusion, conspiracy, connivance or unlawful agreement any advantage against the Town of Smithfield or any person interested in the proposed contract; and
5. The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Proposer or any of its agents, representatives, owners, employees, or parties in interest, including this affidavit.

[Signature]  
Signature of Proposer

8/31/2022  
Date

Subscribed and sworn before me,  
this 31 day of August, 2022

(Seal)

[Signature]  
Notary Public



Notary Public  
My Commission Expires: April 19, 2024

Attachment E



**Vendor Application**

(A W-9 FORM IS REQUIRED AND MUST BE SUBMITTED WITH THIS FORM)

VENDOR # \_\_\_\_\_ (Assigned by the Town of Smithfield)

Legal Name  
(Business or Owner) L. E. Wooten and Company

Doing Business As (DBA) The Wooten Company

Remit Address 120 N. Boylan Ave.

City Raleigh State NC Zip Code 27603

Telephone# 919.828.0531 Fax# 919.834.3589

Email bjohnson@thewootencompany.com Website https://thewootencompany.com

Is this a minority owned business? No

Products or services you wish to sell: Surveying and Engineering Design Services

Federal Law requires that taxpayer identification numbers from individuals and businesses be obtained for anyone receiving payment from the Town of Smithfield. Please complete the Form W-9 and return with Vendor Information Form.

The federal E-Verify program which is operated by United States Department of Homeland Security is used to verify the work authorization of newly hired employees pursuant to federal law. In accordance with NCGS §160A-169.I, no town may enter into a contract unless the contractor and the contractor's subcontractors comply with these requirements. The Town of Smithfield requires all vendors/contractors to complete and return a notarized copy of the E-Verify Affidavit.

As a condition of doing business with the Town of Smithfield, all vendors performing services on town premises must provide a Certificate of Liability Insurance that includes evidence of Workers' Compensation Insurance, Automobile Liability Insurance, and evidence of General Liability Insurance with limits of liability not less than \$1,000,000.

If you have questions, please contact Jennifer Aycock at (919)934-2116 Ext. 1135 or [jennifer.aycock@smithfield-nc.com](mailto:jennifer.aycock@smithfield-nc.com). Please return all forms to:

Mailing

Attn: Jennifer Aycock  
Town of Smithfield  
PO Box 761  
Smithfield NC 27577

Fax

Attn: Jennifer Aycock  
(919) 934-1688

Email

[jennifer.aycock@smithfield-nc.com](mailto:jennifer.aycock@smithfield-nc.com)

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
requester. Do not  
send to the IRS.**

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	<p><b>1</b> Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>L.E. Wooten &amp; Company</b></p> <p><b>2</b> Business name/disregarded entity name, if different from above <b>The Wooten Company</b></p> <p><b>3</b> Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.</p> <p><input type="checkbox"/> Individual/sole proprietor or single-member LLC    <input checked="" type="checkbox"/> C Corporation    <input type="checkbox"/> S Corporation    <input type="checkbox"/> Partnership    <input type="checkbox"/> Trust/estate</p> <p><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____</p> <p><b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is <b>not</b> disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</p> <p><input type="checkbox"/> Other (see instructions) ▶ _____</p>	<p><b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p><small>(Applies to accounts maintained outside the U.S.)</small></p>
	<p><b>5</b> Address (number, street, and apt. or suite no.) See instructions. <b>120 N. Boylan Avenue</b></p> <p><b>6</b> City, state, and ZIP code <b>Raleigh, NC 27603</b></p> <p><b>7</b> List account number(s) here (optional)</p>	<p>Requester's name and address (optional)</p>

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

<b>Social security number</b>									
-				-					
<b>or</b>									
<b>Employer identification number</b>									
5	6		-	0	5	0	9	7	0
3									

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶ <b>8-31-22</b>
------------------	----------------------------	-----------------------

### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

### Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
  - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
  - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
  - Form 1099-S (proceeds from real estate transactions)
  - Form 1099-K (merchant card and third party network transactions)
  - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
  - Form 1099-C (canceled debt)
  - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*

**Attachment I**



**AFFIDAVIT OF COMPLIANCE  
With N.C. E-verify Statutes**

State of North Carolina  
Town of Smithfield

I, W. Brian Johnson, (hereinafter the "Affiant"), being duly authorized by and on behalf of  
The Wooten Company (hereinafter "Contractor") after first being duly sworn hereby swears or  
affirms as follows:

1. Contractor understands that E-Verify is the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with Article 2 of Chapter 64 of the North Carolina General Statutes; and
2. Contractor understands that as an "Employer", as defined in NCGS §64-25(4), is required by law to use E-Verify to verify the work authorization of its employees through E-Verify in accordance with NCGS§64-26(a). The term "Employer" does not include state agencies, counties, municipalities, or other government bodies.
3. Contractor is a person, business entity, or other organization that transacts business in this State and that employs 25 or more employees in the state of North Carolina. (mark Yes or No)
  - a. YES
  - b. NO
4. Contractor will ensure compliance with E-Verify to the extent applicable and will ensure compliance by any subcontractors subsequently hired by Contractor to perform work under Contractor's contract with the Town of Smithfield.

This 31st day of August, 2022

[Signature]  
Signature of Affiant

Print or Type name: W. Brian Johnson

Signed and sworn to (or affirmed) before me,  
this 31 day of August, 2022

(Seal)

[Signature]  
Notary Public  
My Commission Expires: April 19, 2024



# EXECUTIVE SUMMARY

The Town of Smithfield (Town) is experiencing significant growth and development along the US Hwy 70 corridor, particularly in the West Smithfield area that historically has seen less development than areas closer to I-95. Over the past few years, larger scale commercial and residential developments in this area have been under construction due to proximity to controlled access US Hwy 70. Planning is underway for additional large-scale development, which is driving the Town to perform infrastructure upgrades in West Smithfield.

The Town has provided investment on the water system side in West Smithfield with water main improvements to create a large-diameter hydraulic loop on Durwood Stephenson Highway. Now, with the scale and density of proposed development, the Town must pursue wastewater improvements to deliver needed capacity for these developments. The Town has identified that approximately 5,600 linear feet of 8-inch and 12-inch gravity sewer interceptor, located downstream of proposed large-scale development, must be upsized to 24-inch to accommodate these flows and future growth. The interceptor is located on the west side of US Hwy 70 Business, and generally flows from the right-of-way, behind commercial businesses and the Rose Manor subdivision, to the Town's Pump Station 3.

The Town has procured EDA funding to implement the identified improvements and has issued a Request for Qualifications to solicit proposals from consulting engineering firms for survey and design services to deliver construction documents for the identified pipeline improvements. Due to funding and development needs, the Town requires that the improvements be constructed within 24 months. In addition to surveying and design services, the identified scope of work includes permitting from State and Federal regulatory agencies, bidding phase services, and limited construction services support to provide certification of construction completion per State requirements.

The Wooten team will provide the Town with comprehensive services for this project. Our team has completed miles of pipeline projects to improve or provide wastewater service in sensitive areas. It starts with our history – Wooten has provided engineering services throughout North Carolina since our founding in 1936, serving municipalities and utility providers large and small, developing a project approach that provides successful path for managing infrastructure projects. From preliminary design through construction, our focus will be on your needs at each phase of the project. Our Water Resources Practice has recently completed similar work, which involved navigating wetland areas, and will leverage this experience to work as a team with Town staff to make this project a success. Our Water Resources Group Manager, Dave Malinauskas, is looking forward to the opportunity to do so again. Dave has worked with Triangle municipalities to help plan and design similar work, with minimization of environmental impacts as a centerpiece of the design to mitigate risks to schedule.



# CORPORATE OVERVIEW

The Wooten Company is a privately held, multi-disciplinary firm with 100 employees focused on providing municipal engineering, surveying, and architectural services. Founded in 1936 and incorporated in 1949 in North Carolina, L.E. Wooten and Company (dba The Wooten Company) is now in its 86th year of continuous operation and is licensed by the State of North Carolina to practice engineering and surveying (NC Certificate of Registration F-0115), and architecture (NC Board of Architecture Certificate 50430).

A comprehensive range of capabilities including environmental engineering, general civil engineering, geomatics, mechanical engineering, electrical engineering, plumbing engineering, and architecture affords our clients a singular point of contact for a majority of their infrastructure needs, and therefore efficient and reliable solutions that keep the taxpayer front of mind.

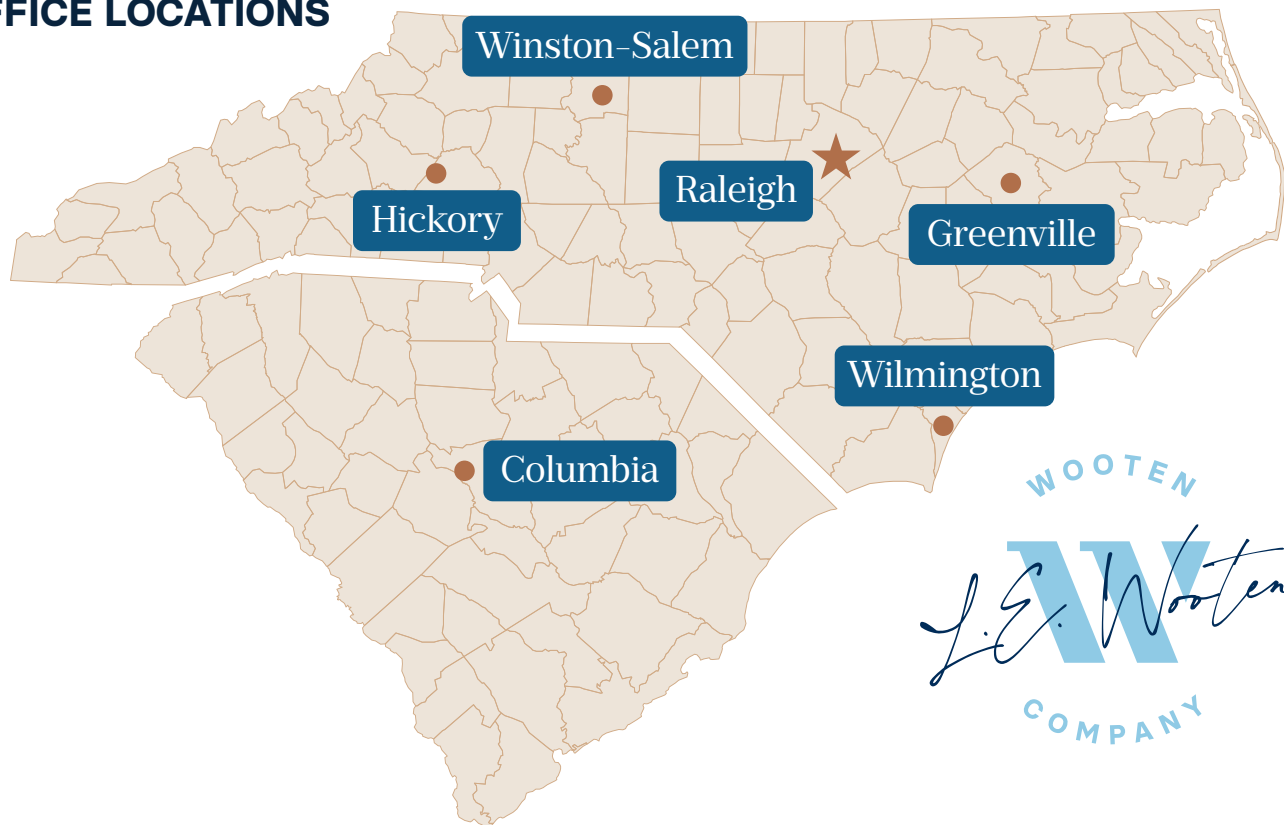
## SPECIALTIES

- Preliminary engineering and environmental assessment documents
- Water/Wastewater system modeling
- Surveying and Geographic Information Systems
- Stormwater conveyance and treatment
- Site/Civil development design
- Infrastructure planning
- Roadway design and pavement condition survey
- Water and wastewater treatment
- Water booster pumping, storage and distribution
- Wastewater pump stations and collection
- Mechanical and HVAC design
- Electrical design
- Funding Administration

## HEADQUARTERS

120 N. Boylan Avenue  
Raleigh, NC 27603  
Principal-In-Charge:  
Brian Johnson  
P: 919.828.0531  
E: [bjohnson@thewootencompany.com](mailto:bjohnson@thewootencompany.com)

## OFFICE LOCATIONS



# APPROACH

## *Preliminary Phase*

The best way to identify a clear path to project success is a thorough understanding of the project scope by both the Engineer and Owner. Therefore, our first step for the project is geared toward building a strong working relationship and open dialogue with you as we confirm the project scope. **We understand the drivers for this project, and the importance of the schedule. We will move quickly to get the project underway.** Our team will begin by making sure we understand your needs, goals, preferences, and standards for this project. Through numerous projects with the Town, we understand that communication must be effective to confirm design preferences and deliver quickly. Our goal will be to work seamlessly as if part of Town staff to maintain schedule requirements.

While confirming scope and project needs, we will engage our geomatics practice to begin surveying efforts. Our surveyors have capacity to complete field work with very little lead time right now. In the engineering and surveying world right now, this is not often the case. To meet identified schedule requirements, delivery of survey data to the design team is likely the most important part of the schedule. We are prepared to begin that effort immediately.

The project design schedule, anticipated to be six months, does not allow for a lengthy alternatives evaluation process to replace the existing interceptor. We will take the following approach to deliver the preliminary design accordingly.

### **Step 1 - Confirm Existing Conditions:**

- **Records & Data Review** – We will review construction records for the Interceptor, including original design and any subsequent improvement projects that have occurred since original construction. The Town has identified a clear and concise path to deliver the project – we will confirm whether there are additional considerations worth implementing.
- **Site Visit / Inspection:** with Town staff, we will perform a thorough site inspection to identify any potential changes to project scope or ancillary improvements such as accesses for operation and maintenance, and logistics for bypass pumping. Our team features engineers experienced with delivering capacity improvements to pipeline infrastructure, but also system operations. This allows our team to vet alternatives to find the right balance of maintenance of service, successful implementation of the work, and budget compliance.
- **Surveying and Environmental:** We will start with topographic and planimetric survey of the existing and improvement areas to confirm site conditions and double-check record drawing information. Surveying services will be provided such that there can be flexibility during design for alignment shifts that may be deemed necessary due to other due diligence performed. For example, the topographic survey shall be wide enough to capture any stream buffers and other environmental features expected to be encountered along the route, such as wetlands. To that end, concurrently with surveying, our team will delineate wetland and streams/buffers. Water bodies in the project corridor are subject to Neuse River Buffer Rules. We have partnered with Falcon Engineering to perform the appropriate delineations for inclusion in our surveying and provide recommendations for efficient delivery of the project from the regulatory perspective. We recognize that replacement likely will be performed in the same alignment and the project may not be subject to regulatory requirements for new extensions – our team will vet this approach and confirm the best fit for the project schedule and budget.

