



Mayor

M. Andy Moore

Mayor Pro-Tem

Travis Scott

Council Members

Marlon Lee

David Stevens

David Barbour

Emery Ashley

John A. Dunn

Stephen Rabil

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, July 10, 2018

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 JULY 10, 2018  
7:00 PM**

**Call to Order**

**Invocation**

**Pledge of Allegiance**

**Approval of Agenda**

**Page**

**Presentations:**

- 1. Presentation by USDA Rural Development for the Awarding of the Rural Business Development Grant in the amount of \$99,256 for the Wayfinding Project** (Information will be provided prior to the meeting)
- 2. Recognition of Master Police Officer Jordan Cutchins for obtaining the Advanced Law Enforcement Certification from the North Carolina Education and Training Standards Commission.**  
(Mayor – M. Andy Moore & Chief of Police R. Keith Powell) See attached information.....1
- 3. Acceptance of the North Carolina Department of Environmental Quality Division of Water Resources award, signifying that the Town of Smithfield Water Plant received the 2017 Area Wide Optimization Award.**  
(Public Utilities Director – Ted Credle) See attached information.....3

**Public Hearings**

- 1. SUP-18-07 - Baldovinos Event Space:** The applicant is requesting a special use permit to construct and operate a public / private club on a 2.71 acre tract of land located within a B-3 (Highway Entrance Business) zoning district. The property considered for approval is located on the west side of the South Brightleaf Boulevard approximately 300 feet north of its intersection with Tyler Drive. The property is further identified as a Johnston County Tax ID# 15J11023A.  
(Planning Director – Stephen Wensman) See attached information.....7

- 2. Community Development Block Grant:** The purpose of this public hearing is to obtain citizen input into the identification of community needs and desired CDBG activities.  
(Town Manager – Michael Scott) See attached information.....43
  
- 3. Resolution #619 (06-2018) Closing a Portion of North Second Street:**  
In accordance with NC G.S. 160A-299, the Town of Smithfield is required to conduct a public hearing to allow all persons the complete opportunity to appear and be heard on the question of whether or not the closing would be detrimental to the public or the property rights of any individual.  
(Public Utilities Director – Ted Credle) See attached information.....49

**Citizens Comments**

**Consent Agenda Items**

- 1. Approval of Minutes:**
  - a. May 10, 2018 – Budget Session
  - b. May 15, 2018 – Budget Session
  - c. May 21, 2018 – Budget Session
  - d. June 5, 2018 – Regular Meeting
  - e. June 5, 2018 – Close Session (Under Separate Cover).....57
  
- 2. Special Event: National Night Out –** Smithfield Police Department is seeking approval to hold a National Night Out event on August 7, 2018 with set-up beginning at 4:00 pm and the event being held from 5:00 pm to 8:00 pm. at 1025 Outlet Center Drive. This event will have amplified sound.  
(Planning Director – Stephen Wensman) See attached information.....91
  
- 3. Consideration and Approval to adopt Resolution #620 (07-2018) Approving the 2018-2019 Employee Handbook**  
(Town Manager – Michael L. Scott) See attached information.....95
  
- 4. Consideration and Approval to adopt Resolution #621 (08-2018) supporting the East Coast Greenway Grant Application.**  
(Planning Director – Stephen Wensman) See attached information.....153
  
- 5. Consideration and Approval to change Management Software for Parks and Recreation and SRAC.**  
(Parks and Recreation Director – Gary Johnson) See attached information.....157
  
- 6. Bid Award to Triangle J. Council of Governments in the amount of \$18,000 to conduct the Salary Study.**  
(Human Resources Director – Tim Kerigan) See attached information.....167
  
- 7. Consideration and Approval of budget amendments**  
(Finance Director – Greg Siler) See attached information.....175

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<b>8. Career Ladder Promotions – Fire Department:</b> The Fire Department is requesting approval to promote two employees from the rank of Fire Fighter I to the rank of Fire Fighter II (Fire Chief – John Blanton) <u>See</u> attached information.....	177
<b>9. Advisory Board Appointment</b>	
<b>a.</b> Lyn Andrews has submitted an application for consideration to be appointed to a first term on the Parks and Recreation Advisory Commission (Town Clerk – Shannan Parrish) <u>See</u> attached information.....	181
<b>10. New Hire Report</b> (Human Resources Director/PIO – Tim Kerigan) <u>See</u> attached information.....	185

### **Business Items**

<b>1. Consideration and Approval to amend the FY 2018 – 2019 Fee Schedule for Solid Waste Service due to recent increase in tipping fees by Johnston County.</b> (Public Works Director – Lenny Branch) <u>See</u> attached information.....	187
<b>2. Consideration and Approval to amend the FY 2018 – 2019 Fee Schedule for Wastewater due to the recent increase in Wastewater Treatment rates by Johnston County</b> (Public Utilities Director – Ted Credle) <u>See</u> attached information.....	191
<b>3. Consideration and Approval to amend the FY 2018 – 2019 Fee Schedule for SRAC rates for Town of Smithfield Employees and Johnston County School Employees</b> (Parks and Recreation Director – Gary Johnson & Aquatic Center Director – Dale Ham) <u>See</u> attached information.....	197
<b>4. Consideration and Approval to enter into an Agreement with Envirolink for the purpose of performing an analysis that will be the basis of the beginning of a discussion regarding the implementation of System Development Fees</b> (Public Utilities Director – Ted Credle) <u>See</u> attached information.....	201

### **Councilmember’s Comments**

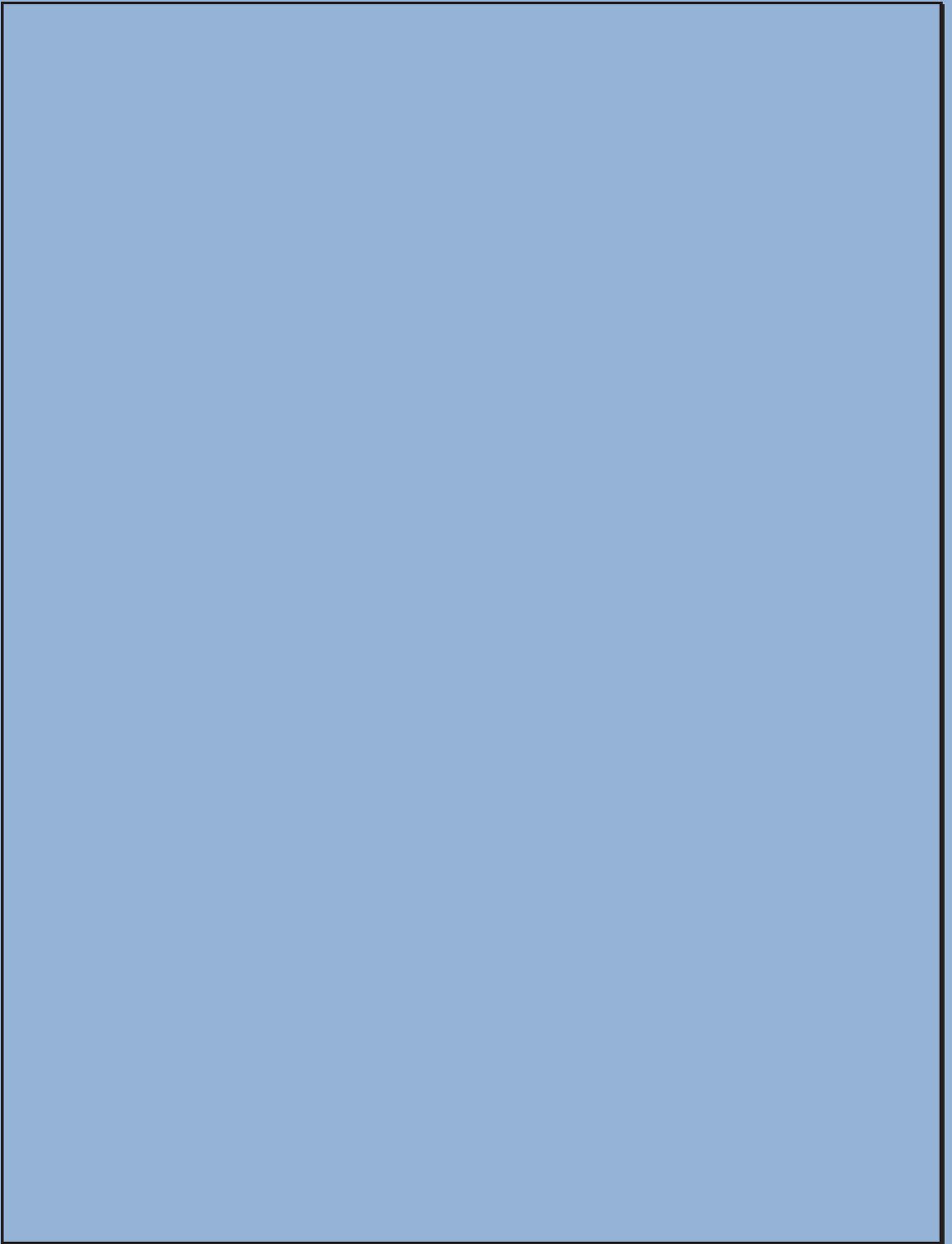
#### **Town Manager’s Report**

- Financial Report (See attached information).....227
- Department Reports (See attached information).....231
- Manager’s Report (Will be provided at the meeting)

### **Adjourn**



# Presentations





# Request for City Council Action

**Presentation:** Police  
Dept.  
Advance  
Certificate  
Date: 07/10/2018

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**Subject:** Advance Certificate Presentation  
**Department:** Police Department  
**Presented by:** Captain J. Grady  
**Presentation:** Presentation

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## Issue Statement

Master Patrol Officer Jordon Cutchins has received his Advanced Law Enforcement Certificate from the North Carolina Education and Training and Standards Commission. Officer Cutchins joins sixteen (16) other members of the Smithfield Police Department that have received this specific recognition. Officer Cutchins has been with the department for 10 years. Officer Cutchins has been a K-9 handler and works for D Team on Patrol.

## Financial Impact

None

## Action Needed

Presentation of Advanced Certificate.

## Recommendation

Captain Grady to present Officer Cutchins with his Advance Law Enforcement Certificate.

Approved:  Town Manager  Town Attorney

Attachments:

1. Staff Report



# Staff Report

Presentation **Police  
Dept.  
Advance  
Certificate**

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Officer Cutchins has received his Advanced Law Enforcement Certificate from the North Carolina Education and Training and Standards Commission. Officer Cutchins joins sixteen (16) other members of the Smithfield Police Department that have received this specific recognition. Applications have to be submitted to Training and Standards then are approved by the Board of Commissioners. This certificate program allows dedicated officers to receive statewide recognition for education, professional training and on the job experience.

Officer Cutchins holds a Bachelors Degree in Criminal Justice and Criminology from Mount Olive College. Officer Cutchins with his four year degree needed an additional 24 training points (480 hours of training) as well as 6 years of continuous law enforcement service to obtain this certificate. Officer Cutchins has been with the Smithfield Police Department for ten years. He has worked on patrol during his career and has served the Department as a K-9 handler. Officer Cutchins also served four years in the Marine Corps and proudly served two tours in Iraq. Please join me at this time in congratulating Officer Cutchins on his achievement.



# Request for Town Council Action

**Presentation**    **Award**  
**Presentation**  
Date: 07/10/2018

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**Subject:** Sewer Rate Adjustment  
**Department:** Public Utilities  
**Presented by:** Ted Credle  
**Presentation:** Yes

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## Issue Statement

Acceptance of the North Carolina Department of Environmental Quality Division of Water Resources award, signifying that the Town of Smithfield Water Plant received the 2017 Area Wide Optimization Award.

## Financial Impact

None

## Action Needed

Accept the award, as presented by the North Carolina Department of Environmental Quality

## Recommendation

Staff recommends acceptance of the award

Approved:  Town Manager  Town Attorney (not required)

Attachments:

1. Staff Report
2. NCDEQ Press Release



# Staff Report

**Presentation: Award  
Presentation**

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The North Carolina Division of Water Resources annually honors water treatment plants across the state for surpassing federal and state drinking water standards. The division's Public Water Supply section has awarded facilities the prestigious North Carolina Area Wide Optimization Award, which is part of a state effort to enhance the performance of existing water surface facilities.

Awards are given each year to water systems that demonstrate superior solids removal; which is a key determinant of drinking water quality. Solids are often composed of silt and other particles which provide a medium for microbial growth. Solid particles do occur naturally; however, these particles may include harmful bacteria or viruses.

While all systems must meet strict state and federal drinking water standards, the systems honored with the Area Wide Optimization Award met standards that are significantly more stringent.



Release: IMMEDIATE  
Date: June 12, 2018

Contact: Christy Simmons  
Phone: 919-807-6376

### North Carolina honors 69 drinking water treatment plants

**RALEIGH** – The N.C. Division of Water Resources has honored 69 water treatment plants for surpassing federal and state drinking water standards.

The division’s Public Water Supply section has awarded the facilities the prestigious N.C. Area Wide Optimization Award, which is part of a state effort to enhance the performance of existing surface water treatment facilities.

In 2017, the state recognized four facilities with the “Gold Star” honor, which is an award for systems that have received the N.C. Area Wide Optimization Award for 10 consecutive years. They are Newton, Lincolnton, Marion and Henderson-Kerr Lake Regional Water Authority.

Awards are given each year to water systems that demonstrate outstanding turbidity removal, a key test of drinking water quality. Turbidity is a measure of the cloudiness or haziness of water caused by individual particles that can interfere with disinfection and provide a medium for microbial growth. Microbes are microscopic particles that occur naturally but can include harmful bacteria and viruses.

While all drinking water systems must meet strict state and federal drinking water standards, these systems met performance goals that are significantly more stringent. During 2017, more than 3.8 million North Carolina residents were served by these award-winning plants.

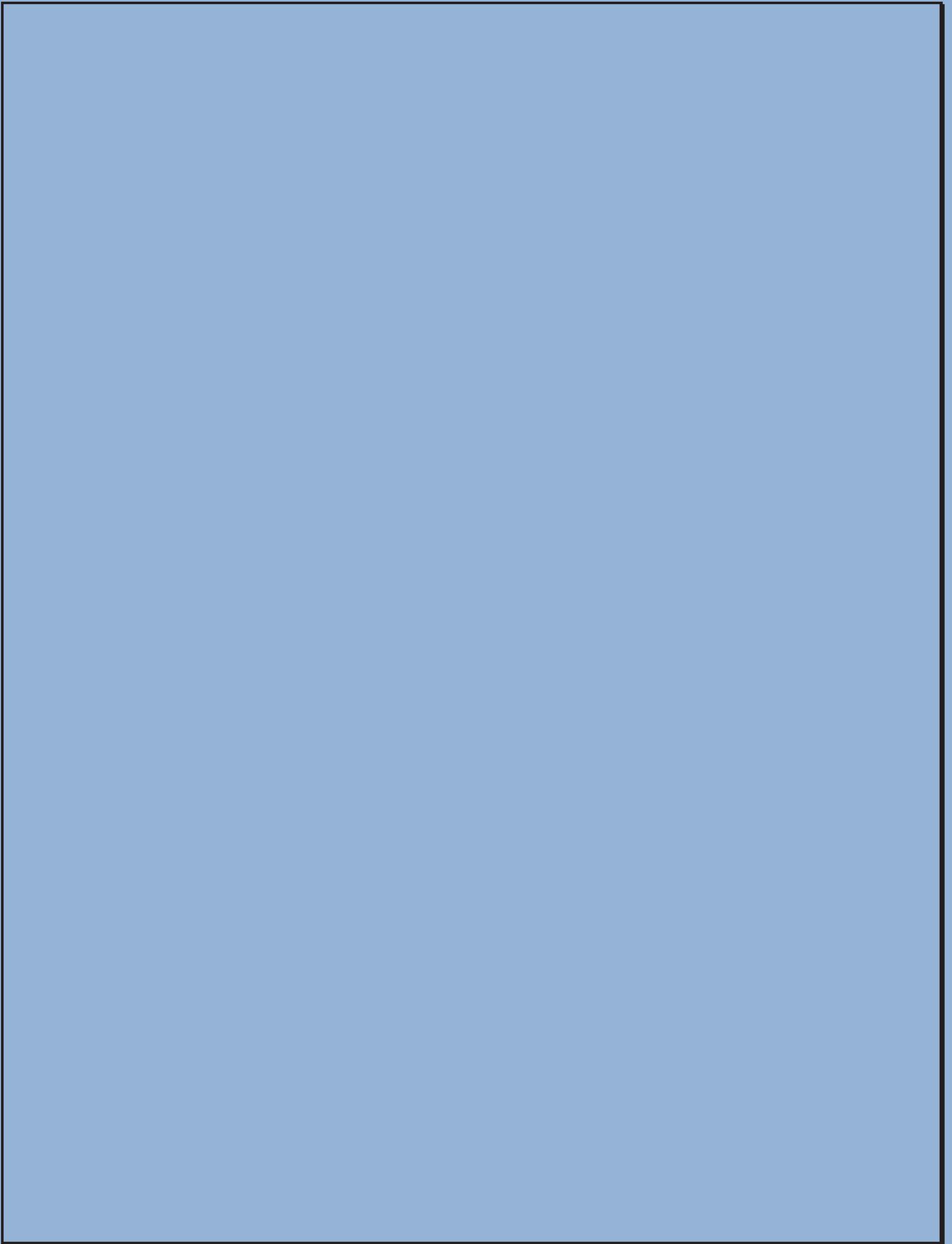
The award winners for 2017 are Andrews, Appalachian State University, Boone, Broad River Water Authority, Brunswick County, Burlington – Ed Thomas, Burnsville, Cape Fear Public Utility Authority – Wilmington-Sweeney, Cary, Charlotte Water – Franklin, Charlotte Water – Lee S. Duke, Charlotte Water – Vest, Cherryville, Concord – Coddle Creek, Concord – Hillgrove, Dallas, Davidson – Gregg W. Stabler, Eden – Robert A. Harris, Elkin, Fayetteville PWC – Hoffer, Forest City, Franklin, Greenville Utilities Commission – Charles Horne, Hamlet, Harnett County, Hendersonville, Henderson-Kerr Lake Regional Water Authority, Hickory, Hillsborough, Johnston County – East, Johnston County – West, Kannapolis, King, Lenoir, Lincoln County, Lincolnton, Madison, Maggie Valley Sanitary District, Marion, Mayodan, Montgomery County, Mooresville – Plant 2, Morganton – Catawba, Mount Airy – F.G. Doggett, Mount Airy – S. L. Spencer, Mount Holly, Newton, Norwood, Orange Water & Sewer Authority, Piedmont Triad Regional Water Authority – John F. Kime, Pilot Mountain, Pittsboro, Raleigh – D.E. Benton, Raleigh – E.M. Johnson, Robbinsville – Rock Creek, Sandford, Smithfield, Southern Pines, Tarboro, Thomasville, Tuckaseegee, Valdese, Waynesville – Allens Creek, Weaverville – Ivy River, Western Carolina University, Wilkesboro, Winston-Salem – P.W. Swann, Winston-Salem – R.A. Thomas, Winston-Salem – R.W. Neilson.

For more information, contact N.C. Drinking Water Protection Program Coordinator Rebecca Sadosky at [Rebecca.Sadosky@ncdenr.gov](mailto:Rebecca.Sadosky@ncdenr.gov) or 919-707-9096.

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# Public Hearings





# Request for Town Council Action

**Public  
Hearing:** SUP- 18-07

**Date:** 7/10/18

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**Subject:** Special Use Permit for public/private club  
**Department:** Planning  
**Presented by:** Stephen Wensman  
**Presentation:** Public Hearing

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## Issue Statement

The applicant is requesting a special use permit to allow for a public/private club to serve alcohol on a 2.17 acre tract of land located within a B-3 (Highway Entrance Business) zoning district.

## Financial Impact

None

## Action Needed

The Smithfield Town Council is requested to review the petition for a private club within a B-3 (Highway Entrance Business) zoning district, hold a public hearing and make a decision in accordance with the finding of fact for a special use permit.

## Recommendation

The Planning Department recommends approval of the request for a special use permit to allow for a private club providing the a site plan showing adequate on-site parking, landscaping and buffering is approved and constructed prior to operating as a private club.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff report
2. Findings of Fact
3. Application information



# Staff Report

Agenda Item: SUP-18-07

**Application Number:** SUP-18-07  
**Project Name:** Baldovinos Event Space  
**TAX ID number:** 15J11023A  
**NC PIN:** 168206-37-6932  
**Town Limits/ETJ:** City  
**Applicant:** Curry Engineering Group, PLLC  
**Owners:** Tony Baldovinos  
**Agents:** none

**PROJECT LOCATION:** 3460 South Brightleaf Boulevard.

**REQUEST:**

The applicant is requesting a special use permit to allow for a public/private club to serve alcohol on a 2.17 acre tract of land located within a B-3 (Highway Entrance Business) zoning district.

**SITE DATA:**

**Acreage:** 2.17 acres  
**Present Zoning:** B-3 (Highway Entrance Business)  
**Proposed Zoning:** N/A  
**Existing Use:** Residential  
**Proposed Use:** Event Center/Private/private club with full service ABC permit  
**Water Service:** Town of Smithfield  
**Sewer Service:** Johnston County sewer main / Town of Smithfield sewer allocation  
**Electrical Service:** Duke Energy

**ADJACENT ZONING AND LAND USES:**

North:	Zoning	Existing Use
	R-10 Residential	Residential Home
South:	O/I – Office Institutional	Restaurant (Holt Lake Bar-B-Q)
West:	B-3 Business	Contractor / Rapid Response Electric, Inc.
East:	R-10 Residential	Vacant/Wooded

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**ENVIRONMENTAL:** There does not appear to be any environmentally sensitive areas on the property considered for a special use permit to include flood plains, designated wetlands or watershed protected areas.

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**STAFF ANALYSIS AND COMMENTARY:**

The applicant is requesting a special use permit for a public / private club on property located within a B-3 (Highway Entrance Business) zoning district. In accordance with Town of Smithfield Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of permitted uses, public / private clubs are permitted uses within the B-3 zoning district with a valid special use permit issued by Town Council. The UDO provides only general development standards and does not provide any additional supplemental performance standards for public / private clubs located in a B-3 zoning district.

The facility will be seeking State issued ABC permits to allow for on-site liquor by the glass and is not requesting zoning approval to operate as restaurant. Therefore, the applicant is requesting a special use permit to operate as a public / private club even though the facility will be used to accommodate wedding receptions, private parties and other similar type events.

**General Site:** The site plan as submitted for review can and will meet all minimum development standards of the Town of Smithfield Unified Development Ordinance. No variance requests to Town of Smithfield Board of Adjustment have been received for this project at this time.

**Utility Plan:** Water and sewer is available within the right-of-way of South Brightleaf Boulevard. The project proposes to tie into the an existing Johnston County forced sewer main and will be a metered customer of the Town of Smithfield. Water will be provided by a Town of Smithfield water main. Duke-Progress electric service, Piedmont Natural Gas service and telephone service are all available within the right-of-way of South Brightleaf Boulevard.

**Lighting Plan:** The provided lighting plan meets or exceeds minimum UDO lighting standards. The plan indicates that 7, thirty foot lamp poles. The proposed lamps will produces less than .5 foot candles of light at the property line adjacent to the residential land use to the north and less than 2 foot candles at right-of-way line of South Brightleaf Boulevard. In accordance with Part VI of the Unified Development Ordinance, all wall pack lighting shall be of full cutoff design or be shielded so all light leaving the fixture comes from below. No wall pack lights are shown on the lighting plan. One existing street light exists near the property line between the subject property and Holt Lake Bar-B-Q.

**Stormwater Plan:** The site plan indicates approximately 1.49 acres of impervious surfaces. Since more than ½ acre of impervious is being added, stormwater attenuation will be required. A nitrogen buy down option will be available to the project providing the

nitrogen loading does not exceed 10 pounds per acre. The site plan indicates a proposed stormwater detention facility to be located between the on-site parking and right-of-way of South Brightleaf Boulevard.

**Landscaping Plan:** The landscape plan meets or exceeds minimum UDO standards and includes a type C landscape buffer comprised of a 10 foot wide planting yard and 6 foot high privacy fence adjacent to the residential zoned property to the north. A standard 15 foot street yard is proposed adjacent to South Brightleaf Boulevard. Standard five foot transition yards are provided between the proposed project and Holt Lake Bar-B-Q and Rapid Response Electric, Inc. to the rear. Foundation plantings are provided adjacent to the principle structure. A detailed landscape plan is included that documents species, size at planting and location of all plant material.

**Parking and Access Plan:** 105 standard parking spaces are shown on the site plan. Minimum parking requirements are based on one space per 150 square feet of gross floor area of the principle building. Internal circulation will be provided by standard 24 foot drive isles and access to South Brightleaf Boulevard by a standard commercial driveway to be permitted by NCDOT. Curb, gutter and sidewalks are provided within the right-of-way of South Brightleaf Boulevard. Lateral access will be constructed to the southern property line of the subject property in accordance with Article 10.2.10 of the Town of Smithfield Unified Development Ordinance.

**Dumpster Enclosure:** A dumpster enclosure is proposed towards the rear of the site. Adequate access to this dumpster enclosure is provided from South Brightleaf Boulevard. Standard details and screening are shown on the site plan.

**Signs:** The project will qualify for one wall sign and one monument sign on the side facing South Brightleaf Boulevard. All new signs for the facility will require a separate sign permit issued by the Planning Department. No signs are proposed at this time.

### **FINDINGS OF FACT (*Staff findings in Bold Italic*)**

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 event center will not be detrimental or endanger the public health, safety or general welfare because it is surrounded by commercial uses on two sides, vacant residential property to the south and will be buffered from the R-10 residential to the north by a required landscape yard and fence. Adequate access will be off of US Highway 301.***
2. The special use will be in harmony with the existing development and uses within the area in which it is to be located. ***The event center is in a B-3 zoning district which allows such uses with a special use permit and the site will be buffered from the R-10 residential to the north by a required landscape yard and fence.***
3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. ***The development of this site will have no impact on the normal and***

*orderly development or improvements of surrounding property.*

4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided. *Utilities are available, road access will be directly from South Brightleaf Blvd, adequate drainage and parking and other facilities are being provided with the new development and will be permitted after approval of the site plan meeting all UDO requirements.*
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. *Ingress and egress will require a NCDOT permit. There appears to be an adequate driveway to South Brightleaf Blvd and lateral access to the adjacent commercial property is being provided.*
6. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. *Yes, all regulations have been conformed with.*
7. Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern. *The access conforms to plans.*
8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council. *The access conforms to plans.*

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**PLANNING DEPARTMENT RECOMMENDATIONS:**

The Planning Department recommends approval of the request for a special use permit to allow for a public/private club providing the a site plan showing adequate on-site parking, landscaping and buffering is approved and constructed prior to operating as a private club.

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**TOWN COUNCIL ACTION REQUESTED:**

The Smithfield Town Council is requested to review the petition for a public/private club within a B-3 (Highway Entrance Business) zoning district, hold a public hearing and make a decision in accordance with the finding of fact for a conditional use permit.

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

**Application Number:** SUP-18-07    **Name:** Boldivinos Event Center

**Request:** Applicant seeks a special use permit to operate a public/private club on the property.

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

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

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

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

**Motion to Approve:** *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to approve Special Use Permit Application # SUP-18-07 with the following condition:*

1. *A site plan be submitted for approval showing required on-site parking, landscaping and buffering and other requirements.*

**Motion to Deny:** *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny Special Use Permit Application # SUP-18-07 for the following stated reason:*

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**Record of Decision:**

**Based on a motion and majority vote of the Town of Smithfield Town Council for the Special Use Permit Application Number SUP-18-07 is hereby:**

\_\_\_\_\_ **approved upon acceptance and conformity with the following conditions:**

2. *A site plan be submitted for approval showing required on-site parking, landscaping and buffering and all other requirements of the Unified Development Ordinance.*

\_\_\_\_\_ **denied for the noted reasons.**

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**Decision made this 10<sup>th</sup> day of July, 2018 while in regular session.**

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

**ATTEST:**

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



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

## SPECIAL USE PERMIT APPLICATION

*Pursuant to Article 4, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.*

*Special Use Permit applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans and one (1) digital copy of all required documents, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00. All fees are due when the application is submitted.*

### SITE INFORMATION:

Name of Project: Baldovinos Event Space      Acreage of Property: 2.17 ac  
 Parcel ID Number: 1682376932      Tax ID: 5218553  
 Deed Book: 5024      Deed Page(s): 401  
 Address: 3460 US HWY 301  
 Location: Smithfield, NC

Existing Use: Residential      Proposed Use: Event Space  
 Existing Zoning District: B-3

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

### FOR OFFICE USE ONLY

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



## REQUIRED FINDING OF FACT

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

- 1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.  
The event space will not endanger public health, safety, or general welfare.  
\_\_\_\_\_  
\_\_\_\_\_
- 2) The special use will be in harmony with the existing development and uses within the area in which it is to be located.  
The special use is in harmony with the adjacent restaurant property and will construct a screening fence (along with a landscaped buffer) for adjacent residential properties.  
\_\_\_\_\_  
\_\_\_\_\_
- 3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.  
The special use will not impede any development.  
\_\_\_\_\_  
\_\_\_\_\_
- 4) Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.  
Utilities, driveway, stub road, drainage facilities, and parking are being provided by the proposed plan.  
\_\_\_\_\_  
\_\_\_\_\_
- 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.  
Driveways and stub driveways are to town specification and will meet NCDOT requirements in that separate process.  
\_\_\_\_\_  
\_\_\_\_\_
- 6) The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.  
The proposed property shall conform will all other applicable regulations.  
\_\_\_\_\_  
\_\_\_\_\_
- 7) Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.  
Driveways and stub driveways are to town specification and will meet NCDOT requirements in that separate process.  
\_\_\_\_\_  
\_\_\_\_\_
- 8) The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.  
The proposed use will be in conformity with the land use, thoroughfare, and other town council plans.  
\_\_\_\_\_  
\_\_\_\_\_

## REQUIRED SITE PLAN INFORMATION

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

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

**APPLICANT AFFIDAVIT**

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

**Donald Curry, PE**  
*Print Name*

  
*Signature of Applicant*

6/1/2018  
*Date*

# OWNER'S CONSENT FORM

Name of Project: Baldovinos Event Hall      Submittal Date: June 1, 2018

## OWNERS AUTHORIZATION

I hereby give CONSENT to Donald Curry, PE (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.

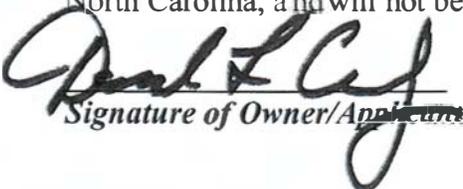
  
*Signature of Owner*

Tony Baldovinos  
*Print Name*

June 1, 2018  
*Date*

## CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

  
*Signature of Owner/Applicant*

Donald Curry, PE  
*Print Name*

June 1, 2018  
*Date*

## FOR OFFICE USE ONLY

File Number: \_\_\_\_\_ Date submitted: \_\_\_\_\_ Date received: \_\_\_\_\_



DATE	MARCH 2018
FILE NO.	0863 SHEET 2018
DATE	MARCH 2018
FILE NO.	0863 SHEET 2018
DATE	MARCH 2018
FILE NO.	0863 SHEET 2018

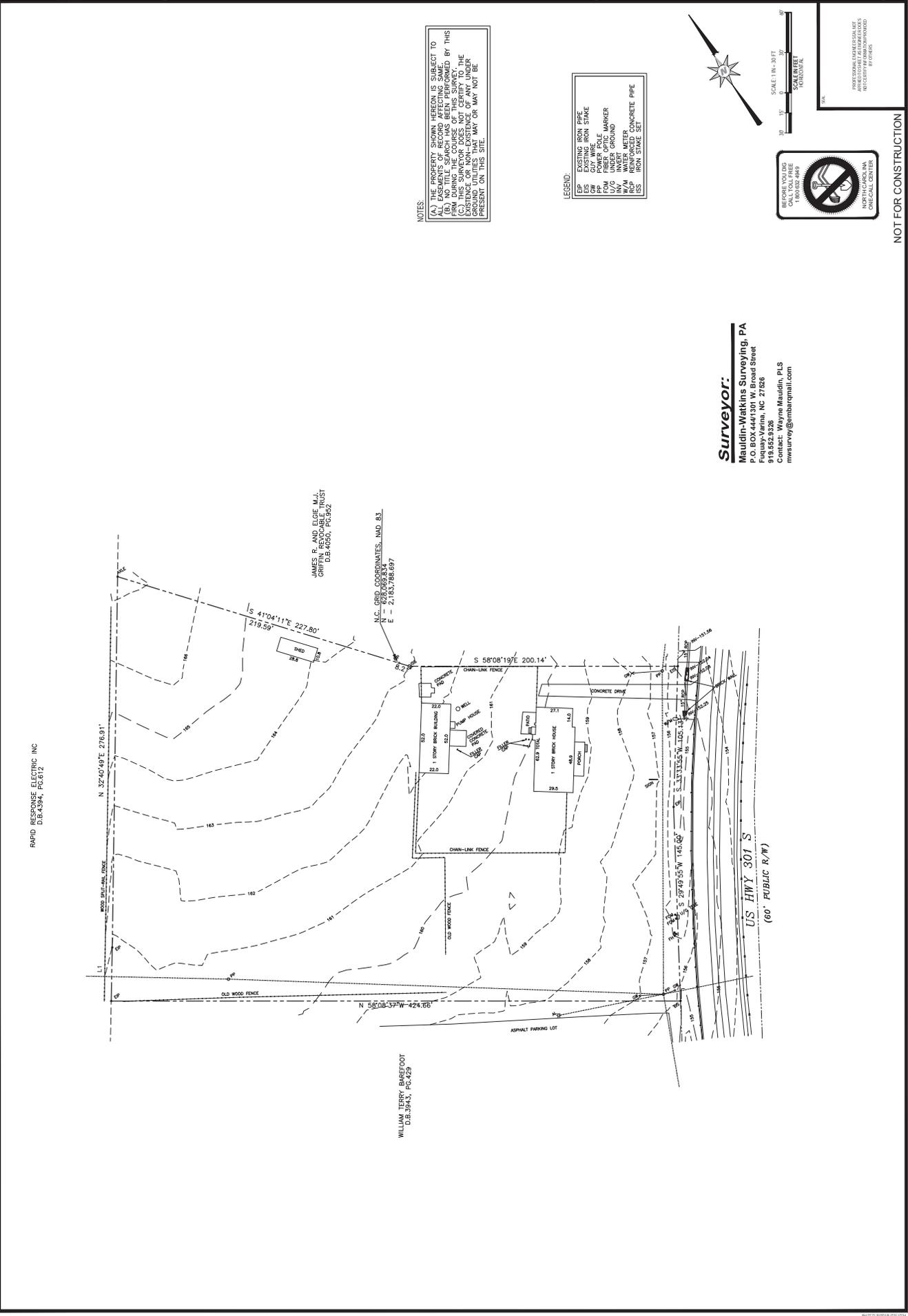
# BALDOVINOS EVENT SPACE EXISTING CONDITIONS

ENGINEERING  
**Curry**  
C-01

PROFESSIONAL REGISTERED SURVEYOR  
NORTH CAROLINA  
NO. 27386  
WAYNE MAUDLIN

SCALE: 1" = 40 FT  
SCALE: 1" = 20 FT  
SCALE: 1" = 10 FT

NOT FOR CONSTRUCTION



**NOTES:**

(A) THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME. (B) NO FIELD SEARCH HAS BEEN PERFORMED BY THIS SURVEYOR TO DETERMINE THE EXISTENCE OF (C) THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF ANY INFORMATION DERIVED FROM AERIAL PHOTOGRAPHS OR OTHER SOURCES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.