### **Step 2 – Alternatives Evaluation:**

Once we've completed Step 1, we will have a thorough understanding of project needs and able to focus on alternatives for ultimate design and implementation of the work. During Step 2, after review of site conditions and historical information on the Interceptor, our team will identify and document for further evaluation potential alternatives to deliver the capacity increase required. During this Step, we will also consider any historical challenges with the interceptor that need to be addressed as well as begin to discuss design alternatives to improve the pipeline. Options for improving performance will be documented in this phase for confirmation with Town staff prior to moving forward.

# APPROACH





# APPROACH

Schedule needs will help drive the selected alternative. Options the Town may wish to consider as part of alternative designs include:

- Replacement of the Interceptor in-place (requires more significant bypass pumping but may avoid environmental features, rock excavation, and additional easements)
- Parallel installation of new Interceptor to replace existing
- Parallel installation of new Interceptor and maintain two pipelines
- Provision of additional operation and maintenance accesses
- Maintaining existing grades while upsizing or consideration of grade changes to increase capacity
- Environmental requirements and costs
- Bypass pumping needs

**To meet schedule needs, and minimize environmental permitting, we recommend replacement of the existing interceptor within the same alignment.** Further, we understand that the downstream Pump Station (No. 3) must be reviewed to confirm appropriate capacity exists to handle projected flows. A couple options to consider is pump replacement, and additional storage by adding equalization.

## *Design Development*

Our recent project experience with similar work, a strong team experienced with wastewater conveyance infrastructure, and unparalleled success with funded projects (such as EDA) will offer the Town a significant advantage. Our team will implement the following approach for successful project development during the design development phase.

Upon completion of Preliminary Engineering, and concurrence from Town staff on the selected design alternative, our team will provide full-service detailed design.

### **Design Phase – Step 1 – 30% Design**

Using all field due diligence, at this stage we will create a preliminary layout with all existing conditions clearly identified and a plan view only of proposed improvements with minimal callouts for review. Once confirmed with Town staff, these plans shall be used to develop profile design in future design phases.

### **Design Phase – Step 2 – 90% Design**

To complete design within six months, we recommend moving from the 30% to 90% design deliverable without a 60% step. This phase is where the bulk of the design effort will happen. We will work with Town on material options:

- Town may wish to investigate use of polymer concrete manholes if corrosion has been an issue
- Pipe material shortages are still prevalent – we will discuss alternative materials such as FRP for the new 24-inch main.

In addition, we will vet operational requirements needed for design (such as accesses), finalize layouts and alignments, and create profile views of the pipeline improvements. The specifications/project manual will also be provided in this phase for Town review.

Further, maintenance of service will be a primary factor in the overall design to limit service interruptions for this busy service area, and we will work with Town staff to develop a clear plan prior to construction.

All design work will be in accordance with state and local requirements. We will prepare, submit, and obtain permitting as needed as part of this phase to meet schedule needs. Understanding that the project will deliver capacity changes, as well as disturbed area over one (1) acre, we expect full permitting with NCDEQ (Division of Water Resources and Land Quality Section) will be required. Our project plans will include a detailed Erosion Control Plan accordingly.

### **Design Phase – Step 3 – 100% Design**

This phase provides bid-ready documents, incorporating minor changes to the construction drawings and contract documents to fully incorporate Town and regulatory agency feedback, incorporate minor items (such as site restoration needs), or finally address any unforeseen issues. With Town blessing of the final documents, our team will move into the advertising and bidding phase.

# APPROACH

## *Advertising and Bidding Phase*

Funding requirements, and the anticipated cost for the project, will likely require formal bidding of the work. Our project manager will oversee the bidding process, including management of bidder inquiries and issuance of clarifications/addenda. He will respond to technical inquiries, evaluate bids for responsiveness, and recommend contract award based on determination of lowest responsible, responsive bidder.

We are in a challenging bid environment – there will be emphasis on responsiveness, strong circulation of the bid advertisement to contractors, and timing. Our goal will be to help the Town receive several responsive, responsible bids.

## *Construction Phase*

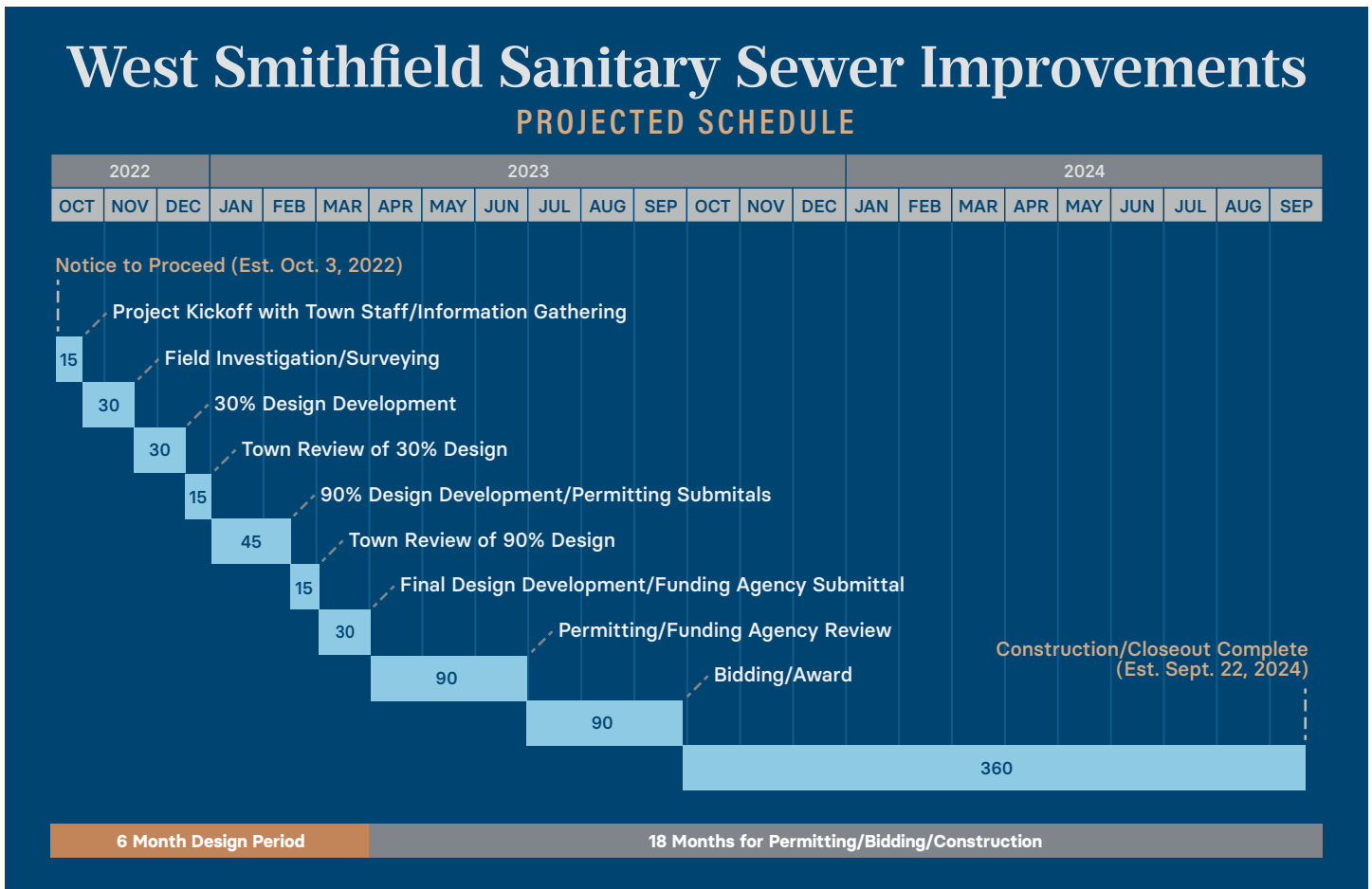
Construction Administration is a service that The Wooten Company is well experienced with. Our construction administration and observation staff have exemplary and extensive experience in the oversight and administration of municipal utility contracts and recognize the need for compliance with permitting and stakeholders. While we do not anticipate that the Town will desire full time assistance during construction, we are prepared to provide the following services:

- Preparation of contract documents, routing documents for signature, and reviewing contractors' bonds and insurance for compliance with the contract documents.
- Conduct and document preconstruction and monthly progress meetings with Contractor and Town.
- Review shop drawing submittals for compliance with technical specifications.
- Negotiate, evaluate, and prepare change orders.
- Issue field work change directives.
- Review and process Contractor payment applications.
- Perform walk-through of the project at completion to develop punch list and ultimately track it to completion.
- Perform certifications of project construction as required by permits.
- Provide field observation at the frequency requested by Town and provide associated observation report to accompany every field day.
- Coordinate and provide Record Drawings: utilize field information, including Contractor provided "red-lines" and surveyed data, to develop accurate record drawings. Provide Town with record drawings with all appurtenances tied to two fixed objects. Record drawings will also be provided in an AutoCAD format suitable to Town (also in GIS format if needed).



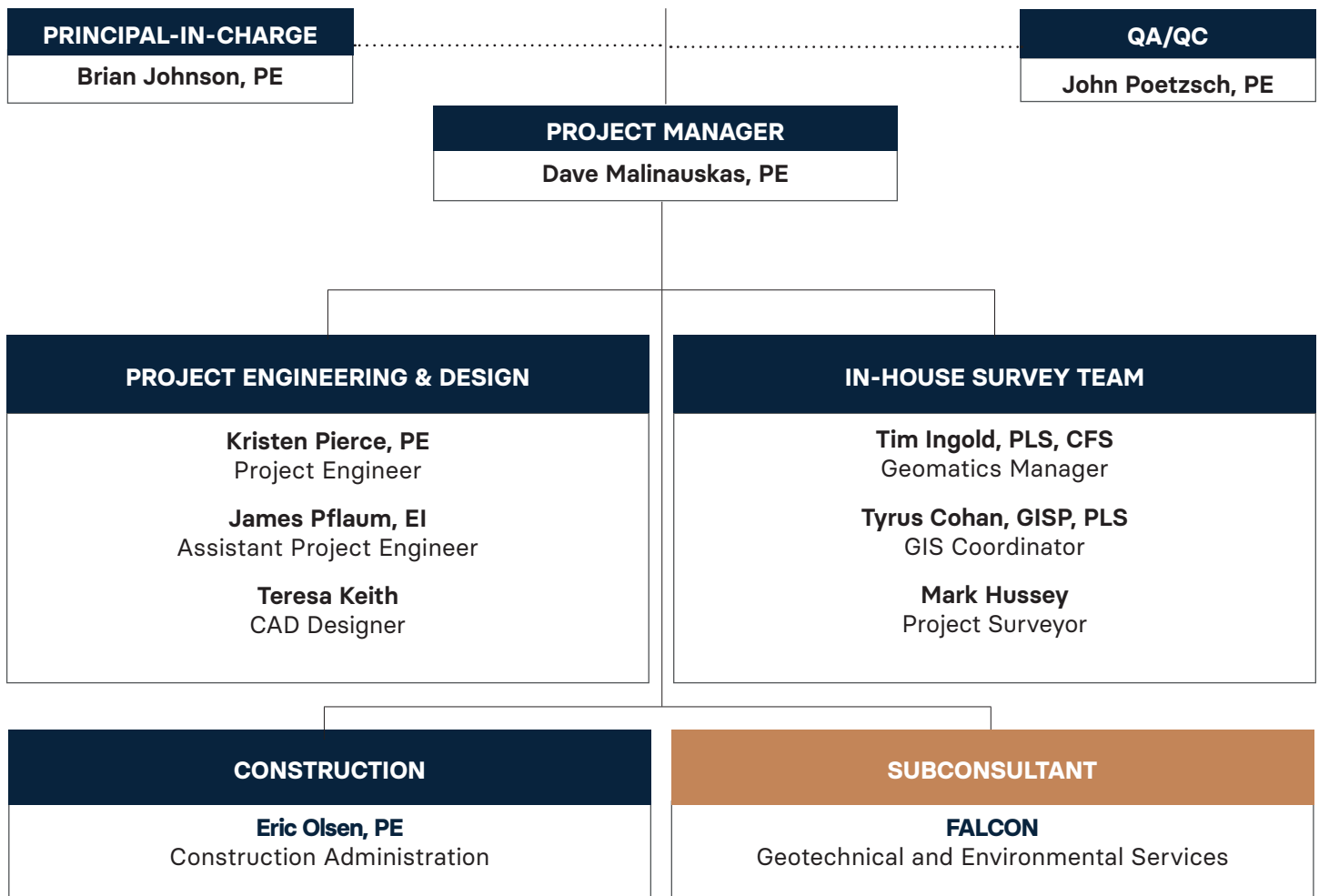
# PROJECT SCHEDULE

Development pressures often drive expedited schedules – while we most often work for municipalities versus developers, we understand that the Town must deliver these improvements to keep pace. In addition, the funding component of the project has its own schedule requirements. Through review of the project, our team has a thorough understanding of the project schedule – we have proposed an expedited schedule that streamlines the design process. This is achievable due to understanding of the Town’s desire to upsize the interceptor in the same location as the existing, allowing for an abbreviated evaluation period and ability to jump to a 90% design after confirmation of the alignment. This strategy will allow us to conform with the Town’s need to complete the project within 24 months. Below is a graphical representation of our proposed schedule.



# ORGANIZATION AND STAFFING

Our team features professionals experienced working with the Town of Smithfield. Further, our team understands that economic development and funded projects have specific schedule needs. We have a plan in place to tackle the project and begin work to meet your project schedule, and it starts with an experienced team.



# ORGANIZATION AND STAFFING



**BRIAN JOHNSON, PE**  
Principal-In-Charge

Brian Johnson, PE, is the Director of Engineering Services for The Wooten Company as well as a member of Wooten's Board of Directors. Since 1996 Brian has applied his engineering expertise to provide planning, analysis, and design of many infrastructure projects for local governments throughout North Carolina and South Carolina. Brian's project responsibilities have included preliminary studies, design, permitting, and construction administration, and the details included with each project phase. In addition to his departmental duties, he continues to work as a Senior Project Manager working on projects from inception to completion, working closely with clients to ensure they receive a quality project, on time and within budget. Maintaining client satisfaction and a quality project are his ultimate goals.

**Education:**

BS, Civil Engineering, NCSU  
Masters of Civil Engineering, NCSU

**Registrations:**

Professional Engineer, NC, SC; LEED AP

**Position:** Engineer V



**DAVE MALINAUSKAS, PE**  
Project Manager

Dave Malinauskas is The Wooten Company's Water Resources Practice Leader in Raleigh. Having been in the industry since 1999, Dave has gained extensive experience with the planning and design of municipal water/wastewater utilities, including master planning, stakeholder engagement, easement coordination, and project management. His background includes hydraulic model development; utilities routing analysis; planning and design of water and wastewater systems and their appurtenances; permitting; and construction administration and observation. Further, Dave brings a strong track record of customer service and understanding of client needs, having worked in both the public and private sectors. This perspective also allows Dave to better understand client needs as well as mitigate impacts of projects on the community.

**Education:**

BS, Environmental Engineering, NCSU

**Registrations:**

Professional Engineer, NC

**Position:** Engineer IV



**JOHN POETZSCH, PE**  
QA/QC

John Poetzsch brings the Civil Department over 44 years of design and project management experience on a variety of civil engineering projects that span North Carolina and include international clients. Over such a long career, John has been involved in almost all variety of civil engineering disciplines, including water and wastewater treatment plants, water distribution systems, wastewater collection systems, storm drainage, roadway improvements, recreational facilities, shopping centers, residential subdivisions, countywide water systems, master plans, and wastewater facility studies.