**LEGEND:**

- EXISTING IRON PIPE
- GUY WIRE
- FIBER OPTIC MARKER
- UNDER GROUND
- WATER METER
- CONCRETE PIPE
- IRON STAKES SET

**Surveyor:**  
Maudlin-Watkins Surveying, PA  
P.O. BOX 448 301 W. Broad Street  
Wayne, NC 27386  
Contact: Wayne Maudlin, PLS  
mwsurvey@mbargmail.com



NOT FOR CONSTRUCTION

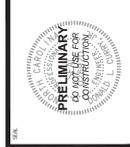
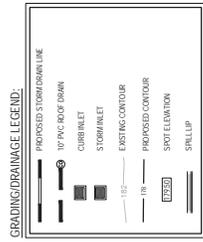




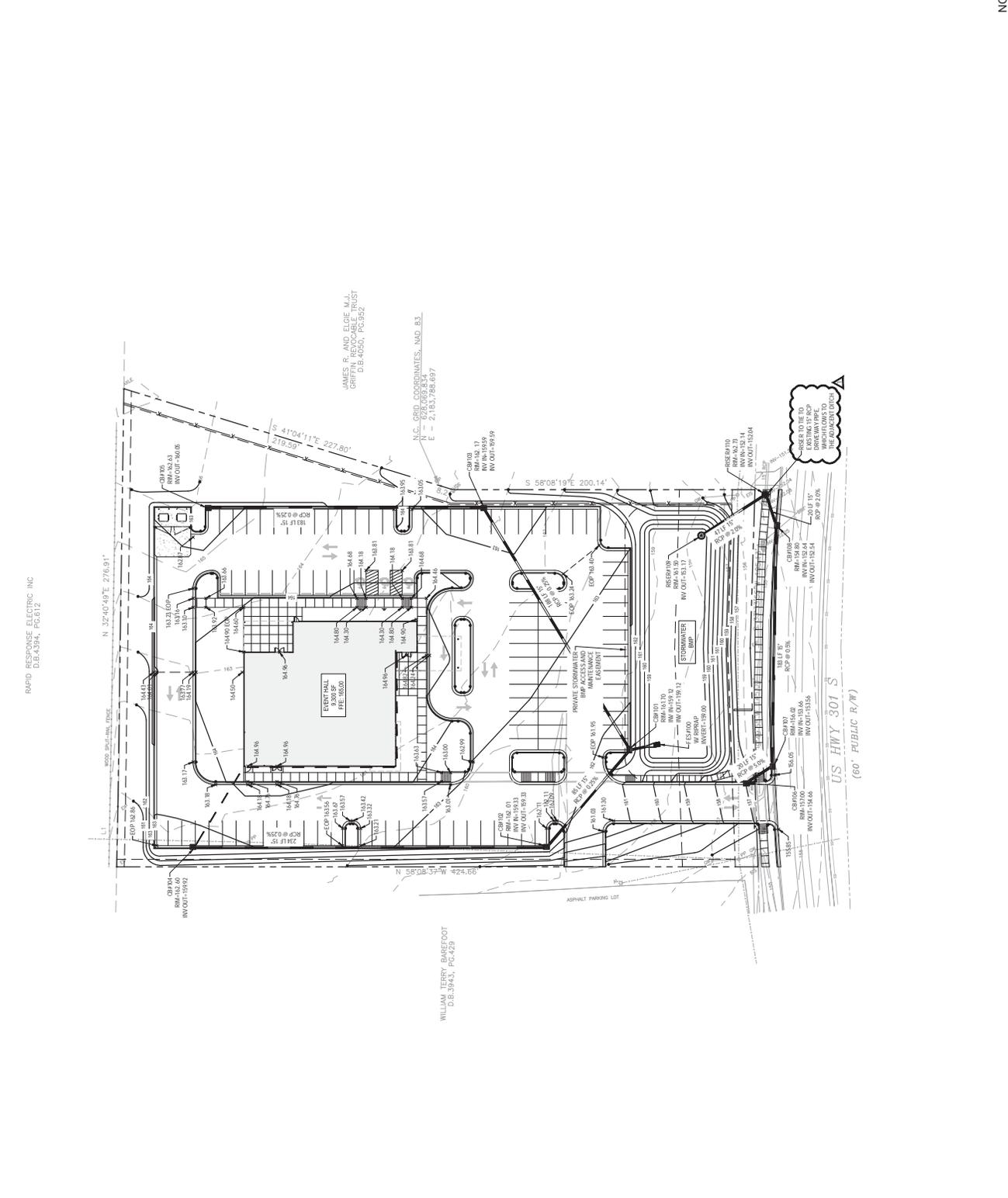




- GRADING/DRAINAGE NOTES:**
1. ALL STORMDRAINAGE PIPING SHALL BE CLASS B UNLESS NOTED OTHERWISE.
  2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH NCDC, NCDD, AND NCDDC.
  3. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FROM THE OWNER'S SCOTTECHICAL ENGINEER, AS APPROPRIATE.
  4. CONTRACTOR SHALL MAINTAIN POSITIVE SLOPE AND SUFFICIENT FLOW FORMATION DRAIN SYSTEMS.
  5. SPOT ELEVATIONS ON CURB REFER TO THE BACK OR TOP OF CURB/ROAD ELEVATION. ELEVATIONS ON STORMDRAINAGE MANHOLE COVERS ARE IN THE SHEET REFER TO EDGE OF PAVED SURFACE ELEVATION.
  6. ALL STORMDRAIN HOODS, MANHOLE COVERS AND GRATES ARE TO BE 18" DIA. 15" HIGH.
  7. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL GRADING PRIOR TO THE START OF CONSTRUCTION.
  8. THIS SITE IS ANTICIPATED TO BE A BALANCE EARTHWORK SITE. IN THE EVENT MATERIAL IS TAKEN OFF SITE OR RECEIVED FROM AN OFF-SITE SOURCE, THE CONTRACTOR SHALL OBTAIN A LETTER FROM THE MATERIAL SUPPLIER AND THE MATERIAL MUST ORIGINATE FROM A PERMITTED FACILITY.



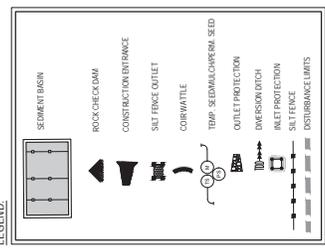
NOT FOR CONSTRUCTION



# BALDOVINOS EVENT SPACE EROSION CONTROL PLAN

- ### EROSION CONTROL NOTES:
1. THE EROSION CONTROL MEASURES SHOWN ON THIS PLAN SHALL BE INSTALLED UNDER THIS PROJECT TO THE SCALE OF THIS DRAWING. THESE MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE ACTUALLY MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
  2. TOTAL DISTURBED AREA = 2.71 AC
  3. REFER TO DETAIL SHEETS FOR CONSTRUCTION SEQUENCE, EROSION CONTROL MEASUREMENTS, STABILIZATION INSTRUCTIONS & DISTURBANCE CONTROL DETAILS.
  4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT JOHNSON COUNTY STANDARDS AND REGULATIONS.
  5. THESE MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD UNTIL AN APPROVED STABILIZATION PLAN IS SUBMITTED TO AND APPROVED BY JOHNSON COUNTY ENVIRONMENTAL SERVICES.
  6. ALL DISTURBED AREAS SHALL BE SEEDED PER STABILIZATION TABLE.
  7. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING SELF-INSPECTION LOG.

- ### MAINTENANCE NOTES:
1. PERMIT AND ASBESTHOSIS APPROVED FORMER THAN FOR 14 CALENDAR DAYS WITHOUT APPROVING TEMPORARY SEEDING. SEE EROSION CONTROL TABLE FOR MORE INFORMATION.
  2. MAINTAIN ALL EROSION CONTROL MEASURES DAILY AND RESEED DISTURBED AREAS AS NEEDED.
  3. INSPECT ALL EROSION CONTROL MEASURES WEEKLY AND AFTER EACH RAINFALL EVENT. REPAIR AS NEEDED.
  4. TELEPHONE PALETTES SHALL BE REMOVED FROM THE SITE IMMEDIATELY UPON COMPLETION OF CONSTRUCTION. TELEPHONE PALETTES SHALL BE REMOVED FROM THE SITE IMMEDIATELY UPON COMPLETION OF CONSTRUCTION.
  5. ALL EROSION CONTROL DEVICES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MOST CURRENT STANDARDS OF THE NATIONAL CONSTRUCTION EDUCATION CENTER (NCEC).
  6. THESE MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD UNTIL AN APPROVED STABILIZATION PLAN IS SUBMITTED TO AND APPROVED BY JOHNSON COUNTY ENVIRONMENTAL SERVICES.



SCALE: 1" = 30'  
 SCALE: 1" = 30'  
 SCALE: 1" = 30'



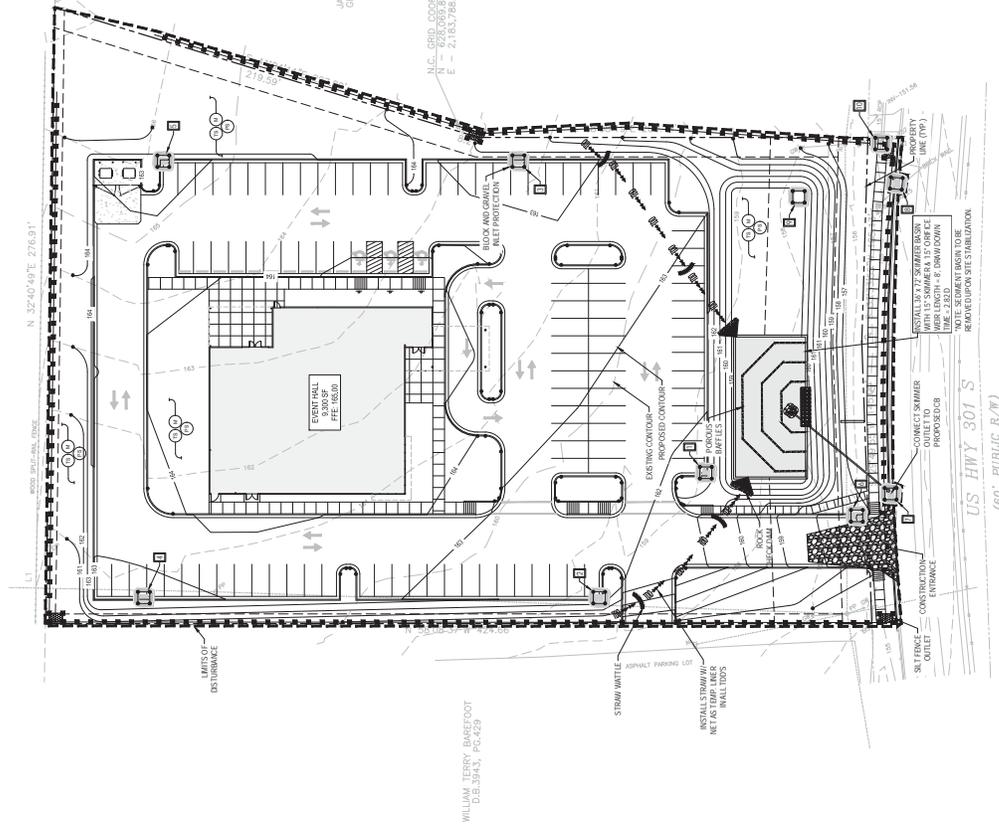
NOT FOR CONSTRUCTION

### NPDES STABILIZATION TABLE

SITE AREA DESCRIPTION	STABILIZATION	SEEDING SPECIFICATIONS
Permitted Areas, 200,000 sq. ft.	100% Turf	100% Turf
100,000 sq. ft. (100,000 sq. ft.)	100% Turf	100% Turf
50,000 sq. ft. (50,000 sq. ft.)	100% Turf	100% Turf
25,000 sq. ft. (25,000 sq. ft.)	100% Turf	100% Turf
12,500 sq. ft. (12,500 sq. ft.)	100% Turf	100% Turf
6,250 sq. ft. (6,250 sq. ft.)	100% Turf	100% Turf
3,125 sq. ft. (3,125 sq. ft.)	100% Turf	100% Turf
1,562 sq. ft. (1,562 sq. ft.)	100% Turf	100% Turf

Note: Accept for permittee, with 100% Turf.

RAPID RESPONSE ELECTRIC INC.  
 D.B. 4394, PG. 612



WATERS R. AND BLUE M. GREEN REVOCABLE TRUST  
 D.B. 4050, PG. 362

N.C. GRID COORDINATES, NAD 83  
 N = 628,209,834  
 E = 2,163,788,097

WILLIAMS TERRY BARSTROFF  
 D.B. 3943, PG. 479

US HWY 301 S  
 (60' PUBLIC R/W)



DATE	MARCH 2018
NO. OF SHEETS	24/24
PROJECT	RAPID RESPONSE ELECTRIC INC.
SCALE	AS SHOWN

# BALDOVINOS EVENT SPACE

## LIGHTING PLAN

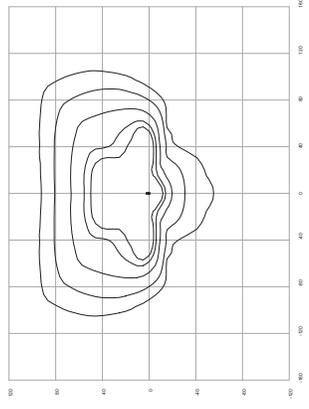
**C-09**

ENGINEERING

100 S. Cherry Street, Raleigh, NC 27601  
919.876.1111  
www.curry-engineering.com

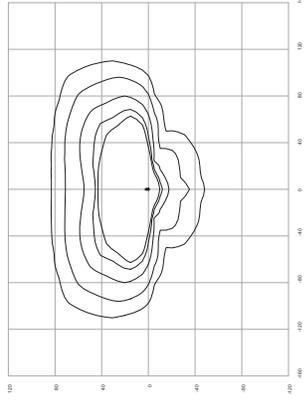
### ISOFOOTCANDLE CURVES

FIXTURE LEDS: CALESON  
 LIGHT SOURCE: LEDS - 4000K, T8 OR  
 PATTERN TYPE IV (B) (90deg beam) as to above (0 degree)  
 NOTE: THE FOOTCANDLE READINGS BELOW ARE MOUNTED AND HAVE  
 BEEN DEPRECIATED FOR LUMINAIRE DEPRECIATION FOR INITIAL FOOTCANDLES.  
 DIVIDE THE READINGS BELOW BY .85.

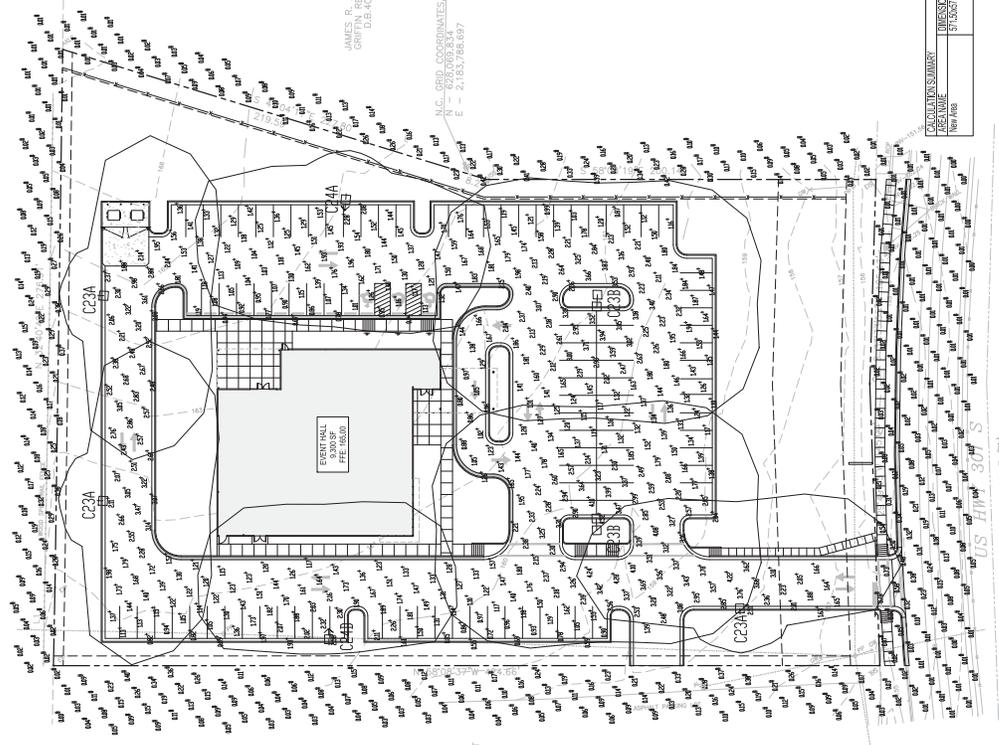


### ISOFOOTCANDLE CURVES

FIXTURE: LEDS: CALESON  
 LIGHT SOURCE: LEDS - 4000K, T8 OR  
 PATTERN TYPE III (B) (90deg beam) as to above (90 degree)  
 NOTE: THE FOOTCANDLE READINGS BELOW ARE MOUNTED AND HAVE  
 BEEN DEPRECIATED FOR LUMINAIRE DEPRECIATION FOR INITIAL FOOTCANDLES.  
 DIVIDE THE READINGS BELOW BY .85.



RAPID RESPONSE ELECTRIC INC.  
 D.B. 0394, PG. 012



WILLIAM TERRY BASTRECHOT  
 D.B. 3943, PG. 479

WARRS, R. AND B. B. M.  
 GREEN REVOCABLE TRUST  
 D.B. 4050, PG. 952

N.C. GRID COORDINATES, NAD 83  
 N = 628,209,834  
 E = 2,163,788,897



SCALE: 1" = 30' FT  
 SCALE: 1" = 10' FT  
 HORIZONTAL



DESCRIPTION	QUANTITY	GROUP	AREA	MAX. LUMEN	MIN. LUMEN
WARRS	40	1000	1,311	1,000	850
Proprietary	40	1000	1,311	1,000	850

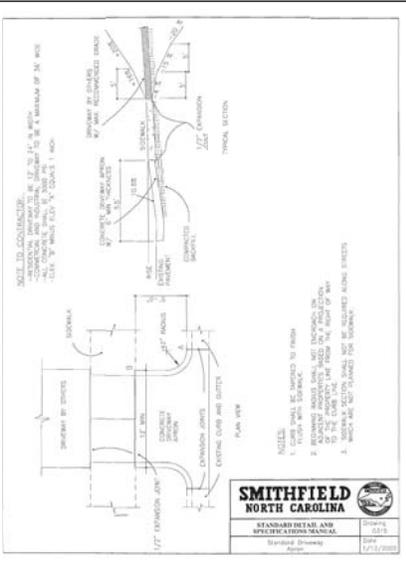
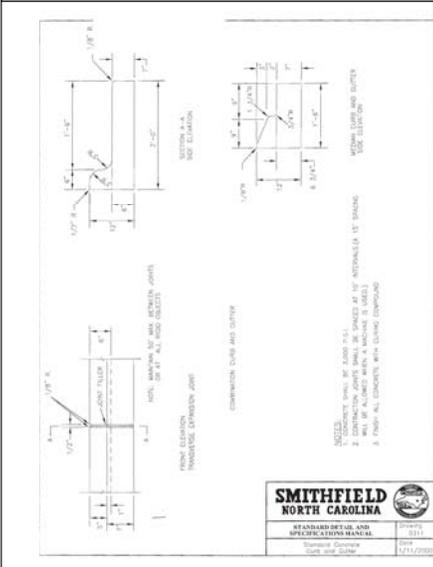
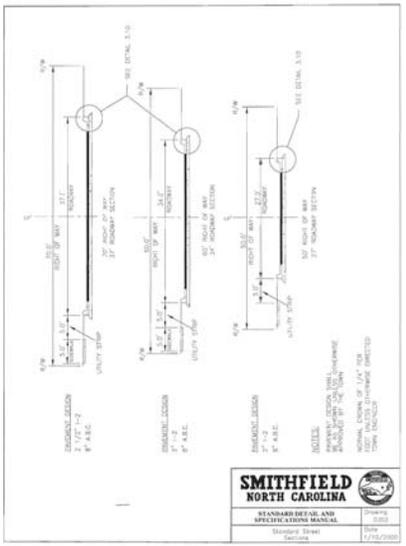
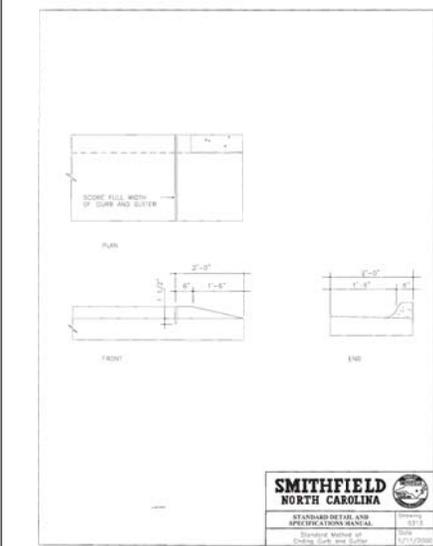
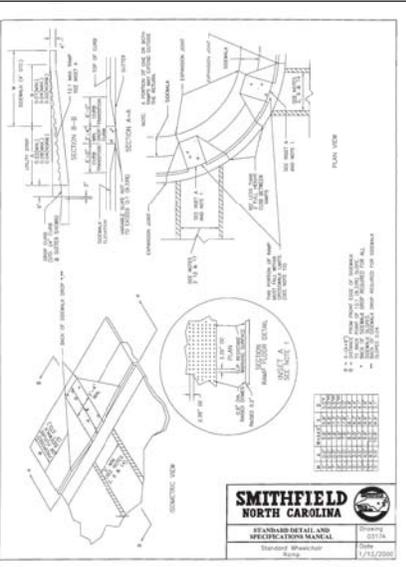
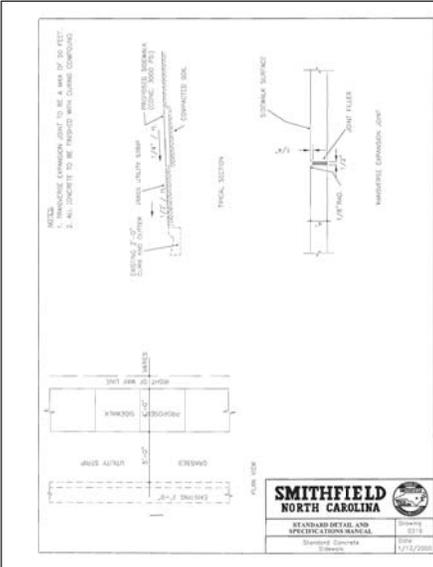
DESCRIPTION	QUANTITY	GROUP	AREA	MAX. LUMEN	MIN. LUMEN
WARRS	40	1000	1,311	1,000	850
Proprietary	40	1000	1,311	1,000	850

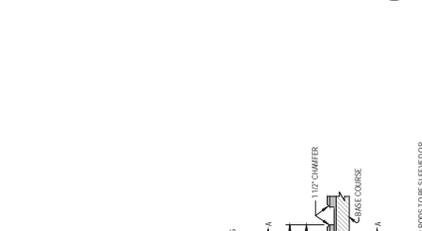
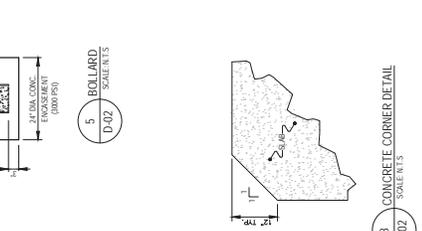
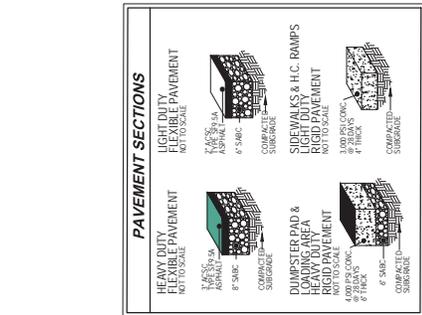
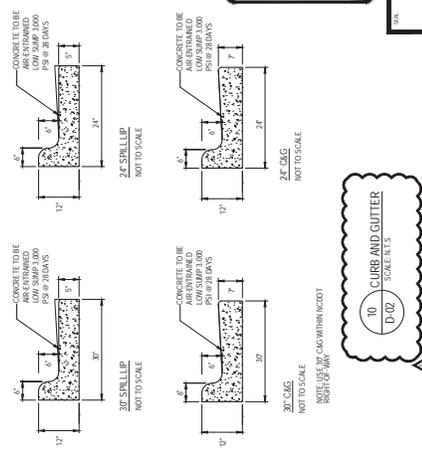
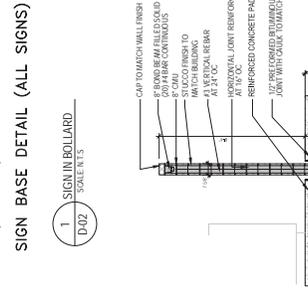
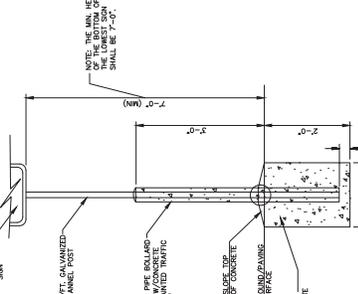
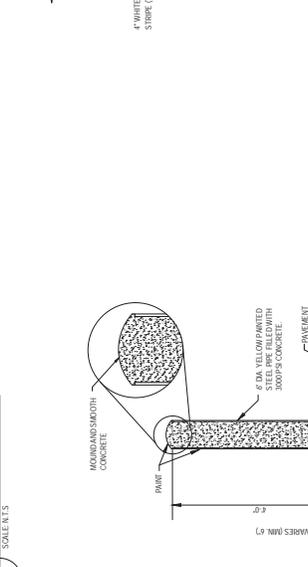
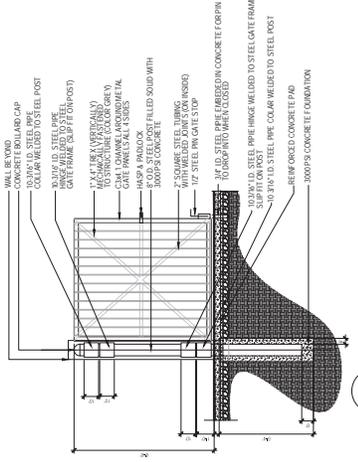
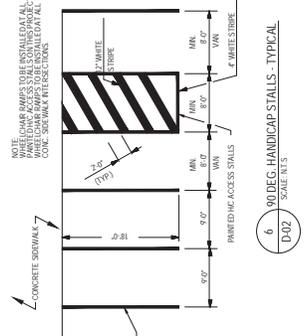
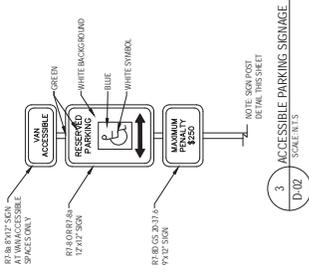
NOT FOR CONSTRUCTION

# BALDOVINOS EVENT SPACE SITE DETAILS I



NOT FOR CONSTRUCTION





NOT FOR CONSTRUCTION



DATE	MARCH 2018
SCALE	AS SHOWN
PROJECT	LANDSCAPE DETAILS
DESIGNER	Curry Engineering
DATE	2018.03.05
SCALE	AS SHOWN
PROJECT	LANDSCAPE DETAILS
DESIGNER	Curry Engineering

# BALDOVINOS EVENT SPACE LANDSCAPE DETAILS

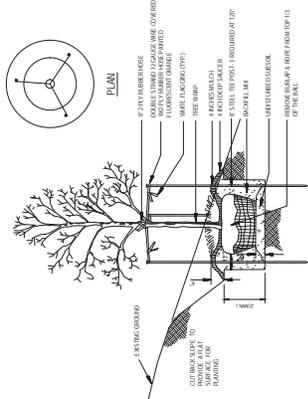


**Curry** ENGINEERING  
 1100 S. GARDNER ST. SUITE 100  
 RALEIGH, NC 27605  
 919.876.1100  
 www.curryeng.com

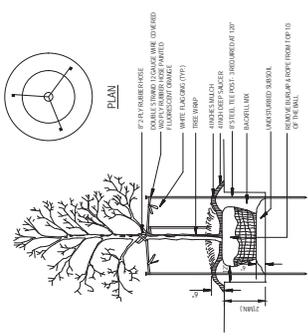
**D-04**



**NOT FOR CONSTRUCTION**

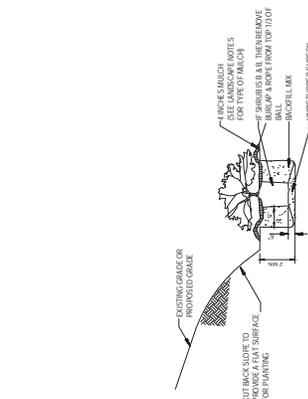


**1 TREE PLANTING ON SLOPE**  
 SCALE: N15  
 D-04

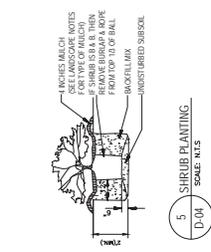


**2 TREE PLANTING ON SLOPE**  
 SCALE: N15  
 D-04

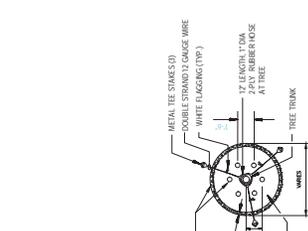
- NOTE:**
- PLANT TREES WITH A MINIMUM CALIPER OF TWO INCHES. MEASURED SIX INCHES ABOVE THE GROUND AND A ROOT BALL NO SMALLER THAN TWO FEET IN DIAMETER FOR TREES WITH A CALIPER OF TWO INCHES TO FALL.
  - THE TREE SHOULD BE PLANTED IN THE SUMMER MONTHS TO FALL. TREES PLANTED IN THE WINTER MONTHS SHOULD BE GATED OR COVERED WITH A PEX OR SHROUDEL.
  - PLANT ALL TREES AT LEAST THREE AND A HALF FEET FROM THE END OF HEAD-IN PARKING SPACES IN ORDER TO PREVENT DAMAGE FROM CAR OVERHANGS.
  - DIG THE TREE PIT AT LEAST TWO FEET WIDER THAN THE ROOT BALL AND AT LEAST SIX INCHES DEEPER THAN THE BALL VERTICAL DIMENSION.
  - ESPECIALLY IN AREAS WHERE CONSTRUCTION ACTIVITIES ARE OCCURRING, THE TREE PIT SHOULD BE GATED OR COVERED WITH A PEX OR SHROUDEL.
  - AFTER THE PIT IS DUG, OBSERVE SUB-SURFACE DRAINAGE CONDITIONS. WHERE POOR DRAINAGE EXISTS, THE TREE PIT SHOULD BE DUG AT AN ANGLE TO ALLOW WATER TO RUN AWAY FROM THE TREE AND THE SOIL SHOULD BE ALLOWED TO DRAIN PROPERLY.
  - BACKFILL SHOULD INCLUDE A PROPER MIX OF SOIL AND FERTILIZER. ALL ROOTS MUST BE COMPLETELY COVERED.
  - BACKFILL SHOULD BE THOROUGHLY WATERED AS IT IS PLACED AROUND THE ROOTS.
  - IMMEDIATELY AFTER IT IS PLANTED, THE TREE SHOULD BE SUPPORTED WITH A BRACE. BRACES SHOULD BE PLACED AT THE CORNERS OF THE SYSTEM BEING GATED OR COVERED. REMOVE STRAPS AND THE CENTER ONE YEAR.
  - SPREAD AT LEAST THREE INCHES OF MULCH OVER THE ENTIRE EXPOSURE. MULCH SHOULD BE PLACED AT LEAST ONE FOOT FROM THE TRUNK TO FORM A BARRIER AROUND THE TRUNK OF THE TREE. THIS MULCH HELPS CATCH AND RETAIN WATER.
  - CONCERNED ABOUT PLANTING CLIMATE, ESPECIALLY WATERING, THE ES. PRUNE OFF BROKEN OR DAMAGED BRANCHES.



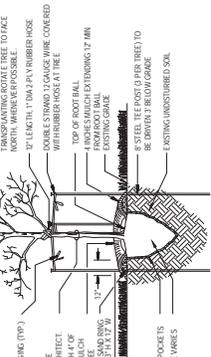
**3 SHRUB PLANTING ON SLOPE**  
 SCALE: N15  
 D-04



**4 SHRUB PLANTING ON SLOPE**  
 SCALE: N15  
 D-04



**5 MACHINE DUG TREE PLANTING**  
 SCALE: N15  
 D-04



**6 MACHINE DUG TREE PLANTING**  
 SCALE: N15  
 D-04



**7 MACHINE DUG TREE PLANTING**  
 SCALE: N15  
 D-04

- NOTE:** SEE LANDSCAPE NOTES FOR THE TYPE OF MULCH/MATERIAL TO USE.
- DO NOT ONLY PRUNE THE TREE AT PLANTING. PRUNE ONLY CROSSOVER BRIMS, CO-DOMINANT LEADERS, AND ONLY LATERAL BRANCHES THAT ARE PRUNED HOWEVER. DO NOT TREAT THE TERMINAL BUDS OR BRANCHES. TREES CAN ONLY BE PRUNED UPON THE APPROVAL OF THE LANDSCAPE ARCHITECT.
  - WRAP TREE TRUNKS ONLY UPON THE APPROVAL OF THE LANDSCAPE ARCHITECT. COVER SAND RINGS WITH 4\"/>



DATE	MARCH 2018
FILE NO.	2017-065
DRWG. SCALE	AS SHOWN
SHEET NO.	24/26

# BALDOVINO EVENT SPACE

## GRADING AND DRAINAGE DETAILS

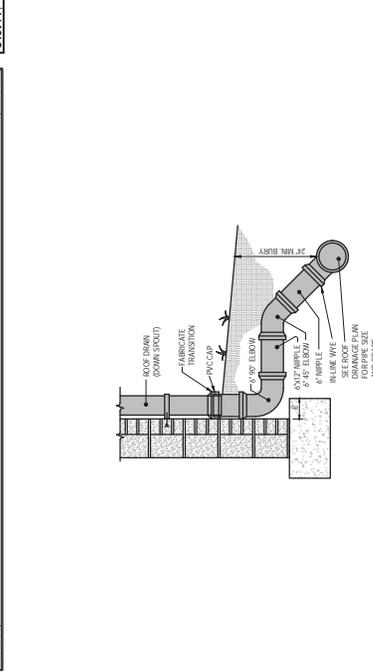
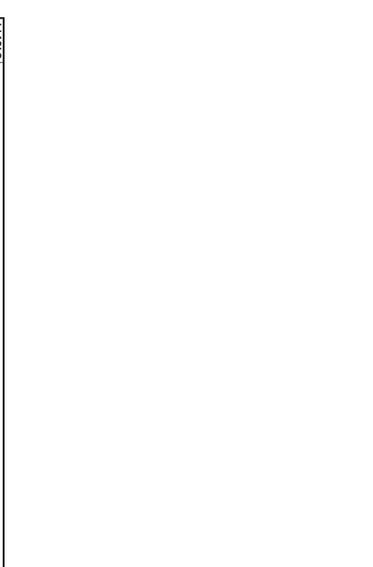
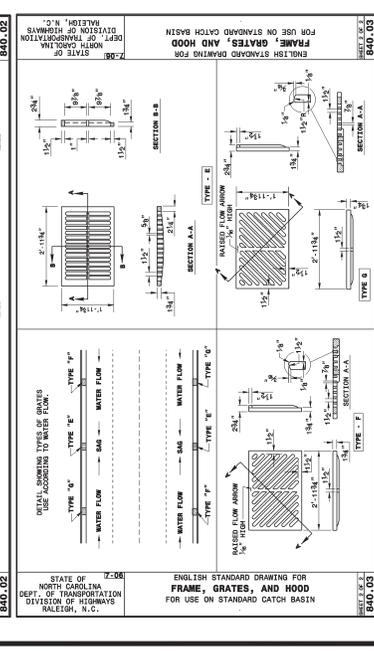
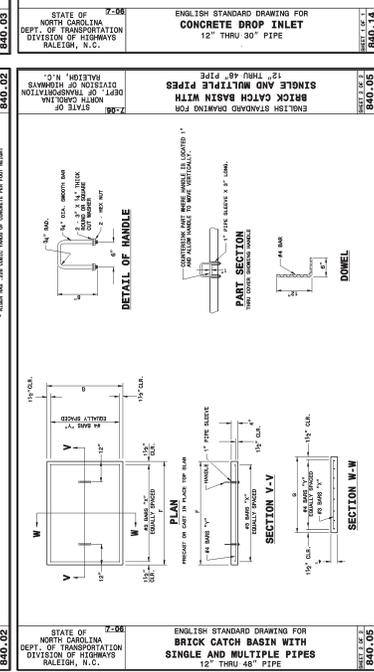
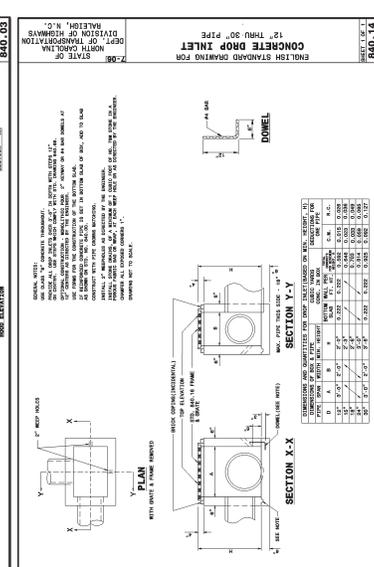
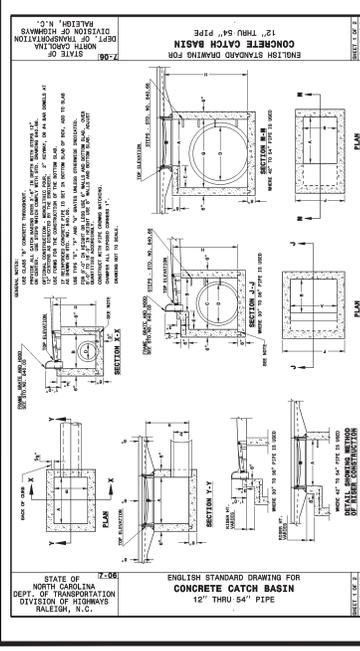
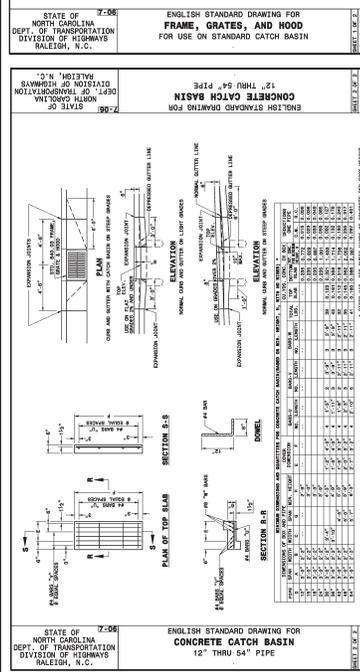
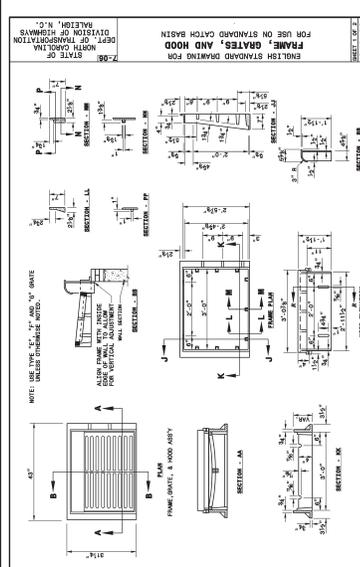
**Curry** ENGINEERING