At The Wooten Company, John leverages his expertise across these disciplines to keep complex projects within budget and schedule parameters while ensuring that his clients, whether public or private, are kept informed and up to date on their critical infrastructure investments.

**Education:**

BS, Civil Engineering, NCSU

**Registrations:**

Professional Engineer, NC

**Position:** Engineer III



**KRISTEN PIERCE, PE**  
Project Engineer

Kristen Pierce has over 13 years of consulting experience in water and wastewater utility and asset management, sanitary sewer infiltration and inflow studies (I/I), backflow and cross-connection control surveys, preparation of stormwater pollution prevention plans (SWPPPs), NPDES permitting, and spill prevention control and countermeasure plans (SPCCs). Further, Kristen's utility infrastructure project experience includes gravity sewer and force main design, water line design, and natural gas pipeline design in all phases of projects from planning to construction. She currently serves as a project engineer in the Water Resources Group in Raleigh where she has been involved in the planning and design of multiple water and wastewater infrastructure projects, as well as the design and development of erosion and sedimentation control plans for municipal clients.

**Education:**

BS, Environmental Engineering, NCSU

**Registrations:**

Professional Engineer, NC

**Position:** Engineer II

# ORGANIZATION AND STAFFING



**JAMES PFLAUM, EI**  
**Assistant Project Engineer**

James Pflaum is a member of The Wooten Company's Water Resources Practice. James has experience helping communities protect water/sewer infrastructure from natural disasters, extensive 404/401 permitting experience involving water/sewer utility impacts, project planning and agency coordination where wetlands, streams, and endangered species conflict with municipal utility projects. James has significant regulatory field experience inspecting construction sites for sediment and erosion control compliance as well as responding to sanitary sewer overflows, managing agency compliance, and clean up. His background includes GIS mapping, ordinance enforcement, initiating public engagement, and obtaining environmental permits for municipal pump stations, force mains, and gravity sewers.

**Education:**

BS, Environmental Engineering - Concentration: Water Resources, NCSU

**Registrations:**

Engineering Intern

**Position:** Engineer I



**TERESA KEITH**  
**CAD Designer**

Teresa Keith has many years of experience in the field of engineering as a CAD Technician with The Wooten Company. On a daily basis Teresa prepares construction plans, design calculations, and specifications quantity take-offs specifically with water and sewer design, site design, and utility construction plans. Her work requires careful coordination with state and local agencies to assure all standards are being met throughout the project, and she specializes in longer range transmission and collection lines in the Piedmont areas of North Carolina.

**Education:**

AAS, Architecture Technology, Wake Technical Community College

AAS, Civil Engineering Technology, Wake Technical Community College

**Position:** Designer III



**TIM INGOLD, PLS, CFS**  
**Geomatics Manager**

Tim Ingold serves as The Wooten Company's Geomatics Practice Manager. He has over 40 years of experience in the land surveying field, including over 25 years managing land surveying departments for multi-disciplined engineering and surveying firms. He has been licensed as a Professional Land Surveyor in NC since 1985. Tim has developed a comprehensive understanding of local, state, and federal laws and codes and technical standards pertinent to the geomatics practice as it applies to the protection of the public interests.

**Education:**

AAS, Surveying Technology, Guilford Technical Community College

AAS, Civil Engineering Technology, Guilford Technical Community College

**Registrations:**

Professional Land Surveyor, NC

Certified Floodplain Surveyor

**Position:** Surveyor IV



**TYRUS COHAN, GISP, PLS**  
**GIS Coordinator**

Tyrus Cohan joined The Wooten Company in 2006 and has since assisted all departments with GIS/GPS infrastructure mapping and customized mapping projects for county, municipal and institutional clients across North Carolina. Tyrus has published maps and presented detailed work regarding GIS advancements and geography based research at state, national and international conferences, and is an integral component in the mapping of existing infrastructure for many water and sewer systems. With his extensive knowledge of GIS, Tyrus efficiently and effectively creates deliverables for assessing water and sewer systems.

**Education:**

BS, Geography/Anthropology, University of South Alabama

MS, Geography with emphasis on GIS & Remote Sensing, University of Southern Mississippi

**Registrations:**

GISP; Professional Land Surveyor, NC

**Position:** GIS Analyst III

# ORGANIZATION AND STAFFING



**ERIC OLSEN, PE**  
**Construction Administrator**

Eric Olsen has managed construction projects since 1984 as a Resident Engineer, Project Manager, Construction Manager and Construction Administrator. He has worked on a wide variety of infrastructure projects including heavy-highway, water and wastewater, pump stations, and utility rehabilitations throughout North Carolina. He has not only handled the administration of construction contracts for large diameter wastewater collection systems water distribution systems, and highway projects; he has estimated and built such facilities. His experience includes shop drawing reviews, payment requests, change orders, claim writing and analysis, leading project meetings and interfacing with regulatory agencies to ensure projects are built in accordance with the plans and specifications within budget and on time.

**Education:**

BS, Civil Engineering, NCSU

**Registrations:**

Professional Engineer, NC

**Position:** Const. Admin. II



**MARK HUSSEY**  
**Project Surveyor**

Mark Hussey has been performing engineering surveying and system evaluation duties for The Wooten Company for over 30 years. Mark's role includes GPS infrastructure inventory and assessment, topographic surveying, construction staking and wetland, stream, and buffer delineation using conventional surveying equipment as well as GPS surveying equipment. The diversity of Mark's experiences allows him to adapt the most recent GPS technology to almost any project in every geographic corner of North Carolina.

**Registrations:**

NASSCO PACP, MACP

**Position:** Survey Technician V



**FALCON ENGINEERING**  
**Geotechnical & Environmental**

Founded in 1993 (formerly Tierra of NC), Falcon Engineering, Inc. (Falcon) is a Woman-Owned, Disadvantaged Business Enterprise (W/DBE), a Historically Underutilized Business (HUB) with the State of North Carolina, as well as a Small Professional Services Firm (SPSF) with the North Carolina Department of Transportation (NCDOT). Located in Cary, North Carolina, Falcon provides several engineering services throughout the design and construction process.

These services include:

- Geotechnical Engineering
- Environmental Services
- Testing and Inspections
- Laboratory Services

# HOURLY RATES

The hourly rates outlined below include fringe benefits, indirect costs, reimbursable expenses, and profit.

<b>WAGE CATEGORY</b>	<b>HOURLY BILLING RATE</b>
Engineer I	\$ 120
Engineer II	\$ 147
Engineer III	\$ 184
Engineer IV	\$ 220
Engineer V	\$ 260
Architect I	\$ 104
Architect II	\$ 151
Designer I	\$ 87
Designer II	\$ 104
Designer III	\$ 128
Designer IV	\$ 159
Construction Admin I	\$ 120
Construction Admin II	\$ 168
Construction Admin III	\$ 229
Construction Observer / Resident Project Representative	\$ 114
Utility Coordinator II	\$ 134
Utility Coordinator III	\$ 171
Survey Technician I	\$ 54
Survey Technician II	\$ 70
Survey Technician III	\$ 91
Survey Technician IV	\$ 107
Survey Technician V	\$ 127
Surveyor II	\$ 118
Surveyor III	\$ 138
Surveyor IV	\$ 191
GIS Analyst II	\$ 89
GIS Analyst III	\$ 125
GIS Analyst IV	\$ 139
Community Development Coordinator	\$ 142
Funding Coordinator I	\$ 85
Funding Coordinator II	\$ 109
Funding Coordinator III	\$ 163
Project Assistant	\$ 85

Reimbursables: Mileage will be billed at the current IRS Standard Mileage Rate, Subcontracted Services and other expenses at cost plus 10%.

Standard Hourly Rates apply only as specified in the original contract and are subject to annual review and adjustment. Future additions or amendments to the original contract may be subject to the rates in effect at the time of the modification.

Effective as of July 1, 2022.



# QUALIFICATIONS AND EXPERIENCE

## CITY OF RALEIGH - BRENTWOOD INTERCEPTOR IMPROVEMENTS

Contact: Janeen Goodwin, PE, Engineering Manager - Public Utilities Admin Dept., 919.996.3494

The Brentwood Estates existing sewer outfall is currently experiencing capacity shortfalls and must be upgraded. The City selected The Wooten Company to conduct a preliminary study of this outfall. The study included a condition evaluation of approximately 6,200 linear feet of outfall sewer ranging from 8" to 18" and provided subsequent recommendations to add capacity to this outfall. The condition evaluation included CCTV and smoke testing based on previously completed flow monitoring results.

Based on findings of the preliminary study, it was determined that the sewer needed to be replaced with a larger diameter line ranging from 16" to 24" in diameter. The project has been designed and numerous easements acquired, meeting the City's current standards for easements on sewer outfalls. The sewer was designed in accordance with City standards and to minimize disturbance to residential properties as this outfall traverses through numerous backyards with many existing facilities to consider. A large majority of the sewer replaced the existing sewer in place; however, there were some alignment adjustments depending on these existing residential conditions. The project moved into construction in 2020 and is nearing completion.



**Contract Dates:** April 2016 - 2021

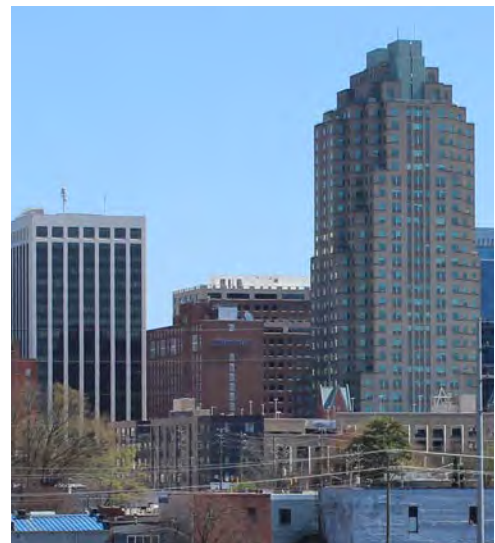
**Contract Amount:** \$502,200 (Firm Fee)

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## CITY OF RALEIGH - PEACE STREET UTILITY IMPROVEMENT

Contact: Louis Bennett, Project Engineer - Public Utilities Admin Dept., 919.996.3504

The City of Raleigh Engineering Services is planning a street and sidewalk improvements project along Peace Street, in Downtown Raleigh. Prior to the hardscape improvements taking place, the City's Public Utilities Department plans to improve the water and sewer utilities under the pavement of Peace Street. The Wooten Company is providing design services to replace the sewer lines along Peace Street, reconfigure the water line connections at each intersection and move water services from a water line to be abandoned. In addition to utility design, we are also providing a comprehensive Traffic Management Plan to allow for utility work to be done at night in order to maintain traffic flow and patterns during the day. The design and permitting is ongoing, Construction of the project is complete and all improvements in service.



**Contract Dates:** May 2017 - Dec. 2021

**Contract Amount:** \$132,000 (Firm Fee)

# QUALIFICATIONS AND EXPERIENCE

## CITY OF RALEIGH - WEST NEUSE INTERCEPTOR AND CRABTREE CREEK REHABILITATIONS

Contact: Janeen Goodwin, PE, Engineering Manager - Public Utilities Admin Dept., 919.996.3494

The City of Raleigh identified via previous study that a significant portion of its large diameter gravity sewer interceptors were in need of upsizing in response to growth and also rehabilitation due to age. Several projects were identified and two of the larger projects included the West Neuse Interceptor Rehabilitation and Replacement and the Crabtree Creek Interceptor Rehabilitation. Approximately 19,500 LF of gravity sewer interceptor was identified for rehabilitation during the preliminary engineering phase. The Wooten Company is contracted by Black & Veatch International Company (B&V) to perform the rehabilitation design of the overall rehabilitation and replacement project. Our project met early challenges when pre-CCTV and preliminary design identified in-line bends on the existing 48" gravity sewer, tee manholes that do not allow for CIPP liner insertion, and brick barrel and cone manholes on the existing 66" gravity sewer. We worked with the City, B&V, CIPP manufacturers, and local installers to determine a best fit solution. The project is now in the permitting and easement acquisition phase for over 11,000 LF of 48" CIPP, 500 LF of 54" CIPP, 700 LF of 60" CIPP, 6,600 LF of 66" CIPP, 26 manhole replacements, 3 new manholes, 23 manhole rehabilitations, siphon box rehabilitations, and reinstallation of tributary lines as needed. Unique solutions have been implemented to lessen the bypass pumping burden, permanently remove the gravity sewer in-line bends, and address brick manhole partial replacements to facilitate the CIPP installation. The project team has made a seamless transition to COVID procedures and held all progress meetings virtually without issue. The Crabtree Creek Interceptor Rehabilitation is out for bidding, and the West Neuse Interceptor is now being upsized due to development needs.

**Contract Dates:** July 2019 - Ongoing

**Contract Amount:** \$600,000 (Firm Fee)



# QUALIFICATIONS AND EXPERIENCE

## TOWN OF SMITHFIELD - DURWOOD STEPHENSON WATER LINE - PHASE II

Contact: Ted Credle, PE, Director of Public Utilities, 919.934.2116

The Wooten Company provided services for a critical water line improvements project to better serve residential and industrial growth. The Town of Smithfield identified a need to improve hydraulic performance and resiliency within its water system to better serve the western side of the Neuse River within the Town's service area. As a second phase to a larger water system improvements project, this linear project includes over 3,000 LF of 16" water main largely installed via horizontal directional drill under the Neuse River, Poplar Creek, and adjacent wetlands connecting existing dead-end mains to provide system resiliency/redundancy and improved water quality and pressure for the Town of Smithfield. The project was bid with an alternate that included two shorter drills with open cut through wetlands allowing the client to compare contractor pricing of the two installation methods.

**Contract Dates:** March 2020 - April 2022

**Contract Amount:** \$65,000 (Firm Fee)



## CITY OF OXFORD - 2017 USDA WATER & SEWER IMPROVEMENTS

Contact: Amy Ratliff, City Engineer, 919.603.1105

The 2017 USDA Water & Sewer Improvements for the City of Oxford was a project to address undersized and aging infrastructure identified in their Asset Management Plan. The project consisted of over 37,000 LF of waterline replacements and 14,000 LF of sewer rehabilitation and replacement in areas throughout the City. Key factors to this project were completing all construction in NCDOT right-of-way before a Spring 2019 re-paving and coordination with another design firm performing similar work in tandem with our project. We worked closely with the City Engineer and Public Works staff to incorporate institutional knowledge of existing conditions into our design as well as new City design standards and details.

**Contract Dates:** Feb. 2020 - Ongoing

**Contract Amount:** \$351,870 (Firm Fee)



# CONFLICT OF INTEREST

## CONFLICT OF INTEREST STATEMENT

We do not have a financial, personal or professional conflict of interest with the West Smithfield Sanitary Sewer Improvements Project. The best interest of the Town is our goal.

Additionally, The Wooten Company does not represent any private land owners or developers. Your priorities would be our priorities, and your interests would take precedence over any other outside parties' interests.