100 S. CALDWAY ST. SUITE 200  
WELLSVILLE, NC 27385  
708.928.8888  
www.curry-engineering.com

PROJECT NO. 17-039

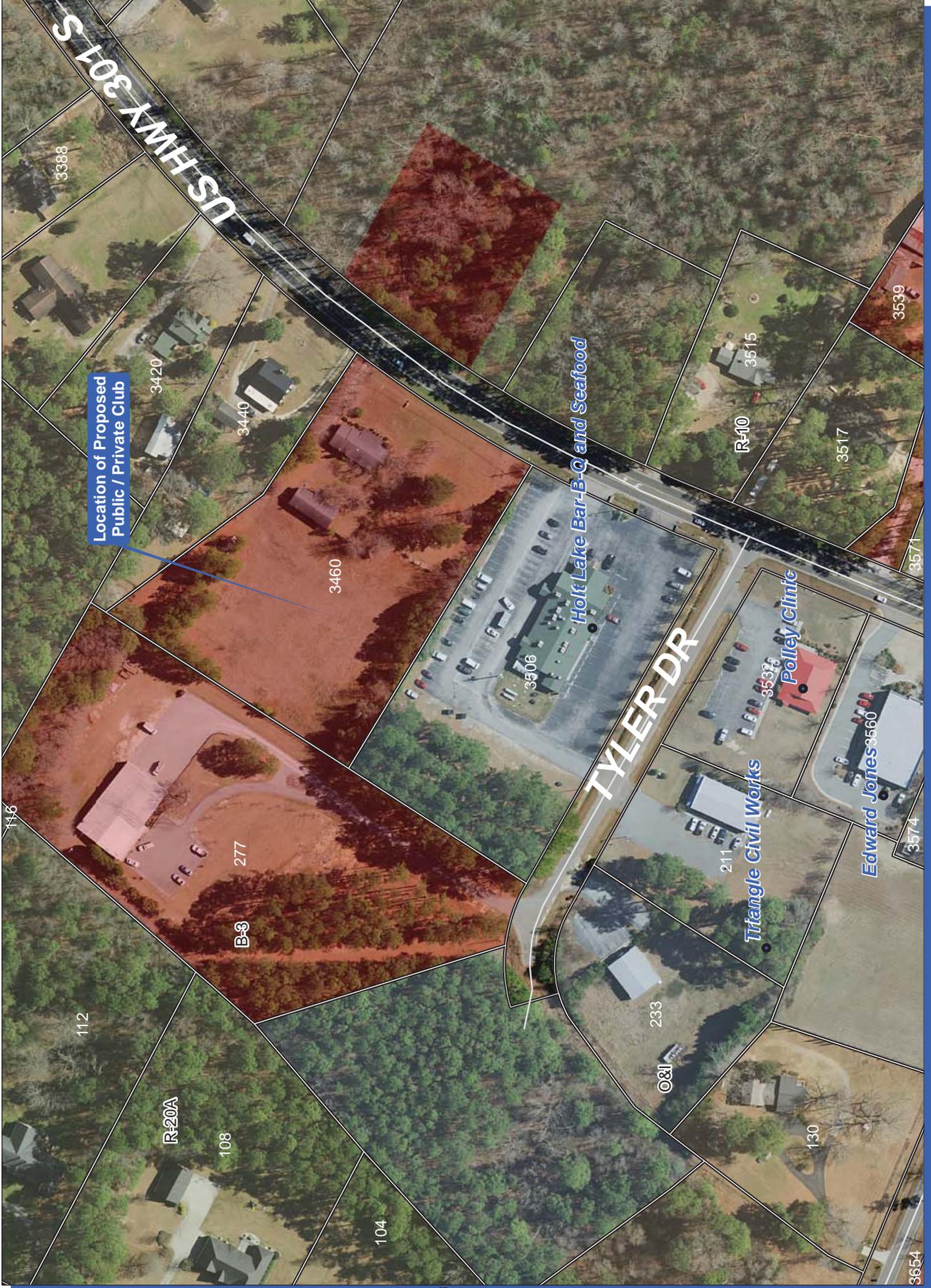


NOT FOR CONSTRUCTION





# 3400 Block of South Brightleaf Boulevard



Project Name:  
Baldovinos  
Event Space

Proposed Use:  
Public / Private  
Club

File Number:  
SUP-18-07

Property Owner:  
Tony Baldovinos

Applicant:  
Tony Baldovinos

Location:  
3460 S.  
Brightleaf Blvd

Tax ID#  
15J11023A

Zoning District:  
B-3 (Business  
Entrance Highway)

Map created by the  
Mark E. Heimer, AICP  
Senior Planner,  
GIS Specialist  
on 6/18/2018

1 inch = 50 feet





PLANNING DEPARTMENT  
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, SUP-18-07, were notified by First Class Mail on 6-22-18.

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

21st day of June, 2018

Julianne Edmonds  
Notary Public Signature

Julianne Edmonds  
Notary Public Name

Commission expires on 1.15.2023



TAX ID#	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15J11010B	168206-38-8012	MAE JERNIGAN	3440 US 301 SOUTH	SMITHFIELD	NC	27577
15J11023N	168206-38-3045	ELECTRIC INC	228 TYLER DR	SMITHFIELD	NC	27577-5380
15J11023A	168206-37-6932	SALVADOR	175 GALILEE RD	SMITHFIELD	NC	27577-9485
15J11023I	168206-37-5616	TERRY	3506 US HWY 301 S	SMITHFIELD	NC	27577-9495

## **Notice Of Public Hearing**

Notice is hereby given that the Town Council of the Town of Smithfield will conduct a public hearing during the course of their open meeting which starts at 7:00 P.M. on Tuesday, July 10, 2018 in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

**SUP-18-07 Baldovinos Event Space:** The applicant is requesting a special use permit to construct and operate a public / private club on a 2.71 acre tract of land located within a B-3 (Highway Entrance Business) zoning district. The property considered for approval is located on the west side of the South Brightleaf Boulevard approximately 300 feet north of its intersection with Tyler Drive. The property is further identified as a Johnston County Tax ID# 15J11023A.

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

## **Notice Of Public Hearing**

Notice is hereby given that the Town Council of the Town of Smithfield will conduct a public hearing during the course of their open meeting which starts at 7:00 P.M. on Tuesday, July 10, 2018 in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

**SUP-18-07 Baldovinos Event Space:** The applicant is requesting a special use permit to construct and operate a public / private club on a 2.71 acre tract of land located within a B-3 (Highway Entrance Business) zoning district. The property considered for approval is located on the west side of the South Brightleaf Boulevard approximately 300 feet north of its intersection with Tyler Drive. The property is further identified as a Johnston County Tax ID# 15J11023A.

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 News and Observer on 6/28/18 and 7/5/2018**





# Request for Town Council Action

**Public Hearing:**  
**Public Hearing CDBG**  
Date: 07/10/2018

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**Subject:** Public Hearing Community Development Block Grant  
**Department:** General Government  
**Presented by:** Town Manager Michael Scott  
**Presentation:** Public Hearing

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## Issue Statement

The Town Manager is requesting approval to apply for a Community Development Block Grant (CDBG) for Housing Rehabilitation within the Town.

## Financial Impact

None. The grant is up to \$750,000 with no matching funds required.

## Action Needed

Hold a Public Hearing and Approve applying for the grant. Approve Johnston, Lee, Harnett Community Action (JLHCA) as the Town's Housing Selection Committee.

## Recommendation

Complete Public Hearing and Approve applying for CDBG funds and approve JLHCA as the Town's Housing Selection Committee.

Approved:  Town Manager  Town Attorney

Attachments:

1. Staff Report



# Staff Report

**Business Public  
Agenda Hearing  
Item: CDBG**

The Town of Smithfield is interested in seeking funds from the State's Small Cities Community Development Block Grant Program (CDBG). The CDBG program is administered by the North Carolina Department of Commerce and the North Carolina Department of Environment and Natural Resources. The State of North Carolina's CDBG Program permits grant funds to be used toward infrastructure projects that address health/safety needs (public water and sewer projects); neighbor revitalization needs (housing development, acquisition, disposition, clearance and remediation activities, relocation, public facilities (senior center, housing for homeless persons, housing or shelters for victims of domestic violence, transitional housing facility, community/neighborhood/ recreation facility, other), and public infrastructure or support Economic Development (public infrastructure; building demolition; and vacant building renovation) projects. Applications for Economic Development must show that in excess of 60% of the CDBG will benefit low or moderate-income persons through job creation or retention. Applications for other CDBG programs must show that funded activities: (1) will provide greater than a 50% benefit to low or moderate income persons; (2) benefit identified special need populations; (3) address health and safety needs; or (4) eliminate slum & blight.

The request includes a grant proposal for Housing Rehabilitation which begins as a forgivable loan for the owner/occupied structures of low to moderate income families. The Town has enlisted the assistance of Skip Green to assist in authoring the grant. A portion of this process also requires us to enlist the assistance of a non-profit organization who has experience in administrating the grant and evaluating, scheduling, and inspecting repairs of houses that receive an individual award. This organization will be selected following a bid process that meets the requirements of the grant. The bid process has already begun and has been advertised. Bids are due August 1, 2018. As part of this process we must also create a housing selection committee. After meeting with representatives of Johnston, Lee, Harnett Community Action (JLHCA), we believe they hold the necessary prerequisites and experience to fulfill this need. As part of grant submission approval, staff also requests approval of JLHCA to be used as our housing selection committee.

Attached is additional information regarding grant requirements and disbursements. The grant application is in excess of seventy pages and is available upon request from the Town Clerk.

**TOWN OF SMITHFIELD  
CDBG NEIGHBORHOOD REVITALIZATION PROGRAM  
HOUSING REHABILITATION FINANCIAL DESIGN POLICY**

The Town of Smithfield's Community Development Block Grant(CDBG) Housing Rehabilitation Program consists of the following policies adopted by \_\_\_\_\_, 2018 that includes Housing Selection, Housing Rehabilitation Financial Design, Relocation and Lead Based Paint policies. The CDBG Housing Rehabilitation Program is to direct the use of CDBG funds to owner occupied housing rehabilitation as permitted by the CDBG Neighborhood Revitalization Program.

**BASIC REQUIREMENTS:**

- CDBG housing rehabilitation financial assistance is in the form of **a deferred forgivable loan that is proportionally forgiven over an applicable term of recapture.**
- CDBG funds are to be used to rehabilitate owner occupied houses.
- Homeowner must be current on all taxes (County and City at the time of the loan application and for the life of the loan).
- Homeowner must have current homeowner's insurance policy at the time of the loan application and for the life of the loan),
- Low -income property owners that also occupy the house to be rehabilitated are not required but, **may** contribute to the cost of rehabilitation for the life of the grant.
- The Town of Smithfield will review existing loan(s) on the property to determine whether the CDBG loan in conjunction with the existing loan(s) will create a situation that causes the loans to equal or exceed the value of the unit. In instances when this scenario occurs, the Town of Smithfield will inform the loan recipient of the circumstances in writing.
- The Town of Smithfield's Housing Selection Policy requirements include an acknowledgment signed by the potential housing rehabilitation participant that he/she **clearly understands** that Town CDBG assistance in a deferred forgivable loans whose term is based on the amount of CDBG assistance and all or a portion of the CDGB assistance will become payable if the property is sold or the recipient owner no longer occupies house before the end of the loan recapture period.
- As the level of CDBG assistance increases, the recapture period must lengthen according to the following table:

<b><u>CDBG Assistance</u></b>	<b><u>Recapture Period</u></b>
Less than \$12,000	5 years
\$12,001-16,000	6 years
\$16,001-\$20,000	7 years
\$20,001 or more	8 years

- In the event a portion of the deferred forgivable loan must be repaid, the amount to be repaid will be based on the number of remaining days the loan is to be deferred/forgiven divided by the total number of days in the recapture period times the amount of CDBG loan assistance. If the house is sold before the end of the recapture period, the applicable CDBG payment must be made to the Town within 30 days of the sale. If the house becomes vacant before the end of the recapture period, the applicable CDBG repayment must be made within 120 days of the house becoming vacated. If CDBG loan repayment is due to the recipient owner no longer occupying the house, if a financial need is found the Town may receive the loan repayment through a series of payments with the first payment due no more than 120 days from the date the house becoming vacant.
- After the rehabilitation project is completed, if other non-CDBG financial assistance for rehabilitation is obtained prior to the expiration of the CDBG recapture period or CDBG repayment period, the CDBG loan may be subordinated to the new rehabilitation loan.
- CDBG loans may not be subordinated to **any other type of loan** other than a first mortgage that existed prior to the rehabilitation. All CDBG loans must be secured with a Note and Deed of Trust that will be provided by the Town. A **Notice of the Right to Cancel** and a **Truth-in-Lending Statement** will accompany every Deed of Trust provided to each owner at closing.
- The Deed of Trust with must be filed with the Register of Deeds prior to signing a contract for rehabilitation.

#### **NOTE AND DEED OF TRUST REQUIREMENTS**

Per *Bulletin 10-9*, all CDBG housing rehabilitation, reconstruction, and relocation loans must be secured with a Note and Deed of Trust along with the completion of a professional title search prior to any work commencing on the unit. The Note and Deed of Trust must be signed by the owner(s) *prior to or at same time as the rehabilitation contract is signed* by the homeowner, contractor and Town. Rehabilitation of the unit may begin on or after the date the Note and Deed of Trust is signed by the homeowner, contractor and Town. The Deed must have recapture provisions on rehabilitation activities. Urgent and emergency repair units are not required to have a Note and Deed of Trust unless the repair costs paid for with CDBG funds exceeds \$5,000.

Additionally, the Town is responsible for ensuring that the Note and Deed of Trust is filed within five (5) business days of the date the Note and Deed of Trust is signed by the homeowner(s), contractor and Town, and recorded with the Register of Deeds within sixty (60) calendar days of the filing date. In the event the Note and Deed of Trust is not recorded with the Register of Deeds within sixty (60) calendar days of the date the Note and Deed of Trust is filed; the grant funds will be frozen without further notice and the expended and encumbered funds for that specific dwelling may be consider a disallowed cost.

- Inclusion of design features and improvements which promote energy efficiency may be included.
- Inclusion of the execution of architectural design features, and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as decorative pavements, railings, sculptures, pools of water and fountains, and other works of art.

- Facilities designed for use in providing shelter for persons having special needs are considered public facilities and are not subject to the prohibition of new housing construction described in § 570.207(b)(3). Such facilities include shelters for the homeless; convalescent homes; hospitals, nursing homes; battered spouse shelters; halfway houses for run-away children, drug offenders or parolees; group homes for mentally disabled persons and temporary housing for disaster victims.
- Improvements such as parks, playgrounds, and greenways.

#### TERMS AND DEFINITIONS:

On July 19, 2010, REDD issued **Bulletin 10-2** to all CDBG Recipients. The purpose of the bulletin was to clarify the following program activity terms:

**Reconstruction:** Reconstruction is defined as the rebuilding of a structure on the **same lot** in substantially the same manner. Reconstruction will be used when a house because of high cost (lead base paint cost, high building material cost, etc.) makes rehabilitation not feasible and replacing it on the same site.

**Rehabilitation:** The purpose of rehabilitation is to take an existing unit and bring it up to the required standards set by HUD and REDD. To qualify as rehabilitation, parts of the existing house must be used in the process.

**Relocation:** Relocation is defined as a person(s) being displaced from their present lot and relocated to a **different lot**. Local governments should adopt and submit their Optional Coverage Relocation Plan to REDD that explains how the local government plans to handle the relocation activity.

**Temporary Relocation:** Temporary relocation can be given to person(s) who has/have voluntarily been displaced on a temporary basis while their unit is being treated on the same site. The activities associated with this occurrence are reconstruction or rehabilitation. The local unit of government must follow their adopted Optional Coverage Relocation Plan as to how the local government plans to carry out temporary relocation.

**Clearance:** Clearance is an activity that can be used in conjunction with both reconstruction and relocation.

**Substantial Rehabilitation:** Substantial rehabilitation is defined as rehabilitation that is estimated and determined to exceed the following cost estimates based on the following two standards: Total CDBG rehabilitation costs for the unit (1) exceed \$40,000 or (2) \$38.00 per square foot of heated, occupiable space. When these guidelines are exceeded, REDD approval must be obtained before proceeding. Once approved a new request is not needed if change orders do not exceed 10% of the cost.

## **LEAD-BASED PAINT REQUIREMENTS**

Lead-Based Paint Regulations are found at 24 CFR Part 35 and N.C. General Statute §130A-453.01-453.11 – Lead-Based Paint Hazard Management Program. All CDBG grantees awarded funds to rehabilitate any houses constructed prior to 1978 are required to follow the regulations. Lead-based paint required activities depends on the lower per unit cost of either (1) the amount of rehabilitation “hard costs” per unit or (2) the amount of federal assistance per unit when there are other federal funds in the unit. “Hard costs” do not include such costs as administrative costs, relocation costs, environmental reviews, acquisition of the property, or the costs of lead hazard evaluation and reduction.

### **REDD Lead Based-Paint Requirements**

- All units must have a risk assessment and paint inspection by a certified risk assessor;
- All units must be cleared by a certified inspector or risk assessor who must be a third-party entity;
- Local governments must use contractors trained in Safe Work Practices;
- Local governments that undertake temporary relocation must develop, adopt, and follow an Optional Temporary Relocation Policy.
- It is our policy that when lead-based paint is identified in a unit being rehabilitated, the lead based paint be abated whenever possible. Cost for abatement may be charged to the rehabilitation unit.
- Homeowners and occupants, when relocated, must be moved to a lead safe environment.



# Request for Town Council Action

**Resolution  
619 (06-  
2018)  
Closing a  
Portion of  
N 2<sup>nd</sup> St.  
Date: 07/10/2018**

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**Subject:** Resolution to Close a Portion of 2<sup>ND</sup> Street  
**Department:** Public Utilities & Planning  
**Presented by:** Ted Credle & Stephen Wensman  
**Presentation:** Public Hearing

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## Issue Statement

The approval of the attached resolution is required as part of the process to close a portion of North 2nd Street.

## Financial Impact

None – This resolution does not cost the Town any funds

## Action Needed

Approve the attached Resolution 619 (06-2018) after the required Public Hearing to be held on July 10, 2018 is heard.

## Recommendation

Staff recommends the approval of the attached Resolution 619 (06-2018) to close a portion of 2nd Street.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Resolution 619 (06-2018) to be approved
2. Copy of NC Statute outlining road closure procedure



## Staff Report

**Resolution  
619 (06-  
2018)  
Closing a  
Portion of  
N 2<sup>nd</sup> St.**

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On April 26, 2018, the Town Council adopted Resolution 616 (03-2018) which outlined the Town's intent to close a portion of North Second Street. In accordance with NC G.S. 160A-299, the Town is directed to hold a public hearing to allow all persons the complete opportunity to appear and be heard on the question of whether or not the closing would be detrimental to the public or the property rights of any individual.

The Town is seeking to close North 2nd Street from the intersection of North Street and 2nd Street in a northeast direction until the roadway intersects with Hospital Road, which is an owned by the NCDOT road. The reason for the road closure is that this road closure is needed to facilitate the expansion of the Town's Water Plant. The Water Plant expansion will be an active work zone during construction and during this time, ingress & egress will be physically impossible. Following construction, due to the presence of newly constructed basins & tanks, the roadway will be narrowed to one lane to only allow for maintenance access to the plant. Access will remain open to the cemetery that borders North and North Second Streets.

If the resolution is approved, a surveyor will be hired to create the required plat. This plat will be recorded with the Johnston County Register of Deeds. It is the goal of the Town to close the road by September 1, 2018.

**TOWN OF SMITHFIELD  
RESOLUTION 619 (06-2018)  
ORDERING THE CLOSING OF THAT PORTION OF  
SECOND STREET BETWEEN THE INTERSECTION OF SECOND STREET AND NORTH STREET TO THE  
INTERSECTION OF SECOND STREET AND HOSPITAL ROAD**

WHEREAS, on the 26<sup>th</sup> day of April, 2018, the Town Council adopted a resolution entitled "Resolution Declaring the Intent of the Town Council of the Town of Smithfield to Consider the Closing of a portion of North Second Street in Smithfield, North Carolina; and

WHEREAS, pursuant to the Resolution the Town Clerk was directed to publish the Resolution in the News and Observer once each week for four successive weeks; and

WHEREAS, the Town Clerk has advised the Town Council that the Resolution was published in the News and Observer as directed; and

WHEREAS, pursuant to the Resolution the Town Clerk was directed to notify all persons owning property abutting on that portion of North Second Street between North Second Street and Hospital Road, as shown on the county tax records; and

WHEREAS, all property abutting the proposed street closure are owned by the Town of Smithfield; and

WHEREAS, pursuant to the Resolution the Town Clerk was directed to cause adequate notices of the proposed closing and of the public hearing to be posted as required by G.S. 160A-299; and

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

WHEREAS, pursuant to the Resolution, a public hearing was held on the 10<sup>th</sup> day of July, 2018, at which time all persons were granted full and complete opportunity to appear and be heard on the question of whether or not the closing would be detrimental to the public or the property rights of any individual; and,

WHEREAS, after said public hearing and full and complete consideration of the matter, it now appears to the satisfaction of the Town Council that the closing of said street 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, the portion of Second Street between North Street and State Road 1921 (Hospital Road) is 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 street with provision for reservation of easements to the Town of Smithfield for utility purposes in accordance with the provision of G.S. 160A- 299.

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.

This the 10<sup>th</sup> day of July, 2018, at \_\_\_ o'clock p.m.

---

M. Andy Moore, Mayor

ATTEST:

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Shannan L. Parrish, Town Clerk

NORTH CAROLINA  
JOHNSTON COUNTY

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Town Council of the Town of Smithfield, North Carolina, at a meeting held July 10, 2018, at 7 o'clock p.m. at the Town Hall in the Town of Smithfield.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said Town of Smithfield to be affixed, this the 10<sup>th</sup> day of July, 2018

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Shannan L. Parrish, Town Clerk

NORTH CAROLINA  
JOHNSTON COUNTY

I, Melissa Rodriguez, a Notary Public, do hereby certify that Shannan L. Parrish, Town Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this \_\_\_ day of \_\_\_\_\_, 2018

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Melissa Rodriguez, Notary Public

My Commission Expires: December 19, 2020

**§ 160A-299. Procedure for permanently closing streets and alleys.**

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage,

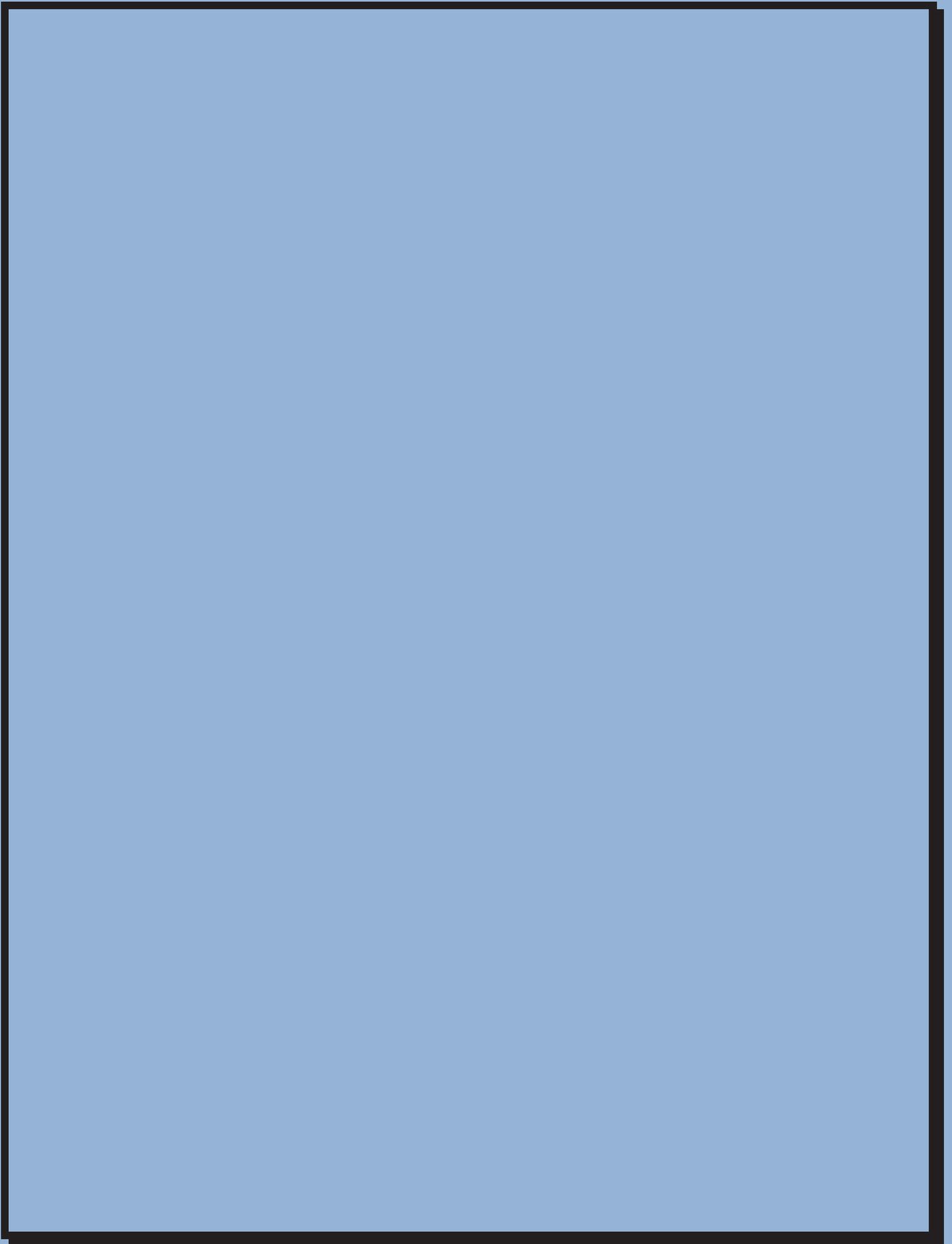
pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)



# Consent

## Agenda Items



The Smithfield Town Council reconvened its May 7, 2018 meeting on Thursday, May 10, 2018 at 6:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided .

Councilmen Present:

Mayor Pro-Tem Scott (arrived 6:25 pm)  
Emery Ashley, At-Large  
Marlon Lee, District 1  
David Stevens, District 2 (arrived 6:15 pm)

Dr. David Barbour, District 4  
John A. Dunn, At-Large  
Stephen Rabil, At-Large

Councilmen Absent

Administrative Staff Present

Michael Scott, Town Manager  
John Blanton, Fire Chief  
Lenny Branch, Public Works Director  
Ted Credle, Public Utilities Director  
Dale Ham, Aquatic Center Director  
Gary Johnson, Parks and Recreation  
Tim Kerigan, Human Resources/PIO  
Shannan Parrish, Town Clerk  
R. Keith Powell, Chief of Police  
Greg Siler, Finance Director

**Reconvene: May 7, 2018 Meeting**

Mayor Moore reconvened the meeting at 6:05 pm

Town Manager Michael Scott recapped the following items that were discussed at the last budget meeting:

1. Council voted and approved a salary study for all employees of the Town to begin as soon as possible. Preliminary estimates for the study are \$18,000 - \$20,000.
2. Council requested options for phasing in take home cars for the Police Department.
3. Council requested that staff evaluate Police pay and what it would look like if the Police Department implemented its proposed changes to the career ladder.
4. Council requested the Police Department to investigate the possibility of transitioning patrol vehicle from gas to propane.
5. Council discussed the purchase of the ladder truck for the Fire Department..

**1. General Fund**

**a. Public Works**

**i. General Services**

Public Works Director Lenny Branch highlighted some line items in the proposed FY 18-19 Public Works – General Services Department. They are as follows:

- o Salary: Increase in the line was due to promotions.
- o Fuel: Increase in fuel line due to projected costs.
- o Service Contracts: Increase in the line due to renewal of the HVAC contract.
- o Capital Outlay: Funds were included in the budget to replace a lawn mower and to replace the mausoleum roof at Sunset Memorial Cemetery.

Mayor Moore questioned if Mr. Branch had budgeted enough funds for mulch stating that as staff makes the Town more attractive, the Council wants to ensure that its being maintained. Mr. Branch responded that he felt there were sufficient funds budgeted for mulch. Mr. Branch explained that he was focusing on more hardscapes within in the Town because those its do not require as much attention as plantings.

**ii. Streets**

Public Works Director Lenny Branch highlighted some line items in the proposed FY 18-19 Public Works – Streets Department. They are as follows:

- Salaries & Wages: Increase due to the promotion of a crew leader. Mr. Branch explained this was the only division in Public Works that did not have a crew leader.
- Fuel: Increase in fuel line due to projected costs
- Capital Outlay: Funds were included to replace a 1995 ford.

Mr. Branch informed the Council that during the community survey one things that the Town needed to improve were streets and sidewalks. He requested an additional \$20,000 for streets and sidewalks, but it was not included in the budget

The pavement condition study should be completed by next week. Councilman Barbour asked for an estimate to repair all sidewalks in Town. Mr. Branch explained that it would cost over a million dollars to repair everything. Mr. Branch stated that in the last 5 years, \$2.131 million has been spent on street resurfacing.

Mayor Pro-Tem Scott stated there have been a lot of complaints about Town Streets. He questioned if the Town could match Powell Bill funds with its own funds. The Town Manager responded that the Town could charge a Vehicle Tax Fee at a minimum of \$5 or a maximum of \$30 to pay for street repairs. A majority of the communities are imposing this tax to improve their streets. the fees is imposed on every vehicle owned in Smithfield with the maximum amount generating \$320,000 in revenue.

#### **Equity Drive**

Mr. Branch informed the Council that the preliminary results of the pavement condition study shows that Equity Drive is the 2<sup>nd</sup> worst street in Smithfield. Mr. Branch received an estimate of approximately \$1 million to \$1.5 million to repair the road, install curb and gutter and install sidewalks.

Mayor Pro-Tem Scott questioned if the businesses could be assessed for the improvements. The Town Manager explained that the property owners could be assessed for the improvements, but a Public Hearing had to be scheduled before any action could be taken. Mayor Moore asked if a Special Tax District could be developed for the area. The Town Manager responded that the property owners would have to request the Special Tax District.

The Town Manager explained that the road is a problem that will have to be fixed. It will get worse if nothing is done and the entire project will be more expensive.

Councilman Barbour stated that he didn't mind using tax dollars for an area that the majority of Smithfield residents use, but he felt it was unfair for the citizens to have to pay for this road.

The Town Manager stated that if the Town used fund balance to pay for this, the fund balance would be approximately 42%. Mr. Branch stated if repaired, the road would last a lifetime.

#### **Extending the white fence**

The Town Manager explained that at the last council meeting, Mr. Clancy made a request to extend the white fence on Smithfield Crossing Drive. The Town does not own that property and the landowner will not give the Town permission to extend the fence. The Manager asked for suggestions from the Council. Councilman Barbour stated if the Town does not own the land then there is nothing the town can do.

### **iii. Garage**

Public Works Director Lenny Branch highlighted some line items in the proposed FY 18-19 Public Works – Garage. They are as follows:

- Salaries and Wages: Decrease in this line due to the retirement of a long time employee and the hiring of an employee at a lower salary

- Fuel: Increase in fuel line due to projected costs
- Uniforms : Increase in line due to the need for flame retardant uniforms.
- Capital Outlay: \$10,000 was included to repair and replace the fence at the shop because it is needs to be replaced..

Mr. Branch informed the Council that the garage could be utilized more if additional staff were hired. This could potentially save the Town money.

**iv. Powell Bill**

Mr. Branch informed the Council that the Powell Bill Budget remained status quo from last year. Powell Bill funds can only be used for qualified streets throughout the Town. With the \$260,000 budgeted for resurfacing, approximately 12-14 streets or approximately one mile can be resurfaced. Mr. Branch further explained that there are 60.6 miles of Town Streets and the goal is to repair the streets in the worst condition first.

Mayor Pro-Tem Scott questioned if the Town could double the Powell Bill funds. Finance Director Greg Siler responded that funds could be added from the General Fund Budget by using Fund Balance or even implementing the motor vehicle tax.

Mayor Pro-Tem Scott requested that the Town Manager in preparation of the Recommended Budget consider doubling the amount of Powell Bill Funds for street resurfacing

**v. Sanitation**

Public Works Director Lenny Branch highlighted some line items in the proposed FY 18-19 Public Works – Sanitation. They are as follows:

- Salaries and Wages: Increase due to this being the first full year to budge the equipment operator position that was approved after moving the Animal Control Officer to the Police Department
- equipment operator first full year after the moving of animal control
- Fuel: Increase in fuel line due to projected costs
- Capital outlay: Funds were included for another hook leaf truck and another leaf box.
- Landfill Fees: Johnston County has proposed an increase to tipping fees for household waste which would impact the budget approximately \$10,000. If this cost was passed onto the customers, it would cost each customer \$.24 a month.

**2. Fees Schedule**

Town Manager Michael Scott highlighted some of the proposed fee schedule changes. They are as follows:

- Addition of Columbarium opening/ closing fee
- Addition of Right of Way Permits for Utility Street cuts and encroachments

Parks and Recreation Director Gary Johnson highlighted some of the proposed changes in the Parks and Recreation and Aquatic Center Fee Schedule. They are as follows:

**Parks and Recreation**

- Elimination for the Nonresident fee for Adult Team Sports
- Reduction in Resident and Nonresident rates for Youth team Sports with the exception of football.
- Include a multiple child discount
- Increase the Tournament Fees for Resident and Nonresidents

**Aquatics Center**

- Simplify SRAC Rates as there are currently 33 separate rates.
- Change the Contract Fee to \$35 per person and not per contract

- Decrease in some resident and nonresident day pass fees
- Decrease in nonresident swim lesson fees.
- Increase in summer camp fees for nonresidents.
- Decrease in some facility rental rates for nonresidents

Mayor Pro-Tem Scott questioned how much does employee memberships generate as he would like for it to be free for all employees. Councilman Dunn stated in the proposed fee schedule, Town employees who live out of Town will pay approximately \$10.00 more a month. Mr. Johnson explained that an employee who lives inside of the Town limits already pays taxes therefore he/she should pay less than an employee who lives outside of the Town limits. Councilman Dunn stated that an employee currently pays \$17.50 and that will increase to \$26.00. Mr. Johnson stated that was corrected. He further stated that since he does not reside in Town, he felt it was fair to pay the higher rate of \$26.00 a month.

Mayor Moore stated that while other fees were decreasing the rate for Seniors was actually increasing from the corporate rate. He suggested that the rate be changed to \$25.00 and \$40.00

Parks and Recreation Director Gary Johnson stated that Smithfield Selma High School is currently utilizing Town fields at no cost because Parks and Recreation are able to utilize the school's fields and gymnasiums at no cost. He explained when the Neuse Charter School opened, the former Park and Recreation Director and the School Administrator worked out a deal whereby for every home softball game they would provide a ½ a case of paint and for every home soccer game they would provide a full case of paint. Since it has become more work for staff, Mr. Johnson proposed to the Neuse Charter School Administrator that they provide the same amount of paint and \$25 per game.

Public Utilities Director Ted Credle highlighted some of the proposed changes in the Utilities Fee Schedule. They are as follows:

#### **Water/Sewer Rates**

- Rate increase to water and sewer are based on the study conducted by the Wooten Company
- Sewer rate incorporate the County's increased rate from last September
- The County is also proposing to increase the sewer rates again, but no decision has been made at this time

#### **Electric rates**

- No proposed increase at this time.

### **3. General Fund Continued**

#### **a. SRAC**

Parks and Recreation Director Gary Johnson highlighted some items in the proposed FY 18-19

- Part Time Salaries: Increase in part time salaries because there is a decrease in part time instructors
- Cell phone allowance Increase due to the Aquatics Supervisor being on call.
- Service contracts: Increase in line due to the increase in Merchants Services fees.
- Capital Outlay: Funds were included for the replacement of one pool heater and the replacement of the pool bleachers. The school system will pay half the cost of the bleachers.

#### **Adjourn**

Councilman Ashley made a motion, seconded by Councilman Dunn, to recess the meeting until tuesday, May 15, 2018 at 6:00 pm . The meeting adjourned at approximately 8:35 pm.

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M. Andy Moore, Mayor

ATTEST:

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Shannan L. Parrish, Town Clerk

The Smithfield Town Council reconvened its May 10, 2018 meeting on Tuesday, May 15, 2018 at 6:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided .

Councilmen Present:

Mayor Pro-Tem Scott  
Emery Ashley, At-Large  
Marlon Lee, District 1 (departed at 7:26pm)  
David Stevens, District 2  
Dr. David Barbour, District 4  
John A. Dunn, At-Large  
Stephen Rabil, At-Large

Councilmen Absent

Administrative Staff Present

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

**Reconvene: May 10, 2018 Meeting**

Mayor Moore reconvened the meeting at 6:09 pm

Finance Director Greg Siler informed the Council that approximately 770 customers did not receive a utility bill due to a software error.

Town Manager Michael Scott informed the Council that he had been contact by the HOA of Lake Park Circle. He reminded the Council that the Town agreed to accept the street once they brought it up to Town Standards. The Town has asked them to fix all the cracks in the road, but they only want to fix the cracks larger than ¼ of an inch or bigger. It is estimated that repairing all the smaller cracks would cost \$3,000. They are asking the Town to split the cost with the HOA. Mayor Moore stated they agreed to fix the road to our standards before we accepted the road as a Town maintained street. It was the consensus of the Council that the HOA should comply with the original agreement.

Town Manager Michael Scott informed the member of the Council that the Chamber has approached the Town on determining the Town's interest in partnering with the Chamber for a dog park adjacent to he Chamber's office. The Town set aside funds for the construction of a dog park at Civitan field and the Town's efforts should to the construction of that park.

**1. General Fund**

**a. Parks and Recreation**

Parks and Recreation Director Gary Johnson highlighted some items in the proposed FY 18-19 in the Parks and Recreation Department: They are as follows:

- o Fuel: Increase due to projected costs
- o Service Contacts: Increase in line due to adding Community Park to the landscape maintenance contract.
- o Capital Outlay: Funds have been included to renovate the playground equipment at Smith Collins Park, to resurface basketball courts at Community Park, to replace a 2003 dump truck, to make the parks handicapped accessible, for sidewalks repairs at Community Parks and to replace picnic tables, benches and trash receptacles.
- o Swimming Pool Removal: This line is for the removal of the Eva Ennis pool at Smith Collins Park. Staff carried over \$10,000 from last year and \$17,000 has been budgeted for this year since the bid came in at \$27,000 for the demolition.

Councilman Lee questioned the \$52,000 budgeted for Park Mowing. Mr. Johnson explained that the contractor is cutting all of the grass except for Smith Collins Park and the athletic fields. Fund have been removed from temp services and put into the contract service. We use park staff for

the detailed work. Councilman Lee stated that he thought we had an employee that was mowing Community Park and Smith Collins Park. The Town Manager responded that there was one employee that was designated to mow Community Park and Smith Collins Park, but one person cannot mow both parks in a 40 hour work week during the summer. Mr. Johnson explained that by moving Community Park back to a contract service, it allowed his employees the time to do the detailed work at the Parks.

Councilman Barbour questioned the cost to add Smith Collins Park to the contract. Mr. Johnson responded it would cost \$5,700 for the entire year. The Town Manager reminded the Council that the Town removed Smith Collins Park from the contract because staff did not feel they were getting the level of service the park deserved.

Mayor Pro-Tem Scott questioned what the employee assigned to mow Smith Collins park would be doing in the event the park was added back to the contract. Mr. Johnson replied that the employee would be doing more of the detailed work that are needed at the parks.

Mayor Pro-Tem Scott questioned if a splash pad could be constructed on the site of the Eva Ennis Pool. The Town Manager responded based on the demolition method, a structure could not be built on that site. To build on the site, the pool would have to be completely removed instead of just being demolished and filled in. A splash pad would cost approximately \$210,000 of a 40 square foot pad, but it would be a great asset at Smith Collins Park.

Councilman Barbour questioned the cost of adding Wi-Fi in the park. Mr. Johnson responded he would have to talk with the IT Specialist about it.

Councilman Lee questioned if anyone had spoke to the employee about being reassigned duties since his is a special situation.

Councilman Stevens questioned how often the parks are mowed. Mr. Johnson explained that Community park is cut once a week and the other Parks are cut once every 10 day, but can be mowed by staff if needed. Councilman Stevens stated that it would be fiscally responsible to pay \$5,700 to add Smith Collins Park to contract services. Mayor Moore reminded staff that any addition to the contract would have to come before the Council for approval.

It was the consensus of the Council to add the \$5,700 to the Service Contract line to add Smith Collins park to the landscaping contract.

**b. Sarah Yard Community Center**

Parks and Recreation Director Gary Johnson explained this was a brand new budget and a new operation for Parks and Recreation. He explained the budget to the Council

Councilman Lee questioned the amount of money that was encumbered from last year and if there were any funds left over. The Town Manager responded that \$10,000 was encumbered from last year which was used for renovations and supplies. Approximately, \$7,000 is still remaining from those funds.

Councilman Lee questioned the type of programs for the center. Mr. Johnson explained the center would be opened from 3:30 pm until 6:30 pm on Mondays, Wednesday, Fridays and Saturdays during the school year. During the summer and school breaks it would be open Monday through Friday from 12:00 pm until 5:00 pm. Councilman Lee stated the Innovation Academy and the Sarah Yard Center could collaborate on some after school activities. He further explained that this is a Community Center and not just a Youth Center. There are senior adults that could also use the facility, but there have not been any programs catered to them.

Councilman Ashley stated that he thought there was an advisory board for the Sarah Yard Community Center. Mr. Johnson responded that there is an ad hoc committee that meets regularly. The hours for the center are what the committee agreed would work for the community. The Town Manager responded that there are different views from the committee members on what should be the vision for the center.

Councilman Ashley stated that it takes time to grow programs for a new facility. The Town Manager responded that next year, staff would have a better understanding of the programs and needs of the community.

## **2. Summary/Discussion Budget Changes**

### **(a) Special Assessments**

Town Manager Michael Scott informed the members of the Council that in order to levy a special assessment, the landowners had to petition the Town for it. The Town does have that authority to make that decision on assessing those property owners. It was suggested that the Council delay action until the property owner come to the Town requesting the special assessment. The Town Manager responded that the Council could do that but they have a constitutional responsibility to maintain the streets and sidewalks in the Town's jurisdiction

### **(b) Municipal Vehicle tax**

Town Manager Michael Scott provided the North Carolina General Statute concerning motor vehicle tax to the Council. This would be a revenue neutral tax meaning that all fees collected would be used for street repairs. At this time, a lot of municipalities are using this tax to improve streets. the Town of Clayton is proposing to increase its fees to \$30 this year.

### **(c) Powell Bill**

Town Manager Michael Scott provided information on Powell Bill funding to the Council. He explained as the population increases , the Town would receive more funds.

### **(d) Equity Drive**

Town Manager Michael Scott provided a map of Equity Drive that included the businesses services by the road. He explained to add lighting to the project it would cost approximately \$1.2 million. He further explained that he spoke with the Town Engineer to determine if the sidewalks would cause flooding issues and it was determine that it would not. At this point, staff is not including funding for the repairs of Equity Drive.

### **(e) Adding Street Resurfacing from Fund balance, 320,000 annually**

Town Manager Michael Scott informed the members of the Council that it was suggested that \$320,000 be used from the General Fund Balance for street repairs. With this expenditure, the fund balance would be just under 60%. With this expenditure, the Town would still increase the fund balance.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Barbour, to add the \$320,000 to Powell Bill funds from the fund balance and explore the option of the motor vehicle tax at a later date. Unanimously approved.

### **(f) Street Sweeper Funding**

Town Manager Michael Scott asked for direction on utilizing fund balance to pay \$150,400 for the street sweeper instead of taking out a loan.

Councilman Rabil, seconded by Councilman Barbour, to pay the \$150,400 for the street sweeper out of fund balance. Unanimously approved.

### **(g) Non- Departmental Requests**

Town Manager Michael Scott stated that the non-departmental budget requests are status quo while some organizations have asked for more funding.

It was the consensus of the Council to allocate \$1,000 to each of the 5 schools in Smithfield for the administration of each school to determine how the funds would be dispersed.

The Public Library requested \$263,532. It was the consensus of the Council to allocate \$250,000 to the Library.

**(h) Police Department Career Ladder**

Town Manager Michael Scott stated that the Council instructed him to investigate Police Officer pay that wouldn't interrupt the pay study. The Police Chief proposed changes to the career ladder that would allow for Police Officers to advance more quickly. This would cost approximately \$ 23,000 and could be paid by this year's surplus of \$53,547.

Councilman Rabil made a motion, seconded by Councilman Barbour, to approve the amendments to the Police Department Career Ladder Program effective July1, 2018. Unanimously approved.

**(i) Electric Lineman salary Schedule**

Town Manager Michael Scott proposed changes to the salary schedule for electric linemen because the Town is not being competitive with hiring those positions. No money will be added to the budget because everyone is already earning over this amount.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Rabil, to approve the changes to the salary schedule for the electric lineman position. Unanimously approved.

**(j) Marketing Position Job Description**

Town Manager Michael Scott provided to the Council a draft of the marketing job description. The Manager was asked to provide the job description of the Human Resources Director/PIO/Economic Development Liaison to the Council for comparison.

**(k) Fire Department Ladder Truck**

Town Manager Michael Scott informed the members of the Council that this was an important issues that needed a decision. Since it will take a year and a half to construct the truck, no funds would be budgeted in the proposed budget. This would be paid through by a loan and possibly supplemented with fund balance.

Chief Blanton explained that at seventy-five feet in height, the ladder will not reach the third floor of the hospital. It is also important because it helps lower the ISO insurance rating.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Barbour, to approve the contract for the lowest bid for the purchase of the ladder truck and explore financing options. Unanimously approved.

**Recessing**

Mayor Pro-Tem Scott made a motion, seconded by Councilman Dunn, to recess the meeting until Monday, May 21, 2018 at 6:00 pm. The meeting adjourned at approximately 8:35 pm.

ATTEST:

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M. Andy Moore, Mayor

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Shannan L. Parrish, Town Clerk

The Smithfield Town Council reconvened its May 15, 2018 meeting on Monday, May 21, 2018 at 6:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor Pro-Tem Scott presided until Mayor Moore arrived at 6:25 pm.

Councilmen Present:

Mayor Pro-Tem Scott  
Emery Ashley, At-Large  
David Stevens, District 2  
Dr. David Barbour, District 4  
John A. Dunn, At-Large  
Stephen Rabil, At-Large

Councilmen Absent

Marlon Lee, District 1

Administrative Staff Present

Michael Scott, Town Manager  
John Blanton, Fire Chief  
Lenny Branch, Public Works Director  
Gary Johnson, Parks and Recreation  
Tim Kerigan, Human Resources/PIO  
R. Keith Powell, Chief of Police  
Greg Siler, Finance Director  
Stephen Wensman, Planning Director

**Reconvene: May 15, 2018 Meeting**

Mayor Pro-Tem Scott reconvened the meeting at 6:00 pm

Prior to the budget discussions, Town Manager Michael Scott informed the Council that the Executive Director of the Chamber of Commerce contacted him regarding the Chamber being incorporated into a foundation that they began several years ago thus making the Chamber a nonprofit organization. The Chamber Director inquired if the Town would find issue with the decision. As a nonprofit organization, the Chamber would no longer be required to pay taxes on its property. Ultimately, their Board of Director will decide if they are to become a nonprofit organization. The Town Manager was directed to investigate the amount of property taxes the Chamber currently pays.

Summary/Discussion Budget Changes

**(a) Police Department Take Home Fleet Program**

Town Manager Michael Scott stated that during the budget discussions, he was asked to bring option to the Council on how to implement the Police Department take home fleet program. The Town Manager informed the Council that it would cost \$533,220 to implement the program with an annual estimated fuel cost of \$28,000. The personnel benefitting from this program would be sixteen patrol officers, four sergeants and 4 lieutenants. The Police Department tends to lose more patrol officers than any other type of officer.

The Town Manager provided 6 options to implement the program. They are as follows:

- Option A: Purchase all 12 vehicles at a cost of \$533,220. Budget additional \$28,000 for fuel. Use loan for 5 years for a debt service payment of \$117,864 annually.
- Option B: Use Fund Balance for the total purchase, but with the allocation of the \$320,000 for street resurfacing that would reduce the General Fund Balance to approximately 35%.
- Option C: Use some Fund Balance and some loan proceeds for the total amount which would reduce the fund balance to approximately 42%
- Option D: Purchase fourteen vehicles over a three year period by using Fund Balance, but only if the Fund Balance remains stable.
- Option E: Use a Capital Reserve Fund to purchase all the vehicles after July 1, 202. The Town would add \$220,000 to the Capital Reserve account thus earmarking the money only for this project.
- Option F: Create a Take Home Fleet for only those officers residing in the Corporate Town Limits. Budget for the purchase of a car as is needed.

Councilman Stevens questioned if it would be more beneficial if the Council increased the starting salary. Chief Powell responded it would help, but his officers would still want a take home car.

Councilman Barbour questioned if it would be beneficial if the Council implemented Option F and increased the base salary. Chief Powell responded it would not help the current officers as most already have bought home outside the Town limits.

Councilman Stevens questioned the average turnover rate for a Patrol Officer. Town Manager Michael Scott responded that it was approximately four officers a year. Chief Powell responded that he currently has two vacancies with three other officers considering offers from other agencies.

The Town Manager reminded the Council that they voted to conduct a pay study. He cautioned the Council not to add reoccurring costs that are unnecessary until the pay study has been completed because the Council may find themselves in a difficult position.

Councilman Barbour stated that once the salary study is completed that not every employee will get a raise. It will be dependent on what the job is worth.

The Town Manager explained that he had conversations with Managers from other municipalities and they are facing some of the same issues. One Manager of a smaller Town outside Charlotte were losing their officers to Charlotte because Raleigh was recruiting officers from Charlotte. This is a problem we could potentially have because we are so close to Raleigh. The Town cannot compete with Cities like Raleigh.

Councilman Barbour questioned the moral of the officers if the take home fleet is not implemented. Chief Powell responded that it will drop moral in the department.

Councilman Rabil questioned if the Town could lessen some of the equipment. Chief Powell responded that rifles and computer could be shared.

Councilman Dunn questioned if the Town has lost a lot of officers to Clayton. The Town Manager responded the Police Department hasn't lost a lot of officers to Clayton. The Town has lost officers to the Sheriff's Department, to the Town of Knightdale and other Wake County Municipalities. Councilman Dunn stated a decision could be made later in the year.

Councilman Barbour questioned how the Town would purchase a vehicle under Option F. The Town Manager responded if it was something the Council wanted to implement, the Police Chief would be asked to bring back a policy for the Council's approval. But the vehicle(s) would have to be included in the budget. Finance Director Greg Siler responded that Contingency Funds could be used to purchase the vehicle.

It was the consensus of the Council to delay a decision on the take home fleet until the salary study is completed and the findings presented to the Council.

## **(b) House Bill 947**

Town Manager Michael Scott informed the Council that HB 947 is a local act for the Town of Mooresville. The Town of Mooresville is proposing to add a quarter cent sales tax for road repairs. The Town Manager contacted the local representative to ascertain if it would be possible to add the Town of Smithfield to this bill or propose creating a similar local act of the Town. Mayor Moore stated that the representative contacted him and it would only be considered if the Town passed a resolution.

Councilman Ashley made a motion seconded by Councilman Stevens to Adopt Resolution # 617 (04-2018) requesting a local act to increase the Town's local sales tax option by .25% to be used for road repairs. Unanimously approved.

**RESOLUTION# 617 (04-2018)  
TOWN OF SMITHFIELD TOWN COUNCIL**

## AUTHORIZING LOCAL OPTION SALES TAX

**WHEREAS**, The Town Council of Smithfield completed a community wide survey in 2017 and the primary recommendation among citizens was additional street repairs and resurfacing; and

**WHEREAS**, Smithfield is located on Highway 95 and is home to shopping, hotels, restaurants and tourist destinations, as well as the County Seat of Johnson County; and

**WHEREAS**, This additional visitor traffic weighs heavily upon the streets and roads of Smithfield and increases the need for road repairs; and

**WHEREAS**, the Town Council has met in open session on May 21, 2018 and approved a resolution to request an Act to Authorize a Levy of a Municipal One-Quarter Percent Sales and Use Tax to be used specifically for street improvements.

**NOW THEREFORE, I, M. Andy Moore**, Mayor of the Town of Smithfield along with the Members of the Smithfield Town Council: Authorize the Mayor and, alternatively, the City Manager, to request our state Representatives and Senators to support a Local Act for Smithfield to authorize a levy of a municipal one-quarter percent sales and use tax to be used exclusively for street improvements in Smithfield.

### (c) Employee Handbook

The Town Manager requested direction from the Council on three changes to the handbook

- **Section 21: Salary Effect of Promotions, Demotions, Transfers, and Reclassifications**  
*Promotions. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the minimum rate of the new position, or to a salary which provides an increase of 5%, 10% whichever is greater.*

Mayor Moore suggested the wording be an "increase of up to 10% at the Manager's discretion based on funds available at the time." The Manager would have to justify the amount, but it was suggested by the Mayor that more of an increase would be given based on the amount of people supervised.

- **Section 72A: Vacation Compensation:** *Payable in the first pay check in November of each year, every full-time employee who has successfully completed six months of employment with the Town of Smithfield by November 1 may request a minimum of eight (8) hours and a maximum of forty (40) hours of accrued vacation time be converted to salary. All income from this benefit is subject to state and federal deductions.*

*In order to be eligible, an employee must have no disciplinary actions since November 1 of the previous year and retain a minimum of forty (40) hours of accrued vacation leave as of November 1 of the current year. This benefit is available as the Town budget permits and as approved by the Town Council during the annual budget process.*

Mayor Moore informed the Council he had asked the Town Manager to remove this from the Handbook and to create a separate policy. He does not want the employees to rely on these funds as they would only be available if it was economically feasible. This policy would be discussed during the budget process every year.

- **Section 78: Transfer of Sick Leave from Previous Employer**  
*Unless approved by the Town Council, upon hire the Town will accept only the transfer of up to 350 hours of sick leave hours for employees from other employers who are participants of the Local or State Employees Retirement System. The sick leave will be treated as though it were earned with the Town of Smithfield. The sick leave amount must be certified by the previous employer. This provision shall not be retroactive to policy adoption. The transfer of more than 350 hours*

requires Town Manager approval and will be evaluated on a case by case basis.

The Town Manager explained that Councilman Barbour had questioned if hours from the State Employees Retirement System could be transferred to a Town Employee. The Town Manager stated that after some investigating, it was determined that the Town could accept those sick hours.

Councilman Ashley stated that those hours would be a liability to the Town.

Mayor Pro-Tem Scott stated that Johnston County allows an employee to transfer a certain amount of sick time that an employee can use, but they keep the remaining balance to go towards an employee's retirement. If an employee with the County does not have continued service from one government entity to another, then the employee cannot transfer those hours to the County. He felt it was important to allow employees to transfer the sick time that they already earned.

- **Substance Abuse Policy**

- XIV. Accident Involving Town Vehicles.

- Alcohol tests following a traffic accident involving a Town vehicle shall be administered no later than eight hours from the time of the accident. Drug tests following a traffic accident involving a Town vehicle shall be administered no later than thirty-two hours from the time of the accident

The Town Manager informed the Council that this was a policy adopted by the Council and was simply being moved to the Handbook. In this policy it states that alcohol testing will be given to any Town employee that has been involved in an accident. This has not been the practice as only CDL drivers involved in accidents are being tested. It was suggested that the section heading be changed from Accidents involving Town Vehicles to Accidents Involving Town Vehicles Requiring a CDL or Equipment License for Operation.

It was the consensus of the Council to make no changes to that current section of the handbook.

#### **(d) Water Plant Expansion**

Town Manager Michael Scott reviewed the following information concerning the water plant expansion:

- A public hearing is scheduled for July 10<sup>th</sup> to discuss the closing of north Second Street.
- The Town has been awarded the Golden Leaf grant in the amount of \$500,000 with the Town matching \$250,000 for a total of \$750,000 to be used to install the 16 inch line down Durwood Stevenson Highway to increase pressure to West Smithfield. The Grant is contingent on the expansion of the water plant.
- The project is estimated to cost \$15.28 million. The agreement with Johnston County entered into last August increased the value of the water but also increased their intake of water from the water plant. Per the agreement, the County will pay a one-time capacity fee of \$3.25 million. The Town Manager confirmed with the County Manager that those funds were included in the County's proposed budget. The remaining balance is \$12.05 million to expand the plant. The Town has secured a loan at 1.81% for 20 years with an annual debt service payment of \$718,000 which should just about make up what the county will be paying the Town for the increased water they will be using. It should be about revenue neutral or maybe a little less.
- The Town received bids for engineering firms with the Wooten Company as the only firm to submit a bid for this project. Once the County starts to pull water we will be at 88%

capacity. If we don't expand the water plant, the County will request to pull more water out of the river and the Town will lose the ability to pull water meaning the Town will eventually begin buying water from the county because the water plant will not be able to expand.

- Once the water plant reaches just prior 90% capacity, under North Carolina DEQ rules, the Town must plan for water plant production to increase. The Town is required to expand the water plant to sell more water to the County. The plant will be going from 6.2 million gallons a day to 8.3 million gallons a day and moving 12 million of storage to 16 million in storage. At that point, the plant will be at 66 % capacity so there will be room for growth.
- Options for the closing of North Second Street and rerouting the greenway. The road would be closed just passed the private cemetery and Talton Field could become an actual park. Soccer fields would be moved from Talton Field to Johnson Park. The Greenway would be rerouted to create a loop trail to incorporate the existing restrooms. On the conceptual plans given to Council, Talton Park would include: a splash pad, playground, two dog parks with designated areas for large and small dogs, open greenspace, Freemans school and a parking lot. It was staff's intent to make this a positive area for the community and the Greenway. With its location to the Operation Center, there could be some Wi-Fi connection in the Park.

Mayor Pro-Tem Scott stated that he has been contacted with concerns about the traffic flow from Second, North and Third Streets. The Town Manager responded that NCDOT conducted a traffic count in that area during a 24 hour period and concluded that 2700 cars passed through the area. Public Works Director Lenny Branch was in the process of conducting his own traffic counts.

Councilman Ashley questioned if there had been any further discussions about aligning Buffalo Road with Third Street. Mayor Moore explained the idea had been before Council in the past, but the Council chose not to do that because of the complaints of the citizens in the area.

- Johnson Park would have four soccer fields to be used by youth 8 and under and youth 6 and under. The empty lot adjacent to the field which is owned by the Town could be used for parking. If lights for the fields were needed, they could be added later.

Mayor Moore reminded the Council that the Town does not own Johnson Park. It was suggested that the Town consider asking for a longer lease. The lease is currently a five year automatic renewal agreement.

The Town Manager explained he need the Council to approve and enter into an agreement to secure the loan so we could get an appointment with the Local Government Commission because that will take time.

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Scott, to submit an application to the Local Government Commission for the Water Plant Expansion Loan. Unanimously approved.

The Town Manager explained before the LGC would approve the loan, Council must approve the water plant expansion.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Rabil, to expand the water plant. Unanimously approved.

The Town Manager questioned when the Council would like to put these plans before the public. He explained that they could be discussed during the budget hearing. Mayor Moore suggested that the plan be presented to the Parks and Recreation Advisory Commission for their input. Mayor Moore

preferred knowing the estimated cost of the project before it was presented to the public. The Town Manager explained that preliminary estimates are a little over \$500,000. Mayor Moore reminded the Council there was \$425,000 in restricted fund balance from the sale of Bingham Park that can only be used for additional Parks. The Town Manager stated that there was a little over \$100,000 for the in lieu of parks fees. Those funds combined could be used to construct Talton Park. It was suggested that the Manager discuss these plans during the public hearing for the closing of a portion of North Second Street.

Mayor Pro-Tem Scott questioned if the County had ever been approached about having a reduced tax rate for citizen living inside any Town limit in the County. Also, concerning fees charged to Town, he questioned if the County has ever been approached about offering a municipal rate especially with landfill tipping fees since the Town citizens pay county taxes. Mayor Moore responded that this had been discussed before and he believed the statute mandated that the County cannot charge two different tax rates

Mayor Moore informed the Council that a brief meeting was held concerning the Dog Park and Civitan ark. They met with a fence company to determine the cost to fence the area.

**Adjourn**

Mayor Pro-Tem Scott made a motion, seconded by Councilman Dunn, to adjourn the meeting. The meeting adjourned at approximately 8:04 pm.

ATTEST:

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

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

The Smithfield Town Council met in regular session on Tuesday, June 5, 2018 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

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

Councilmen Absent

Emery Ashley, At-Large

Administrative Staff Present

Michael Scott, Town Manager  
John Blanton, Fire Chief  
Ted Credle, Public Utilities Director  
Gary Johnson, Parks & Rec Director  
Shannan Parrish, Town Clerk  
R. Keith Powell, Chief of Police  
Greg Siler, Finance Director  
Stephen Wensman, Planning Director

Present:

Bob Spence, Town Attorney  
Bill Dreitzler, Town Engineer

Administrative Staff Absent

Lenny Branch, Public Works Director  
Tim Kerigan, Human Resources/PIO

**CALL TO ORDER**

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

**INVOCATION**

The invocation was given by Mayor Pro-Tem Scott followed by the Pledge of Allegiance

**APPROVAL OF AGENDA:**

Mayor Pro-Tem Scott made a motion, seconded by Councilman Rabil to move Business Item 4. *Consideration and Approval to allow employees to donate sick leave to an employee in the Public Utilities Department* and Business Item 5. *Consideration and Approval to allow employees to donate sick leave to an employee in the Police Department* to the Consent Agenda. Unanimously approved.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Lee, to approve the agenda as amended. Unanimously approved.

**PRESENTATIONS: NONE**

**PUBLIC HEARINGS:**

- 1. Rezoning Request – Landis Bullock (RZ-18-05):** The applicant was requesting to rezoning a 1.43 acre portion of a 2.91 acre tract of land from the HI (Heavy Industrial) zoning district to the B-3 (Highway Entrance Business) zoning district.

Councilman Dunn made a motion, seconded by Councilman Rabil, to open the Public Hearing. Unanimously approved.

Planning Director Stephen Wensman addressed the Council on a request by Landis Bullock to rezone a 1.43 acre portion of a 2.91 acre tract of land from the HI (Heavy Industrial) zoning district to the B-3 (Highway Entrance Business) zoning district. The property considered for rezoning was located on the southwest side of West Market Street approximately 180 feet southwest of its intersection with Whitley Drive. The property is further identified as a portion of Johnston County Tax ID# 15044023A. Mr. Wensman explained the portion of property considered for rezoning has approximately 130 feet of road frontage on West Market Street. An existing 3,900 square foot open sided barn structure is located on the property. All future development proposals will require a subdivision or a recombination of land and be required to meet or exceed all minimum development standards of the Unified Development Ordinance to include parking, landscaping and buffer

requirements.

**Consistency with the Strategic Growth Management Plan**

The rezoning request was consistent with the Town of Smithfield Future Land Use Plan which has identified this property as being suitable for commercial endeavors.

**Consistency with the Unified Development Code**

The rezoning request would be consistent with the Town of Smithfield Unified Development Ordinance as all proposed future land uses and site specific development plans must meet the minimum development standards of the Town of Smithfield Unified Development Ordinance.

**Compatibility with Surrounding Land Uses**

The property considered for a rezoning was located on the West Market Street entry corridor. The majority of land uses within this corridor are commercial in nature. Rezoning the property to a commercial zoning district would not create compatibilities issues with the adjacent land uses.

The Planning Department recommended approval of the zoning map amendment; and recommend the approval of a consistency statement declaring the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan and the request was reasonable and in the public interest.

The Planning Board, at its May 3, 2018 meeting, unanimously voted to recommend approval of the rezoning of approximately 1.4 acres of land from HI (Heavy Industrial) zoning district to the B-3 (Highway Entrance Business) zoning district and adopted a statement declaring the rezoning was consistent with the town's plans and policies.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the June 5, 2018 agenda packet.

Mayor Moore asked if there were any questions from the Council

Mayor Pro- Tem Scott questioned if there would be a problem with the buffer. Mr. Wensman replied that it would not be a problem .

Councilman Barbour questioned if there would be flooding issues. Mr. Wensman responding that would all be investigated.

Mayor Moore asked if there were any comments/questions from those in attendance. There were none.

Councilman Barbour made a motion, seconded by Councilman Stevens to close the Public Hearing. Unanimously approved.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Rabil, to approve the Rezoning Request, RZ-18-05, HI (Heavy Industrial) zoning district to the B-3 (Highway Entrance Business) zoning district and declared the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan, reasonable and in the public interest. Unanimously approved.

- 2. **Rezoning Request – W. Frank Lee (RZ-18-06):** The applicant was requesting to rezone four tracts of land totaling approximately 2.26 acres from the R-20A (Residential-Agricultural) zoning district to the PUD (Planned Unit Development) zoning district.

Councilman Dunn made a motion, seconded by Councilman Stevens, to open the Public Hearing. Unanimously approved.

Planning Director Stephen Wensman addressed the Council on a request by W. Frank Lee to rezone four tracts of land totaling approximately 2.26 acres from the R-20A (Residential-Agricultural)

zoning district to the PUD (Planned Unit Development) zoning district. The properties considered for rezoning were located on the east side of Buffalo Road approximately 160 feet south of its intersection with Booker Dairy Road and further identified as Johnston County Tax ID# 14075030G, 14075030F, 14075027 and 14075028.

Mr. Wensman explained the Future Land Use Map guides this property and the surrounding properties as a Commercial Service Node. In the Comprehensive Growth Management Plan, a Commercial Service Node is envisioned as a mixed use - limited commercial focus area to service the neighborhood. The Town has no "mixed use district", but does allow PUD zoning to allow for mixed use development (a form of conditional zoning).

The proposed master plan appeared to meet the requirements for a mixed use commercial service node. The master plan buffers the commercial with residential and the office institutional land uses are already in place. The uses appeared to be of a neighborhood scale. Pedestrian connections are abundant in the plan. The private street will provide a shared internal access to all the lots and uses in the site.

State Right-of-Way Dedication. The master plan took into consideration the future widening of Buffalo Road. The master plan showed an additional +/- 35 feet of right-of-way consistent with the width of the right-of-way at the Booker Dairy Road/Buffalo Road intersection. Actual right-of-way dedication will be determined with the future platting of the subdivision.

Mixed Use. The submitted master plan showed a mix of uses comprised of retail shops or offices with apartments above, residential apartments and a commercial convenience center with gas pumps, all consistent with the comprehensive plan guidance for the property. The commercial convenience center was around 63,00 square feet in area and includes convenience grocery/household retail, a carwash and fuel pumps with a canopy, and drive-thru food pickup. The 6 retail/office/2nd story apartments were 2,200 square feet each on the ground floor. Access to the retail/office was off the private street and the apartments are accessed from stairs located in the rear of the structures by the parking lot. Within each building are three apartments for a total of 18 apartments. The 2 story - 3 apartment buildings, labeled B, are around 7200 sq. feet each and each contains a mix of 1, 2 and 3 bedroom units with a total of 24 apartments.

Subdivision Lots. The master plan identified three individual lots, one for the convenience commercial, one for the retail/offices with residential apartments above, and one for the apartments, and a shared private road. The commercial convenience center and the apartments have road frontage on Buffalo Road. The retail/office/second floor apartments have no frontage on a public road.

Access-Private Street. A shared private street connecting Booker Dairy Road and Buffalo Road would provide access to the subdivision lots and would provide internal circulation. The road connections to Booker Dairy and Buffalo Road will need NCDOT approval because they are both State roads. The private street will also cross a NCDOT owned property to the north of the development site. It is highly likely that both entrances to the development will be restricted to right-in, right-out. The UDO permits private streets as long as they comply with Article 10, Section 10.108.2, and meet NCDOT Standards for construction and maintenance. The private street will need to be owned and maintained by a homeowners' association.

PUD Street Connectivity. UDO Article 10, Section 10.108.19 requires PUDs to have a more enhanced street and pedestrian network. The master plan shows sidewalks along Buffalo Road, along the private street and along the parking lots, all connecting to the Town's Community Park. The master plan meets this requirement.

Stormwater Management. The master plan identified three areas for stormwater management, one for each of the proposed lots on the master plan. The locations of the BMPs appeared to be in suitable locations for gravity flow, although the BMP in the northwest of the site may be too linear and narrow to function appropriately. No details have been provided.

Parking. There is adequate parking for the uses shown on the site plan. The site plan identifies on-street parking (private street) and parking lots with handicap parking stalls.

Tree Preservation. There are a few trees on site around the existing residence and along the rear property line. No survey has been provided. Tree replacement if required will need to be addressed when the site develops

Landscaping and Buffering. The applicant provided a schematic landscape plan that showed the locations of overstory trees, ornamental trees and shrubs. Although, no specific plant materials have been selected, the plans demonstrated the site can accommodate the required landscaping as designed and that the applicant intends to comply with the landscaping requirements.

Site Lighting. A schematic lighting plan has been provided. The lighting plan illustrated that the developer is planning a common lighting theme and will comply with the UDO.

Site Grading. The applicant has provided a schematic drainage plan indicating the high spots on the site and generally how the site will drain after development.

Utilities. The applicant has provided a schematic utility plan that illustrates the developer's general compliance with town requirements.

Signs. The master plan identifies locations for proposed ground signs for each proposed subdivision lot. Signs will most likely be a combination of ground signs and wall signs. A separate sign permit will be required prior to installation of any signs.

The Planning Department and Planning Board recommend approval of the Zoning Map Amendment; and recommend that the approval of a consistency statement declaring the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the June 5, 2018 agenda packet.

Mayor Moore asked if there were any questions from the Council

Mayor Pro-Tem Scott questioned who the applicant would respond to the proposed widening of Buffalo Road. Mr. Wensman responded they would have to work with NCDOT.

Mayor Pro-Tem Scott questioned the buffering as it relates to the park. Mr. Wensman responded they would have to comply with the UDO.

Councilman Stevens questioned the retention ponds and making sure that the water doesn't flood the park. Mr. Wensman responded that the applicant will have to comply with all stormwater regulations.

Councilman Barbour questioned the Sheets gas station as mentioned at the planning board and if the commercial first phase would have to comply with the additional phases. Mr. Wensman responded that the development would have to comply with the Master Plan provided to the Council. If there were any major deviations from the Master Plan, it would have to be brought back to the Council for approval.

Member of Council expressed their concerns about increased traffic.

Mayor Moore asked if there were any comments/questions from those in attendance

Paul Embler speaking on behalf of the applicant explained that during phase 1 there has not been any contract with Sheets for construction of a gas station there. The design was based on a similar complex in Clayton. The development currently meets or exceeds the current Town standards. A traffic impact analysis would have to be conducted.

The Council expressed some concerns about the existing house on Booker Dairy Road and how they would be impacted by the road that would be constructed.

Tucker Twisdale of 1755 Buffalo Road expressed her concerns about the development of this property. Stating the Town could have purchased this property for the park. this property could have also been a complete retirement center that could have benefited the Town and the County.

Councilman Dunn made a motion, seconded by Councilman Rabil to close the Public Hearing. Unanimously approved.

Councilman Dunn made a motion, seconded by Councilman Stevens, approving the Rezoning, RZ-18-06, from R20A to PUD based on consistency with the Town's plans and policies with emphasis that a traffic impact study be conducted. Unanimously approved.

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

- 3. Special Use Permit Request by Faith Miracle Ministry Church of Christ for all People (SUP-18-06):** The applicant was requesting a special use permit to construct and operate a place of worship on a 1.87 acre tract of land located within an R-6 (Residential) zoning district. The property considered for approval is located on the west side of the intersection of Blount Street and East Lee Street and further identified as a Johnston County Tax ID# 15069013.

Councilman Lee made a motion, seconded by Councilman Barbour, to open the Public Hearing. Unanimously approved.

Planning Director Stephen Wensman addressed the Council on a request by The applicant is requesting a special use permit for a Church / Place of Worship on property located within an R-6 (Residential) zoning district. In accordance with Town of Smithfield Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities, Churches / Place of Worship are permitted uses within the R-6 (Residential) zoning district with a valid special use permit issued by Town Council. The UDO provides only general development standards and does not provide any additional supplemental performance standards required for churches located in residential zoning districts.

**General Site.** A sketch plan prepared by BLR Engineering and Surveying indicates a 4,240 square foot structure on approximately 1.879 acres of property. Building setbacks of the R-6 (Residential) zoning district setbacks are shown to be met. Maximum building heights within residential zoning districts are limited to 40 feet. However, church steeples are exempt from this maximum building height limitation. No architectural details or building elevations documenting building height are provided at this time.

**Utilities.** The property has access to a six inch water main located within the right-of-way of Blount Street and an eight inch gravity sewer main located within the Town of Smithfield utility easement located within CSX railroad right-of-way. Town of Smithfield electric service is available within the right-of-way of Blount Street. A detailed utility plan is not provided at this time.