*As a team devoted to supporting the health and welfare of communities throughout the Carolinas, we sincerely appreciate the opportunity to develop our working relationship with the Town of Smithfield. These referenced qualifications are the results of decades of hard work and commitment - a proud cornerstone of our practice - to the communities that we call home.*

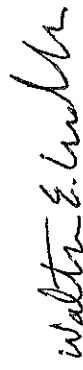
*A tradition of*  
**DESIGNING THE FUTURE ►**

**Surveying & Engineering Design Services for Town of Smithfield  
Sanitary Sewer System Improvements for West Smithfield**

**Bid Tabulation - Bids Received: September 1, 2022**

	Contractors	Addenda Acknowledged	Non-Collusion Affidavit	Judge #1 Score	Judge #1 Score	Judge #1 Score	Judge #1 Score	Evaluation Score
1	Timmons Group	x	x	95	98	96		96.33
2	The Wooten Company	x	x	98	99	93		96.67
3	WithersRavenel			"no bid"				

This is to certify that the proposals tabulated herein were publically opened at 2:00 p.m. on the 1st day of September, 2022 at the Town of Smithfield Operations Center located at 230 Hospital Road, Smithfield, North Carolina, and all said bids were accepted as "Responsive Bids"

  
 Walter E. Credle, P.E.  
 Town of Smithfield





# Request for Town Council Action

Consent    Advisory  
Agenda    Board  
Item:      Appointments  
  
Date:      10/04/2022

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Subject:    Advisory Board Appointments  
Department:    General Government  
Presented by:    Town Clerk – Shannan Parrish  
Presentation:    Consent Agenda Item

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## Issue Statement

The Town Council is asked to consider new appointments to the Appearance Commission and the Historic Properties Commission

## Financial Impact

N/A

## Action Needed

The Town Council is asked to consider the appointment of Emery Ashley, Jr. to the Appearance Commission and Historic Properties Commission

## Recommendation

Staff recommends approval of these appointments.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Emery Ashley, Jr. – Board Application



# Staff Report

Consent    Advisory  
Agenda    Board  
Item      Appointments

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## Board Reappointment

Emery Ashley, Jr. has submitted an application for consideration to be appointed to a first term on the Appearance Commission and Historic Properties Commission

## Current Board vacancies are as follows:

- Appearance Commission – 1 positions
- Historic Properties Commission – 4 positions
- Parks and Recreation Advisory Commission – 1 position and 2 High School representative positions





Town of Smithfield
Board, Commission, or Committee
Application

Name: Ashley, Jr. Emery D.
(Last) (First) (MI)

Home Address: 414 Wellons St.; Smithfield, NC 27577

Business Name & Address: Ashley & Ashley Attorneys At Law - 208 East Church St.; PO Box 785; Smithfield, NC 27577

Telephone Numbers: 919.820.0332 (Home) (Mobile) eda@ashleylawnc.com (Email)

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

Form with checkboxes for various boards: Appearance Commission, Board of Adjustment In Town Resident, Board of Adjustment ETJ Member, Historic Properties Commission, Library Board of Directors, Parks/Recreation Advisory Commission, Planning Board In-Town Resident, Planning Board ETJ Resident, Other.

Interests & Skills: Local history, community involvement

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

Recent Job Experiences: Currently a practicing attorney in Smithfield, NC. Previous employment: In-house counsel and trust officer for the Richardson-Vicks family...

Civic or Service Organization Experience: Duke Estate Planning Council

Town Boards previously served on and year(s) served: n/a

Please list any other Boards/Commissions/Committees on which you currently serve: n/a

Why are you interested in serving on this Board/Commission/Committee? My primary interest is to serve and give back to Smithfield. I was born and raised in Smithfield, and am now raising a family of my own in Smithfield. It is of utmost importance to me for Smithfield to remain the wonderful place that it is and continue to be the ideal town to live, work, and raise a family.

**Affirmation of Eligibility:**

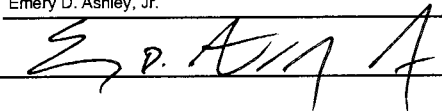
Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes  No If yes, please explain disposition: \_\_\_\_\_

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

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

Printed Name: Emery D. Ashley, Jr.

Signature: 

Date: 8/31/2022

Return completed for to:

Shannan Parrish  
Town Clerk  
P. O. Box 761  
Smithfield, North Carolina 27577  
Phone: (919) 934-2116 Fax: (919) 989-8937 E-Mail: [shannan.parrish@smithfield-nc.com](mailto:shannan.parrish@smithfield-nc.com)

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



# 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>
Electric Line Technician	PU – Electric	31-72-7230-5100-0200
Facility Maintenance Specialist	P&R – Recreation	10-60-6200-5100-0200
Police Officer	Police	10-20-5100-5100-0200
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

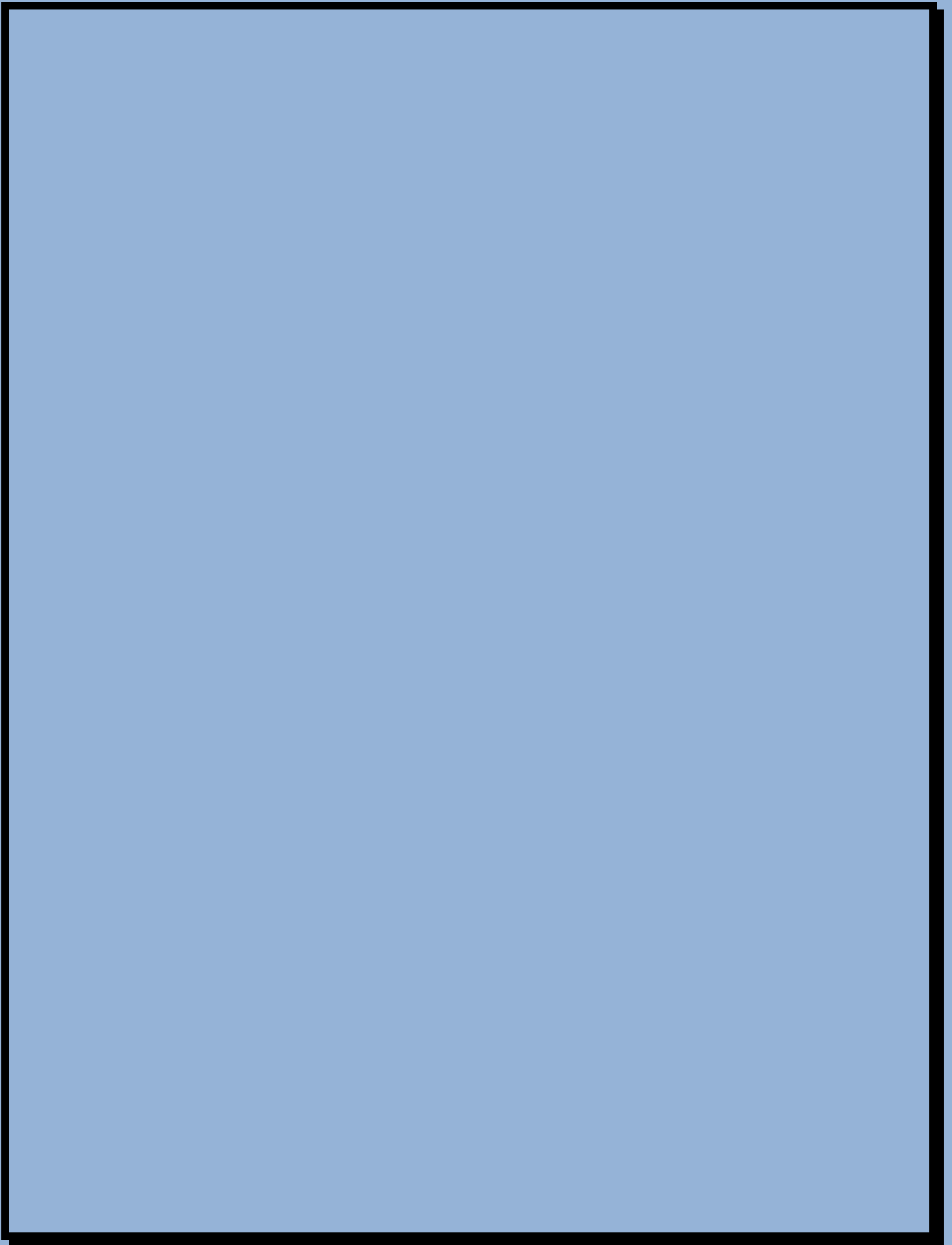
## Action Requested

The Town Council is asked to acknowledge that the Town has successfully filled the following vacancies in accordance with the Adopted FY 2022-2023 Budget.

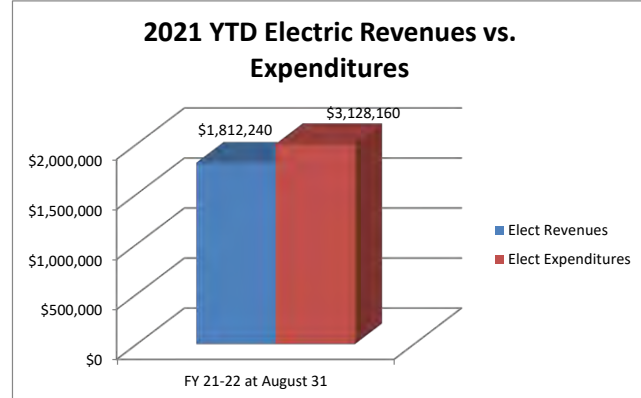
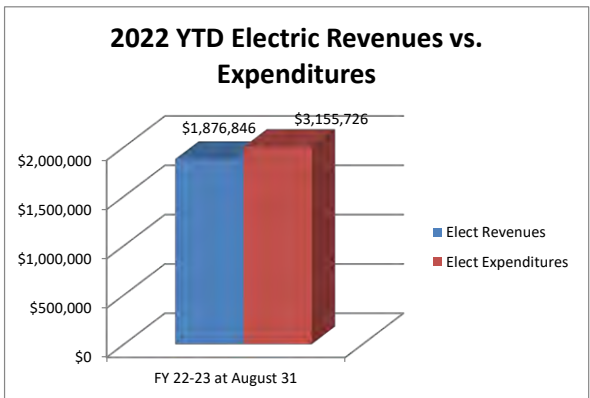
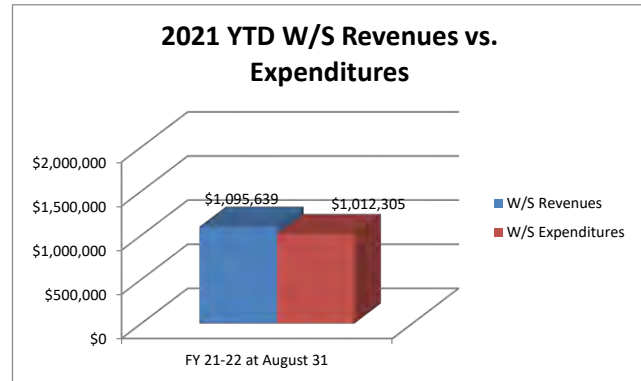
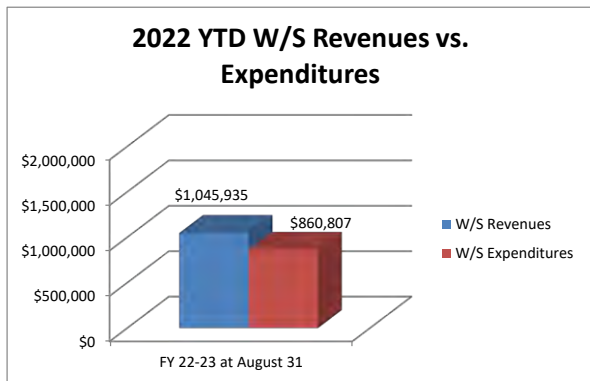
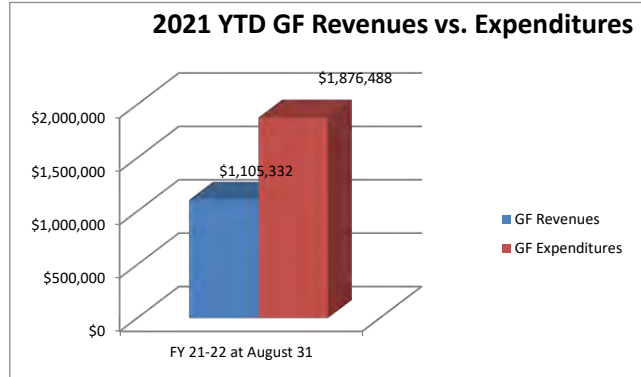
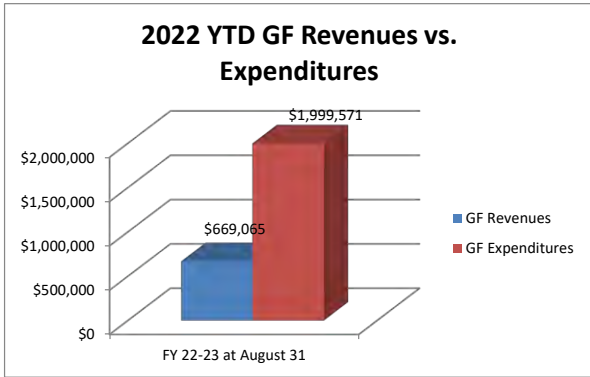
<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Administrative Assistant	PW – Streets	10-30-5600-5100-0200	\$19.57/hr. (\$40,705.60/yr.)
Police Officer I	Police	10-20-5100-5100-0200	\$21.82/hr. (\$48,789.52/yr.)
P/T Firefighter (3)	Fire	10-20-5300-5100-0210	\$17.60/hr.
P/T SRAC Staff (4)	P&R – Aquatics	10-60-6220-5100-0210	\$10.00/hr.
P/T SRAC Staff	P&R – Aquatics	10-60-6220-5100-0220	\$10.00/hr.
P/T SRAC Staff	P&R – Aquatics	10-60-6220-5100-0230	\$10.00/hr.
Utility Line Mechanic (2)	PU – Water/Sewer	30-71-7220-5100-0200	\$17.03/hr. (\$35,422.40/yr.)
Water Plant Superintendent	PU – Water Plant	30-71-7200-5100-0200	\$29.12/hr. (\$60,569.60/yr.)