**Stormwater.** The sketch plan indicates approximately 35,800 square feet of proposed impervious surfaces. Since more than ½ acre of impervious is being added, stormwater attenuation will be required. A nitrogen buy down option will be available to the project providing the nitrogen loading does not exceed 10 pounds per acre. The sketch plan indicates a proposed stormwater detention facility to be located behind the sanctuary and adjacent to the CSX railway. Engineered stormwater calculations are not provided at this time.

**Landscaping.** The sketch plan indicates areas reserved for required landscaping to include a 20 foot type B landscape buffer adjacent to the residential zoned property to the south. A standard 15 foot street yard is proposed adjacent to Blount Street. Standard five foot transition yards are provided between the proposed project and CSX railway. Foundation plantings will be required adjacent to the church sanctuary. A detailed landscape plan documenting the species, size at planting and location of all plant material will be required prior to final site plan approval.

**Parking and Access.** Fifty-two standard parking spaces are shown on the sketch plan. Minimum parking requirements are based on one space per three seats in the main sanctuary. The maximum seating capacity of the sanctuary shall not exceed 156 without providing additional on-site parking. Standard 24 foot drive isles are proposed as well as two 24 foot driveways on Blount Street. Standard driveway curb radii and sidewalks adjacent to Blount Street are required. Abandoned driveway curb cuts are required to be replaced. The proposed driveways are setback approximately 150 feet from the intersection of East Lee Street and approximately 500 feet from CSX railway crossing. The proposed church facility is oriented on the perimeter of Sandy Run with safe access to South Brightleaf Boulevard. Close proximity to South Brightleaf Boulevard will serve to reduce the need for visiting traffic to access the site from within the neighborhoods while remaining convenient to the residents of Sandy Run and Belmont.

**Dumpster Enclosure.** A dumpster enclosure is proposed in the rear of the site. Adequate access to this dumpster enclosure is provided from Blount Street. Standard details and screening is not shown on the sketch plan.

**Signs.** The project will qualify for one wall sign and one monument sign on the side facing Blount Street. All new signs for the proposed church will require a separate sign permit issued by the Planning Department. No signs are proposed at this time.

The Planning Department recommends the following condition of approval:

1. Applicant submits a complete landscape plan, stormwater plan, lighting plan, utility plan, grading plan and building elevations that meets all requirements of the UDO.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the June 5 2018 agenda packet.

Mayor Moore asked if there were any questions from the Council

Councilman Lee questioned if the proposed stormwater pond was sufficient. Brian Leonard, Engineer for the Applicant, responded that they will address all stormwater issues as required by the code.

Mayor Moore asked the applicant if he was in agreement with the testimony provided by Mr. Wensman. The applicant testified he agreed with the testimony offered by Mr. Wensman

Mayor Moore asked if there were any comments/questions from those that had been duly affirmed to offer testimony. There were none.

Councilman Dunn made a motion, seconded by Councilman Rabil, to close the Public Hearing. Unanimously approved.

## **The Written Finding**

Mayor Pro-Tem Scott made a motion, seconded by Councilman Dunn, to vote in the affirmative to all of the below eight Findings of Fact. Unanimously approved.

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

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

the district.

4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
7. Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.
8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.

**Record of Decision: Approval of Conditional Use Permit Application Number SUP-18-06**

Mayor Pro-Tem Scott made a motion, seconded by Councilman Rabil, based upon satisfactory compliance with the above eight stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to recommend approval of Special Use Permit Application # SUP-18-06 with the following conditions:

- Applicant submits a complete landscape plan, stormwater plan, lighting plan, utility plan, grading plan and building elevations that meets all requirements of the UDO.

Unanimously approved.

**4. FY 2018- 2019 Budget**

Mayor Pro-Tem Scott made a motion, seconded by Councilman Barbour, to open the Public Hearing. Unanimously approved

Town Manager Michael Scott presented the FY 2018-2019 Budget to the Town Council.

Highlights of the Budget Included the following:

- Balanced in all funds
- \$13,738,975 - General Fund \$ 943,861
- \$16,774,000 – Electric Fund \$ 13,000
- \$ 8,714,000 – Water/Sewer Fund \$ 1,712,500
- \$ 2,669,361
- No Tax Increase (0.57)
- Electric Fees and Charges are Status Quo
- Water and Sewer Fees increased; Based on 2016 Tiered Increase Projections
- General Fund Balance remains above 25% Fiscal Policy Requirements
- Includes Necessary Capital Expenditures
- \$ 1,425,600 – General Fund

\$ 950,000 – Electric Fund  
\$ 1,338,000 – Water Sewer Fund

- Maintained Medical Employee Benefits at Similar Level
- No Change in Electric Rates
- Planned Change in Water and Sewer  
Tiered increases approved in 2016  
Equates to an additional \$5.50/month for 4000 GM
- No Capital Asset Transfer from Electric to Utility Fund.
- Continues Brogden Road Substation - Conversion project

Mayor Moore asked if there was anyone in attendance that would like to speak on the proposed FY 2018-2019 Budget.

William Ragsdale asked how much the SRAC was losing a year. The Town Manager responded that it was losing approximately \$170,000 a year in operating expenses which did not include the debt service.

Maxine Hunter of East Street asked that the Council consider a solution for the flooding issues in her neighborhood. The Town Manager responded that a stormwater study is being conducted for the entire Town.

Mayor Moore asked for questions for comments from the Council.

Mayor Pro-Tem Scott stated that an additional \$320,000 was allocated for more street repairs.

Councilman Barbour informed the public that the Council chose not to implement a motor vehicle tax and did not increase taxes.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Rabil, to Close the Public Hearing. Unanimously approved

Councilman Barbour made a motion, seconded by Councilman Dunn to adopt the FY 2018-20019 Budget and Fee Schedule. Unanimously approved.

*A copy of the adopted budget and fee schedule is on file in the Office of the Town Clerk)*

## **CITIZENS' COMMENTS:**

- Matthew Clancy of 320 Dogwood Street addressed the Council on a request to assist him with landscaping for his property since the white fence on Smithfield Crossings cannot be extended. The estimated cost for these plantings would be \$5,000. Mr. Clancy explained that he has people trespassing on his property to get to the outlet area.
- Richard Scott of Clayton, NC apologized to the Council because he held an official tournament at the SRAC where there was an issue with a spectator. He explained that this was an isolated incident and would not happen again.

## **CONSENT AGENDA:**

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

1. Approved the following Minutes:
  - April 24, 2018 – Budget Session

- April 26, 2018 – Budget Session
  - May 1, 2018 – Regular Meeting
  - May 1, 2018 – Close Session
  - May 7, 2018 – Budget Session
2. Special Event – River Rat Regatta: Approval was granted to the Smithfield Parks and Recreation Department to hold the first annual cardboard boat race on July 14, 2018 from 8:00 am until 3:00 pm at the corner of Front and Market Street. The event will require street closure and amplified sound.
  3. Special Event – Tent Revival: Approval was granted to the Light Church to hold tent revival services with amplified sound on June 25 - 28, 2018 from 7:00 pm until 11:00 pm at 724 N. Brightleaf Blvd.
  4. Special Event – Tent Revival: Approval was granted to the First Missionary Baptist Church to hold tent revival services with amplified sound on July 31 - August 2, 2018 from 7:00 pm until 8:30 pm at 502 Martin Luther King, Jr. Drive.
  5. Approved updating the Town of Smithfield's Pay Plan
 

{Attached by reference and made a part of these official minutes is a copy of the Town of Smithfield's Pay Plan which is on file in the Office of the Town Clerk}
  6. Approved Career Ladder promotions in the Police Department to become effective July 2 ,2018.
  7. Approved a Career Ladder promotion in the Police Department. The officer was promoted from the rank of Police Officer I to the rank of Police Officer II
  8. Approved Career Ladder promotion in the Fire Department. The employee was promoted from Firefighter I to Firefighter II.
  9. Approved an update to the Public Utilities Department Capital Improvement Plan.
 

{Attached by reference and made a part of these official minutes is a copy of the Public Utilities Department Capital Improvement Plan which is on file in the Office of the Town Clerk}
  10. Consideration and Approval of a contract renewal with Thompson, Price, Scott, Adams & Co., P.A. to conduct the FY 2017-2018 audit
 

{Attached by reference and made a part of these official minutes is a copy of the contract with Thompson, Price, Scott, Adams & Co., P.A. which is on file in the Office of the Town Clerk}
  11. The following Advisory Board Appointments were approved:
    - Jason Yang was appointed to serve a two-year term on the Parks and Recreation Advisory Commission as a High School representative
    - Jacqueline Aguilar- Delgado was appointed to serve a two-year term on the Parks and Recreation Advisory Commission as a High School representative

12. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Instructor	P & R – Aquatics	10-60-6220-5100-0230	\$15.00/hr.
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.

P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T SRAC Staff	P & R – Aquatics	10-60-6220-5100-0220	\$8.00/hr.
P/T SRAC Staff	P & R – Aquatics	10-60-6220-5100-0220	\$9.00/hr.
P/T SRAC Staff	P & R – Aquatics	10-60-6220-5100-0220	\$9.00/hr.
P/T SRAC Staff	P & R – Aquatics	10-60-6220-5100-0220	\$9.00/hr.
P/T Temp. Zoning Compl. Asst.	Planning	10-10-4900-5100-0200	\$15.00/hr.
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200	\$13.08/hr. (\$27,206.40/yr.)

**Current Vacancies**

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Police Officer I	Police	10-20-5100-5100-0200
P/T General Laborer	PU – Water / Sewer	30-71-7220-5100-0200
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200

13. Approved entering into an Agreement with Eddie Sutton for the placement of a Gateway Wayfinding Sign on Mr. Sutton’s property.
14. Authorized Town employees to donate sick time to an employee in the Public Utilities Department.
15. Authorized Town employees to donate sick time to an employee in the Police Department.

Unanimously approved.

**BUSINESS ITEMS:**

**1. Consideration and Approval to update the Potable Water Construction Standards**

Public Utilities Director Ted Credle addressed the Council on a request to update the Town of Smithfield’s potable water construction standards. Mr. Credle explained that current Town Construction details & standards were approved by Council in 2000. In the last 18 years certain construction methods & materials have modernized. Such modern updates are not reflected in the Town’s current standards. The Public Utilities Department has updated the potable water construction standards for the Town and is asking for these updated standards to be adopted.

Councilman Barbour made a motion, seconded by Councilman Rabil to approve the update to of the Town’s Potable Water Construction Standards. Unanimously approved.

**2. Consideration and Approved entering into a contact with the Wooten Company for Design Consultant Services for the expansion of the Water Plant**

Public Utilities Director Ted Credle addressed the Council on a request to enter into a contract with the Wooten Company for the design of the water plant expansion. Mr. Credle explained the Town of Smithfield Water Treatment Plant Expansion project was needed to respond to customer increased water demands. The existing facility was permitted to produce over 6 million gallons per day (MGD) of treated water; but recent studies and near-future projections show the demand exceeding the Town’s ability to produce reliable water. In fact, by contract, the plant will exceed 80% of its capacity within the next 16 months; which triggers a NCDEQ policy that requires the Town to respond with actionable plans to the impending shortage. By expanding the Water Plant now, the Town will be proactive in avoiding potential water shortages, providing a reliable source of water for the expected growth in the Town and have a modern plant that should produce reliable supplies of water for the foreseeable future. Mr. Credle further explained that the first step was to hire a design firm to assist the Town in this process. This desire was publically advertised, and upon review by the Town Engineer, the Utility Director and the Water Plant Superintendent, the selected qualified firm was The Wooten Company. Negotiations were held and an agreement was reached on price. The contract has been reviewed and approved by the Town Attorney.

Councilman Barbour made a motion, seconded by Councilman Stevens, award the contract to The Wooten Company, for the design of the Town of Smithfield Water Treatment Plant Expansion project; and to authorize the Town Manager to execute the contract which is not to exceed \$1,370,000.00. Unanimously approved.

**3. Consideration and Approval to enter into an Agreement with Envirolink for the purpose of performing an analysis that will be the basis of the beginning of a discussion regarding the implementation of System Development Fees**

Public Utilities Director Ted Credle addressed the Council on a request to enter into an agreement with Envirolink to perform an analysis on the potential for system development fees. Mr. Credle explained the court case of Quality Built Homes vs. Town of Carthage has changed how municipalities conduct the process of assessing System Development Fees. HB 436 mandates a “defensible methodology” when calculating how a municipality derives its fee structure. To this end, municipalities have been using consulting firms to find these “defensible methodologies”. Envirolink, after having developed the fee structure at other small Towns (Angier, Elm City, and Spring Hope) were asked to provide a proposal to assist Smithfield with the same service. It is of note that the template of fee structure, once designed, provides the maximum number a municipality may assess. It would be up to the Town to actually implement the fee it felt was appropriate for the Town. Staff was requesting to have the consultant perform the analysis and get the fee structure designed, so that such information may be brought before the Council to determine how, where, and at what level future System Development Fees can be set.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Lee, to table this request for thirty days. Unanimously approved.

**4. Consideration and Approval of various fiscal year end budget amendments**

Finance Director Greg Siler addressed the Council on a request to approve year-end budget amendments and encumbrances are often required at year end to balance departmental budgets and/or to carry over funds for ongoing projects or items ordered through purchase orders. See the budget description under each budget amendment. All budget increases could be accomplished using other departmental budgets or contingency dollars.

Councilman Dunn made a motion, seconded by Councilman Stevens, to approve year end budget amendments for FY 2017-2018. Unanimously approved.

<u>GENERAL FUND</u>	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
<b>1. Expenditures</b>			
10-10-4100-5300-4501 General Government - Service Contracts	\$ 14,647	\$ 20,000	\$ 34,647
10-00-9990-5300-0000 General Fund Contingency	<u>72,658</u>	<u>(20,000)</u>	<u>52,658</u>
	<u>\$</u>	<u>\$</u>	<u>\$</u>
	<u>87,305</u>	-	<u>87,305</u>
To fund town wide pay study			
<b>2. Revenue</b>			
10-00-3460-3100-0000 Occupancy Tax	<u>\$</u> <u>195,000</u>	<u>\$</u> <u>84,000</u>	<u>\$</u> <u>279,000</u>
<b>Expenditures</b>			
10-61-4110-5300-5601 Non-Departmental - Occupancy	<u>\$</u>	<u>\$</u>	<u>\$</u>

Tax/JC Tourism	<u>190,000</u>	<u>84,000</u>	<u>274,000</u>
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To increase occupancy tax expenses to match receipts

**3. Expenditures**

	\$	\$	\$
10-20-5300-5300-3470 Fire - Reimburse Vol. Fireman	118,000	(118,000)	-
10-20-5300-5100-0220 Fire - Vol. Fireman	<u>-</u>	<u>118,000</u>	<u>118,000</u>
	<u>\$ 118,000</u>	<u>\$ -</u>	<u>\$ 118,000</u>

To relocate volunteer firemen stipend to salary line

**4. Revenue**

10-20-3300-3307-0010 SAFR Grant	<u>\$ -</u>	<u>\$ 78,143</u>	<u>\$ 78,143</u>
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**Expenditures**

10-20-5300-5100-0200 Fire - Salaries	<u>\$ 877,828</u>	<u>\$ 78,143</u>	<u>\$ 955,971</u>
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To fund salaries paid by SAFR Grant

**5. Revenue**

10-40-3400-3403-0001 Riverside Cemetery Lot Sales	<u>\$ 2,500</u>	<u>\$ 20,000</u>	<u>\$ 22,500</u>
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**Expenditures**

Inc 10-60-5500-5300-3410 General Services - Riverside Ext.	<u>\$ 2,500</u>	<u>\$ 20,000</u>	<u>\$ 22,500</u>
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To fund additional lot sales at Riverside Cemetery

**6. Revenue**

10-00-3900-3900-0000 Fund Balance Appropriation	<u>\$ -</u>	<u>\$ 125,000</u>	<u>\$ 125,000</u>
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**Expenditures**

10-76-5800-5970-9100 Tranfer to GF Capital Projects	<u>\$ 50,000</u>	<u>\$ 125,000</u>	<u>\$ 175,000</u>
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To change the funding source for the Street Sweeper purchase from loan to fund balance

**7. Expenditures**

10-10-4900-5300-0800 Planning - Training and Confer.	\$ 3,600	\$ 2,700	\$ 6,300
10-20-5300-5100-0250 Fire - Overtime	10,000	7,000	17,000
10-20-5300-5100-0500 Fire - FICA			

	67,912	3,000	70,912
10-30-5600-5700-7400 Streets - Capital Outlay	30,000	7,000	37,000
10-40-5800-5300-4501 Sanitation - Service Contracts	1,000	15,000	16,000
10-00-9990-5300-0000 General Fund Contingency	<u>52,658</u>	<u>(34,700)</u>	<u>17,958</u>
	<u>\$ 165,170</u>	<u>\$ -</u>	<u>\$ 165,170</u>

To balance departments at year end

**WATER/SEWER FUND**

**8. Expenditures**

30-00-9990-5300-0000 Water Contingency	\$ 80,815	\$ (5,000)	\$ 75,815
30-71-7200-5300-0771 Water - Unemploy. Comp.	<u>-</u>	<u>5,000</u>	<u>5,000</u>
	<u>\$ 80,815</u>	<u>\$ -</u>	<u>\$ 80,815</u>

To fund unemployment claims reimbursement to the State

**ELECTRIC FUND**

**9. Expenditures**

31-76-7230-5970-9110 Elect. - Transfer to Electric CRF	\$ 115,000	\$ (115,000)	\$ -
31-76-7230-5970-9102 Elect. - Transfer to Electric CPF	<u>847,415</u>	<u>115,000</u>	<u>962,415</u>
	<u>\$ 962,415</u>	<u>\$ -</u>	<u>\$ 962,415</u>

To move Capital Reserve Fund Budget to Capital Project Fund to encumber for next years Bucket Truck purchase

**10. Expenditures**

31-72-7230-5300-4501 Elect. - Service Contracts	\$ 193,000	\$ (60,000)	\$ 133,000
31-72-7230-5300-4401 Elect. - Debit/Credit Card Fee	<u>-</u>	<u>60,000</u>	<u>60,000</u>
	<u>\$ 193,000</u>	<u>\$ -</u>	<u>\$ 193,000</u>

To move bank charges for merchant services to expense line solely dedicated to these cost

**11. Expenditures**

31-00-9990-5300-0000 Electric Contingency	\$ 609,275	\$ (5,000)	\$ 604,275
31-72-7230-5300-0771 Electric - Unemploy. Comp.	<u>-</u>	<u>5,000</u>	<u>5,000</u>
	<u>\$ 609,275</u>	<u>\$ -</u>	<u>\$ 609,275</u>

To fund unemployment claims reimbursement to the State

**GENERAL CAPITAL PROJECT FUND**

**12. Revenues**

	\$	\$	\$
46-40-3980-5800-0002 Loan/Street Sweeper	125,000	(125,000)	-
46-75-3870-3870-0300 Transfer General Fund	<u>1,309,083</u>	<u>125,000</u>	<u>1,434,083</u>
	<u>\$</u>	<u>\$</u>	<u>\$</u>
	<u>1,434,083</u>	<u>-</u>	<u>1,434,083</u>

To change the funding source for the purchase of Street Sweeper from loan to fund balance

**13. Revenue**

	<u>\$</u>	<u>\$</u>	<u>\$</u>
46-75-3870-3870-0300 Transfer General Fund	<u>\$1,309,083.0</u>	<u>108,095.0</u>	<u>\$1,417,178.0</u>
	<u>0</u>	<u>0</u>	<u>0</u>
<b>Expenditures</b>		<u>\$</u>	<u>\$</u>
46-20-5300-5700-7402 JAS Building Purchase and Refurbishment	<u>\$</u>	<u>108,095.0</u>	<u>\$</u>
	<u>425,750.00</u>	<u>0</u>	<u>533,845.00</u>

To fund cost of refurbishing JAS building

**14. Revenue**

	<u>\$</u>	<u>\$</u>	<u>\$</u>
46-60-3800-3800-6204 Miracle Park - Friends of the Park	<u>\$ -</u>	<u>62,000.00</u>	<u>62,000.00</u>
<b>Expenditures</b>		<u>\$</u>	<u>\$</u>
46-60-6200-5700-7406 Miracle Park - Phase I	<u>\$</u>	<u>62,000.00</u>	<u>\$</u>
	<u>701,000.00</u>	<u>62,000.00</u>	<u>763,000.00</u>

To fund overages at Miracle Park

**Firemen Relief Fund**

**15. Revenue**

	<u>\$</u>	<u>\$</u>	<u>\$</u>
50-3900-3900-000 Fund Balance Appropriations	<u>\$ -</u>	<u>11,000</u>	<u>11,000</u>
<b>Expenditures</b>			

Councilman Dunn made a motion, seconded by Councilman Rabil, to approve year end project and purchase encumbrances for FY 2017-2018. Unanimously approved

10-10-4100-5300-4501	Service Contracts (Pay Study)	\$ 20,000
10-61-4110-5300-5710	Non-Departmental - Economic Development	6,200
10-10-4900-5300-4502	Planning - Condemnation	50,000
10-20-5100-5300-3305	Police - Miscellaneous	7,000
10-60-5500-5300-3440	General Services - Appearance Commission	7,000
10-60-5500-5700-7400	General Services - Capital Outlay (Mausoleum Roof)	8,000

10-30-5600-5300-7300	Streets - Sidewalks & Curb (Booker Dairy Side Walks)	103,906
10-30-5700-5700-7310	Powell Bill - Resurface	260,000
10-60-6200-5300-3900	Recreation - Swimming Pool Demolition	10,000
10-60-6200-5700-7400	Recreation - Capital Outlay (Dog Park)	<u>6,000</u>
		<u>\$</u>
		<u>478,106</u>

**WATER FUND**

30-71-7200-5700-7400	Water Plant - Capital Outlay	\$ 24,157
30-71-7220-5700-7400	Water/Sewer Distribution Plant - Capital Outlay	<u>163,736</u>
		<u>\$</u>
		<u>187,893</u>

**ELECTRIC FUND**

31-76-7230-5970-9102	Electric - Transfer to Electric CPF (Bucket Truck)	\$ 115,000
		<u>-</u>
		<u>\$</u>
		<u>115,000</u>

**J.B. GEORGE BEAUTIFICATION FUND**

40-61-4100-5300-3400	J.B. George Projects	\$ 761
40-61-4100-5300-3410	J.P. George Projects	<u>257</u>
		<u>\$</u>
		<u>1,018</u>

Councilman Dunn made a motion, seconded by Councilman Rabil, to approve year-end purchase order encumbrances for 2017-2018. Unanimously approved

**ENCUMBRANCES FOR PURCHASE ORDERS ISSUED PRIOR TO 6/30/18**

<b>GENERAL FUND</b>			<b>PO</b>	<b>Number</b>	
10-10-4100-5700-7400	General Government - Capital Outlay	Municipal Code Corp.	20186293		\$9,600.00
10-61-4110-5300-5716	Non-Departmental - PEG Channels	Steven Smith	20175468		\$5,450.00
10-10-4900-5300-4500	Planning - C.S./Storm Water Plan Engineering	Storm Water Plan	20186704		\$100,000.00
10-10-4900-5300-4504	Planning - C.S./Comprehensive Growth Mgmt	Comp Growth Mgmt	20186702		\$81,250.00
10-10-4900-5300-4505	Planning - C.S./Comprehensive Transportation Plan	Comp Transportation	20186703		\$98,943.60
10-20-5100-5300-3305	Police - Misc.	Radios	20186683		\$9,336.96
10-60-5500-5300-	General Services - Stream	Stream Restoration	20186716		\$88,890.00

4502	Restoration			
10-60-5500-5700-7400	General Services - Capital Outlay	Locker Room Renovations	20186643	\$20,000.00
10-30-5600-5700-3300	Streets - Supplies	NC Dept. of Public Safety	20186708	\$676.50
10-30-5600-5700-7400	Streets - Capital Outlay	Withers Ravenal	20186722	\$3,024.00
10-60-6200-5700-7400	Parks & Rec -Capital Outlay	JLP Capentry	20186678	\$14,850.00
10-60-6200-5700-7400	Parks & Rec -Capital Outlay	Outer Banks Tennis Contractors	20186679	<u>\$35,564.10</u>
				<u>\$467,585.16</u>

#### **WATER FUND**

30-71-7200-5300-1700	Water Plant - Equipment Maint	Electric Motor Shop	20186576	\$7,685.00
30-71-7220-5700-7400	Water/Sewer - Capital Outlay	Power Secure	20186462	\$1,097.14
30-71-7220-5700-7400	Water/Sewer - Capital Outlay	Carolina Mgmt Team	20186675	\$28,238.00
30-71-7220-5700-7400	Water/Sewer - Capital Outlay	USA Bluebook	20186697	<u>\$1,672.00</u>
				<u>\$38,692.14</u>

#### **ELECTRIC FUND**

31-72-7230-5300-3300	Electric - Supplies/Operations	Stuart Irby	20186596	\$378.00
31-72-7230-5300-3300	Electric - Supplies/Operations	Anixter	20186597	\$6,877.68
31-72-7230-5300-3302	Electric - Supplies/Operations	Wesco	20186598	\$2,057.76
31-72-7230-5300-3303	Electric - Capital Outlay	Anixter	20186604	<u>\$9,849.00</u>
				<u>\$19,162.44</u>

### **Councilmembers Comments**

- Mayor Pro-Tem Scott informed the Council that the committee tasked with meeting with the DSDC would need some more time to discuss the proposed changes to the DSDC's By-laws.
- Councilman Lee expressed concerns about a steep ditch on Old Goldsboro Road and Aetna Street where the grass needed to be cut. Expressed concerns about the flooding in East Smithfield and suggested that preventative maintenance be conducted from Smith Collins Park to Spring Branch. He expressed concerns recent Police incidents at Johnson Court and Massey Street. He stated that the Community Police Officer at the Sarah Yard Center needed to be more visible in the community. He informed the Council that during a recent tragedy for the Town of Smithfield, he was embarrassed that the Town did not issue any type of statement.
- Councilman Barbour informed the Council that he attended the Town Hall dinner in Clayton. He met with other leaders of Johnston County's county and municipal governments and there was a lot of good discussion
- Mayor Moore expressed his appreciation to the Town Manager, the Council, The Finance Director and the Department Heads for the long hours spent on the budget. He explained that together we accomplished a lot and we provided top quality services for the citizens at the lowest possible cost. Mayor Moore informed the Citizens of Smithfield that this was a good group of Council, Manager, Attorney and Staff that does well looking after the needs of the Town. He informed the public that

recently a patient at the Hospice House had one last wish to ride around Smithfield in a convertible. Members of the Fire Department helped to make that possible. Mayor Moore expressed his appreciation to Chief Blanton and the entire Fire Department Staff.

### **Town Manager's Report:**

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

- Bill Dreitzler updated the Council on the Stream Restoration Grant. Mr. Dreitzler explained the stream debris removal grant from Stormwater Conservation allowed for debris removal in Spring Branch, Meadowbrook and Buffalo Creek. The project was bid out and awarded to the lowest bidder - the Blackmon group. Once all the work was completed, Mr. Dreitzler walked each of the streams and the Blackmon group did an excellent job. Since the bid was significantly lower, we have asked for additional streams to have debris removal. They are a section off 301 from Walpat Road to 301,1500 beyond 301 and a section off the spring branch tributary. You could see the impact of the flow after the debris removal was completed. The amount of debris pulled from the streams was significant.
- Triathlon: The Three Little Pigs Triathlon is scheduled for June 16th, beginning and ending at the SRAC. This is becoming a great event for the Town and its primary sponsor, Johnston County Rotary.
- The Sharks Swim Team has 100 members scheduled this year. This is the largest group fielded by the SRAC.
- Sink Hole: A Sink hole has developed on Buffalo Road near Booker Dairy. At the time of this report, crews are working to evaluate the cause, as well as a temporary fix to the problem. NCDOT owns this portion of the road so they are responsible for repairs.
- Build Grant: The planning department is working to complete a grant to construct some of the road repairs on North and South Equity Drive. Additional information will follow as we work through this process.
- Altitude Valves: Additional parts for the altitude valves for the elevated water tanks have been received. Installation will continue this week with testing taking place next week.

### **Department Reports**

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

**Close Session :** Pursuant to NCGS 143.318-11 (a)(3):To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Councilman Dunn made a motion, seconded by Councilman Stevens, to enter into Close Session pursuant to the aforementioned statute. Unanimously approved at 9:40 pm.

### **Reconvene in Open Session**

Councilman Barbour made a motion, seconded by Councilman Rabil to reconvene in Open session. Unanimously approved at 10:14 pm.

### **Lawsuit: Town of Smithfield v. Theron Lee McLamb**

Mayor Pro-Tem Scott made a motion, seconded by Councilman Barbour, to appeal Judge Foster's ruling against the Town to issue a special use permit for an RV Park placed between

Pine Acres subdivision and Venture Drive. Unanimously approved.

**Adjourn**

Councilman Dunn made a motion, seconded by Councilman Barbour, to adjourn the meeting. The meeting adjourned at approximately 10:17 pm.

ATTEST:

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M. Andy Moore, Mayor

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Shannan L. Parrish, Town Clerk





# Request for Town Council Action

**Consent  
Agenda  
Item:** Application  
for  
Temporary  
Use Permit  
**Date:** 07/10/2018

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**Subject:** Temporary Use Permit  
**Department:** Smithfield Police Department  
**Presented by:** Planning Department  
**Presentation:** Consent Agenda Item

---

## Issue Statement

The Council is being asked to authorize Smithfield Police Department to hold National Night Out on August 7, 2018 from 5:00pm to 8:00pm at 1025 Outlet Center Drive.

## Financial Impact

None

## Action Needed

To approve the Temporary Use Permit Application

## Recommendation

Approved:  Town Manager  Town Attorney

Attachments:

1. Staff Report
2. Temporary Use Permit Application



# Staff Report

**Consent  
Agenda  
Item:**

**Application  
for  
Temporary  
Use Permit**

---

Smithfield Police Department has requested to hold National Night Out on August 7<sup>th</sup>, 2018 with set-up beginning at 4:00 pm and the event being held from 5:00 pm to 8:00pm. It will be held at 1025 Outlet Center Drive. This special event is expected to have over 100 people in attendance. No roads are requested to be closed. There will be a DJ (amplified Sound) at this free community event. Bounce houses, slides, games and a dunking booth will be set up. Food, drinks and gifts will be given out free of charge. No money will be raised or accepted during this event.



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 four weeks prior to the event**. All applicants should read the following pages before completing all sections required. Incomplete applications may increase the permit processing time. If a person other than the property owner signs this application, a notarized written authorization from the property owner must be attached.

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

**TYPES OF EVENT**

**PERMIT FEE \$100**

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

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

National Night Out Name of Event      1025 outlet Center Dr. Location of Event (exact street address)

Applicant name Victor Denoble E-mail address VJDenable@SmithfieldPD.org  
 Address 110 S. Fifth St. Smithfield, NC 27577 Zip \_\_\_\_\_  
 Day phone 919-880-4304 Mobile phone \_\_\_\_\_  
 Event set-up/start time/date 4pm 8/7/18 Event clean-up/end date/time 9pm 8/7/18  
 Sound amplification hours 5pm - 8pm Will food or goods be sold? NO  
 Security provided by Smithfield Police or private security (describe duties): Police Hosted Function  
 Private agency name & phone, if applicable: N/A  
 Will any Town property be used (i.e., streets, parks, greenways)? NO  
 Do you wish to: Restrict animals at this event? (Circle Yes NO) Prohibit Fireworks? (Circle Yes) No

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

Victor Denoble Applicant's name (print)      [Signature] Signature      6/22/18 Date

**PLEASE RETURN THIS PERMIT TO THE PLANNING DEPARTMENT WITH \$100.00 FEE.**

Method of payment: Cash \_\_\_\_\_ Check # \_\_\_\_\_ Credit Card \_\_\_\_\_ Amount \$ \_\_\_\_\_  
 Reviewing Planner: [Signature] Date: 6/22/18  
 (Note: See attached letter)





# Request for Town Council Action

**Consent  
Agenda  
Item:** Employee  
Handbook  
**Date:** 07/10/2018

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**Subject:** FY 2019 Employee Handbook

**Department:** General Government

**Presented by:** Mike Scott, Town Manager

**Presentation:** Consent

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## Issue Statement

Discussions during the FY 2018-19 budget workshops included revisions to the current employee handbook. These revisions have been included in the draft handbook that is attached.

## Financial Impact

The employee handbook is an administrative document, not a financial document.

## Action Needed

Approve the amended handbook via the attached Resolution #620 (07-2018)

## Recommendation

Staff recommends approval of the draft handbook and Resolution # 620 (07-2018).

Approved:  Town Manager  Town Attorney

Attachments:

1. Staff Report
2. Resolution #620 (07-2018)
3. Draft Handbook



# Staff Report

**Consent  
Agenda  
Item: Employee  
Handbook**

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During the budget process for FY 2018-19, the Town Manager provided several updates to employee policies included in the employee handbook. These changes have been discussed with Council and have been amended as recommended by Council. The draft handbook is attached. Staff recommends approval via resolution of the draft employee handbook as attached.

**RESOLUTION # 620 (07-2018)**  
**TOWN OF SMITHFIELD**  
**PERSONNEL POLICY**

**WHEREAS**, the Mayor and Town Council of the Town of Smithfield recognize the importance of its municipal employee in meeting the service needs of Town residents; and

**WHEREAS**, it is the desire of the Mayor and Town Council to maintain a municipal work force composed of qualified, competent, dedicated employees; and

**WHEREAS**, the Mayor and Town Council recognize the necessity of equitable rates of pay and reasonable conditions of employment in the maintenance of such a work force; and

**WHEREAS**, it is the desire of the Mayor and Town Council to establish a system of personnel administration that will assure equity of compensation and fair and reasonable employee treatment.

**NOW, THEREFORE BE IT RESOLVED**, by the Smithfield Town Council, that the following guidelines shall cover the appointment, pay plan, salary, promotion, demotion, dismissal, and employment conditions of the employees of the Town of Smithfield, North Carolina amending/ replacing where appropriate the existing articles and sections.

Adopted this the 10<sup>th</sup> day of July, 2018

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

ATTEST:

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

(Seal)





# Town of Smithfield Employee Handbook 2018 - 2019

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Employee Name



Revised 7-5-18



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## Introduction Letter

Dear Employee:

The Town of Smithfield Personnel Regulations Handbook, Annual 2018-2019, includes all Personnel Regulations. This handbook does not constitute an employment contract, expressed or implied. The Town Council and Administration of the Town want to insure that each employee has in his or her possession a copy of the rules governing employment with the Town of Smithfield.

It is important that all employees understand and adhere to the regulations set forth in this handbook. For this reason, you, as an employee, will be asked to sign a departmental sheet which means that you have received the handbook and are aware that it is your responsibility to review the policies established there and if any questions arise in relation to the regulations or employment, it is your responsibility to ask your supervisor, department head or myself.

Town Manager,

A handwritten signature in blue ink, appearing to read "Mark L. Scott", with a long horizontal flourish extending to the right.

Disclaimers:

- The handbook does not create a contract, expressed or implied.
- The handbook is not all inclusive, and is only a set of guidelines.
- The handbook does not guarantee employment for any definite period of time.
- The handbook can be changed by the Town of Smithfield unilaterally, at any time.

Revisions:

1999, January 2000, January 2003, October 2004, July 2006, July 2007, July 2008, March 2010, September 2012, June 2017, December 2017, July 2018

## **ARTICLE I: General Provisions**

### **Section 1. At Will Employment**

The Town of Smithfield is an “at will” employer. Nothing in this policy creates an employment contract or term between the Town and its employees. No person has the authority to grant any employee any contractual rights of employment.

### **Section 2. Purpose of the Chapter**

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel administration for all employees of the Town under the supervision of the Town Manager. This policy is established under authority of Chapter 160A, Article 7, of the General Statutes of North Carolina.

### **Section 3. Merit Principle**

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range.

- a. Applicants and employees shall be assured of fair treatment in all aspects of personnel administration, regardless of race, color, creed, religion, sex, national origin, political affiliation, handicap/non-disqualifying disability, veteran status or age.
- b. Individuals shall be treated with proper regard for their privacy and constitutional rights as citizens.
- c. Employees shall be recruited, selected, trained and advanced on the basis of their ability to perform essential functions, knowledge, skill, and performance.
- d. Employees shall be retained on the basis of adequacy of their performance. They shall be guided in ways to correct inadequate performance and separated from employment when inadequate performance cannot be corrected.
- e. Employees shall receive suitable and adequate pay and benefits and all positions requiring performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same classification and the same salary range.
- f. Eligible employees shall receive merit pay increases based on the quality of their performance, subject to the availability of funds.
- g. Employees shall be protected against coercion for political purposes.
- h. Every reasonable effort to accommodate applicants and employees with disabilities will be made as long as the accommodation is not an undue financial hardship to the Town.

### **Section 4. Responsibilities of the Town Council**

The Town Council shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary. They also shall make and confirm appointments when so specified by the General Statutes.

### **Section 5. Responsibilities of the Town Manager**

The Town Manager (or “Town Manager” these terms shall be used interchangeably) shall be responsible to the Town Council for the administration and technical direction of the personnel program. The Town Manager shall appoint, suspend, and remove all Town employees except those whose appointment is otherwise provided for by law. The Town Manager shall make appointments, dismissals and suspensions in accordance with the Town charter and other policies and procedures spelled out in other Articles in this Policy.

The Town Manager shall supervise or participate in:

- a. recommending rules and revisions to the personnel system to the Town Council for consideration;
- b. making changes as necessary to maintain an up to date and accurate pay plan; preparing and

- recommending necessary revisions to the pay plan;
- c. determining which employees shall be subject to overtime provisions of FLSA with the consent of Council;
- d. establishing and maintaining a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
- e. developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- f. developing and coordinating training and educational programs for Town employees;
- g. investigating periodically the operation and effect of the personnel provisions of this Chapter; and
- h. performing such other duties as may be assigned by the Town Council not inconsistent with this Chapter.

## **Section 6. Application of Policies, Plan, Rules, and Regulations**

The personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all Town employees. The Town Manager, Town Attorney, members of the Town Council and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

## **Section 7. Departmental Rules and Regulations**

Because of the particular personnel and operational requirements of the various departments of the Town, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the Town Manager, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Chapter.

## **Section 8. Definitions**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Full-time employee.** An employee who is in a position for which an average work week equals at least 40 hours, and continuous employment of at least six (6) months, are required by the Town, 12 months for sworn police officers.

**Part-time employee.** An employee who is in a position for which an average work week of at least 20 hours and less than 30 hours and continuous employment of at least six (6) months are required by the Town.

**Probationary employee.** An employee appointed to a full or part-time position who has not yet successfully completed the designated probationary period.

**Temporary employee.** An employee appointed to a position for which either the average work week required by the Town over the course of a year is less than 20 hours, or continuous employment required by the Town is less than 12 months.

**Trainee.** An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

## **ARTICLE II: The Pay Plan**

### **Section 9. Purpose**

The pay plan provides a complete inventory of all authorized and permanent positions in the Town service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

### **Section 10. Administration of the Pay Plan**

The Town Manager shall allocate each position covered by the pay plan to its appropriate department, and shall be responsible for the administration of the pay plan. The Town Manager shall periodically review portions of the pay plan and recommend appropriate changes to the Town Council.

### **Section 11. Adoption of the Pay Plan**

The pay plan shall be adopted by the Town Council and shall be on file with the Human Resources Department's Office. Copies will be available to all Town employees for review upon request. New positions shall be established upon recommendation of the Town Manager and approval of the Town Council after which the Town Manager shall allocate the new position into the appropriate department.

### **Section 12. Definition**

The pay plan includes the basic salary schedule adopted by the Council. The salary schedule consists of salary ranges for each position within each department and a designation of the standard hours in the work week for each position.

### **Section 13. Administration and Maintenance**

The Town Manager shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, each budget year, the Town Manager shall make comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and will recommend to the Town Council such changes in salary ranges as appear to be pertinent. Such changes shall be made in the salary ranges such that the hiring rate, all intervening rates and the maximum change according to the market.

Periodically, the Town Manager shall recommend that individual salary ranges be studied and adjusted as necessary to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by the Town Council. The suggested time for recommending such adjustments should take place during the annual budget process.

### **Section 14. Starting Salaries**

All persons employed in positions approved in the pay plan shall be employed at least at the minimum hiring salary for the classification in which they are employed; however, exceptionally well qualified

applicants may be employed above the hiring rate of the established salary range up to the mid- point of the hiring range for the position classification upon approval of the Town Council. The Town Manager may approve starting employees up to five percent (5%) above the minimum starting salary without Town Council Approval.

### **Section 15. Trainee Designation and Provisions**

Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the Town Manager to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head. "Trainee" salaries may be no more than two grades below the hiring rate salary established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as a probationary employee.

If the training is not successfully completed to the satisfaction of the Town Manager, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the hiring rate established for the position for which the employee was trained.

### **Section 16. Merit Pay**

Merit pay, when approved by the Town Council, will be available to all Town departments. Merit pay will be provided following annual evaluations, as approved by the Town Council during the annual budget process.

### **Section 17. Bonus for Top of Salary Range Employees**

Employees who are at the maximum amount of the salary range for their position classification are eligible to be considered for a Bonus during the same time period as the other employees receive approved salary adjustments. Bonuses shall be awarded in lump sum payments and do not become part of base pay. Bonus Pay shall be based upon available funds and by approval of the Town Council.

### **Section 18. Salary Effect of Promotions, Demotions, & Transfers**

Promotions. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the minimum rate of the new position, or to a salary which provides an increase of up to 10% at Manager's discretion. Career Ladder promotions will carry a 5% increase. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the Town Manager, with approval of the Town Council, may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employees qualifications for the job and relative worth to the Town. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the Town shall consider internal comparisons with other employees in the same job. Promoted employees will be required to complete a six-month probationary period. Annual evaluation date may be adjusted to coordinate with Town-wide evaluation dates.

Demotions. When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to

perform the job and consistent with the placement of other employees within the same classification in that salary range when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline, the salary shall be decreased up to 10%, at Manager's discretion. Salaries of demoted employees may be no greater than the maximum of the new range.

Transfers. The salary of an employee who is reassigned to a position in the same class or to a position in a different class within the same salary range shall not have his/her annual salary or evaluation date changed by the reassignment but it may be adjusted to coordinate with Town-wide evaluation dates.

## **Section 19. Transition to a New Salary Plan**

The following principles shall govern the transition to a new salary plan:

- a. No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- b. All employees being paid at a rate lower than the hiring rate established for their respective positions shall have their salaries raised to the new minimum for their positions.
- c. All employees being paid at a rate below the maximum rate established for their respective positions shall be paid at a rate listed in the salary schedule if a step plan is in use; all employees not at a listed rate shall have their salaries raised to a listed rate.
- d. All employees being paid at a rate above the maximum rate established for their respective positions shall be maintained at the salary level until such time as the employee's salary range is increased above the employee's current salary.

## **Section 20. Effective Date of Salary Changes**

All salary changes, excluding merit pay changes, approved by the Town Manager after the first working day of a pay period shall become effective at the beginning of the next pay period or at such specific date as maybe provided by procedures approved by the Town Manager.

## **Section 21. Overtime Pay Provisions**

Employees of the Town can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the Town and determined by the Department Head. Where possible, overtime work should be approved in advance by the Department Head or Town Manager. In the public safety and public works departments, emergency situations and end-of-shift responses may result in overtime; however, the shift supervisors should approve such overtime and make reasonable effort to avoid overtime when possible.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Town Manager shall determine, with the consent of Council, which jobs are "non- exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7 day period; 171 hours for police and 212 hour for fire personnel in a 28 day cycle). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the

computation of hours worked for FLSA purposes. Compensatory leave requires approval by the Town Manager when creating a balance that exceeds 40 hours. Department Heads will report all overtime hours to the Finance Department. The Police Chief may authorize additional overtime to be paid outside of FLSA restrictions, while remaining within budget allocations, during emergency or investigate situations, in order to secure needed staffing.

Whenever practicable, Department Heads will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid or compensatory time accrued in accordance with the FLSA.

Employees who hold a full-time position within any Town department and work part-time with another department within the Town will be compensated for any total worked hours over their normal scheduled hours in accordance with FLSA. The department where the part-time duties are performed will be responsible for compensation to the employee.

Employees receive one hour for meal periods, unless taking advantage of the flex-time policy. Any employee whose meal period is less than 30 minutes shall be compensated for the full 30 minutes, as approved by the department head.

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor on an hour for hour basis where the convenience of the department allows and in accordance with procedures established by the Town Manager.

Exempt positions include (but are not limited to):

Aquatics Center Supervisor  
Assistant Fire Chief/Deputy Chief  
Town Manager  
Electric Line Superintendent  
Finance Director  
Fire Chief  
Fire Marshal  
IT Analyst  
IT Analyst/Billing Supervisor  
Parks/Recreation Director  
Parks and Recreation Maintenance Supervisor  
Planning Director  
Police Captain Police Chief  
Public Works Director  
Public Works Superintendent  
Public Utilities Director  
Recreation and Aquatics Center Director  
Sr. Athletic Programs Supervisor/Asst. Parks & Rec Director

Town Clerk  
Human Resources Officer/Public Information Officer  
Water Plant Superintendent  
Water/Sewer Line Superintendent

Compensatory Time. Any compensatory time allotted to a non-exempt employee shall not exceed 40 hours of total time and such compensatory time should be taken by the employee as soon as reasonably possible with the consent of his/her supervisor or Department Head. Compensatory time earned by any employee, shall not be paid out but should be expended in time taken off and not paid as compensation, as required by FLSA.

## **Section 22. Compensation for Travel**

Travel time is compensable to all employees provided that the time occurs during the course of the regular work day. If two or more employees commute together to any Town required classes, meetings, or conferences before the beginning of the work day, travel time for both the driver and passenger(s) will be compensable. The Town shall maintain a separate written Travel Policy for determining reimbursable expenses for employees and such policy may be updated from time-to-time.

## **Section 23. Call-back and Stand-by Pay**

The Town provides a continuous twenty-four hour a day, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the Town Manager. Unless specifically set forth in writing, below, the Town does not compensate for Call-back or Stand-by time.

Call-back. Non-exempt employees will be guaranteed a minimum payment of two hour's wages for being called back to work outside of normal working hours. Employees will not be paid while serving on call-back status unless actually called back and then only for the minimum two-hour period, or longer, if the time actually worked exceeds two hours. Only hours actually worked will be used when calculating overtime. "Call-back" provisions do not apply to previously scheduled overtime work. Exempt employees are not eligible for call-back and stand-by pay.

Stand-by. Non-exempt employees required to be on "stand-by" duty will be paid for eight hours of work for each week of stand-by time they serve. Stand-by compensation for less than one full week shall be determined by the ratio of .065 hours of pay per one hour of stand-by time. For police officers, one hour is compensated for every 24 hour period he or she is on stand-by. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. Time spent during actual "stand-by" is not considered hours worked when calculating overtime. Stand-by time is defined as that time when an employee must remain near an established telephone or otherwise substantially restrict personal activities in order to be ready to respond when called. Stand-by time must receive prior approval from the department head.

## **Section 24. Payroll Deduction**

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the Town Manager as to capability of payroll equipment and appropriateness of the deduction.

## **Section 25. Hourly Rate of Pay**

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same salary range as the full-time employees. The hourly rate for employees working other than 40 hours per week, such as police officers working an average 43 hours per week, will be determined by dividing the average number of hours worked scheduled per year into the annual salary for the position.

## **Section 26. Pay Day**

Employees are paid bi-weekly. Pay day falls on Friday for all employees. Should a regular pay day fall on a holiday, automatically deposited pay checks shall be deposited on the workday that precedes the holiday. All employees will be required to have payroll checks automatically deposited.

## **Section 27. Career Ladders**

Because of the variety of training and educational requirements for each department, the Department Head from each department may recommend to the Town Manager a specific career ladder program and/or certification increase plan for his or her department. Career Ladder programs are generally designed to provide guidance for employees within a department to fulfill the specific requirements for education, training, and advancement to the next higher rank or position. Such programs must be reduced to writing and are only effective upon the written approval of the Town Council. Such programs are subject to available funds.

## **ARTICLE III: Reserved**

## **ARTICLE IV: Recruitment and Employment**

### **Section 28. Equal Employment Opportunity Policy**

It is the policy of the Town to foster, maintain and promote equal employment opportunity. The Town shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex, race, color, religion, national origin, disability, political affiliation, sexual orientation or marital status. Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties with or without reasonable accommodation.

### **Section 29. Implementation of Equal Employment Opportunity Policy**

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color,

religion, disability, national origin, political affiliation, sexual orientation or marital status. Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

### **Section 30. Recruitment, Selection and Appointment**

**Recruitment Sources.** When position vacancies occur, the Human Resources Department shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be provided to recruitment sources, including organizations and news media available to minority applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within Town Buildings in order that qualified employees and other interested candidates may apply for vacant positions. Individuals shall be recruited from a geographic area as wide as necessary to ensure that well-qualified applicants are obtained for Town service. Equally qualified internal applicants may be given first priority for the position.

**Job Advertisements.** When a vacancy occurs and the Department Head and Human Resources Officer believe that current employees are or may be qualified for the position(s), the job(s) will be posted internally. In the event that there are no qualified employees for the position, jobs will be advertised in local newspapers, professional publications, and other relevant publications in order to establish a diverse and qualified applicant pool. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

**Application for Employment.** All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment for positions which are vacant.

**Application Reserve File.** Applications shall be kept in an inactive reserve file for a period of two years, in accordance with Equal Employment Opportunity Commission guidelines.

**Selection.** Department Heads and the Human Resources Department shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position, including criminal history where job-related using the DCI when needed and applicable. All selection devices administered by the Town shall be valid measures of job performance.

**Post-Offer Drug Screen, Physical Exam, Driver's License Check and Criminal History Check.** All job applicants that are offered a position with the Town will be required to submit to a driver's license check, criminal history check, physical exam and drug screen, performed by a physician of the Town's choice and at the Town's expense, prior to beginning work. The Town shall rescind any offer of employment to any applicant who refuses to (1) take a drug screen or physical exam, (2) has a positive drug screen, urinalysis or blood test or breathalyzer/toxalyzer, and/or (3) if the physical exam indicates that the candidate is unable to perform the essential functions of the position, and/or (4) unacceptable driver's license check and/or criminal history check results.

**Appointment.** Before any commitment is made to an applicant either internal or external, the Department Head and Human Resources Department shall make recommendations to the Town Manager with a recommendation of the position to be filled, the salary to be paid, and the reasons for

selecting the candidate over other candidates. The Town Manager shall approve or disapprove appointments and the starting salary for all applicants.

### **Section 31. Probationary Period**

An employee appointed or promoted to a permanent position shall serve a probationary period. Employees shall serve a six (6) month probationary period, except that sworn police personnel, Water Plant Operators, and Department Heads shall serve a twelve (12) month probationary period. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Police Officers serving twelve (12) month probation shall have a performance review as required in the Police Department field training program as well as before the end of the twelve (12) months. There are no automatic increases in salary for the employee at the end of a successfully completed probationary period.

Employees serving a probationary period are not eligible to apply for other positions within the Town until they have successfully completed the probationary period evaluation and six months as a full time employee. If it is in the best interest of the Town, this time period may be waived by approval of the Town Manager.

Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion should be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of six (6) additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this policy. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Promoted and demoted employees who are on probation retain all other rights and benefits such as the right to use of the grievance procedures.

### **Section 32. Promotion**

Promotion is the movement of an employee from one position to a vacant position in a position assigned to a higher salary range. It is the Town's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be appointed to that position. The Town will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position. Therefore, except in rare situations where previous Town experience is essential or exceptional qualifications of an internal candidate so indicate, the Town will consider external and internal candidates for selection rather than automatically promoting from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates and may be given priority for the position available.

### **Section 33. Demotion**

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotion may be voluntary or involuntary. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such disciplinary demotion shall follow the disciplinary procedures outlined in this chapter. An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion. A voluntary demotion is not a disciplinary action and is made without using the above-referenced disciplinary procedures.

### **Section 34. Transfer**

Transfer is the movement of an employee from one position to a similar position in a different department in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department shall make a recommendation to the Town Manager with the consent of the receiving Department Head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this chapter. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

## **ARTICLE V: Conditions of Employment**

### **Section 35. Flexible Work Schedule**

Where possible, Department Heads shall establish flexible work schedules which meet the operational needs of the department in the most cost effective manner possible. Flexible work schedules are a variation of the normal 8:00 a.m. to 5:00 p.m. work schedule followed by most departments within the Town of Smithfield government. The purpose of permitting flexible work schedules is to recognize the increasing potential for conflicts for employees between their work lives and personal lives. These conflicts have arisen out of significant societal changes including shifts in parenting roles, the changing make-up of the traditional family, as well as the increasing prevalence of the two-income family.

- a. An employee or group of employees desiring to work a flexible schedule will submit the appropriate form to their Department Head including the hours to be worked and how the position or positions will be covered during the 8:00 to 5:00 schedule. In no case can service or business hours be diminished or reduced due to a flexible work schedule.
- b. The Department Head will approve or deny the request. If the request is approved, the Department Head is assuming responsibility that the work will be completed in a timely manner and not be delayed due to flex time schedules. If the request is denied, the Department Head will specify the reason(s) in writing to the employee.
- c. A copy of the "Request for Flex Time Schedule" must be placed in the employee's Personnel File.
- d. The Department Head will be required to note on his monthly Department Report the operational hours of his department, if there is a deviation from the normal operating hours of the department.
- e. Flex Work Schedules are normally between the hours of 7:00 a.m. and 6:00 p.m., Monday thru Friday and must account for the number of hours budgeted for the position.
- f. Suggested flex time schedules:

- 4 - ten hour days, off one day per week; or
- 4-9<sup>1/2</sup> days, 30 minute lunch hour and off at 11:00 a.m. one day per week (Example:7-4:30 for four days and 7-11 for the fifth day or 8-5:30 for four days and 8-12 the fifth day); or
- Flex time for Summer only (May 1 -Sept 1) 8<sup>1/2</sup> hours per day, 1/2 hour for lunch; leave 4.5 hours early every other Friday or Monday.

### **Section 36. Political Activity**

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a. Engage in any political or partisan activity while on duty;
- b. Use official authority of influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c. Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d. Coerce or compel contributions from another employee of the Town for political or partisan purposes;
- e. Use any supplies or equipment of the Town for political or partisan purposes; or
- f. Be a candidate for nomination or election to office under the Town Charter;

Any violation of this section shall subject the employee to disciplinary action, including dismissal.

### **Section 37. Outside Employment**

The Town has no intention of attempting to regulate what an employee does during his own time away from the job as long as off-duty activities do not represent a conflict of interest or reflect discredit to the Town. To avoid possible conflict of interest, the employee's outside employment shall be reported in writing to and approved by the Department Head. An employee is cautioned not to engage in outside activities that are so exhausting that one's physical or mental abilities are consistently impaired to the extent that his or her own Town service is adversely affected.

Examples of conflicts of interest in outside employment include but are not limited to:

- a. Employment with organizations or in capacities that are regulated by the employee or employee's department; or
- b. Employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's Town duties.

### **Section 38. Dual Employment**

A full or part-time employee of the Town may simultaneously hold another position with the Town if the temporary position is in a different department and clearly different program area from that of the full or part-time position. The work of the temporary position must also be performed on an occasional or sporadic basis as identified in Fair Labor Standards Act regulations. However, the work of the full or part-time position shall take precedence over the temporary position, and such temporary work will not

count toward the calculation of overtime for pay or time off.

### **Section 39. Employment of Relatives**

The Town prohibits the hiring and employment of immediate family in permanent positions within the same work unit. "Immediate Family" in this section is defined as a spouse, brother, sister, parent or child of either the employee or of the employee's spouse. The Town also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Tem, Town Council Member, Town Manager, Human Resources Officer, Finance Officer, or Town Attorney. Otherwise, the Town will consider employing family members or related persons in the service of the Town, provided that such employment does not:

- a. Result in a relative supervising relatives;
- b. Result in a relative auditing the work of a relative;
- c. Create a conflict of interest with either relative and the Town; or
- d. Create the potential or perception of favoritism.

This provision shall not apply retroactively to anyone employed when the provision was adopted by the Town in 2006.

### **Section 40. Sexual Harassment Prohibited**

The Town prohibits sexual harassment by supervisors and co-workers in any form. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment includes repeated offensive sexual flirtations, continual or repeated commentaries about an individual's body, offensive sexual language, and the display in the workplace of sexually suggestive pictures or objects.

Any employee who believes that he or she may have a complaint of sexual harassment may follow the Grievance Procedure described in this Chapter or may file the complaint directly with the Town Manager. The Town Manager will insure that an investigation is conducted into any allegation of sexual harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Employees who are found to be engaged in sexual harassment are subject to disciplinary action up to and including dismissal. Employees making complaints of sexual harassment are protected against retaliation alleged harassers or other employees.

### **Section 40A Whistleblower Policy:**

The Town of Smithfield is committed to high standards of openness, decency and integrity in its provision of services to its citizens. To maintain these standards, the Town is committed to establishing and maintaining a work place that will allow employees to report matters pertaining to "wrongdoing, i.e., violations of Town rules and regulations, Town Ordinances, State and Federal law, and waste and abuse in Town operations".

## 1.0 DEPARTMENTS/DIVISIONS AFFECTED

All departments and divisions of the Town

## 2.0 TOWN'S POSITION

- A. The Town of Smithfield has established a high level of standards that is the basis upon which choices are made, determining the framework for the way the Town does business. These standards are used to evaluate the manner in which the Town conducts its business operations. These standards apply to every Town employee and to the Town's elected officials. In addition, the Town complies with the relevant laws and regulations that apply to the Town and its employees. The Town is dedicated to the prevention, avoidance, detection and investigation of all forms of non-compliance, fraud, theft and corruption.
- B. The Town realizes that employees are often the first to notice that there may be something wrong. However, the employees may not express their concerns due to feelings of disloyalty to colleagues, or fear of punishment or unfair treatment.
- C. The Town acknowledges that most concerns are of relatively minor nature and can be resolved through the normal channels relatively easily. However, where the concerns are more serious, and especially where they involve serious misconduct such as criminal acts, or financial misconduct, or in situations where employees, the public, or the environment may be subject to danger, it can be difficult for the employee to know what to do and to whom to report such concerns.
- D. The Town wishes to make it clear that individuals can raise such serious concerns without fear of punishment or unfair treatment. This is to encourage individuals to report concerns so that the management can take appropriate action to prevent or stop intolerable behavior that harms employees, the public, the environment or the Town of Smithfield.
- E. This policy has been introduced and adopted to give guidance on how to raise concerns at an early stage.

## 3.0 INTENTIONS OF THE PROCEDURE

- A. Provide avenues for employees to raise concerns and define a way to handle these concerns.
- B. Enable management to be informed at an early stage about acts of misconduct.
- C. Reassure employees that they will be protected from punishment or unfair treatment for disclosing concerns in good faith in accordance with this procedure.
- D. Help develop a culture of openness, accountability and integrity.

## 4.0 OBLIGATION OF EMPLOYEES TO REPORT VIOLATIONS

- A. It is the responsibility of all employees to report any violation of policies, procedures, rules or regulations of the Town of Smithfield, or any of the Departments of the Town.
- B. Employees are obligated to cooperate in every investigation of violations, including but not necessarily limited to, coming forward with evidence, fully and truthfully making a written report or verbally answering questions when required to do so by an investigator during the course of an investigation of violations.
- C. Failure to report incidents of wrongdoing may be grounds for disciplinary action.

- D. Failure to report a violation of a written directive or order given by proper authority is a violation on its own standing.
- E. Employees are forbidden to knowingly make a false or misleading report in a malicious manner against any employee or official of the Town.
- F. Employees are encouraged to engage to engage in a discussion with colleagues who display behavior that is or could be violating any law or Town of Smithfield value or policy, if all possible. If a discussion is not a realistic option, then the employee should report the behavior in accordance with this policy.

## 5.0 EXAMPLES OF WRONGDOING

- A. Irregularities: Personal conduct or action in violation of established laws, Town regulations, ordinances, and administrative policies.
- B. Waste: To allow to be used inefficiently, to spend money or use Town property extravagantly, unwisely, and carelessly.
- C. The following are some examples that suggest irregularities and waste:
  1. Misuse or misappropriation of Town funds or property such as but not limited to travel reimbursement reports, purchase orders, disbursement vouchers, checks, bank accounts, deposits and cash.
  2. Falsification of Town records such as but not limited to time cards, payroll time sheets, petty cash receipts, contracts, and agreements.
  3. Careless, negligent or improper use of Town equipment or property such as but not limited to driving while under the influence of alcohol or narcotic drugs or controlled substances; driving Town equipment without a valid driver's license; driving or using Town equipment or property in a reckless manner or without the proper safety equipment; and using Town equipment or property for personal use.

## 6.0 SAFEGUARDS

- A. The Town of Smithfield does not tolerate punishment or unfair treatment when concerns are raised in good faith and will take action to protect staff.
- B. The Town recognizes that some individuals will wish to raise a concern in confidence under this policy. Confidentiality will be maintained to the largest extent possible. Therefore, the Town will protect the identity of an employee who discloses concerns according to this procedure.
- C. The Town does however acknowledge that in some circumstances it may be obvious who has raised the concern and filed the report, or the investigation process may lead to the point where a statement is required or the individual is called to provide evidence. In such circumstances, where finding the truth is hindered by maintaining complete confidentiality, the Town cannot guarantee complete confidentiality to the reporting employee.
- D. The Town wants to avoid anonymous reports, as it can make the investigation of the

allegations much more difficult. However, if an employee feels there is no other way than making an anonymous allegation, then that allegation will be acted upon appropriately.

- E. The Town encourages people to raise concerns in good faith. However, if upon investigation some of these concerns cannot be confirmed or may not have substance, no action will be taken against employees raising concerns in good faith.
- F. Investigations, however, are a costly, time consuming and potentially damaging process. If reported allegations are judged to be malicious and without any factual foundation, the Town may take appropriate action against employees making such malicious allegations.

## 7.0 REPORTING PROCEDURES

The purpose of this procedure is to ensure that employees will receive prompt, fair and considerate review of any reports of possible violations. Every employee shall have the right to present his/her report of violations of Town Administrative Code, and ordinances, Federal or State law and to be free from interference, coercion, restraint, discrimination or reprisal.

- A. When making the report, the employee should be prepared to provide the following information:
  - 1. Name, department of person(s) and position title (if known) involved in violation of Town Administrative Code or Ordinances;
  - 2. The date, time, location of where the alleged incident(s) took place;
  - 3. A description of the alleged incident(s) to the best of their knowledge and how long it has gone on;
  - 4. The names of any witnesses that can verify the violations;
  - 5. Whether the violations were previously reported, when and to whom.
- B. The concerns may also be voiced in a face-to face meeting. If that is not possible, they may be reported through the website, by telephone or fax, or by e-mail.
- C. Individuals will not be expected to provide truth of an allegation but they should be able to demonstrate that there are sufficient grounds to have a reasonable belief that something is wrong.
- D. Individuals are encouraged to express their concerns at the earliest possible stage so that timely action can be taken.
- E. The supervisor shall investigate the report and advise the employee regarding the matter. The Department Director will ensure that all alleged violations of this policy are investigated. The Department Director shall advise the Town Manager of all reports of wrongdoing.
  - 1. If the employee's immediate supervisor is the subject of the report, the employee shall direct the report to his/her next highest level of supervision.
  - 2. If the incident involves an employee of another department, the report shall be filed with the Town Manager.
  - 3. If the subject of the report is the Town Manager, the reports shall be filed with the Town Attorney.
  - 4. If the subject of the report is the Mayor, a Town Councilman, a member of any Town Board or Commission, or the Town Attorney, the report shall be filed with the Town Manager.

- F. If the reporting employee does not receive an answer within 30 days, he/she can make a request to the Department Director as to the status of the report. The Town recognizes that the individual raising the concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, individuals making a complaint will be kept informed during the investigation about the outcome of any investigation.
- G. If after not resolving the manner at the Department level, the employee reporting the matter can submit the same written report to the Town Manager.
- H. All reports of violations received by the Town Manager's office will be investigated. The Town Manager will designate an appropriate individual(s) to investigate the incident(s).
- I. The Town Manager's office will give a written reply to the employee of the findings of the allegations, including a finding that no further investigation is needed and the matter is dismissed; such report shall not disclose any confidential employment or personnel matters. The Town Manager will provide the Town Council with a copy of the final report.

## 8.0 DISCIPLINARY ACTIONS

- A. Based upon the investigation of the alleged "wrongdoing", the Town Manager shall, within a reasonable time, decide whether the conduct of the person(s) against whom the report has been made is valid.
- B. If the Town Manager finds that the report of alleged irregularities and/or waste is founded, he/she shall conduct a hearing or other measures to consider all evidence as set forth in the Employee Handbook. If after conducting a hearing with the employee(s) involved and determining that irregularities and/or waste has occurred, the Town Manager shall take appropriate disciplinary action against the employee(s) guilty of "wrongdoing" consistent with his/her authority.

The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action shall be made on a case-by-case basis.

### **Section 41. Solicitation and Acceptance of Gifts and Favors**

The conduct of an employee in Town service shall be free from influence arising from gifts, favors, or special privileges in situations where it is reasonable to believe that such may be offered so as to affect the donator's interest or otherwise exert influence on the actions of the employee. Furthermore, no employee shall seek personal or financial advantages because of his position with the Town.

### **Section 42. Use of Town supplies and equipment**

- a. Town equipment, materials, tools and supplies shall not be available for personal use or be removed from Town property except in the conduct of official Town business with the exception of rental under Town policy. Town employees are not to use Town equipment or vehicles for private purposes.
- b. Vehicles owned by the Town shall be cared for by an employee in the same responsible way that he would care for his own. Such vehicles are to be used exclusively for official Town business, except that by special approval by the Town Manager. An employee may be directed to take the vehicle home when doing so shall serve the best interest of the Town. Use of Town vehicles for commuting to and from work shall usually be limited to an employee who is subject to emergency call-back work. Town vehicles shall not be used for personal purposes including transporting family members

to and from school, work, or other errands that involve non-employees except in the regular course of Town business.

- c. Equipment, materials, tools and supplies that are used for training or educational purposes must have prior approval of the Town Manager.
- d. Employees who are issued Town of Smithfield uniforms are required to wear the uniforms each work day. Uniforms should be clean and neat at the beginning of the work day.

## **Section 43. Acceptable Use Policy:**

### **1. Overview**

This policy applies to the use of telephones, radios, voice mail systems and Internet/Intranet related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and FTP, within the Town of Smithfield ("Information Technology Systems"). These systems are to be used for business purposes in serving the interest of the Town, and of our clients and customers in the course of normal operations.

Effective security is a team effort involving the participation and support of every Town of Smithfield employee who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

### **2. Purpose**

The purpose of this policy is to outline the acceptable use of the Information Technology Systems at the Town of Smithfield. These rules are in place to protect the employee and the Town. Inappropriate use exposes the Town of Smithfield to risks including virus attacks, compromise of network systems and services, and legal issues. It is the user's responsibility to read and abide by the topics set forth in this and other related documents. It is the Department Head's responsibility to ensure his/her department's users abide by the guidelines set forth in this and other related documents.

### **3. Scope**

This policy applies to employees, contractors, consultants, elected officials, temporaries, and other workers at the Town of Smithfield, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by Town of Smithfield.

### **4. Policy**

#### **4.1 General Use and Ownership**

- a) While the Town of Smithfield's network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the organizational systems remains the property of the Town of Smithfield. Because of the need to protect the Town's network, management cannot guarantee the confidentiality of information stored on any network device belonging to the Town of Smithfield.
- b) Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Guidelines concerning personal use of Internet/Intranet systems are provided in section 4.4 of this document, and if there is any uncertainty; employees should consult their supervisor or Department Head.
- c) The Finance Department recommends that users consider password protecting sensitive documents.

- d) For security and network maintenance purposes, authorized individuals within the Town of Smithfield may monitor equipment, systems and network traffic at any time.
- e) The Town of Smithfield reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

#### **4.2 Security and Proprietary Information**

- a) The user interface for information contained on Internet/Intranet related systems should be classified as either confidential or not confidential, as defined by organizational confidentiality guidelines. Examples of confidential information include but are not limited to: procurement specifications, customer lists, and research data. Employees should take all necessary steps to prevent unauthorized access to this information.
- b) Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts.
- c) All PCs, laptops, and workstations should be logged off or locked when unattended.
- d) Because information contained on portable computers is especially vulnerable, special care should be exercised.
- e) Postings by employees from a Town of Smithfield email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of the Town of Smithfield, unless posting is in the course of business duties.
- f) All hosts used by the employee that are connected to the Town of Smithfield Internet/Intranet, whether owned by the employee or the Town of Smithfield, shall be continually executing approved virus-scanning software with a current virus database. Unless overridden by departmental or group policy.
- g) Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

#### **4.3 Expectations of Personal Privacy**

There should be no “expectation of personal privacy” in the usage of the Town of Smithfield’s Information Technology resource. In fact, the Town of Smithfield reserves the full right to access, monitor, retrieve and disclose any digital information that has been stored or transmitted, to or from any technology resource that is owned or leased by the Town of Smithfield without advance notice. This also applies to all activities conducted with any Town paid accounts, subscriptions, or other technical services, such as Internet access, E-mail and cell phones, whether or not the activities are conducted on the Town premises. The Town of Smithfield’s Finance Director or his/her delegate may exercise his/her right to access under, but not limited to, the following: (1) impropriety, (2) violation of Town policy, (3) legal requirements, (4) suspected criminal activities, (5) breach of system security, or (6) to locate substantive information or monitor employee performance and conduct. Employees should be aware that, even when a message is erased or a visit to a website is closed; it is still possible to recreate the message or locate the web site. Furthermore, all communications including text and images may be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

#### **4.4 Acceptable and Unacceptable Usage**

The Town of Smithfield promotes the usage of computer and other electronic systems by its employees, to perform daily tasks and encourages the development of computing skills that result in improvement of job proficiency. Users are advised that the Town of Smithfield's Information Technology Systems are business tools that shall be used in a professional manner only at all times and should not be used for any purpose that would reflect negatively on the Town or its employees.

*(a) Uses that are acceptable and encouraged:*

- 1) Access to technical and other informational topics as well as conducting communication among peers in other government agencies, academia and industry on matters which have relevance to the Town of Smithfield.
- 2) Communications and information exchanges directly relating to the mission, charter and work tasks of the Town.
- 3) Announcements of Town policies, meetings, procedures, services, or activities.
- 4) Use for advisory, standards, research, analysis, and professional society or development activities related to the user's Town job-related duties.
- 5) Use in applying for or administering grants or contract for Town research programs.
- 6) Personal use during off time (i.e. break time, lunch time) is an employee's responsibility in exercising good judgment in the reasonability of use and must be in accordance with this and other Town policies.

*(b) Uses that are unacceptable and punishable:*

- 1) It is unacceptable for a user to access, use, submit, publish, display, download, save or transmit on the network, or on any computer system, any information which:
  - i. Violates or infringes on the rights of any other person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the Town of Smithfield.
  - ii. Contains illegal, defamatory, misleading, inaccurate, false, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, biased, or otherwise discriminatory material.
  - iii. Restricts, derogates or disrupts any Town resource's performance adversely affecting daily operations, other users or the Internet, or misrepresent the interest of the Town.
  - iv. Encourages the use of controlled substances or uses the system for the purpose of criminal intent or any other illegal purpose.
- 2) Sending or receiving unsolicited email messages, "Junk Mail" or other advertising materials including "chain letters", inappropriate jokes or similar type emails (spam).
- 3) Data that is in violation of copy right infringement of any local, state or federal law.
- 4) Creating, installing or distributing unauthorized or malicious software.
- 5) Gaining or allowing access to others to restricted technology resources (sharing

- passwords).
- 6) Using storing or transferring Copyrighted information (The Federal Copyright Act, U.S.C. Title 17-106) including plagiarism.
  - 7) Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which the Town of Smithfield or the end user does not have an active license is strictly prohibited.
  - 8) Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.)
  - 9) Revealing your account passwords to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
  - 10) Using a Town of Smithfield's computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
  - 11) Making fraudulent offers or products, items, or services originating from any Town of Smithfield's account.
  - 12) Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
  - 13) Port scanning or security scanning is expressly prohibited.
  - 14) Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
  - 15) Circumventing user authentication or security of any host, network or account.
  - 16) Interfering with or denying service to any user other than the employee's host (for example, denial or service attack).
  - 17) Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet.
  - 18) Providing information about or lists of Town of Smithfield employees to parties outside Town of Smithfield, unless otherwise authorized by N.C. Public Records Law.
  - 19) Text messaging, unless specifically required to perform job duties. Users may be financially responsible for unauthorized or excessive text messaging at the current rate charged by the Cell Phone Provider (see cell phone policy).
  - 20) Web based email accounts such as Yahoo!, Gmail, Hotmail, AOL etc. pose a threat by allowing an entry point for mail that circumvents current security controls that are in place to prevent the spread of malicious code, viruses, and worms. By allowing this type of access to online web based email accounts inside our network, we are providing a gaping hole for malicious software, Trojan horses, and other viruses and worms into and out of our environment without our knowledge. It is there the recommendation at this time that users do not use web-based email. It is also unacceptable for a user to use the features and capabilities of the system to:
  - 21) Knowingly open information or e-mails not directed to you (unless under direction of

the Information Owner).

- 22) Utilizing unauthorized removable storage devices such as USB thumb drives or PDAs.
- 23) Gaining or allowing access to others to restricted areas within the physical facilities.
- 24) Conducting any non-approved business such as: Any activity or unauthorized purchases that is prohibited by law; Any activity for used for personal gain or personal business including Commercial ventures, religious or political causes, outside organizations or other non-job related solicitations including non-Town- related fund raising or public relations activities.

#### **4.5 Policy Agreement**

As a condition of employment, all Town of Smithfield employees, elected officials, contractors, consultants, temporaries, and other workers including all personnel affiliated with third parties accessing the Town of Smithfield's network must sign the Acceptable Use Policy Acknowledgement Form acknowledging that they understand the terms of this policy and the proper usage of the Town of Smithfield's Information Technology systems as well as the potential punitive actions for non-compliance. Furthermore, all Town of Smithfield employees must accept and re-sign this policy at each and every yearly evaluation.

Immediately upon implementation of this policy, Department Heads will be responsible to provide a copy of this policy to, and collect signed agreement forms for all employees. Collected forms, with original signatures, will be maintained on file by the Human Resources Department.