# Financial Report



## Town of Smithfield Revenues vs. Expenditures



**TOWN OF SMITHFIELD**  
**MAJOR FUNDS FINANCIAL SUMMARY REPORT**  
**August 31, 2022**  
**Gauge: 2/12 or 16.67 Percent**

**16.67%**

<b>GENERAL FUND</b>						
	Frequency	Actual to Date	Budget	Actual to Date	YTD %	
<b>Revenues</b>		<b>FY '21-22</b>	<b>FY '22-23</b>	<b>FY '22-23</b>	<b>Collected</b>	
Current & Prior Year Property Taxes	Monthly	\$ 489,390	\$ 6,861,000	\$ 28,798	0.42%	
Motor Vehicle Taxes	Monthly	132,760	700,000	130,962	18.71%	
Utility Franchise Taxes	Quarterly	-	960,000	-	0.00%	
Local Option Sales Taxes	Monthly	-	3,040,000	-	0.00%	
Aquatic and Other Recreation	Monthly	147,945	695,000	181,777	26.15%	
Sanitation (Includes Penalties)	Monthly	153,803	1,475,040	160,157	10.86%	
Grants		-	87,500	-	0.00%	
All Other Revenues		181,434	1,558,470	167,372	10.74%	
Loan Proceeds			-		#DIV/0!	
Transfers (Electric and Fire Dist.)		-	460,150	-	0.00%	
Fund Balance Appropriated		-	39,875	-	0.00%	
<b>Total</b>		<b>\$ 1,105,332</b>	<b>\$ 15,877,035</b>	<b>\$ 669,065</b>	<b>4.21%</b>	
		<b>Actual to Date</b>	<b>Budget</b>	<b>Actual to Date</b>	<b>YTD %</b>	
		<b>FY '21-22</b>	<b>FY '22-23</b>	<b>FY '22-23</b>	<b>Collected</b>	
<b>Expenditures</b>						
General Gov.-Governing Body		\$ 72,904	\$ 445,435	\$ 56,653	12.72%	
Non Departmental		193,000	1,610,220	201,858	12.54%	
Debt Service		211,469	448,888	211,469	47.11%	
Finance		13,019	151,240	19,058	12.60%	
IT		-	187,125	7,028	3.76%	
Planning		39,141	374,235	43,529	11.63%	
Police		509,639	4,391,405	481,026	10.95%	
Fire		230,578	2,491,720	306,284	12.29%	
EMS		-	-	-	#DIV/0!	
General Services/Public Works		72,393	613,170	76,733	12.51%	
Streets		60,780	516,375	71,861	13.92%	
Motor Pool/Garage		14,043	113,245	14,159	12.50%	
Powell Bill		6,557	355,318	19,122	5.38%	
Sanitation		161,820	1,560,760	165,275	10.59%	
Stormwater		-	157,290	2,568	1.63%	
Parks and Rec		127,346	992,110	131,986	13.30%	
SRAC		159,239	1,140,929	164,995	14.46%	
Sarah Yard Center		4,560	52,570	25,969	49.40%	
Contingency		-	275,000	-	0.00%	
Appropriations/Contributions		-	-	-	0.00%	
<b>Total</b>		<b>\$ 1,876,488</b>	<b>\$ 15,877,035</b>	<b>\$ 1,999,571</b>	<b>12.59%</b>	

YTD Fund Balance Increase (Decrease)

- -



16.67%

**WATER AND SEWER FUND**

	Actual to Date	Budget	Actual to Date	YTD %
	FY '21-22	FY '22-23	FY '22-23	Collected
<b>Revenues</b>				
Water Charges	\$ 313,868	\$ 2,870,000	\$ 296,394	10.33%
Water Sales (Wholesale)	243,451	\$ 2,000,000	204,542	10.23%
Sewer Charges	514,691	4,505,000	496,644	11.02%
Penalties	7,497	55,000	9,074	16.50%
Tap Fees	2,835	24,000	345	1.44%
Other Revenues	13,296	112,650	38,935	34.56%
Grants	-	30,000	-	0.00%
Loan Proceeds	-	-	-	#DIV/0!
Fund Balance Appropriated	-	1,265,880	-	0.00%
Total	\$ 1,095,639	\$ 10,862,530	\$ 1,045,935	9.63%

	Actual to Date	Budget	Actual to Date	YTD %
	FY '21-22	FY '22-23	FY '22-23	Collected
<b>Expenditures</b>				
Water Plant (Less Transfers)	\$ 302,172	\$ 2,216,765	\$ 244,570	11.03%
Water Distribution/Sewer Coll (Less Transfers)	627,075	4,964,830	533,181	10.74%
Transfer to General Fund	-	117,640	-	0.00%
Transfer to W/S Capital Proj. Fund	-	2,345,880	-	0.00%
Debt Service	83,057	967,414	83,057	8.59%
Contingency	-	250,001	-	0.00%
Total	\$ 1,012,305	\$ 10,862,530	\$ 860,807	7.92%

**ELECTRIC FUND**

Revenues	Actual to Date	Budget	Actual to Date	YTD %
	FY '21-22	FY '22-23	FY '22-23	Collected
Electric Sales	\$ 1,768,586	\$ 16,127,650	\$ 1,832,903	11.36%
Penalties	11,210	80,000	11,763	14.70%
All Other Revenues	32,444	193,000	32,180	16.67%
Grants	-	-	-	
Loan Proceeds	-	-	-	
Fund Balance Appropriated	-	305,000	-	
<b>Total</b>	<b>\$ 1,812,240</b>	<b>\$ 16,705,650</b>	<b>\$ 1,876,846</b>	<b>11.23%</b>

Expenditures	Actual to Date	Budget	Actual to Date	YTD %
	FY '21-22	FY '22-23	FY '22-23	Collected
Administration/Operations	\$ 514,373	\$ 2,908,628	\$ 463,357	15.93%
Purchased Power - Non Demand	824,821	12,450,000	926,208	7.44%
Purchased Power - Demand	1,253,685		1,230,881	#DIV/0!
Purchased Power - Debt	192,696		192,696	#DIV/0!
Debt Service	342,585	342,586	342,585	100.00%
Capital Outlay	-	16,700	-	0.00%
Contingency	-	342,586	-	0.00%
Transfers to Electric Capital Proj Fund	-	550,000	-	0.00%
Transfer to Electric Capital Reserve	-	-	-	
Transfers to General Fund	-	95,150	-	0.00%
<b>Total</b>	<b>\$ 3,128,160</b>	<b>\$ 16,705,650</b>	<b>\$ 3,155,726</b>	<b>18.89%</b>

**CASH AND INVESTMENTS FOR AUGUST**

General Fund (Includes P. Bill)	12,736,528			
Water and Sewer Fund	11,081,411			
Electric Fund*	10,635,391			
ARPA (20)	3,969,617			
SCIF (21)	1,496,621			
JB George Endowment (40)	132,256			
Water Plant Expansion (43)	1,900,184			
Booker Dairy Road Fund (44)	457,896			
Capital Project Fund: Wtr/Sewer (45)	483,475			
Capital Project Fund: General (46)	1,261,422			
Capital Project Fund: Electric (47)	874,928			
FEMA Acquisitions and Elevations (48)	550			
CDBG Neighborhood Revitalization (49)	(128,909)	1st CITIZENS	32,849,988	0.3% (Earn
Firemen Relief Fund (50)	84,749	NCCMT	2,395,688	0.600%
Fire District Fund (51)	217,197	KS BANK	4,963,675	0.25%
General Capital Reserve Fund (72)	6,038	TRUIST	5,000,000	1.30%
<b>Total</b>	<b>\$ 45,209,350</b>		<b>\$ 45,209,350</b>	

\*Plug

**Account Balances Confirmed By Finance Director on 9/25/2022**

# Department Reports





**FINANCE DEPARTMENTAL REPORT FOR AUGUST, 2022**

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

Daily Collections/Property Taxes/Other.....	\$2,705,159
Franchise Tax.....	0
Sales & Use Tax.....	0
Powel Bill.....	0
<b>Total Revenue</b>	<b>\$2,705,159</b>
Expenditures: General, Water, and Electric.....	\$3,478,724

**FINANCE:**

- Compiled and submitted monthly retirement report on 8/30/2022
- Issued 62 purchase orders
- Processed 732 vendor invoices for payment and issued 370 accounts payable checks
- Prepared and processed 2 regular payrolls and remitted federal and state payroll taxes on 8/05 and 8/19/2022
- Issued total of 2 renewal privilege licenses for beer and wine sales which leaves 6 outstanding
- 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 \$9,496
- Processed 5 NSF Checks/Fraudulent Cards (Utility and SRAC)
- Debt Setoff - Bad Debt Collection calendar year-to-date total \$26,734.56 (EMS: \$5,633.62; SRAC: \$5,119.46; Utility: \$15,981.48; and Other: \$0)
- Penn Credit - Bad Debt Collections received in August \$0; Total collections calendar year-to-date \$20,692.40
- Invoiced 2 grave opening for a total of \$1450
- Invoiced Johnston Community College for Police Security
- Earned \$1,458.02 in interest from FCB and paid 0 in fees on the central depository account
- Paid \$10,365 in credit/debit/Tyler card fees, but received \$6,673 (31-72-3550-3520-0002) in convenience fees (Reporting month charged/earned, not month paid)

**FINANCE DIRECTOR**

- Attended Town Council Meeting on August 02, 2022
- Assisted Officer Moss with credit card fraud inquiry on August 02, 2022
- Verified and proofed budget amendment packet for purchase orders. This is a new process this year that rolls over purchase orders and does the budget amendments in one packet
- Process Sales Tax Refund on Aug 9
- Moved matured certificate of deposit from KS Bank to NCCMT on Aug 26
- Attended Department Head Meetings on August 1 and 19, 2022
- Paid Utility Sales Tax for July, 2022 on August 18, 2022
- Prepared throughout for Auditor's visit on September 7 and 8, 2022



# Planning Department Development Report

Friday, September 23, 2022

**Project Name: Deacon Jones Chrysler Addition**

Request: 6,800 sq ft addition

Location 1109 North Brightleaf Boulevard

Tax ID#: 15004022 PIN#: 260413-24-1290

Project Status **Approved**

Notes: [Redacted]

<b>Site Plan 2022-07</b>	
Submittal Date:	8/24/2022
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

**Project Name: Brightleaf Plaza / Enterprise**

Request: 8,900 sq ft building on a 1.98 ac tract

Location 819 North Brightleaf Boulevard

Tax ID#: 15005041 PIN#: 260413-03-5247

Project Status **First Review Complete**

Notes: [Redacted]

<b>Site Plan 2022-09</b>	
Submittal Date:	8/18/2022
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

**Project Name: Rex Digestive Center**

Request: 5,656 sq ft building on a 3.17 ac tract

Location 800 Berkshire Road

Tax ID#: 15004021G PIN#: 169416-93-4883

Project Status **First Review Complete**

Notes: [Redacted]

<b>Site Plan 2022-08</b>	
Submittal Date:	8/15/2022
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

**Project Name: BOA and PB Attendance Requirments**

Request: Reduces the size of Board of Adjusments

Location

Tax ID#: PIN#:

Project Status

Notes: PB Reccomends Approval

<b>Text Amendment 2022-02</b>	
Submittal Date:	8/5/2022
Planning Board Review:	9/1/2022
Board of Adjustment Review:	
Town Council Hearing Date:	10/3/2022
Approval Date:	

Project Name: **NC Heart and Vascular Addition**  
Request: 4,000 sq ft addition  
Location 910 Berkshire Road  
Tax ID#: 15004199H PIN#: 260413-04-9166  
Project Status **Approved**

Notes:

<b>Site Plan 2022-06</b>	
Submittal Date:	7/6/2022
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Brogden Industrial**  
Request: 265,000 sq ft warehouse  
Location 934 Brogden Road  
Tax ID#: 15K11012C PIN#: 169310-35-5200  
Project Status **First Review Complete**

Notes: Staff Review and approval

<b>Site Plan 2022-05</b>	
Submittal Date:	5/18/2022
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Blueline Aviation**  
Request: 5 lot - mixed use PUD  
Location 3149 Swift Creek Road  
Tax ID#: 15J08015B PIN#: 168509-05-2529  
Project Status **First Review Complete**

Notes: Planning Board recommends denial

<b>Conditional Zoning 2022-03</b>	
Submittal Date:	5/6/2022
Planning Board Review:	7/14/2022
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Whitley Townes**  
Request: 70 lot Townhouse Subdivision  
Location West Market Street  
Tax ID#: 15084001 PIN#: 169409-06-6525  
Project Status **Approved**

Notes: Construction drawings approved

<b>Subdivision 2022-03</b>	
Submittal Date:	4/1/2022
Planning Board Review:	5/5/2022
Board of Adjustment Review:	
Town Council Hearing Date:	6/7/2022
Approval Date:	

Project Name: **Airport Industrial Park lot 7**  
 Request: Contractor Office with outdoor storage yard  
 Location 9541 Industrial Drive  
 Tax ID#: 15J08017K PIN#: 168509-05-1257  
 Project Status **Approved**  
 Notes: Under Construction

<b>Site Plan 2022-03</b>	
Submittal Date:	3/25/2022
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Take 5 Oil Change**  
 Request: Retail oil change service center  
 Location 1307 North Brightleaf Boulevard  
 Tax ID#: 14074019 PIN#: 260411-55-6272  
 Project Status **In Second Review**  
 Notes: Staff review of retail oil change service center

<b>Site Plan 2022-02</b>	
Submittal Date:	3/11/2022
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Floyd's Landing**  
 Request: 598 residential units on 698 acres  
 Location 2001 US Hwy 70 We  
 Tax ID#: 15078012 PIN#: 168500-73-3381  
 Project Status **Approved**  
 Notes: Construction drawing in staff review

<b>Subdivision 2022-02</b>	
Submittal Date:	3/4/2022
Planning Board Review:	4/7/2022
Board of Adjustment Review:	
Town Council Hearing Date:	5/2/2022
Approval Date:	

Project Name: **Franklin Towns**  
 Request: Preliminary Sub'd for 134 townhouses on 15.9 acers  
 Location Wilson's Mills Road  
 Tax ID#: 15083049E PIN#: 169406-29-7604  
 Project Status **Approved**  
 Notes: Under Construction

<b>Subdivision 2022-01</b>	
Submittal Date:	1/7/2022
Planning Board Review:	2/4/2022
Board of Adjustment Review:	
Town Council Hearing Date:	3/1/2022
Approval Date:	



Project Name: **Advancetech**  
Request: 98,280 sq ft manufacturing facility / warehouse  
Location 3900 West US 70 Business Highway  
Tax ID#: 17J08001D PIN#: 168618-20-5729  
Project Status **Approved**  
Notes: Under Construction

Site Plan 2021-19
Submittal Date: 10/4/2021
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date:

Project Name: **The Insurance Shoppe**  
Request: 4,900 sq ft free standing office  
Location 131 Kellie Drive  
Tax ID#: 14075021S PIN#: 260405-09-8296  
Project Status **Approved**  
Notes: Under Construction

Site Plan 2021-18
Submittal Date: 10/1/2021
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date:

Project Name: **ALA Johnston Charter School**  
Request: Site plan approval  
Location West US 70 Highway  
Tax ID#: 17J08004 PIN#: 168505-19-8748  
Project Status **Approved**  
Notes: Under Construction

Site Plan 2021-18
Submittal Date: 9/17/2021
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date:

Project Name: **JNX Corporate Hangers**  
Request: Parking and stormwater improvements  
Location 3146 Swift Creek Road  
Tax ID#: 15079017D PIN#: 168500-12-1015  
Project Status **Approved**  
Notes: Staff approved on 5/23/2022

Site Plan 2021-17
Submittal Date: 9/17/2021
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date:

Project Name: **Britt Street Triplexes**  
 Request: 6 lot division  
 Location Britt Street  
 Tax ID#: 15L11006 PIN#: 169409-06-1658  
 Project Status **Approved**  
 Notes: Under Construction