Upon new hire, the Human Resource Director is responsible for providing a copy of this policy to the new employee and maintaining the signed agreement form in the employee's permanent file.

#### **4.6 Policy Enforcement**

This policy is intended to be illustrative of the range of acceptable and unacceptable uses of the technology resources provided by the Town of Smithfield and are not necessarily exhaustive. Questions about specific uses should be directed to the Finance Director or his designee.

It is in the responsibility of all users to exercise good judgment and maintain a professional manner while utilizing the Town of Smithfield's technology resources as well as report any violations to their Department Head, the Finance Director or his designee.

Any violation of this policy or any other applicable local, state or federal laws is subject to punishment ranging from the immediate loss or restrictions of technology privileges, up to and including termination of employment and/or criminal prosecution.

#### **4.7 Policy Contact Information**

Any questions related to the above can be directed to the Finance Director or his designee, at 919-934- 2116.

### **Section 44. Performance Evaluation**

Supervisors and/or Department Heads shall conduct Performance Evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the Town Manager. Members of the Town Council will do an annual evaluation of the Town Manager in written form and will discuss the findings of the reports with the Town Manager in closed session at the close of a regular Council meeting. The evaluations will be done by all Council Members on a standard form and the review will be done as close to the employment anniversary date of the Town

Manager as possible. Original copies of the evaluations are to be placed in the Town Manager's personnel file following the evaluation.

## **Section 45. Safety**

Safety is the responsibility of both the Town and employees. It is the policy of the Town to establish a safe work environment for employees. The Town shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department Heads and supervisors are responsible for insuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

## **Section 46. Substance Abuse Policy**

The Town may establish policies and procedures related to employee substance abuse in order to insure the safety and well-being of citizens and employees, and to comply with any state, federal, or other laws and regulations. The Town shall adopt and follow a separate Substance Abuse Policy applicable to all of its employees.

## **Section 46A. Alcohol and Controlled Substance Policy**

The Town of Smithfield seeks to protect its employees and the public and to provide employees with a drug-free, healthy, safe, and secure work environment. The Town is committed to developing and administering a fair and consistent policy to promote and maintain a drug-free work environment. Employees who abuse alcohol and/ or controlled substances are encouraged and may be required to use the Town's Employee Assistance Program. Conscientious efforts to seek and use such help will not jeopardize an employee's job. However, failure to seek and use such help may subject the employee to disciplinary procedure including, but not limited to, termination.

### **I. Definitions.**

- a. **Reasonable Suspicion** means an expressible belief based on specific objective facts and rational inferences drawn from those facts that an employee has consumed or is under the influence of alcohol or improper use of drugs while at work. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:
  1. Direct observation of drug use or alcohol use and/or the physical symptoms of being under the influence of a drug or alcohol;
  2. A pattern of absenteeism, tardiness, or deterioration of work performance and abnormal conduct or erratic behavior while at work;
  3. A pattern of accidents and/or information that an employee has caused or contributed to an accident at work while under the influence of drugs or alcohol;
  4. Evidence that an employee is involved in the unauthorized possession, sale, solicitation, or transfer of drugs or alcohol while working, or while on the Town's premises or while operating a Town vehicle, machinery or equipment.
- b. **Approved Laboratory** means a laboratory approved and certified to conduct employee and applicant drug testing by the North Carolina Department of Human Resources or the National Institute on Drug Abuse, the College of American Pathology, the American Association for Clinical Chemistry or the equivalent.
- c. **Controlled Substance** means any substance regulated by state or federal law which has been

determined to have a potential for abuse and that may lead to physical or psychological dependence. This includes all forms of marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), phencyclidine (PCP), barbiturates and benzodiazepine.

- d. **Positive Drug Test** means a chemical test on one's urine or blood sample performed by a certified laboratory which confirms the presence of a controlled substance. A test shall be declared positive after two tests confirm the presence of drugs in the sample.
- e. **Positive Alcohol Test** means a Breathalyzer or blood test which confirms the presence of alcohol at a level 0.02 or greater. To ensure maximum validity, the test shall be conducted under the generally accepted test procedures accepted under the Department of Transportation (Federal Highway Administration) and North Carolina General Statutes.

## **II. Workplace Use of Prescription or Ability-altering Drugs.**

The employee is responsible for ascertaining from a health care professional the effects of any prescribed drug or over-the-counter medication. Any employee with knowledge that the use of a prescribed or over-the-counter medication could alter the employee's ability to perform the duties of the position must notify the appropriate supervisor before undertaking his or her job duties. Failure to obtain or communicate such information may result in disciplinary action.

## **III. Workplace Use of Prescription or Ability-altering Drugs.**

Employees shall be tested when there is reasonable suspicion of improper use of alcohol and/or a controlled substance, and after accidents involving a fatality, bodily injury or property damage. Employees in safety sensitive positions may also be required to submit to random drug and/or alcohol testing per guidelines established by Triangle J Council of Government.

## **IV. Retesting of Employees who have Tested Positive.**

If an employee is allowed to continue employment after testing positive for drugs, he/she will be subject to unannounced and random testing. An employee who tests positive for alcohol (0.04 or greater) will be tested a minimum of four times for the first year. After this period, the Substance Abuse Professional will determine when follow-up testing should end.

## **V. Consent.**

Before a test is administered, an employee will be asked to sign a consent form, authorizing the test and permitting the release of test results to those Town officials with a need to know as defined by North Carolina Gen. Stat. § 160A-168. The consent form shall provide space for employees to indicate current or recent use of prescription or over-the-counter medication. Consent forms shall also set forth the following information:

- a. The procedure for confirming an initial positive test result;
- b. The consequences of a positive test result;
- c. The right of an employee to explain a positive test result and the appeal procedures available to employees; and
- d. The consequences of refusing to undergo a test.

## **VI. Refusal to Consent.**

Refusal to consent to testing will subject an employee to immediate dismissal. In addition, failing to appear for a scheduled the test will be considered to have refused to consent to the test. An employee who requests a delay of a test scheduled under the provisions of this section will be considered to have violated expected work behavior.

## **VII. The Drug Test.**

Normally, a urine test will be used to determine the presence of drugs. Guidance and instructions in administering the drug test will be provided by an approved laboratory to ensure that proper steps are followed in collecting and evaluating samples. A strict chain of custody will be maintained by the approved testing laboratory. If the result is positive, the employee shall be notified in writing by the Director of Human Resources. A letter of notification shall identify the particular substance found. Within 72 hours of notification of a positive drug-test result, an employee or applicant may request that the original sample be sent to an approved laboratory for another test at the employee's own expense. The results of this test will be taken in to consideration in any appeal of a disciplinary action taken against the employee.

## **VIII. Consequences of a Positive Drug Test.**

An employee who has a positive drug test will be subject to disciplinary action up to and including dismissal. The employee may request continued employment and assistance under the Employee Assistance Program. When making recommendations for disciplinary action, supervisors and department heads shall consider factors which include the following: (1) the employee's work history; (2) the job assignment; (3) the length of employment; (4) the current job performance; (5) the existence of past disciplinary action; and (6) the danger or potential danger to other employees and the public at large due to employee's job duties.

Pursuant to N.C. Gen. Stat. § 20-37.19(c), the Town will notify the North Carolina Division of Motor Vehicles in writing within five business days following the positive drug test of an employee who operates commercial motor vehicles for the Town and who is required as a condition of his or her job to have, hold or maintain a commercial driver's license. The Town shall provide the Department of Motor Vehicles with the employee's name, address, driver's license number, social security number and the results of the drug test.

## **IX. The Alcohol Test.**

Normally, an evidential breath-testing device will be used to determine the presence of alcohol. The test will be administered by a Breath Alcohol Technician (BAT) following procedures accepted by the Department of Transportation.

## **X. Consequences of a Positive Alcohol Test.**

- a. **0.02 or greater, but less than 0.04** - An employee testing positive in this range may be subject to disciplinary action up to and including dismissal. Arrangements for safe transportation to the employee's home shall be made. If the employee refuses transportation, this shall be documented.
- b. **0.04 or greater** - An employee testing positive in this range will be subject to disciplinary action up to and including dismissal. Arrangements for safe transportation to the employee's home shall be made. If the employee refuses transportation, this shall be documented and the Town of Smithfield Police Department notified.

Pursuant to N.C. Gen. Stat. § 20-37.19(c), the Town will notify the North Carolina Division of Motor Vehicles in writing within five business days following the positive alcohol test of an employee who operates commercial motor vehicles for the Town and who is required as a condition of his or her job to have, hold or maintain a commercial driver's license. The Town shall provide the Department of Motor Vehicles with the employee's name, address, driver's license number, social security number and the results of the alcohol test.

## **XI. Mandatory Participation in Employee Assistance Program.**

An employee permitted to continue employment after a positive alcohol or drug test or after voluntarily identifying himself/herself as a drug user or alcohol abuser will be required to participate and cooperate fully with the provisions of a recommended rehabilitation program as prescribed by the Employee Assistance Program, or comply with any long-term treatment programs which are recommended either through the Employee Assistance Program or another counseling program. Disciplinary action is not automatically suspended by an employee's participation in the Program and may be taken against employees for performance issues or conduct violations, but the employee's participation in the Program will be considered in any decision regarding disciplinary action.

Those employees participating in the Program will be subject during that participation to unannounced and random alcohol and drugs tests. Upon a positive test result, the employee will be subject to dismissal. Those employees who satisfactorily complete the rehabilitation program prescribed by the Employee Assistance Program will be subject to unannounced and random drug and alcohol tests for a period of two years after completion. Satisfactory completion of the rehabilitation program shall be determined by the Town with the guidance of staff of the program. Failure to enter or complete the prescribed program shall be considered by the Town as voluntary termination of employment by the employee.

The Town will pay for the first visit of an employee to the Employee Assistance Program during the calendar year.

**The cost of all other visits, be they voluntary or mandatory, will be the responsibility of the employee.**

## **XII. Use of Results in Criminal Action.**

No test results of the Town's drug testing program may be used as evidence in a criminal action against an employee except by order of a court of competent jurisdiction.

## **XIII. Notification of Charge.**

An employee charged with or convicted of an alcohol-related crime or charged with or convicted of a drug-related crime shall notify his/her department head no later than twenty-four hours after such charge or conviction. Failure to notify one's department head of such charge or conviction shall be grounds for dismissal.

## **XIV. Accident Involving Town Vehicles.**

Alcohol tests following a traffic accident involving a Town vehicle shall be administered no later than eight hours from the time of the accident. Drug tests following a traffic accident involving a Town vehicle shall be administered no later than thirty-two hours from the time of the accident.

## **Section 47. Inclement Weather**

Town departments will remain open during periods of inclement weather unless otherwise authorized by the Town Manager or his designee for delayed opening, early closing, or other deviation. The Town Manager will implement policies and procedures for delayed opening, early closing, or other deviations from normal operations.

It shall be at the discretion of the Department Head to determine what positions within his/her department are considered essential. Essential personnel shall be defined as those employees who are required to carry on the operations of the department during a disaster or in inclement weather. Failure of an essential employee to report for duty as required during emergencies or inclement weather may result in discipline up to and including dismissal.

## **Section 48. Random Drug Screening for Full-Time Employees**

Employees who are required to hold a Commercial Driver's license for the purpose of performing their duties or as a condition of employment are subject to random drug testing.

## **Section 49. Tobacco-Free Policy In Buildings, Vehicles and Equipment**

The purpose of this policy is to establish a healthful, tobacco-free environment for all patrons, visitors, contractors, and staff members with the Town of Smithfield government entity. This applies to all tobacco products, i.e., cigarettes, cigars, snuff, chewing tobacco, pipes and e-cigarettes.

The Policy applies to all full-time and part-time staff, temporary staff, contract workers, volunteers, patrons, and anyone who enters a Town of Smithfield building, structure, vehicle or other motorized equipment.

- a. No tobacco use is allowed anywhere inside any Town of Smithfield government owned, operated and/or leased facility or motor vehicle.
- b. No tobacco use is allowed in any Town owned office, building, structure, park and related structures, or facility, and is only allowed in designated smoking areas per location (see designations below).
- c. No one in the employ of or volunteering at the Town of Smithfield, while representing the Town of Smithfield in public (i.e., wearing an identification badge or uniform), may use tobacco products.
- d. No tobacco use is allowed during a Town of Smithfield sponsored event.

**Enforcement:** Department Heads and supervisors are responsible for assuring compliance with this policy, and are expected to enforce this policy. Signs indicating that the Town of Smithfield is "Tobacco Free" are posted on all entranceway doors to buildings.

**Employees/Volunteers:** Applicants/ Employees/Volunteers are made aware of this policy at the time of their employment offer and during new employee or volunteer orientation.

**Visitors:** If visitors refuse to cooperate with this policy, the Department Head should request that the visitor use tobacco products in the designated areas only.

### **Designated Tobacco Use Areas:**

- Town Hall - Area outside council room back door (Town Hall Park area)
- Fire Department and EMS Building-Between EMS and Fire Station under breezeway
- Police Department- Rear Entrance on south end of building
- Operations Center- Employee Entrance on west side of building
- Recreation and Aquatics Center- Corner of the building near tennis courts
- Water Plant-Side Entrance near generator building Public Works- Designated garage area

Employees who knowingly violate this policy are subject to disciplinary action per the Town of Smithfield Personnel Regulations.

## **Section 50. Conflict of Interest**

It is the policy of the Town of Smithfield that no Council member, officer or employee of the Town receives any personal or private benefit resulting from the activities of the Town or from the receipt of the Town of funds, or funds from the State of North Carolina, or from any other source, apart from reasonable compensation for services rendered and reimbursement for reasonable expenses incurred in the conduct of the business of the Town. Further, no Council member, officer, or employee of the Town shall obtain any direct or indirect economic stake in any entity participating in the programs of the Town, and the Town shall not employ any individual who owns a stake in such entity.

## ARTICLE VI: Employee Benefits

### Section 51. Benefits Eligibility

All regular full-time employees of the Town are eligible for employee benefits as provided for in this Article which are subject to change at the Town's discretion. Part-time and temporary employees are eligible only for workers' compensation and FICA. Certain part-time employees working 1,000 hours or more per year are eligible for certain state retirement benefits as provided by North Carolina law.

### Section 52. Group Health and Hospitalization Insurance

- a. Health care insurance is provided for each full-time employee after completion of 30 days of work. Employees may elect to include coverage for his or her family members at the cost of the employee. Details of medical care coverage and benefits are outlined for each employee in a separate booklet entitled "Group Insurance Plan" that is provided by the health insurance carrier and may change from year to year.
- b. Any employee (hired before June 30, 2007) who retires from the Town with 20 years or more of service and is eligible for the Medicare supplement shall be reimbursed by the Town only for his/her Medicare supplement premium for the remainder of his/her life not to exceed the Town's medical insurance premium for an individual employee. Such employees shall produce written evidence to the Town upon demand, and at least once every 12 months, of the actual invoice for his or her health insurance premium. If dependent(s) are covered at the time of retirement, the employee may elect to continue coverage for the dependents under the Health Insurance Company's COBRA plan. The COBRA plan allows dependent(s) to be covered for a period of 18 months. The employee will be responsible for the entire health insurance premium for his/her dependents. If dependents are eligible for the Medicare supplement, the dependent is not eligible for any reimbursement.
- c. Any employee (hired before June 30, 2007) who retires from the Town with 20 years or more of service and is not eligible for the Medicare supplement shall be eligible to continue his/her health insurance coverage with the Town. The Town will pay the premium for the employee's coverage but only as paid for other full-time employees. When the employee becomes eligible, Medicare supplement (b) will apply and shall be reimbursed by the Town only for his/her Medicare supplement premium up to the Town's medical insurance premium for an individual employee. Such employees shall produce written evidence to the Town upon demand, and at least once every 12 months, of the actual invoice for his or her health insurance premium. If dependent(s) are covered at the time of retirement, the employee may elect to continue coverage for the dependents under the Health Insurance Company's COBRA plan. The COBRA plan allows dependent(s) to be covered for a period of 18 months. The employee will be responsible for the entire health insurance premium for his/her dependents.
- d. The Town of Smithfield will not continue health insurance coverage following retirement (as in "b" & "c" above) for employees hired on or after July 1, 2007. Employees hired on or after July 1, 2007 will be eligible for COBRA benefits through the health insurance carrier.
- e. An employee that receives a total disability retirement from the Local Government Employee Retirement System or Law Enforcement Retirement System is eligible to receive coverage under the Town's health insurance plan. The Town will pay the individual premium for the employee's coverage. If dependent(s) are covered at the time of retirement, the employee may elect to continue coverage for the dependents under the Health Insurance Company's COBRA plan. The COBRA plan allows dependent(s) to be covered for a period of 18 months. The employee will be responsible for the entire health insurance premium for his/her dependents. If dependents are eligible for the Medicare supplement, the dependent is not eligible for any reimbursement

- f. If any council member or mayor has 20 years or more of service that includes both full-time employment status with the Town of Smithfield and voluntary status as a member of the Smithfield Town Council at the time he/ she resigns his/her seat at the Council table, shall be eligible to continue his/her health insurance coverage with the Town subject to section 55.g. The Town will pay the individual's premium amount until the age that the Medicare supplement is effective. When the individual becomes eligible for the Medicare supplement, the Town will reimburse the individual for his/her Medicare supplement premium for the remainder of his/her life, not to exceed the Town's medical insurance premium for an individual employee. Such participants shall produce written evidence to the Town upon demand, and at least once every 12 months, of the actual invoice for his or her health insurance premium. Any dependents covered by the Town's health insurance plan, at the time of vacancy, will not be eligible for the COBRA Plan.
- g. Any council member or Mayor elected in the year 2005 and any year thereafter is not eligible for health or dental insurance benefits thru the Town. However, the newly elected official may purchase the health or dental insurance but will be responsible for the entire premium for the remainder of his term in office. Once the elected official is no longer serving, he/she will not be eligible for any COBRA Plan coverage.
- h. An employee benefits joint committee shall be established consisting of the Mayor, two council members, the Town Manager, two department heads and three other town employees. This committee shall be an advisory committee only and make periodic recommendations to the Town Council on items relevant to employee benefits. The committee members shall be selected as follows: the Mayor shall always be a member and the presiding officer, the Town Manager shall always be a member and shall serve as the presiding officer in the absence of the Mayor, the two council members shall be appointed by the full Council for two-year terms starting in odd years on January 15th, the department heads shall be appointed by the Town Manager and serve two-year terms starting in even years on January 15th, and the three employees shall be recommended jointly by all town department heads and selected by the serving department head members and shall serve for two-year terms starting in odd years on January 15th . If a vote is necessary, a majority vote will prevail and the presiding officer shall not vote on any matters under consideration by the committee except in the case of ties. One serving member shall take minutes at each committee meeting that shall be reduced to writing and made public if all material contained in the minutes is open to the public under the North Carolina Open Records law. Although the committee shall seek to make timely recommendations to the Town Council, the Council need not receive a recommendation from this committee on all matters related to benefits before it is authorized to take action.

### **Section 53. Group Life Insurance**

The Town may make group life insurance coverage available to the employee, including accidental death and dismemberment coverage as described in same, "Group Insurance Plan" booklet, provided by the life insurance carrier. This benefit is subject to available funding and may change from year to year.

### **Section 54. Other Optional Group Insurance Plans**

The Town may make other group insurance plans available to employees upon authorization of the Town Manager or Town Council.

### **Section 55. Retirement and Death Benefits**

The Town and employees contribute in the cost of the retirement plans which employees are required to join. Information about benefits and the systems are available in printed brochures circulated to employees. Under the Law Enforcement Officers' benefit and retirement system and the State's local governmental employee's retirement system, the Town provides death benefits at no cost to the

employee.

## **Section 56. Supplemental Retirement Benefits**

The Town may provide supplemental retirement benefits for its full and part-time employees. Each Law Enforcement Officer shall receive 401-K benefits as prescribed by North Carolina State Law. Each general employee may receive supplemental benefits as approved by the Town Council.

## **Section 57. Law Enforcement Special Separation Allowance**

The Town of Smithfield shall provide a special separation allowance to qualified police officers who retire early or who leave service early and who meet all of the following qualifications:

1. The officer must have completed 30 years or more of creditable service or have attained 55 years of age and completed five (5) or more years of creditable service; and
2. The officer must not yet be age 62; and
3. The officer must have completed at least 5 years of continuous service as a law enforcement officer immediately before service retirement.

Payment of the separation allowance will cease at:

1. The last day of the month in which the officer attains 62 years of age; or
2. The death of the officer; or
3. The first day of re-employment by a local government employer in any capacity.

Notwithstanding the provisions of subdivision 3. of this subsection, a local government employer may employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System and doing so shall not cause payment to cease to those officers under the provisions of this section.

This policy shall apply to all law enforcement officers who currently receive a special separation allowance from the Town and all future law enforcement officers.

## **Section 58. Social Security**

- a. Social Security is federal government insurance to provide an employee with income in his/her senior years. Disability and death benefits are also provided by Social Security.
- b. The cost for Social Security is paid through an automatic payroll tax. The Town matches the amount that is deducted from the employee's payroll check for payment into the Social Security Trust Fund.

## **Section 59. Workers' Compensation**

All employees of the Town (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The Human Resources Department will assist the employee in filing the claim. (Also see Section 84 regarding Worker's Compensation Leave)

## **Section 60. Unemployment Compensation**

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. Town employees who are terminated due to a reduction in force or released from Town service may apply for benefits through the local Employment Security Commission office,

where a determination of eligibility will be made.

### **Section 61. Tuition Assistance Program**

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the Town service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed eligible expenses up to five hundred dollars (\$500) per fiscal year subject to funding. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Department Head prior to course registration and are subject to the review and approval of Town Manager, subject to availability of funds. An employee granted financial assistance through this program shall agree to remain an employee of the Town of Smithfield for up to five (5) years from the date of the last course taken under this program. If the employee leaves employment with the Town before the end of the period stated above, he/she shall reimburse the Town of Smithfield the total amount of any funds received through the tuition assistance program.

## **ARTICLE VII: Holidays and Leaves of Absence**

### **Section 62. Policy**

The policy of the Town is to provide vacation leave, sick leave, and holiday leave to all full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Employees shall accrue leave proportionately with each payroll.

### **Section 63. Holidays**

The Town shall observe the following holidays and others as observed by the State of North Carolina, and as may be amended by the State and approved by the Town. Town staff will be notified of the holiday schedule at the beginning of each calendar year. When a holiday, other than Christmas, falls on Saturday or Sunday, the preceding Friday shall be observed for a Saturday holiday and the following Monday shall be observed for a Sunday holiday:

- New Year's Day
- Martin Luther King's Birthday
- Friday before Easter
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas (and the days designated by the State of North Carolina and adopted each year by the Town)

### **Section 64. Holidays: Effect on Other Types of Leave**

Regular holidays which occur during a vacation, sick or other leave period of any employee shall not be considered as vacation, sick, or other leave.

### **Section 65. Holidays: Compensations When Work is Required or Regularly Scheduled Off for Shift Personnel**

Non-exempt, full time employees required to perform work on regularly scheduled holidays may be granted compensatory time off at the one and one-half rate or be paid at their overtime rate for hours

actually worked in addition to any holiday pay to which they are entitled, provided the employee has not missed any other work hours during that week. If the employee has missed additional work hours during that week, regular FLSA requirements would apply.

If any employee is engaged in shift work and if the regular work schedule requires one to work on a holiday, the employee shall receive regular pay plus the holiday pay or a subsequent day off as compensation for the holiday worked; likewise, if a holiday falls on one's scheduled day off, the employee shall receive an additional day off.

An employee who must work on a holiday who would normally be expected to observe the day off shall receive regular holiday pay plus pay at his regular hourly rate for the hours worked on the holiday.

Departments with employees working a shift schedule may elect to compensate those employees for working on the "true" holidays rather than the Town designated holidays.

## **Section 66. Vacation Leave**

Vacation leave is intended to be used for rest and relaxation, and may be used for medical appointments. Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the Town. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. The Department Head will attempt to arrange the work schedule so that an employee maybe granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

## **Section 67. Vacation Leave: Use by Probationary Employees**

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six (6) months of employment unless approved in a pre-employment agreement. Employees shall be allowed to take accumulated vacation leave after six (6) months of service.

## **Section 68. Vacation Leave: Accrual Rate**

Each full and permanent part-time employee of the Town shall earn vacation leave at the following schedule. Vacation leave shall be computed by multiplying an employee's total annualized regular work hours (as specified by the employee's approved departmental work schedule) by the employee's corresponding leave percentage determined by the employee's years of service. The result equals annual vacation leave hours. These hours shall be accrued at a rate of 1/12 monthly. A regular full-time employee shall earn paid vacation according to his or her length of service with the Town of Smithfield as follows:

Years of Service	
0 – 3.....3.85%	15 – 19.....7.69%
4 – 9.....4.62%	20+.....9.23%
10 –14.....5.77%	

## **Section 69. Vacation Leave: Maximum Accumulation**

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. Employees are not eligible to receive pay for vacation time not taken. However, if the employee departs from service, payment for accumulated vacation leave shall not exceed 240 hours. The maximum number of unused vacation hours that may be carried over from one calendar year to the next is:

Regular full-time employees.....	240	hours
Police Officers on Rotating Shifts.....	260	hours
Fire Department Personnel on 24-hour shifts.....	285	hours

On December 31 of each year, any employee with more than the hours as stated above shall have the excess accumulation converted to sick leave so that only the hours as stated above are carried forward to January 1 of the next calendar year.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation. This provision may be waived in case of natural disasters, upon approval of the Town Manager.

### **Section 70. Vacation Leave: Manner of Taking**

Employees shall be granted the use of earned vacation leave upon request in advance and approval by the Department Head at those times designated by the Department Head which will least obstruct normal operations of the Town. Department Heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation must be taken in one hour increments.

### **Section 71. Vacation Leave: Payment upon Separation**

An employee who has successfully completed six (6) months of the probationary period will normally be paid for accumulated vacation leave upon separation not to exceed 240 hours, provided written notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Town Manager when deemed to be in the best interest of the Town. Employees who are involuntarily separated shall receive payment for accumulated vacation leave subject to the 240 hour maximum. Employees dismissed for criminal conduct may be determined ineligible to receive vacation pay.

### **Section 72. Vacation Leave: Payment upon Death**

The estate of an employee who dies while employed by the Town shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximums established in Section 69 of this Article.

### **Section 73. Sick Leave**

Sick leave with pay is not a right that an employee may demand but a privilege granted by the Town Council for the benefit of an employee when sick. Sick leave may be granted to a probationary or regular employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others. Sick leave, up to five (5) days per calendar year, may be used when an employee must care for a member of his or her immediate family who is ill. Sick leave use in excess of five (5) days for this purpose requires prior Town Manager Approval.

Good attendance is extremely important as it allows each Town department to carry out the services and projects assigned to it and expected of it. When employees are absent, projects are delayed, service delivery suffers, and other employees must work harder to complete the same amount of work. Therefore, it is in the interest of employees, supervisors and the Town as a whole to promote good attendance.

Sick leave may also be used for death in the employee's immediate family, but may not exceed three (3) days for any single occurrence. Additional leave time required for such occurrence may be charged to

vacation or other approved leave when approved by the Department Head and/or Town Manager.

Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that the employee may not exceed the regular salary amount using this provision.

"Immediate family" shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, son-in-law or daughter-in-law, parent-in-law, brother or sister in law, aunt, or uncle of the employee or spouse of the employee or guardian. This also includes various combinations of "step", "half", and adopted relationships.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or according to departmental procedures but (except for emergencies) no later than two hours prior to the beginning of the scheduled workday.

#### **Section 74. Sick Leave: Accrual Rate and Accumulation**

Sick leave shall accrue at a rate of one day per month of service or twelve (12) days per year. Sick leave for full- time and permanent part-time employees working other than the basic work schedule shall be pro-rated as described Section 68. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

For pay purposes, sick time taken will equal the amount of time that the employee is away from scheduled work. All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated for employees retiring or terminated due to reduction in force.

#### **Section 75. Transfer of Sick Leave from Previous Employer**

Upon hire, the Town will accept only the transfer of up to 350 hours of sick leave hours for employees from other employers who are participants of the Local or State Employees Retirement System. The sick leave will be treated as though it were earned with the Town of Smithfield. The sick leave amount must be certified by the previous employer. This provision shall not be retroactive to policy adoption. The transfer of more than 350 hours requires Town Manager approval and will be evaluated on a case by case basis.

#### **Section 76. Sick Leave: Donation of Time to Another Employee**

An employee experiencing extreme and extenuating situation who has expired his or her vacation and sick leave may apply in writing to the Human Resources Officer to accept donated sick leave from other Town of Smithfield employees. The written request shall include a brief description of the circumstances prompting the request.

The Human Resources Officer shall review the request and make a written recommendation to the Town Manager for presentation to the Town Council for approval or denial. Upon approval, the Human Resources Department is responsible for the accountability of the leave donations and use.

Donation Forms are date-stamped as they are received. The Human Resources Officer will advance the employee 80 hours at one period, as the hours are received. Employees will receive a copy of their donation forms if their donated hours are used.

The recipient shall continue to accrue sick and vacation leave while in the shared leave status. The minimum amount of hours that can be donated shall not be less than four (4). The maximum amount of hours that can be donated shall not exceed one-half of the donor's sick leave balance.

Per each request approved by the Town Council, the total shared sick leave hours accepted shall not exceed 480.00. Requests for additional donated sick leave must be submitted in the same manner as the original request. Donated sick leave hours not used will be returned to the employees that donated such hours.

### **Section 77. Sick Leave: Abuse and Requirement of Medical Certification**

Abuse of sick time shall not be tolerated and shall subject the employee to disciplinary action. Examples of abuse of sick leave shall include but are not be limited to: taking unapproved leave; failure to notify a supervisor in advance of the need to take a personal day; use of all sick time accrued; taking leave as soon as it is earned; or falsifying the reason for the use of sick time.

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee's or family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism"; however, a physician's certificate does not excuse the abuse of leave privileges.

The employee shall be required to present a certified doctor's note of illness if the employee has been absent for more than three (3) consecutive days and also may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- a. Employees shall not be on duty when they might endanger their health or the health of other employees; and
- b. There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action, up to and including dismissal. See Section 99 (f) for disciplinary action regarding sick leave abuse.

### **Section 78. Sick Leave Pro-rated**

Each regular full-time employee shall earn annual sick leave at a rate of 4.62 percent times the employee's total annualized regular work hours as determined by approved work schedules. The result equals annual sick leave hours. These hours shall be accrued at a rate of 1/12 monthly.

### **Section 79. Family and Medical Leave**

The Town will grant up to 12 weeks of family and medical leave per calendar year to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid (coordinated with the Town's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12 week period may be approved in accordance with the Town's Leave without Pay policy.

To qualify for FMLA coverage, the employee must have worked for the employer 12 months or 52 weeks; these do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve (12) month period immediately before the date when the FMLA time begins.

Family and medical leave can be used for the following reasons:

- a. the birth of a child and in order to care for that child;
- b. the placement of a child for adoption or foster care;
- c. to care for a spouse, child, or parent with a serious health condition; or
- d. the serious health condition of the employee.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care

provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which results in a period of incapacity or more than three days would be considered a serious health condition.

If a husband and wife both work for the Town and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent in-law) with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all paid vacation for the remainder of the 12 week period.

The request for the use of leave must be made in writing by the employee and approved by the Department Head and Town Manager.

An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

Employees who are on paid leave under this policy shall not be allowed to work any outside employment during the tenure of paid leave. Employees experiencing extenuating circumstances may request a waiver of this section to the Town Manager for approval.

## **Section 80. Medical and Family Leave - Certification**

In order to qualify for leave under this law, the Town requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the Department Head and filed with the Human Resources Department.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the Town's Leave Without Pay policy.

## **Section 81. Leave Without Pay**

A full or part-time employee may be granted a leave of absence without pay for a period of up to twelve (12) months by the Town Manager. The leave shall be used for reasons of personal disability after both sick leave and vacation have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the Town to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Town Manager.

The employee shall apply in writing to the supervisor for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Town Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like seniority, and pay. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

## **Section 82. Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits**

When an employee is on leave under FMLA (maximum of 12 weeks in a year), the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the Town will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the Town's group insurance plans at his or her own expense, subject to any regulation adopted by the Council and the regulations of the insurance carrier.

## **Section 83. Workers' Compensation Leave**

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time during the first waiting period. The employee shall supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the Town's group insurance plans. When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee shall notify the Human Resources Department immediately so that the appropriate leave time can be deducted and to prevent over-compensation and shall return the reimbursement check to the Town and have leave hours re-instated for all time covered by paid leave. In such cases, the Town will pay the employee for any unpaid time that is owed to the employee.

## **Section 84. Military Leave**

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted two calendar weeks per year for military leave without pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a Town employee, the employee shall receive partial compensation equal to the difference. The effect will be to maintain the employee's salary at the normal level during this period. If such duty is required beyond these ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. Sick leave will not be used for this purpose. While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the Town during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.

## **Section 85. Reinstatement Following Military Service**

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

- a. Applies for reinstatement within ninety (90) days after the release from military service; and

- b. Is able to perform the duties of the former position or similar position; or
- c. Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of the military service, but is able to perform the duties of another position in the service of the Town. In this case, the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

### **Section 86. Civil Leave**

A Town employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

### **Section 87. Parental School Leave**

A Town employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of unpaid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- a. The leave must be taken at a time mutually agreed upon by the employee and the Town;
- b. The Town may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- c. The Town may require written verification from the child's school that the employee was involved at the school during the leave time.

Paid leave (vacation time) taken by an employee to attend to school activities of his or her child shall count towards the fulfillment of this provision by the Town.

## **ARTICLE VIII: Separation and Reinstatement**

### **Section 88. Types of Separations**

All separations of employees from positions in the service of the Town shall be designated as one of the following types and shall be accomplished in the manner indicated: suspension, resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

### **Section 89. Suspension**

- a. Suspension is an action taken by the Town Manager or by a Department Head with the consensus of the Town Manager whereby pay is discontinued for an exempt and non-exempt employee (as defined while the employee is temporarily relieved of all duties and responsibilities).
- b. Suspension shall be used to allow time for the investigation, hearing or trial of an employee against whom an allegation of wrong doing has been made. If the allegation proves false, the employee may be reinstated without loss of compensation.
- c. Suspension shall also be used as a disciplinary action to penalize an employee for misconduct, insubordination, or to correct poor work habits. Disciplinary suspensions shall be without pay and the duration of disciplinary suspensions shall vary with the seriousness of the offense.

### **Section 90. Resignation**

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation leave unless the notice is waived upon recommendation of the Department Head and approval by the Town Manager. Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered to be a voluntary resignation. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

### **Section 91. Reduction in Force**

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action. No permanent employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the permanent employee is not willing to transfer to the position held by the temporary or probationary employee.

### **Section 92. Disability**

An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the Town. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the Town Manager. The Town may require an examination, at the Town's expense, performed by a physician of the Town's choice.

### **Section 93. Voluntary Retirement**

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

### **Section 94. Death**

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

### **Section 95. Dismissal**

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

### **Section 96. Reinstatement**

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the Town Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

### **Section 97. Rehiring**

An employee who resigns while in good standing may be rehired with the approval of the Town Manager, and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Chapter. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position. Any employee who is re-hired shall accrue vacation time at the new employee rate unless otherwise approved by the Town Manager as a condition of employment.

## **ARTICLE IX: Unsatisfactory Job Performance and Detrimental Personal Conduct**

### **Section 98. Disciplinary Action for Unsatisfactory Job Performance**

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory.

All cases of disciplinary suspension, demotion, or dismissal must be approved by the Town Manager prior to giving final notice to the employee.

### **Section 99. Unsatisfactory Job Performance Defined**

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the Department Head or Town Manager. Examples of unsatisfactory job performance include, but are not limited to, the following:

- a. Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- b. Careless, negligent or improper use of Town property or equipment;
- c. Physical or mental incapacity to perform duties;
- d. Discourteous treatment of the public or other employees;
- e. Absence without approved leave;
- f. Improper use of leave privileges;
- g. Failure to report for duty at the assigned time and place;
- h. Failure to complete work within time frames established in work plan or work standards;
- i. Failure to meet work standards over a period of time; or
- j. Failure to follow the chain of command to address work-related issues
- k. Insubordination

### **Section 100. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance**

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor shall meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions shall be noted in the employee's file by the supervisor.

An employee whose job performance is unsatisfactory over a period of time should normally receive at least two warnings from the supervisor before disciplinary action resulting in dismissal is taken by the Town Manager; however, such warnings are not required in extreme cases of misconduct or unsatisfactory job performance and immediate termination may occur. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, the supervisor should use the following steps:

- a. A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately, except in extreme cases of misconduct or unsatisfactory job performance where immediate dismissal is warranted, in order to avoid suspension, demotion, or dismissal.
- b. If performance does not improve, a written recommendation should be sent to the Town Manager for disciplinary action such as suspension, demotion, or dismissal.
- c. Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment and should not generally exceed three days (24 hours)

for nonexempt employees. Suspensions for exempt employees shall be for one full work week in accordance with FLSA requirements to maintain exempt status.

Demotions are appropriate when an employee has demonstrated inability to perform successfully in the current job, but shows promise and commitment to performing successfully in a lower level job. If no other options are available, dismissal is appropriate.