<b>Subdivision 2021-04</b>	
Submittal Date:	9/3/2021
Planning Board Review:	10/7/2021
Board of Adjustment Review:	
Town Council Hearing Date:	11/2/2021
Approval Date:	

Project Name: **Smithfied PD expansion**  
 Request: Addition to existing facility  
 Location 110 South Fifth Street  
 Tax ID#: 15025048 PIN#: 169419-50-2949  
 Project Status **Approved**  
 Notes: Under Construction

<b>Conditional Zoning 2021-05</b>	
Submittal Date:	9/3/2021
Planning Board Review:	10/7/2021
Board of Adjustment Review:	
Town Council Hearing Date:	11/9/2021
Approval Date:	

Project Name: **Marin Woods Subdivision**  
 Request: 143 units on 31.56 Ac.  
 Location NC210 Highway  
 Tax ID#: 15077008 PIN#: 168400-74-4498  
 Project Status **Second Review Complete**  
 Notes: Under Construction

<b>Subdivision 2021</b>	
Submittal Date:	7/2/2021
Planning Board Review:	8/5/2021
Board of Adjustment Review:	
Town Council Hearing Date:	9/7/2021
Approval Date:	

Project Name: **Ample Storage Expansion**  
 Request: 32K additional building area on 1.84 acres  
 Location 787 West Market Street  
 Tax ID#: 15078199K PIN#: 169413-04-3402  
 Project Status **Approved**  
 Notes: Under Construction

<b>Site Plan 2021-16</b>	
Submittal Date:	6/23/2021
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Airport Industrial Park lot 13**  
 Request: Contractors Office with outdoor storage  
 Location 55 Airport Industri Drive  
 Tax ID#: 15J08017P PIN#: 168500-04-5363  
 Project Status **Approved**  
 Notes: Under Construction

<b>Site Plan 2021-05</b>	
Submittal Date:	4/6/2021
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	5/5/2021

Project Name: **Smithfield Living Facility**  
 Request: 83 Unit Assisted Living Facility  
 Location Kellie Drive  
 Tax ID#: 14075022D PIN#: 260405-09-8645  
 Project Status **Approved**  
 Notes: Under Construction

<b>Site Plan 2020-07</b>	
Submittal Date:	6/5/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	9/10/2020

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 **Approved**  
 Notes: Under Construction

<b>Site Plan 2020-06</b>	
Submittal Date:	5/19/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/24/2020

Project Name: **Tru Hotel**  
 Request: 4 Story Hotel  
 Location 167 South Equity Drive  
 Tax ID#: 15008046c PIN#: 260417-10-4438  
 Project Status **Approved**  
 Notes: Finalizing Site / Missing plants to be planted

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

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: Jail Site Completed- Public Safety Center Under Construction

<b>Site Plan 2020-02</b>	
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 3-5**  
 Request: Residential Subdivision  
 Location Buffalo Road  
 Tax ID#: 14075013 PIN#: 169520-80-3415  
 Project Status **Approved**  
 Notes: Under Construction

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

Project Name: **East River Phase 6-7**  
 Request: Townhouse Development  
 Location Buffalo Road  
 Tax ID#: 14075013 PIN#: 169520-80-3415  
 Project Status **Approved**  
 Notes: Under Construction

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

Project Name: **Twin Creeks Phs 1**  
 Request: 28 Lot Subdivision  
 Location Gailee Road  
 Tax ID#: 15I09011B PIN#: 167300-56-5565  
 Project Status  
 Notes: Under Construction

<b>Subdivision 2019-01</b>	
Submittal Date:	4/5/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Kamdon Ranch**  
Request: 110 Lot Division  
Location Swift Creek Road  
Tax ID#: 15I08020 PIN#: 167400-55-9495  
Project Status **Approved**  
Notes: Phase 2 under construction

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

Project Name: **Smithdfield Landing**  
Request: 5 lot residential subdivision  
Location Front Street  
Tax ID#: 15019017C PIN#: 169418-32-9491  
Project Status **Approved**  
Notes: SFD permits issued 7/18/2022

<b>Special Use 2006-04</b>	
Submittal Date:	
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	7/3/2008



**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 August 2022

				Permit Fees	Permits Issued
Zoning	Land Use			\$1200.00	12
Site Plan	Minor Site Plan			\$300.00	6
Zoning	Sign			\$300.00	6
Report Period				\$1,800.00	24
Fiscal YTD Total:				\$4,335.00	50
SP22-000092	Site Plan	Minor Site Plan	4000 square foot addition	910 Berkshire Rd.	
Z22-000107	Zoning	Sign	Tires and Wheels	2301 South Brightleaf Blvd.	
SP22-000089	Site Plan	Minor Site Plan	Canopy over driveway.	1455 Buffalo Rd.	
SP22-000094	Site Plan	Minor Site Plan	Class B Manufactured Home	2161 Galilee Rd.	
Z22-000097	Zoning	Sign	Smithfield Independent Living LLC	201 Kellie Dr.	
SP22-000090	Site Plan	Minor Site Plan	10 x 12 Storage Building	86 Pioneer St.	
Z22-000096	Zoning	Land Use	Hickory Farms, LLC	1025 Outlet Center Dr.	
SP22-000093	Site Plan	Minor Site Plan	Class B Manufactured Home	1788 Cleveland Rd.	
Z22-000094	Zoning	Land Use	El Patron Food Truck	712 E. Market Street	
Z22-000093	Zoning	Sign	Johnston Animal Hospital	826 N. Brightleaf Blvd.	
Z22-000095	Zoning	Land Use	Forever 21	1025 Outlet Center Dr.	
Z22-000098	Zoning	Land Use	Woodbridge Inc.	1025 Outlet Center Dr.	
Z22-000099	Zoning	Land Use	Beauty Studio Wapa's	406 South Third St.	
Z22-000100	Zoning	Land Use	Interior Up-Fit	925 N. Brightleaf	
Z22-000101	Zoning	Land Use	Top Notch Pet Spa	925 N. Brightleaf	
Z22-000102	Zoning	Land Use	Nature's Releaf Hemp Store	925 N. Brightleaf	
Z22-000103	Zoning	Sign	Natures Releaf Hemp Store wall sign	925 N. Brightleaf	
SP22-000091	Site Plan	Minor Site Plan	Single Family Dwelling Addition	1209 MASSEY St.	
Z22-000104	Zoning	Sign	US Cellular	1285 N. Brightleaf Blvd.	
Z22-000106	Zoning	Land Use	Family Child Care Home	108 Whitley Dr.	
Z22-000108	Zoning	Sign	Forever 21 Outlet	1025 Outlet Center Dr.	
Z22-000109	Zoning	Land Use	Anchor Property Venue	230 N. Equity Dr.	
Z22-000110	Zoning	Land Use	Down to Earth Wellness LLC	230 E. Market St.	
Z22-000111	Zoning	Land Use	Butter's Cool Spot Ice Cream	1043 Outlet Center Dr.	



**TOWN OF SMITHFIELD  
POLICE DEPARTMENT  
MONTHLY REPORT  
MONTH ENDING August 31, 2022**

**I. STATISTICAL SECTION**

Month Ending August 31, 2022	August 2022	August 2021	Total 2022	Total 2021	YTD Difference
Calls for Service	1890	2,144	13546	14,891	-1345
Incident Reports Completed	131	136	1075	1,029	46
Cases Closed	77	96	649	726	-77
Accident Reports	81	91	726	593	133
Arrest Reports	73	101	667	705	-38
Burglaries Reported	8	5	59	53	6
Drug Charges	11	34	137	203	-66
DWI Charges	10	7	61	55	6
Citations Issued	202	437	1955	2,589	-634
Speeding	88	169	890	961	-71
No Operator License	51	106	409	581	-172
Registration Violations	13	49	193	345	-152

**II. PERSONNEL UPDATE**

The police department currently has seven vacant officer positions. One new hire is currently in BLET Training at JCC. Two officers are out on light duty, and one is out on sick leave. One background is currently under way on a prospective new hire.

**III. MISCELLANEOUS**

Mandatory in-service training was continued in August, with most courses being completed on line. The department held National Night Out at Johnston Community College and it was a huge success. The department assisted Parks and Rec with the River Rat Regatta which was held at the boat ramp. Officer Carroll and Officer Berna with K-9 Titus assisted Wilson’s Mills with a community event in August. Officer Carroll assisted with the Fifth Annual Back to School Give away that took place at Smith Collins Park on August 13, 2022.

## REPORTED UCR OFFENSES FOR THE MONTH OF AUGUST 2022

PART I CRIMES	August 2021	August 2022	+/-	Percent Changed	Year-To-Date 2021	Year-To-Date 2022	+/-	Percent Changed
MURDER	0	0	0	N.C.	1	0	-1	-100%
RAPE	0	0	0	N.C.	0	3	3	N.C.
ROBBERY	1	1	0	0%	6	4	-2	-33%
Commercial	1	0	-1	-100%	3	2	-1	-33%
Individual	0	1	1	N.C.	3	2	-1	-33%
ASSAULT	1	3	2	200%	29	45	16	55%
* VIOLENT *	2	4	2	100%	36	52	16	44%
BURGLARY	5	8	3	60%	48	56	8	17%
Residential	3	6	3	100%	28	29	1	4%
Non-Resident.	2	2	0	0%	20	27	7	35%
LARCENY	37	36	-1	-3%	254	311	57	22%
AUTO THEFT	3	4	1	33%	31	26	-5	-16%
ARSON	0	1	1	N.C.	2	2	0	0%
* PROPERTY *	45	49	4	9%	335	395	60	18%
PART I TOTAL:	47	53	6	13%	371	447	76	20%
PART II CRIMES								
Drug	28	14	-14	-50%	185	145	-40	-22%
Assault Simple	6	12	6	100%	66	74	8	12%
Forgery/Counterfeit	0	1	1	N.C.	10	8	-2	-20%
Fraud	9	10	1	11%	45	66	21	47%
Embezzlement	0	0	0	N.C.	7	4	-3	-43%
Stolen Property	1	1	0	0%	8	6	-2	-25%
Vandalism	4	9	5	125%	39	47	8	21%
Weapons	3	0	-3	-100%	12	3	-9	-75%
Prostitution	0	0	0	N.C.	0	0	0	N.C.
All Other Sex Offens	1	0	-1	-100%	7	4	-3	-43%
Gambling	0	0	0	N.C.	0	0	0	N.C.
Offn Agnst Faml/Chld	0	1	1	N.C.	1	4	3	300%
D. W. I.	8	10	2	25%	53	58	5	9%
Liquor Law Violation	0	0	0	N.C.	10	11	1	10%
Disorderly Conduct	0	1	1	N.C.	5	7	2	40%
Obscenity	0	0	0	N.C.	0	0	0	N.C.
Kidnap	1	0	-1	-100%	1	0	-1	-100%
Human Trafficking	0	0	0	N.C.	0	0	0	N.C.
All Other Offenses	23	18	-5	-22%	137	175	38	28%
PART II TOTAL:	84	77	-7	-8%	586	612	26	4%
GRAND TOTAL:	131	130	-1	-1%	957	1059	102	11%

N.C. = Not Calculable





**I. Statistical Section**

	<b>July</b>
<b>Confirmed Structure Fires</b>	<b>0</b>
<b>EMS Responses</b>	<b>172</b>
<b>Misc./Other Calls</b>	<b>31</b>
<b>Mutual Aid Calls</b>	<b>4</b>
<b>TOTAL EMERGENCY RESPONSES</b>	<b>207</b>

	<b>July</b>	<b>YTD</b>
Fire Inspections	67	387
Public Fire Education Programs	14	37
# Of Children Educated	434	943
# Of Adults Educated	168	515
Plans Review Construction/Renovation Projects	14	105
Fire Department Permits reviewed / Issued	42	228
Business Preplans	4	39
<b>Fire Related Injuries &amp; Deaths</b>	0	0
# Of Civilian Deaths	0	0
# Of Civilian Injuries	0	0

**II. Major Revenues**

	<b>July</b>	<b>YTD</b>
<b>Inspections</b>	<b>\$1050.00</b>	\$3700.50
<b>Fire Recovery USA</b>	<b>\$0.00</b>	\$2772.00

**III. Personnel Update:**

- Brianna Welch resignation effective October 6<sup>th</sup>. Moving back to Wisconsin
- Hired 2 Part-time firefighters from the Volunteers.
- Full Time position advertised. Closes October 10<sup>th</sup>.

**IV. Narrative of monthly departmental activities:**

- Squad was in-service 12 of 23 days
- Out of service Hydrants being addressed by Ted Credle. List has been provided.
- Rescue Truck Committee formed and working on specifications.
- Aug 1 – Fire Truck Display – 1110 E. Massey Street
- Aug. 2 – National Night Out – JCC
- Aug. 3 – Station Tour – Station 1
- Aug. 4 – Daycare Fire Safety – Kiddie College @ Berkshire

- Aug. 16 – Kool Kids Sprinkler – 1<sup>st</sup> Baptist Church
- Aug. 16, 17, 18, 22, 23 – Pumps Class
- Aug. 20 – Public Education – Sarah Yard Center
- Aug. 27 – End of Summer Bash – Bulldog Harley Davidson
- Aug. 27 – River Rat Regatta
- Brush 1 and Rescue 2 back in service
- Engine 5 still in shop, no time on getting back in service.

## V. **Upcoming Plans**

- Mandatory Staff meeting on September 28<sup>th</sup>.
- **Smithfield Fire Dept will have the State ISO inspection November 28<sup>th</sup>.**
- Formulating a plan to start painting town hydrants with Ted Credle.
- October is Fire Prevention Month; crews will be educating the public and in the schools during this time.



**Town of Smithfield  
Public Works Department  
August 31, 2022**



75 Total Work Orders completed by the Public Works Department

6 Burials, at \$725.00 each = \$4,350.00

10 Cremation Burial, \$425.00 each = \$4,250.00

\$14,000.00 Sunset Cemetery Lot Sales

0 Riverside Extension Cemetery Lot Sales

471.23 tons of household waste collected

148.00 tons of yard waste collected

3.46 tons of recycling collected

0 gallons of used motor oil were recycled

0 scrap tires were recycled

**Town of Smithfield**  
**Public Works Appearance Division**  
**Cemetery, Landscapes, and Grounds Maintenance**  
**Buildings, Facilities, and Sign Division**  
**Monthly Report**  
**August ,2022**



**I. Statistical Section**

16 Burials

0 Works Orders – Buildings & Facilities Division

0 Work Orders – Grounds Division

17 Work Orders – Sign Division

**II. Major Revenues**

Sunset Cemetery Lot Sales:                   \$ 14,000.00

Riverside Ext Cemetery Lot Sales:       \$ 0

Grave Opening Fees:                       \$ 6,050.00

Total Revenue:                               \$ 20,050.00

**III. Major Expenses for the Month:**

Paid Craft Digging service \$6,050.00  
The Appearance Division purchased

**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 "p".

## Appearance Commission Aug. 2022 Monthly Report:

Meeting to discuss 95 on 95 art project 3

They talked about the boat ramp, gave suggestions about the Art walk, planting flowers in a large vase. Talked about the appearance of the trees coming in to town. They also talked about litter sweep project in corporation with the liter sweep. They talked about gathering information from Selma about the art scape and who's in charge of the project for the town of Selma. Talked about planting trees this fall.

Next Appearance Commission meeting will be on September 19, at 5:00 pm in Town Hall.

**Town of Smithfield  
Public Works Fleet Maintenance Division  
Monthly Report  
August 31, 2022**



**I. Statistical Section**

- 2 Preventive Maintenances
- 0 North Carolina Inspections
- 61 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 Public Works Dept. safety meeting was on 'PPE" with Jaime Pearce from Wellness Works.

**Town of Smithfield  
Public Works Drainage/Street Division  
Monthly Report  
August 31, 2022**



**I. Statistical Section**

- a. All catch basins in problem areas were cleaned on a weekly basis
- b. 0 Cubes used to cover gator areas and 0 yards gator cracks overlay.
- c. 0 Work Order – 0 Linear Feet Drainage Pipe installed.
- d. 6 Work Orders – 2,140 Linear Feet of ditches were cleaned
- e. 18 Work Orders – 1,290 lbs. of Cold Patch was used for 17 Potholes.

**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 Public Works Department safety meeting on "PPES".



**Town of Smithfield  
Public Works Department  
2022 31, August Drainage Report.**

Location: 1010 Blount St. 714 East Street....  
Starting Date: 8/3/2022  
Completion Date: 8/3/2022  
Description: nuisance lots, Cut Grass and clean up nuisance property.  
Man-hours: 5 men X 3.25Hrs= 16 Hrs  
Equipment: 412/401  
Materials: 2 Mowers 3 Weed Eaters 2 Chain Saws 1 Hedge Trimmer 1 Blower

Location: Blount St.  
Starting Date: 8/11/2022  
Completion Date: 8/11/2022  
Description: Cut Fema Lot  
Man-hours: 2  
Equipment: 401  
Materials: 2 Scags

Location: Southwood and 2nd St.,  
Starting Date: 8/8/2022  
Completion Date: 8/8/2022  
Description: Sinkhole behind curb  
Man-hours: .50  
Equipment: 408/401  
Materials: 1/4 Backhoe Bucket of dirt

Location: 9th and Market St. 847 Midway St. West st. North St. 704 Blount St. 309 Pine St.  
Starting Date: 8/17/2022  
Completion Date: 8/20/2022  
Description: 2x2 pothole  
Man-hours: .05 .50 .75  
Equipment: 412,905 401  
Materials: 17- Bags, 1/2 Bag, 1 1/2 Bag, 1/2 bag, 2 Bags

Location: Coats St. and Powell St., Resthaven Cemetery, 5th and Church St.  
Starting Date: 8/24/2022  
Completion Date: 8/24/2022  
Description: Cut overgrown Ditches  
Man-hours: 1.5, 2.5.3.5  
Equipment: 412, John deere 401  
Materials: Loppers

Location: 311 Ash St.  
Starting Date: 8/3/2022  
Completion Date: 8/3/2022  
Description: Tree blocking 1 lane of roadway  
Man-hours: 1  
Equipment: 412/408  
Materials: 2 Chain Saw,1 Blower,1 Dump Trailer

Location: 332 Brightleaf Blv  
Starting Date: 8/16/2022  
Completion Date: 8/16/2022  
Description: Flooding areas  
Man-hours: 1  
Equipment: 412  
Materials:

Location: Sanders and BLB  
Starting Date: 8/8/2022  
Completion Date: 8/8/2022  
Description: Fill in side walk  
Man-hours: 1.20  
Equipment: 408/401  
Materials:

Location: Boat Ramp  
Starting Date: 8/11/2022  
Completion Date:  
Description: Clean of Boat Ramp  
Man-hours: 4  
Equipment: 411 Backhoe, 401  
Materials:

Location: Sarah Edwards - 100 Block of S. Third St. Downtown Development  
Starting Date: 8/16/2022  
Completion Date: 8/19/2022  
Description: Third StEATery Event scheduled for Friday night at 6:00 pm on 8/19/2022.  
Empty and pickup  
Man-hours: 4  
Equipment: 312  
Materials: Deliver (5) rollout containers, 4 barricades, and 12 traffic cones

Location: Front St. (Town Commons)  
Starting Date: 8/12/2022  
Completion Date: 8/12/2022  
Description: River Ragetta on Sat. August 13th, 2022  
Man-hours: 1  
Equipment: 905  
Materials: deliver 2 barricades, 50, traffic cones, 10 barrels, And 8 roll outs Arrange to pickup barricades, 50 traffic cones, 10 barrels, and 8 roll outs At old Boy Scout hut.

Location: Sander St. and BLB  
Starting Date: 8/8/2022  
Completion Date: 8/8/2022  
Description: Cut low Hanging limbs covering stop sign.  
Man-hours: .75  
Equipment: 401  
Materials: Pole Saw

Location: Raindrop Cir and Moonbeam Cir  
Starting Date: 8/9/2022  
Completion Date: 8/9/2022  
Description: Stop Signs.  
Man-hours: 1  
Equipment: 401  
Materials: 1 30x30, Stop sign, 2 self-tapping screws

Location: Outlet Center Dr., 6th St, and Rose St 5th and Rose, 208 S. 2nd St. Wilson St. Crescent, Carolina Ave, Stephenson Dr  
Starting Date: 8/9/2022  
Completion Date: 8/25/2022  
Description: Divided Highway Sign fell over, small tree blocking 25 MPH Sign, Low Hanging limbs in Parking Spots, Street Blades Torn Down,. Street Blade Missing  
Man-hours: 5.15  
Equipment: 401,412  
Materials: loppers 1- Post Bracket

**Town of Smithfield**  
**Public Works Sanitation Division**  
**Monthly Report**  
**August 31, 2022**



**I. Statistical Section**

The Division collected from approximately 4,097 homes, 4 times during the month

- a. Sanitation forces completed 36 work orders
- b. Sanitation forces collected tons 471.23 of household waste
- c. Sanitation forces disposed of 74 loads of yard waste and debris at Spain Farms Nursery
- d. Recycled 0 tons of clean wood waste (pallets) at Convenient Site Center
- e. Town's forces collected 6.22 tons of construction debris (C&D)
- f. Town disposed of 0 scrap tires that was collected at Convenient Site Center
- g. Recycling forces collected 3.46 tons of recyclable plastic
- h. Recycled 0 lbs. of cardboard material from the Convenient Site Center
- i. A total of 0 gals of Anti-freeze was collected at the Convenient Site Center
- j. Recycled 0 lbs. of plastics & glass (co-mingle) from the Convenient Site Center

**II. Major Revenues**

- a. Received \$0.00 from Sonoco Products for cardboard material
- b. Sold 0 lbs. of aluminum cans for
- c. Sold 2,680 lbs. of shredder steel for \$160.80 to Omni Source

**III. Major Expenses for the Month:**

Spain Farms Nursery was paid \$ 2,664 for disposal of yard waste and debris. Landis Bullock was paid \$ 651.04 for new seat on the sanitation mower. Fleet Pride was paid \$ 995.76 for lube and filters for TK# 301, 304, 310, 308, and 319. Gregory Poole Equip Co. was paid \$ 543.84 for lube and filters. Saf-Gard Safety Shoe Co. was paid \$ 1,126.40 for safety shoes for the sanitation Department. Sampson Bladen Oil Co. was paid \$ 1,820.94. T&W Welding Co. was paid \$ 1,200 for repairs to a broken grapple hook. Velocity TK centers of Raleigh was paid \$1,478.90 for wire replacement kit for TK#310.

**IV. Personnel Update:**

The Department worked with Mitchells Temporary for one vacant position.

**V. Narrative of monthly departmental activities:**

The department worked closely with Parks and Rec providing traffic control devices and event containers for the River rat Regatta held at the river. The Public Works Dept. safety meeting was on 'PPE" with Jaime Pearce from Wellness Works. Community Service Workers worked 0 Hrs.



## MONTHLY REPORT FOR AUGUST, 2022

<b>PROGRAMS STATISTICS</b>	<b>August, 2022</b>	<b>22/23 FY YTD</b>	<b>August, 2021</b>	<b>21/22 FY YTD</b>
NUMBER OF PROGRAMS	10	21	9	20
TOTAL ATHLETICS PARTICIPANTS	307	979	277	580
TOTAL NON/ATHLETIC PARTICIPANTS	1744	1895	1013	1643
NUMBER OF GAMES PLAYED	0	0	2	34
TOTAL NUMBER OF PLAYERS (GAMES)	0	0	96	864
NUMBER OF PRACTICES	78	88	37	50
TOTAL NUMBER OF PLAYER(S) PRACTICES	1017	1516	591	1096
SYCC VISITS	77	139	151	322
	<b>August, 2022</b>	<b>22/23 FY YTD</b>	<b>August, 2021</b>	<b>21/22 FY YTD</b>
PARKS RENTALS	74	111	40	75
USERS (PARKS RENTALS)	1989	3174	1303	1720
<b>TOTAL UNIQUE CONTACTS</b>	<b>5,134</b>	<b>7,703</b>	<b>3,431</b>	<b>6,225</b>
	<b>August, 2022</b>	<b>22/23 FY YTD</b>	<b>August, 2021</b>	<b>21/22 FY YTD</b>
<b>FINANCIAL STATISTICS</b>				
PARKS AND RECREATION REVENUES	\$ 17,452.00	\$ 29,947.00	\$ 5,442.00	\$ 13,526.00
PARKS AND RECREATION EXPENDITURES (OPERATIONS)	\$ 74,561.00	\$ 119,943.00	\$ 61,896.00	\$ 111,345.00
PARKS AND RECREATION EXPENDITURE (CAPITAL OUTLAY EQUIP)	\$ 7,475.00	\$ 13,042.00	\$ 16,000.00	\$ 16,000.00
SYCC EXPENDITURES (OPERATIONS)	\$ 3,283.00	\$ 4,468.00	\$ 3,083.00	\$ 4,560.00
SYCC EXPENDITURES (CAPITAL OUTLAY EQUIP)	\$ 21,500.00	\$ 21,500.00		

HIGHLIGHTS:            Hosted the River Rat Regatta with 19 boats and an estimated 1500 spectators  
                                  Fall Baseball, Soccer, Football and Fun and Fellowship Softball  
                                  Movie Night in the Park



## SRAC MONTHLY REPORT FOR AUGUST, 2022

<b>PROGRAMS SATISTICS</b>	<b>August, 2022</b>	<b>22/23 FY YTD</b>	<b>August, 2021</b>	<b>21/22 FY YTD</b>
NUMBER OF PROGRAMS	18	36	12	29
TOTAL CONTACT WITH PROGRAM PARTICIPANTS	4765	9869	3363	7734
	<b>August, 2022</b>	<b>22/23 FY YTD</b>	<b>August, 2021</b>	<b>21/22 FY YTD</b>
SRAC MEMBER VISITS	3710	7201	3486	6932
DAY PASSES	1918	5352	1609	4537
RENTALS (SRAC)	73	169	41	73
USERS (SRAC RENTALS)	2401	5108	1589	3674
<b>TOTAL UNIQUE CONTACTS</b>	<b>12,794</b>	<b>27,530</b>	<b>10,047</b>	<b>22,877</b>
	<b>August, 2022</b>	<b>22/23 FY YTD</b>	<b>August, 2021</b>	<b>21/22 FY YTD</b>
<b>FINANCIAL STATISTICS</b>				
SRAC REVENUES	\$ 72,392.00	\$ 152,227.00	\$ 62,778.00	\$ 131,798.00
SRAC EXPENDITURES OPERATIONS	\$ 121,342.00	\$ 164,995.00	\$ 93,331.00	\$ 154,578.00
SRAC EXPENDITURES CAPITAL	\$ -	\$ -	\$ 4,630.00	\$ 4,630.00
SRAC MEMBERSHIPS	2844		2238	

### Highlights

Alligator Steps Swim Lessons (3000+)  
 Held Art Camp, Potter Camp and Summer Day Camps



- **Statistical Section**

- Electric CP Demand 28,859 Kw relative to July's demand of 28,256 Kw.
- Electric System Reliability was 99.9904%, with one (1) recorded main line outage; relative to July's 99.9989%.
- Raw water treated on a daily average was 4.644 MG relative to 4.555 MG for July; with maximum demand of 5.158 MG relative to July's 5.531 MG.
- Total finished water to the system was 139.472 MG relative to July's 124.487 MG. Average daily for the month was 4.499 MG relative to July's 4.016 MG. Daily maximum was 5.092 MG (August 26<sup>th</sup>) relative to July's 4.495 MG. Daily minimum was 3.091 MG (August 1<sup>st</sup>), relative to July's 1.795 MG.

- **Miscellaneous Revenues**

- Water sales were \$242,187 relative to July's \$247,245
- Sewer sales were \$399,852 relative to July's \$399,791
- Electrical sales were \$1,487,785 relative to July's sales of \$1,375,045
- Johnston County Water purchases were \$175,860 for 74.834 MG relative to July's \$144,027 for 61.288 MG.

- **Major Expenses for the Month**

- Electricity purchases were \$1,169,870 relative to July's \$1,183,466.
- Johnston County sewer charge was \$146,811 for 40.213 MG relative to July's \$166,191 for 44.272 MG.

- **Personnel Changes –**

- Jimmie Wiggins resigned as Utility Line Mechanic on August 12.
- Thomas Harper Jr. resigned as Electric Lineman on August 26.



Town of Smithfield

Cut Off Register  
Meter Read Sheet

Packet: UBPKT08327 - 9/16/22 CUTOFFS CYCLE 1

Penalty Date:

8/6/2022

Cut Off Date:

9/19/2022

Account	Meter #	Route/Read Seq.	Status	Act	Contact Full Name	Remote Id/MXU#:	Site Location	Last Read Date	Last Reading	CURRENT READ	Type	Current Account Balance	Total Due On Last Bill	Minimum Payment Due	Deposit on Account
01-001250-06	67003916	01M-1-1001250.010000	A		CHAMBERLAIN, TAYLOR N		310 E CHURCH ST	08-12-2022	1,181	891.18	Service	891.18	789.25	231.21	500.00
01-012200-07	77384473	01-1-1012200.000000	A		CHERRY, JESSICA CAHALL		112 W DAVIS ST	08-12-2022	73,418	519.10	Service	519.10	246.65	246.65	314.27
01-016400-07	77384477	01-1-1016400.000000	A		ALVAREZ, ZANIH		215 W DAVIS ST APT J	08-12-2022	45,275	453.06	Service	453.06	200.00	200.00	250.00
01-016400-07	35700179	01M-1-1016400.010000	A		ALVAREZ, ZANIH		215 W DAVIS ST APT J	08-12-2022	477	453.06	Service	453.06	200.00	200.00	250.00
01-016700-04	77384348	01-1-1016700.000000	A		WOODARD, CHARLES		215 W DAVIS ST APT M	08-12-2022	24,182	284.45	Service	284.45	124.73	124.73	0.00
01-016700-04	45235584-2	01M-1-1016700.010000	A		WOODARD, CHARLES		215 W DAVIS ST APT M	08-12-2022	912	284.45	Service	284.45	124.73	124.73	0.00
01-020100-12	77384437	01-1-1020100.000000	A		ANDREWS, JESSICA L		506 S VERMONT ST APT C	08-12-2022	51,336	482.76	Service	482.76	212.63	212.63	500.00
01-020100-12	66442274	01M-1-1020100.010000	A		ANDREWS, JESSICA L		506 S VERMONT ST APT C	08-12-2022	254	482.76	Service	482.76	212.63	212.63	500.00



Account	Meter #	Route/Read Seq.	Status	Contact	Full Name	Remote Id/MXU#:	Site Location	Last Read Date	Last Reading	CURRENT READ	Type	Current Account Balance	Total Due On Last Bill	Minimum Payment Due	Deposit on Account
02-000400-01	77384478 Serial#: 77384478 Location:	02-1-2000400.000000 Grp: E	A	REYES, LAURA G	LAURA G	77384478	103 E ROSE ST 08-15-2022	08-15-2022	38,156		Service	436.57	201.77	201.77	250.00
02-000400-01	66607976 Serial#: 66607976 Location:	02M-1-2000400.010000 Grp: W	A	REYES, LAURA G	LAURA G		103 E ROSE ST 08-15-2022	08-15-2022	324		Service	436.57	201.77	201.77	250.00
02-021200-03	78686610 Serial#: 78686610 Location:	02-1-2021200.000000 Grp: E	A	VAZQUEZ, ANAIS	ANAIS	78686610	110 E PARKER ST 08-15-2022	08-15-2022	59,050		Service	686.32	307.18	307.18	0.00
02-021200-03	66442370 Serial#: 66442370 Location:	02M-1-2021200.010000 Grp: W	A	VAZQUEZ, ANAIS	ANAIS	66442370	110 E PARKER ST 08-15-2022	08-15-2022	399		Service	686.32	307.18	307.18	0.00
02-028800-07	78686667 Serial#: 78686667 Location:	02-1-2028800.000000 Grp: E	A	BROAD, KATHERINE	KATHERINE	78686667	605 S 2ND ST 08-15-2022	08-15-2022	51,207		Service	816.19	903.26	306.50	500.00
02-028800-07	74897371 Serial#: 74897371 Location:	02M-1-2028800.010000 Grp: W	A	BROAD, KATHERINE	KATHERINE		605 S 2ND ST 08-15-2022	08-15-2022	499		Service	816.19	903.26	306.50	500.00
03-000200-07	82075204 Serial#: 82075204 Location:	03-1-3000200.000000 Grp: E	A	NESMITH, ANGEL	ANGEL	82075204	606 S 3RD ST 08-17-2022	08-17-2022	75,537		Service	590.43	546.44	180.00	500.00
03-000200-07	70843872 Serial#: 70843872 Location:	03M-1-3000200.010000 Grp: W	A	NESMITH, ANGEL	ANGEL		606 S 3RD ST 08-17-2022	08-17-2022	422		Service	590.43	546.44	180.00	500.00
03-002100-08	78686933 Serial#: 78686933 Location:	03-1-3002100.000000 Grp: E	A	GIST, LATISHA	LATISHA	78686933	604 S 4TH ST 08-17-2022	08-17-2022	45,355		Service	656.51	304.63	304.63	500.00
03-002100-08	67003899 Serial#: 67003899 Location:	03M-1-3002100.010000 Grp: W	A	GIST, LATISHA	LATISHA		604 S 4TH ST 08-17-2022	08-17-2022	533		Service	656.51	304.63	304.63	500.00
03-005600-06	77384190 Serial#: 77384190 Location:	03-1-3005600.000000 Grp: E	A	WILLIAMS, DAQUAN	DAQUAN	77384190	527 S 3RD ST 08-17-2022	08-17-2022	29,114		Service	511.98	226.40	226.40	500.00
03-005600-06	64068283 Serial#: 64068283 Location:	03M-1-3005600.010000 Grp: W	A	WILLIAMS, DAQUAN	DAQUAN		527 S 3RD ST 08-17-2022	08-17-2022	428		Service	511.98	226.40	226.40	500.00

Account	Meter #	Route/Read Seq.	Acct Status	Contact Full Name	Remote ID/MXU#	Site Location	Last Read Date	Last Reading	CURRENT READ	Type	Current Account Balance	Total Due On Last Bill	Minimum Payment Due	Deposit on Account
03-008900-04	77384313	03-1-3008900.000000	A	MATHIAS, ANTHONY M	77384313	505 S 5TH ST	08-17-2022	41,890		Service	407.11	268.82	118.82	500.00
03-008900-04	52090691	03M-1-3008900.010000	A	MATHIAS, ANTHONY M		505 S 5TH ST	08-17-2022	1,039		Service	407.11	268.82	118.82	500.00
03-015230-02	78686528	03-1-3015230.000000	A	O'NEAL, GEORGIANA	78686528	609 E WOODALL ST	08-17-2022	50,500		Service	533.44	257.49	257.49	0.00
03-015230-02	67778597	03M-1-3015230.010000	A	O'NEAL, GEORGIANA		609 E WOODALL ST	08-17-2022	583		Service	533.44	257.49	257.49	0.00
04-002700-04	78686906	04-1-4002700.000000	A	CASTANEDA, TINA M	78686906	302 S 4TH ST APT C	08-19-2022	38,532		Service	545.20	355.02	184.89	310.00
05-011600-05	78686922	05-1-5011600.000000	A	ANDERSON, HELENA	78686922	206 E CHURCH ST APT 1A	08-23-2022	17,886		Service	194.10	89.81	89.81	400.00
06-004170-00	74302717	06-1-6004170.000000	A	IRVINE, ROBERT B	74302717	402 N 3RD ST	08-20-2022	84,149		Service	659.63	273.41	273.41	400.00
06-004170-00	65541948	06M-1-6004170.010000	A	IRVINE, ROBERT B		402 N 3RD ST	08-20-2022	343		Service	659.63	273.41	273.41	0.00
06-021500-02	74302641	06-1-6021500.000000	A	BOOKER, NICHOLE		309 N 2ND ST	08-20-2022	25,015		Service	700.94	595.73	240.31	500.00
06-021500-02	65541661	06M-1-6021500.010000	A	BOOKER, NICHOLE		309 N 2ND ST	08-20-2022	327		Service	700.94	595.73	240.31	500.00
07-002900-06	75897459	07-1-7002900.000000	A	TAYLOR, CIVENZER J	75897459	331 E MARKET ST	08-23-2022	47,768		Service	300.87	142.14	142.14	275.00
07-017070-19	74302403	07-1-7017070.000000	A	HOBBS, KENDRICK	74302403-01	309 CASWELL St # APT B	08-23-2022	29,913		Service	294.19	130.94	130.94	500.00



Account	Meter #	Route/Read Seq.	Status	Contact Full Name	Remote Id/MXU#	Site Location	Last Read Date	Last Reading	CURRENT READ	Type	Current Account Balance	Total Due On Last Bill	Minimum Payment Due	Deposit on Account
08-027800-03 Serial#: 65705041 Location:	65705041	08M-1-8027800.010000 Grp: W	A	REYNOLDS, LOUANN 65705041		310 N 6TH ST 08-12-2022	08-12-2022	71		Service	414.37	190.45	190.45	250.00
10-003750-02 Serial#: 78643162 Location:	78643162	10-1-10003750.000000 Grp: E	A	JOHNSON, KETH 78643162		508 S 7TH ST 08-15-2022	08-15-2022	23,164		Service	225.12	114.83	114.83	0.00
10-010700-11 Serial#: 78686940 Location:	78686940	10-1-10010700.000000 Grp: E	A	GRANTHAM, MOLLY E 78686940		505 E ROSE ST 08-15-2022	08-15-2022	31,320		Service	257.05	422.73	12.73	500.00
10-010700-11 Serial#: 72478772 Location:	72478772	10M-1-10010700.010000 Grp: W	A	GRANTHAM, MOLLY E		505 E ROSE ST 08-15-2022	08-15-2022	280		Service	257.05	422.73	12.73	500.00
10-011200-14 Serial#: 77384294 Location:	77384294	10-1-10011200.000000 Grp: E	A	MACE, MAISAH 77384294		524 S 5TH ST 08-15-2022	08-15-2022	60,352		Service	504.38	164.91	164.91	500.00
10-011200-14 Serial#: 66442369 Location:	66442369	10M-1-10011200.010000 Grp: W	A	MACE, MAISAH 66442369		524 S 5TH ST 08-15-2022	08-15-2022	229		Service	504.38	164.91	164.91	500.00
10-011300-06 Serial#: 78686960 Location:	78686960	10-1-10011300.000000 Grp: E	A	BOYLAN, NEDRA I 78686960		528 S 5TH ST 08-15-2022	08-15-2022	76,976		Service	685.02	584.93	125.73	500.00
10-011300-06 Serial#: 45947463 Location:	45947463	10M-1-10011300.010000 Grp: W	A	BOYLAN, NEDRA I		528 S 5TH ST 08-15-2022	08-15-2022	2,245		Service	685.02	584.93	125.73	500.00
10-013950-02 Serial#: 78643165 Location:	78643165	10-1-10013950.000000 Grp: E	A	THE SPEIGHT LAW FIRM 78643165		610 S BRIGHT LEAF BLVD 08-15-2022	08-15-2022	49,192		Service	569.51	283.94	283.94	550.00
10-013950-02 Serial#: 67003989 Location:	67003989	10M-1-10013950.010000 Grp: W	A	THE SPEIGHT LAW FIRM		610 S BRIGHT LEAF BLVD 08-15-2022	08-15-2022	183		Service	569.51	283.94	283.94	550.00
11-015800-06 Serial#: 78687439 Location:	78687439	11-1-11015800.000000 Grp: E	A	ARENA, CHRISTINA M 78687439		206 E HOLT ST 08-17-2022	08-17-2022	62,589		Service	384.20	551.56	68.62	300.00
11-015800-06 Serial#: 38203871 Location:	38203871	11M-1-11015800.010000 Grp: W	A	ARENA, CHRISTINA M		206 E HOLT ST 08-17-2022	08-17-2022	1,639		Service	384.20	551.56	68.62	300.00

Account	Meter #	Route/Read Seq.	Act	Contact Full Name	Site Location	Last Read Date	Last Reading	Current Account Balance	Total Due On Last Bill	Minimum Payment Due	Deposit on Account
12-008600-25	82075209	12-1-12008600.000000	A	ONEAL, ASHLEY D Remote ID/MXU#: 82075209	820 2ND AVE 08-15-2022	54,066	Service	448.94	210.51	210.51	500.00
12-008600-25	53018070	12M-1-12008600.010000	A	ONEAL, ASHLEY D Grp: W	820 2ND AVE 08-15-2022	1,136	Service	448.94	210.51	210.51	500.00
13-033400-01	78643114	13-1-13033400.000000	A	TABERNACLE OF THE... 78643114	430 MARTIN LUTHER KING JR DR 08-17-2022	18,009	Service	759.44	396.32	396.32	0.00
13-033400-01	46600655	13M-1-13033400.010000	A	TABERNACLE OF THE... Grp: W	430 MARTIN LUTHER KING JR DR 08-17-2022	500	Service	759.44	396.32	396.32	0.00
13-072000-09	82074602	13-1-13072000.000000	A	GONZALEZ, MARIA/AARON... 82074602	1009 FAYETTEVILLE ST 08-17-2022	81,840	Service	876.76	413.00	413.00	400.00
13-072000-09	50236678-1	13M-1-13072000.010000	A	GONZALEZ, MARIA/AARON... Grp: W	1009 FAYETTEVILLE ST 08-17-2022	1,618	Service	876.76	413.00	413.00	400.00
14-001275-07	66442229	14M-1-14001275.010000	A	DAVIS, JOSHUA S 66442229	2295 US 70 E BUSINESS 08-22-2022	52	Service	118.18	72.31	72.31	200.00
14-001275-07	85564208	14-1-14005175.000100	A	VANN, GERRIAN J 85564208	1002 NORTH ST 08-22-2022	23,718	Service	399.01	181.63	181.63	500.00
14-001275-07	66442179	14M-1-14005175.000200	A	VANN, GERRIAN J 66442179	1002 NORTH ST 08-22-2022	75	Service	399.01	181.63	181.63	500.00
15-000370-02	91041238	15-1-15000370.000000	A	SANDERS, MATTHEW DBA... 91041238	816 S 3RD ST 08-23-2022	12,307	Service	438.25	384.22	184.22	500.00
15-000370-02	41967664	15M-1-15000370.010000	A	SANDERS, MATTHEW DBA... Grp: W	816 S 3RD ST 08-23-2022	749	Service	438.25	384.22	184.22	500.00
15-001940-03	77384387	15-1-15001940.000000	A	THOMPSON, CHAD R 77384387	1113 S BRIGHT LEAF BLVD 08-23-2022	32,393	Service	171.19	78.73	78.73	150.00

Account	Meter #	Route/Read Seq.	Status	Acct Contact Full Name	Remote Id/WXLU#	Site Location	Last Read Date	Last Reading	CURRENT READ	Type	Current Account Balance	Total Due On Last Bill	Minimum Payment Due	Deposit on Account
15-001940-03	46483584	15M-1-15001940.010000	A	THOMPSON, CHAD R		1113 S BRIGHT LEAF BLVD	08-23-2022	566		Service	171.19	78.73	78.73	150.00
15-001950-03	77384386	15-1-15001950.000000	A	THOMPSON, CHAD R		1111 S BRIGHT LEAF BLVD	08-23-2022	33,148		Service	666.97	286.16	286.16	250.00
15-001950-03	47390751	15M-1-15001950.010000	A	THOMPSON, CHAD R		1111 S BRIGHT LEAF BLVD	08-23-2022	734		Service	666.97	286.16	286.16	250.00
15-002700-12	78686495	15-1-15002700.000000	A	GONZALEZ, ISRAEL		909 S 2ND ST APT C	08-23-2022	59,975		Service	503.60	224.39	224.39	500.00
15-002700-12	43491746	15M-1-15002700.010000	A	GONZALEZ, ISRAEL		909 S 2ND ST APT C	08-23-2022	1,283		Service	503.60	224.39	224.39	500.00
15-003645-01	78687352	15-1-15003645.000000	A	LAMBERTON, AMBER AND...		1008 S 1ST ST	08-23-2022	76,767		Service	511.76	288.55	138.55	500.00
15-003645-01	45734769	15M-1-15003645.010000	A	LAMBERTON, AMBER AND...		1008 S 1ST ST	08-23-2022	949		Service	511.76	288.55	138.55	500.00
27-003035-13	48111977	27M-1-27003035.010000	A	BROWN, DAYAMI V		202 SYLVIA CIR	08-22-2022	1,123		Service	349.16	406.21	78.25	100.00
28-009500-00	18794629X	28-1-28009500.000000	A	ESA SMITHFIELD NC 1 LLC		1900 MALLARD RD	08-12-2022	1,089		Service	3,811.08	1,831.33	1,831.33	4,773.62
28-009500-00	XXXXXXSIF	28-1-28009500.000000	A	ESA SMITHFIELD NC 1 LLC		1900 MALLARD RD	08-12-2022	279,207		Demand Service	3,811.08	1,831.33	1,831.33	4,773.62