If after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be dismissed.

### **Section 101. Detrimental Personal Conduct Defined**

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the Town may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated. Examples of detrimental personal conduct include, but are not limited to, the following:

- a. Fraud or theft;
- b. Conviction of a felony or the entry of a plea of nolo contendere thereto;
- c. Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- d. Willful misuse or gross negligence in the handling of Town funds or for personal use of equipment or supplies;
- e. Willful or wanton damage or destruction to property;
- f. Willful or wanton acts that endanger the lives and property of others;
- g. Possession of unauthorized firearms or other lethal weapons on the job;
- h. Brutality in the performance of duties;
- i. Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- j. Engaging in incompatible employment or serving a conflicting interest;
- k. Request or acceptance of gifts in exchange for favors or influence;
- l. Engaging in political activity prohibited by this chapter;
- m. Harassment of an employee(s) and/or the public on the basis of sex or any other protected class status;  
or
- n. Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work responsibilities

### **Section 102. Disciplinary Action for Detrimental Personal Conduct**

With the approval of the Town Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to Town service in order to (1) avoid undue disruption of work; (2) to protect the safety of persons or property; or (3) for other serious reasons.

### **Section 103. Pre-disciplinary Conference**

Before suspension, demotion, or dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the Department Head will consult with the Human Resources Department and conduct a pre-disciplinary conference. At this conference, the employee may present any response to the proposed disciplinary action to the Department Head. The Department Head will consider the employee's response, if any, to the proposed disciplinary action, and will, within three working days following the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action, upon approval by the Town Manager. The notice of the final disciplinary action shall contain a statement of the reasons for the action and the employee's appeal

rights.

## **Section 104. Non-Disciplinary Suspension**

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the Department Head or Town Manager, be in the best interest of the Town, the Department Head or Town Manager may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the Town Manager may:

- a. Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or
- b. Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.
- c. Terminate the employee should the employee be unable or unwilling to report to work to complete the internal investigation.

If the employee is reinstated following the suspension, such employee shall not lose any benefits to which otherwise the employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued vacation leave and sick leave shall be maintained during the period of suspension.

## **ARTICLE X: Grievance Procedure**

### **Section 105. Purpose**

The grievance procedure provides an adequate and fair means for hearing matters of concern to Town employees.

### **Section 106. Coverage**

This grievance procedure applies to all departments and all employees of the Town. A grievance is defined as any matter of concern or dissatisfaction arising from the working conditions of an employee, subject to the control of the Town.

### **Section 107. Policy**

Every employee shall have the right to present a grievance in accordance with these procedures free from interference, coercion, restraint, discrimination, penalty or reprisal. Employees will be allowed such time off from their regular duties as may be necessary and reasonable as determined by the Department Head or the Town Manager to prepare and present a grievance.

### **Section 108. Procedure**

**A. Step One.** An employee must file a grievance, either orally or in writing, with the immediate supervisor within five (5) working days of the date of the incident giving rise to the grievance. If the employee alleges sexual harassment by the immediate supervisor, the employee may file the complaint with the Town Manager, as set forth in Section 40. If the grievance concerns an appeal of a dismissal, it shall be filed directly with the Town Manager at Step Three. The immediate supervisor shall meet with the employee within five (5) working days of receipt of the grievance and attempt to resolve the grievance informally. If informal resolution efforts fail, the immediate supervisor shall issue a written decision on the grievance not later than five (5) working days following the meeting.

**B. Step Two.** If the employee is dissatisfied with the response at Step One, the employee may file the grievance in writing with the Department Head within five (5) working days of receipt of the immediate supervisor's written decision. The grievance shall state concisely the basis for the complaint and, if based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, non-disqualifying handicap, sexual orientation, or age. The Department Head shall meet with the employee within five (5) days of receipt of the Step Two grievance, shall review the decision at Step One, and shall make an independent determination on the merits of the grievance. Within five (5) working days of the meeting with the employee, the Department Head shall issue a written decision.

**C. Step Three.** If the employee is dissatisfied with the response at Step Two, the employee may forward the written grievance to the Town Manager within five (5) working days of receipt of the Step Two decision. The employee may request a decision, with or without representation, from the appointing official directly or may request a hearing before the Personnel Advisory Committee with a recommended decision by the committee. The personnel advisory committee may only be assembled and utilized in cases involving suspension, demotion, discharge, or when grieving a promotional process. If the employee requests a decision directly, the Town Manager will render a written decision within fifteen (15) working days of receipt of the grievance. If the employee or the appointing authority requests the services of the Personnel Advisory Committee, the procedures set forth in Section 107 of this article will apply.

### **Section 109. Personnel Advisory Committee**

The Personnel Advisory Committee may only be assembled and utilized in cases involving, suspension, demotion or discharge, or when grieving a promotional process. Personnel Advisory Committee, is composed of three persons designated by the Town Council, with authority to hear employees' grievances and recommend decisions to the Town Manager. An employee or the Town Manager may request a hearing, which shall be transcribed or recorded. The hearing shall be conducted within thirty (30) calendar days of the date on which the hearing is requested, during regular working hours of the Town. The Personnel Advisory Committee, the grievant, and any person whose alleged conduct is the cause of the complaint shall have the right to call and cross-examine witnesses and offer other evidence. The hearing shall be conducted by the chairperson of the committee. The Personnel Advisory Committee shall submit its recommended decision to the Town Manager within fifteen (15) calendar days of the hearing.

### **Section 110. Final Decision on the Grievance**

Upon receiving the recommended decision of the Personnel Advisory Committee, the Town Manager shall inform the employee and the Department Head, in writing, of the final decision. The final decision will be furnished within ten (10) working days of receipt of the recommended decision of the Personnel Advisory Committee.

### **Section 111. Maintenance of Records**

All documentation, records, and reports will be retained for a minimum of three (3) years and shall be held by the Human Resources Department. These records will be subject to review by the grievant, the employee's Department Head, the Town Manager, and the Town Council, as applicable under State Law.

## **ARTICLE XI: Records and Report**

### **Section 112. Personnel Records Maintenance and Public Information**

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Human Resources Department. The Town shall maintain in personnel records only

information that is necessary and relevant to accomplishing legitimate personnel administration needs.

In compliance with GS 160A-168, the following information with respect to each Town employee is a matter of public record:

- a. Name;
- b. Age;
- c. Date of original employment or appointment to the service;
- d. Current position title;
- e. Current salary;
- f. Date and amount of the most recent increase or decrease in salary;
- g. Date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification;
- h. Date and type of each dismissal, suspension, or demotion for disciplinary reasons and if the action taken was a dismissal, a copy of the written notice of the final decision of dismissal and the reasons contained on such final dismissal form supporting the dismissal as set forth in NCGS 160A-168; and,
- i. Office to which the employee is currently assigned.

Also as required by G.S. 160A-168, any person may have access to this information listed above for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town Council may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

### **Section 113. Access to Confidential Records**

All information contained in a Town employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

- a. The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- b. A licensed physician designated in writing by the employee may examine the employee's medical record.
- c. A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- d. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- e. An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the Town Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- f. An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- g. The Town Manager, with the concurrence of the Town Council, may inform any person of the

employment, unemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a Town employee, and the reasons for that action. Before releasing that information, the Town Manager shall determine in writing that the release is essential to maintaining the level and quality of Town services. The written determination shall be retained in the Town Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

- h. The Town Council shall establish procedures for all personnel files containing information other than the public information mentioned above whereby an employee who objects to material may seek to have the material removed from the file or may place in the file a statement relating to the material.

#### **Section 114. Personnel Actions**

The Town Manager will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. There shall be one set of official personnel files, centrally located in the Human Resources office. Any document not located there is not an official part of that employee's personnel record.

#### **Section 115. Records of Former Employees**

The provisions for access to records apply to former employees as they apply to present employees.

#### **Section 116. Remedies of Employees Objecting to Material in File**

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures.

#### **Section 117. Penalties for Permitting Access to Confidential Records**

PerGeneralStatute160A-168, any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, may be judged guilty of a misdemeanor and upon conviction be fined in an amount provided for in General Statutes.

#### **Section 118. Examining and/or Copying Confidential Material without Authorization**

Section 160A-168 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

#### **Section 119. Destruction of Records Regulated**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided for in the General Statutes.





# Request for Town Council Action

**Consent  
Agenda  
Item:** Resolution  
of Support  
**Date:** 07/10/2018

---

**Subject:** Resolution in support of the East Coast Greenway BUILD Transportation Grant Application

**Department:** Planning

**Presented by:** Stephen Wensman, Planning Director

**Presentation:** Consent Agenda

---

## Issue Statement

The Upper Coastal Plain Rural Planning Organization is requesting the Town's support for the East Coast Greenway BUILDs Rural NC Rural Corridor Study Project application, which envisions a 3,000-mile route for biking, walking, and other active transportation means from Maine to Florida that would pass through the Town of Smithfield.

## Financial Impact

None

## Action Needed

Approval of a Resolution of Support for the East Coast Greenway BUILDs Rural NC Rural Corridor Study Project application

## Recommendation

Planning Staff recommends approval of the attached Resolution of Support.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Resolution of Support for the East Coast Greenway Corridor Study BUILD 2018 grant application

**TOWN OF SMITHFIELD  
RESOLUTION # 621 (08-2018)  
RESOLUTION IN SUPPORT FOR THE EAST COAST GREENWAY APPLICATION FOR THE 2018 BUILD  
TRANSPORTATION DISCRETIONARY GRANT APPLICATION**

WHEREAS, the East Coast Greenway vision is a 3,000-mile route for biking, walking, and other active means from Maine to Florida. By providing fun, safe, and accessible infrastructure for everything from a local commute to a long adventure, the Greenway will foster healthy, sustainable, and prosperous communities throughout the Eastern Seaboard; and

WHEREAS, the East Coast Greenway route serves 40-60 miles of bike and pedestrian facilities throughout the Upper Coastal Plain Rural Planning Organization planning area and connecting 5 local towns to a continuous network of safe bike and pedestrian facilities to 25 cities and 425 rural communities from Maine to Florida; and

WHEREAS, the East Coast Greenway is good for business, good for public health, and good for transportation infrastructure by creating a linear park that everyone can enjoy for generations to come; and

WHEREAS, the East Coast Greenway route is being planned to go through the Town of Smithfield and the Town believes the project will improve vehicular and pedestrian mobility for regional tourism and residents, enhance safety, and provide resilience and quality of life in Smithfield; and

WHEREAS, the citizens of the Town of Smithfield share a community of interest with the East Coast Greenway for employment, health care, shopping and recreation, and businesses now located in the area; and

WHEREAS, the East Coast Greenway route will bolster the Town's existing Mountain's to Sea Greenway and plans for its extension, with the Town serving as a hub between the two planned greenways; and

WHEREAS, the East Coast Greenway application's plans to extend broadband coverage along the greenway route also complement's the Town of Smithfield's plans and interest in expanding broadband;

THEREFORE, BE IT RESOLVED that the Town of Smithfield endorses and supports the East Coast Greenway 2018 BUILD Grant Application.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2018.;

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

ATTEST:

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

NORTH CAROLINA  
JOHNSTON COUNTY

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Town Council of the Town of Smithfield, North Carolina, at a meeting held July 10, 2018, at 7 o'clock p.m. at the Town Hall in the Town of Smithfield.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said Town of Smithfield to be affixed, this the \_\_\_ day of \_\_\_, 2018

---

Shannan L. Parrish, Town Clerk

NORTH CAROLINA  
JOHNSTON COUNTY

I, Melissa Rodriguez, a Notary Public, do hereby certify that Shannan L. Parrish, Town Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this \_\_ day of \_\_\_\_\_, 2018

---

Melissa Rodriguez, Notary Public

My Commission Expires: December 19, 2020





# Request for Town Council Action

**Consent**   **Software**  
**Agenda**   **Management**  
**Item:**   **Approval**  
**Date:**   07/10/2018

---

**Subject:** Parks and Recreation/SRAC Software Change  
**Department:** Parks and Recreation/SRAC  
**Presented by:** Gary Johnson  
**Presentation:** Consent Agenda

---

## Issue Statement

In a continued effort to reduce costs, increase revenues and increase efficiency and quality customer service, the Parks and Recreation Department is seeking approval to change Management Software companies from CSI (Daxco) to RecDesk

## Financial Impact

There is no additional financial impact (should see a cost savings)

## Action Needed

Approval to use RecDesk as the Management Software Provider for Parks and Recreation and SRAC

## Recommendation

Approval to use RecDesk as the Management Software Provider for Parks and Recreation and SRAC

Approved:  Town Manager  Town Attorney

Attachments:

1. Staff Report
2. Support Documentation (Quotes)



# Staff Report

**Consent Software  
Agenda Management  
Item: Approval**

Since the opening of SRAC in 2009 through the present, the Parks and Recreation Department has been using CSI (Daxco) as its Management Software provider. The software provides membership management, scheduling, point of sale, credit card transactions, etc. Although the software serves its intended purpose, it is very cumbersome, not user friendly as staff is continually frustrated and the cost does not justify its use. It is designed for larger corporations that have many locations and sites and comes with more than what the Parks and Recreation/SRAC needs or uses. We are currently paying \$17,735 annually for Management Software and \$ 10,000 in merchant service fees (credit card transactions).

In July of 2017, The Parks and Recreation Department began researching and comparing Software Providers with 4 being chosen to further investigate. We looked at cost, merchant service cost, functionality, ease of use as well customer support.

The 4 companies reviewed were RecDesk, CivicPlus, RecPro and Active. Staff was provided with webinars and modules to compare products. After comparing products functionality, cost and ease of use, Active and RecPro were eliminated.

Upon further research and trial periods by both RecDesk and CivicPlus, staff recommended RecDesk. Although the cost of using RecDesk is higher (\$1700 annually) when comparing functionality and ease of use, the additional cost is justified.

RecDesk will provide the features we currently use with CSI with the following advantages:

- Lower cost. Cost is based on revenue and at current revenues, the cost of the Software annually will be \$9550 (a savings of \$8,000 per year) with merchant services being the same. (\$10,000)
- Online registration based on residency and non-residency (we currently cannot offer online registration) .
- User Friendly – Ease of Use is extremely important and RecDesk offers Free Training and Support.
- RecDesk offers a user friendly portal for participants and citizens.
- Multiple attempts to collect fees may be made each month against provided credit cards /debit cards increasing revenues. Currently only one attempt can be made each month.

Cost Comparisons:

CSI Daxco: (Currently used)	Software Fee	\$	17,735.00
	Merchant Service Fees	\$	10,000.00
	<b>TOTAL</b>	<b>\$</b>	<b>27,735.00</b>
RecDesk:	Software Fee	\$	9,950.00
	Merchant Service Fees	\$	10,000.00
	<b>TOTAL</b>	<b>\$</b>	<b>19,950.00</b>
CivicPlus:	Software Fee	\$	8,250.00
	Merchant Service Fees*	\$	10,000.00
	<b>TOTAL</b>	<b>\$</b>	<b>18,250.00</b>

\*CivicPlus will use current merchant service provider which only allows one attempt montly to collect fees. No additional revenues will be realized.

Staff requests approval to enter into an annual agreement with RecDesk to provide Management Software for the Parks and Recreation Department/SRAC. Conversion fees will be \$900 plus the cost of staff to enter current memberships. These costs will be absorbed into the current budget line-item.

# QUOTE



Better by Design. Simple by Nature.

Date: May 16, 2018  
 Quote # 001525  
 Expiration Date: 6/30/2018

RecDesk Software  
 300 Plaza Middlesex  
 Middletown, CT 06457

TO Town of Smithfield (NC) Parks and Recreation w/ SRAC  
 SRAC Director: Dale Ham  
 Customer ID : n/a

Provided By: Todd McEvoy  
 972-743-8633  
 Todd.mcevoy@recdesk.com

QTY	ITEM #	DESCRIPTION	PRICE	TOTAL
1	<p><i>RecDesk Annual Subscription**</i>                      ** All inclusive - no start-up costs</p> <p><i>*Annual base cost based on approx. numbers provided</i></p> <p><u>RecDesk 1 Time Fee Options:</u></p> <p>Data (Personal) Import - \$900                      Financial S/W Integration - \$900</p>	<p>Online Registration                      Program Management                      Facility Reservations &amp; Scheduling                      League Management &amp; Scheduling                      Credit Card Processing                      Full web site (CMS)                      POS (Point of Sale)                      Master Calendar                      Email Marketing Tools                      Membership Management/Check-ins                      Financial Management/Reporting                      Invoicing/Billing                      Fully Hosted                      Includes Training                      Unlimited users/seats                      No per transaction costs ***                      Community Mobile Version                      RecDesk FlexForms</p> <p>*** The first \$500K in transactions processed through the system are included in the base price above. If more than \$500K worth of transactions are processed through RecDesk in a given subscription year, those in excess of \$500K will be assessed a .75% transaction fee - billed quarterly.</p> <p>** The base price is guaranteed for two (2) years and then will increase by no more than ten-percent (10%) in any given renewal year.</p>	*\$7300	\$7300
SUBTOTAL				\$7300
SALES TAX				0
TOTAL				\$7300

Quotation prepared by: Todd McEvoy \_\_\_\_\_

This is a quotation on the goods named, subject to the conditions noted below: (Describe any conditions pertaining to these prices and any additional terms of the agreement. You may want to include contingencies that will affect the quotation.)

To accept this quotation, sign here and return: \_\_\_\_\_

**Thank you for your interest in RecDesk!**

## Dale Ham

---

**From:** Cameron Barnwell <cbarnwell@flatrateprocessing.com>  
**Sent:** Monday, May 14, 2018 10:33 AM  
**To:** Dale Ham  
**Subject:** RE: SRAC/RecDesk Merchant Services  
**Attachments:** GovtPortal Application\_RecDesk (1).pdf

Good morning Dale,

We will be able to match the 2.1%.

The one page application is attached below, and feel free to send this directly to me along with a voided check or bank letter. Let me know if you have any questions or concerns. Thanks!

Regards,

Cameron

Cameron Barnwell  
Office: 888-592-1110 EXT. 189  
Fax: 770-804-2001  
cbarnwell@flatrateprocessing.com



**Rec1 Pricing Quote**



**Software Licensing (REQUIRED)**

Ongoing Licensing Fee	1% per Net Transaction Invoiced Monthly
Initial Software Licensing Fees	\$0
Monthly Minimum Fee	\$100/month  Note: This is only a monthly minimum meaning that it takes effect only if 1% of the total transactions for your account in a given month is not more than the specified minimum.
<b>Included Services</b>	<b>Cost</b>
Unlimited Phone, Email, and Web Support	\$0
Unlimited Sites and Users on the System	\$0

**Merchant Fees/Credit Card Processing - (One of two options is REQUIRED)**

**Option 1: Rec1 collects and disburses all credit card monies**

Merchant Processing Fees will be calculated using a "Processing Rate" which is a percentage of each positive Charge that is captured through the system. No Processing Rate fees are credited back in the event of a refund or credit. In addition to the Processing Rate, an additional Transaction Fee will be assessed which is a fixed amount per transaction. This Transaction Fee will also only apply to positive Charges and will not apply to Refunds or Voids. Unless otherwise specified, all fees due and payable to Rec1 will be deducted from the funds collected in the merchant account prior to disbursement. Unless otherwise arranged, disbursements will occur either monthly (on or about the 1st of the next month) or semi-monthly (on or about the 1st as well as the 16th of each month).

i. Standard Merchant Processing Rates are as follows:

Processing Rate - 3% per "charge" transaction  
 Transaction Fee - \$.30 per transaction

[Confidential]

ii. There are no monthly minimum fees for merchant processing. Customer simply pays for what it uses.

iii. Rec1 reserves the right, at any time, to adjust the merchant processing rate or transaction fee to more accurately reflect the amount and type of credit card transactions being processed. Rec1 will give 30 days' notice upon such change.

**Option 2: Rec1 interfaces to the client's existing merchant account**

If you have a merchant account and have a payment gateway enabled on it (typically Authorize.net), Rec1 will interface directly to your merchant account, and you will not be assessed any merchant fees from Rec1. You will pay those directly to your merchant provider.

Transaction Fee: FREE

[Confidential]

**Note: All costs from here down are optional and only apply if the customer desires any of the services listed**

**Interface Development Fees (Optional)**

Interface to 3rd Party Payment Gateway (or similar)	\$250-\$500 *Would only apply if Rec1 is not the "Merchant". Rec1 can make a final determination on whether this fee applies as soon as a payment gateway name is provided. Additional fee's may apply if a new interface needs to be written.
Interface to Desired Financial/ERP Package	Does Not Apply (Typically ~\$2,500)

**Upfront Development Fees (Optional)**

Hourly Work on any custom modules	Does Not Apply (Typically \$100/hr)
Hourly Work on legacy data imports	Does Not Apply (Typically \$100/hr)

Note: All custom development will be estimated and agreed upon prior to workstart.

**Training/Travel/Onsite Costs (Optional)**

Flat Fee for Onsite Training/Work	Does Not Apply (Typically \$1,000 per day)
Travel Reimbursement	Does Not Apply (RT Flight Per Resource)
Rental Car/Taxi Reimbursement	Does Not Apply (Car plus Fuel)
Hotel	Does Not Apply (Per Night Per Resource)
Per Diem (Food)	Does Not Apply (\$75 Per Day Per Resource)

[Confidential]

<b>Summary of Upfront Costs</b>
---------------------------------

Merchant Interface Costs (If Rec1 Merchant option is not selected)	\$250.00  *assumes other standard gateway is selected that we are familiar with
Onsite Training Costs Typical: \$1,000 per day	N/A *  *assumes no onsite training
Estimated Travel Costs for Training and Initial Onsite Work Typical: o Round Trip Flight o Hotel Rooms per night o Rental Car o Per diem	N/A*  *assumes no onsite training
Data Transformation from Existing System Standard Rate: \$100/hr	N/A*  *assumes no data import
<b>Total Upfront Costs</b>	
<b>\$250.00</b>	

**Notes on Hardware:**

- Rec1 pricing does not include any hardware peripherals like PC's, credit card readers, barcode readers, etc.
- These hardware costs are separate and will be the responsibility of the client.
- Rec1 can assist in identifying hardware needs and procuring hardware for use with the Rec1 system.
- Rec1 can also assist in hardware installation and training.
- Applicable hourly/onsite fees (listed above) will apply.
- The customer has no server costs. Those are included in the pricing.

[Confidential]





# Request for Town Council Action

**Consent Agenda Item:** Pay and Classification Study  
**Date:** 07/10/2018

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**Subject:** Pay and Classification Study  
**Department:** General Government  
**Presented by:** Tim Kerigan  
**Presentation:** Consent Agenda

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## Issue Statement

Per the direction of the Town Council and Town Manager, staff has researched options for conducting a Pay and Classification Study and recommends the lowest-priced proposal.

## Financial Impact

Proposed contract fee is \$18,000 which is below the approved amount of \$20,000. Project and funds were approved in FY 2017-2018 and encumbered in the FY 2018-2019 account of 10-10-4100-5300-4501 (Service Contracts).

## Action Needed

Council approval to proceed with request.

## Recommendation

Staff recommends awarding the lowest-priced proposal to TJCOG as outlined in the Staff Report.

Approved:  Town Manager  Town Attorney

Attachments:

1. Staff Report
2. Proposals



## Staff Report

**Consent  
Agenda  
Item:** **Pay and  
Classification  
Study**

---

Per the direction of the Town Council and Town Manager, staff has researched options for conducting a Pay and Classification Study and recommends the lowest-priced proposal. While a formal bid process may not have been required, staff asked four companies to provide proposals to make certain of the best value. Two provided no response. The MAPS Group provided a quick response with a cost of \$19,025. Triangle J Council of Governments (TJCOG), of which the Town is a dues-paying a member, offered an affiliate price of \$18,000. Staff has had good relations with TJCOG and feels that they provide the best service requested and at the lowest price to the Town.

## Tim Kerigan

---

**From:** Lee Worsley <lworsley@tjcog.org>  
**Sent:** Thursday, June 07, 2018 12:19 PM  
**To:** Tim Kerigan  
**Subject:** Pay Study

Hi Tim

I spoke with Matt at PTRC yesterday and I think he is comfortable with the items that you, Mike and I discussed last week, but I think all of us should get on a call just to make sure. Matt had some good observations about the interests that Mike had and it would be helpful for all of us to discuss.

Also I know you had asked for places to get other quotes from. Just as an FYI, since we are a local government, there is no legal requirement for you to get other quotes because you are contracting with another local governments for a service. But if you need to get two other quotes to satisfy a local policy or Mike's direction, I certainly understand and Matt and I can work to get you some firms to contact.

Matt is going on vacation so are there some dates and times after June 15 that would work for you and Mike? I thought we could take care of the questions from Mike first and then make sure we focus in on your questions around part time after we are done with Mike's questions.

Let me know what you think.

Lee

E-Mail correspondence to and from this address is subject to the North Carolina Public Records Act and may be disclosed to third parties unless made confidential under applicable law.

\$18,000 -

## Tim Kerigan

---

**From:** Becky Veazey <bveazey@themapsgroup.com>  
**Sent:** Tuesday, June 05, 2018 10:25 AM  
**To:** Tim Kerigan  
**Subject:** Re: Classification and Pay Study  
**Attachments:** Classification and Pay Study Information.docx

Tim,

Good morning. Sorry I was out of town yesterday and not able to respond until this morning. The cost for the study is \$19,025 and is performed under a contract between the Town and the NCLM. It is important that there is a commitment from elected official to implement the study before beginning it.

I am attaching a document that describes the study in more detail. Let me know if you have questions or need a proposal. Right now we are booked through September.

Thanks,  
Becky

On Mon, Jun 4, 2018 at 10:01 AM, Tim Kerigan <[tim.kerigan@smithfield-nc.com](mailto:tim.kerigan@smithfield-nc.com)> wrote:

Becky,

Please provide a cost estimate for a combined classification and pay study. We have approximately 100 full time positions (145 employees) and 10 part-time positions (100 employees). I've attached a draft salary schedule for your review. Email response requested. A brief summary of your typical scope of services would be appreciated if you would like to send.

Thank you,

Tim

Tim Kerigan, SHRM-CP

HR Director/Public Information Officer/Economic Development Liaison

Town of Smithfield, NC

(919) 934-2116 x1109

## Classification and Pay Study Information

Conducting a classification and pay study typically takes approximately 2.5 to 4 months, depending on the size of the organization. The MAPS Group's approach is to make the process as transparent and understandable as possible. We believe this is important because a good study can have a negative morale impact if employees misunderstand it or if the study lacks credibility with employees.

We also strongly recommend undertaking a study only when there is commitment to follow through with funding the implementation. The negative impact on morale is significant if a study is not implemented. Implementation costs are the greater cost, not the fee to conduct the study. We work with organizations to phase the study in over two or three years if the implementation costs are greater than can be allocated in one year.

Questionnaires. All employees who are in the retirement system are typically included in the study and each employee in the study should complete a Position Description Questionnaire. These can be downloaded in either Word or PDF from our website [www.themapsgroup.com](http://www.themapsgroup.com). The Word document can be completed digitally and then printed and signed. Hand written form completion on the PDF version is fine as well.

On-site Meetings and Interviews. Once we receive the completed questionnaires, we schedule an on-site visit that includes meetings and interviews. We usually start with a meeting with management and department heads and go over the process and methodology of the study, answer questions, discuss time lines, and identify a list of organizations to include in the salary survey. We then have orientation meetings for employees to attend to hear about the process and methodology and ask questions. The number of these meetings depends on the size of the workforce. These meetings can be videotaped if not all employees are able to attend the scheduled sessions.

During this trip we also conduct interviews with employees. We interview at least one employee with each different set of duties as described on the questionnaires regardless of job titles. The purpose of the interviews is to make sure we accurately understand duties and responsibilities listed on the questionnaires so we can accurately classify the jobs and make accurate salary comparisons.

Analysis and Report Preparation. After interviews we conduct the salary survey, write a narrative report with our findings, prepare organization charts that reflect recommended classification titles, prepare the recommended salary chart and assign each classification to a salary range based on market data, identify which positions are exempt for FLSA purposes, perform a benefits survey, and write or update class specifications (job descriptions). All of this is then sent back to the organization in draft form for review and to provide us with feedback before finalizing the study and presenting it to elected officials.

Personnel Policy Update. In most classification and pay studies, we also review and make recommendations to update the personnel policy. Review is for modern, effective and best practices approaches as well as legal and regulatory compliance.

Presentation to Elected Officials. We have found that a presentation to elected officials on the process and methodology of the study prior to providing the recommendations to them helps them understand and review the study with better context and acceptance. It is best to present the study in a work session environment because it takes approximately 1 to 1.25 hours. We typically do a 30 to 45 minute presentation (depending on questions) and then pass out the study documents and walk elected officials through the document. We then leave it with them for review and come back when they are ready to address any questions or issues.

For municipalities and NCLM Associates, these studies are performed on a contract with the NCLM with The MAPS Group as a subcontractor.

## Tim Kerigan

---

**From:** Tim Kerigan  
**Sent:** Monday, June 04, 2018 3:21 PM  
**To:** 'info@feliceassociates.com'  
**Subject:** Pay and Class Study Request  
**Attachments:** Contact Felice Associates in Greensburg PA.pdf; Draft Salaries FY 2018-19\_06-04-2018.pdf

Please see attached.  
Thank you,  
Tim

Tim Kerigan, SHRM-CP  
HR Director/Public Information Officer/Economic Development Liaison  
Town of Smithfield, NC  
(919) 934-2116 x1109

No Response



**National office**

1215 West Rio Salado Parkway, Suite 109  
Tempe, Arizona 85281

Offices in major cities nationwide.

06/09/2018 9:45  
Submitted via  
company's website

**Call us**

(888) 522-7772 Toll Free

(480) 947-6164 Local

(480) 970-6019 Fax

No Response

**Get in touch**

[matt@pspc.us](mailto:matt@pspc.us)

[info@compensationconsulting.com](mailto:info@compensationconsulting.com)

# Contact PSPC to discuss your project

Required fields are marked with an asterisk (\*).

Name\*

Title\*





# Request for Town Council Action

**Consent  
Agenda  
Item:** **Budget  
Amendments**  
Date: 07/10/2018

---

**Subject:** Budget Amendments  
**Department:** Finance  
**Presented by:** Greg Siler  
**Presentation:** Consent Agenda

---

**Issue Statement** – To Correct Funding Source of Water/Sewer Inventory and Assessment (AIA) Project From Fund Balance To Grant Revenue.

**Financial Impact** – None

**Action Needed** – Approve as presented

**Recommendation** – Approve Amendments

Approved:  Town Manager  Town Attorney

Attachment:

1. Budget Amendment

**BUDGET AMENDMENTS**  
**30-Jun-18**

<b>1. Revenue</b>					
45-75-3870-3870-0301	Transfer From Water Fund	\$ 1,964,233	\$ (300,000)	\$	1,664,233
45-71-3700-7200-0001	AIA Grant - Water	-	150,000		150,000
45-71-3700-7220-0002	AIA Grant - Sewer	-	150,000		150,000
		<u>\$ 1,964,233</u>	<u>\$ -</u>		<u>\$ 1,964,233</u>

To fund the Water/Sewer Asset Inventory and Assessment (AIA) Project as approved at the October 4, 2016 Council Meeting with grant proceeds. Was originally funded with fund balance

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

VERIFIED: \_\_\_\_\_  
Shannan Parrish, Town Clerk



# Request for Town Council Action

Consent  
Agenda  
Item:

Fire  
Department  
Firefighter II  
Promotions

Date: 07/10/2018

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**Subject:** Firefighter II Promotion

**Department:** Fire

**Presented by:** Chief John Blanton

**Presentation:** Consent Agenda

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## Issue Statement

The Fire Department currently has two eligible firefighters that have met all requirements to be promoted to the position of Firefighter II within the Fire Department Career Ladder.

## Financial Impact

The Fire Department budgeted an increase for these promotions in the current Fiscal Year of 2018/2019.

## Action Needed

Council to approve these promotion's within the department's Career Ladder.

## Recommendation

To approve the career ladder promotions.

Approved:  Town Manager  Town Attorney

Attachments:

1. Staff Report



# Staff Report

Consent  
Agenda  
Item: Fire  
Department  
Firefighter II  
Promotions

---

## Smithfield Fire Department Career Ladder Policy

### PURPOSE

- The purpose of this procedure is to identify the eligibility requirements for the positions of Firefighter I, Firefighter II, and Fire Engineer, Fire Captain, Fire Inspector I, and Fire Inspector II, Division Chief – Fire Marshal, Division Chief – Training, and Fire Chief.

Positions within the Smithfield Fire Department are established to provide for the advancement of qualified, efficient, effective, skilled, and dedicated personnel. These personnel must, through initiative, loyalty, and commitment, be able to actively contribute to the efficient and harmonious operations of the department. A thorough knowledge of department operations, equipment and the department's jurisdiction must be achieved and maintained.

### POLICY

- It shall be the policy of The Town of Smithfield Fire Department to provide career advancement, subject to budget limitations, for the personnel who demonstrate an acceptable level of knowledge, skill, and ability.
- To be considered for promotion/selection to any of the positions below, a candidate must maintain annual upgrades for all certifications and requirements where applicable. The candidate must have a recommendation letter from their immediate supervisor and have received no disciplinary action within the last 12 month period.
- The Fire Chief may waive certain requirements to maintain a balance of job classifications.

## **ELIGIBILITY REQUIREMENTS**

### **Firefighter I**

- High School Diploma or GED
- Must have and maintain a valid NC driver's license
- NC Fire and Rescue Commission Firefighter Certification
- NC Fire and Rescue Commission Hazardous Materials Level 1 Responder Certification
- NC Emergency Medical Technician Certification
- Must successfully complete departmental testing
- National Incident Management IS-700
- National Incident Management IS-800
- NC Class B Driver's License must be obtained within 6 months of hire date

### **Firefighter II**

- Must have served twenty-four (24) months as a Firefighter I with The Town of Smithfield Fire Department
- NC Fire and Rescue Commission Emergency Vehicle Driver Certification
- NC Fire and Rescue Commission Technical Rescuer Certification
- Completion of departmental Driving Programs for all apparatus
- Must be at least 21 years of age
- National Incident Management ICS-100
- National Incident Management ICS-200
- Must successfully complete departmental testing





# Request for City Council Action

**Consent** **Advisory**  
**Agenda** **Board**  
**Item:** **Appointments**

Date: 07/10/2018

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**Subject:** Advisory Board Appointments  
**Department:** General Government  
**Presented by:** Town Clerk, Shannan Parrish  
**Presentation:** Consent Agenda

---

## Issue Statement

The Town Council is asked to consider a new appointment to the Parks and Recreation Advisory Commission.

## Financial Impact

N/A

## Action Needed

The Town Council is asked to consider and approve the application of Evelyn (Lyn) Andrews to a first term on the Parks and Recreation Advisory Commission

## Recommendation

Staff recommends approval of this appointment.

Approved:  Town Manager  Town Attorney

Attachments:

1. Staff Report
2. Evelyn (Lyn) Andrew – Board Application



# Staff Report

Consent    Advisory  
Agenda    Board  
Item      Appointments

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## **Current Board vacancies are as follows:**

**Appearance Commission** – 3 positions

**Historic Properties** – 2 positions

**Parks and Recreation Advisory Commission**

- 1 In-Town Member

**Planning Board** – 1 ETJ Alternate

## **Board Reappointments**

1. Evelyn (Lyn) Andrews has submitted an application for consideration to be appointed to a first term on the Parks and Recreation Advisory Commission.



Town of Smithfield
Board, Commission, or Committee
Application

Name: Andrews Evelyn (Lyn) S
(Last) (First) (MI)

Home Address: 8 Afton Lane Smithfield, NC 27577

Business Name & Address:

Telephone Numbers: (919) 934-3321 (919) 609-9413 lyn-andrews@ymail.com
(Home) (Mobile) (Email)

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

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

Interests & Skills: Reading - Communication - Problem Solving

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

Recent Job Experiences: Retired as Director of Exceptional Children Programs - JCPS
Friends of the Park Committee, Retired Aquatic Director - Smithfield Recreation Aquatic Center
Adjunct Professor - Campbell University

Civic or Service Organization Experience: Former member - Parks + Recreation Advisory Committee
Volunteer - Miracle League Teaching Leader - Bible Study Fellowship

Town Boards previously served on and year(s) served: Park + Recreation Advisory Committee

Please list any other Boards/Commissions/Committees on which you currently serve: None

Why are you interested in serving on this Board/Commission/Committee? I am very interested  
in enhancing + promoting the opportunities for all adults + children to access + enjoy  
the benefits of Smithfield Parks + Recreation

**Affirmation of Eligibility:**

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

Yes  No If yes, please explain disposition: \_\_\_\_\_

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

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

Printed Name: Evelyn Story Andrews

Signature: Evelyn Story Andrews Date: 5-30-18

Return completed for to:

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

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



# Staff Report

**Consent Agenda Item: Date**    **New Hire / Vacancy Report**    **07/10/2018**

**Date of Meeting:**    **July 10, 2018**                      **Date Prepared:**    **June 28, 2018**

**Staff Work By:**            **Tim Kerigan, HR Director**

**Background**

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

In addition, please find the following current vacancies:

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Marketing and Communications Specialist	General Government	10-10-4100-5100-0200
Police Officer I	Police	10-20-5100-5100-0200
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200

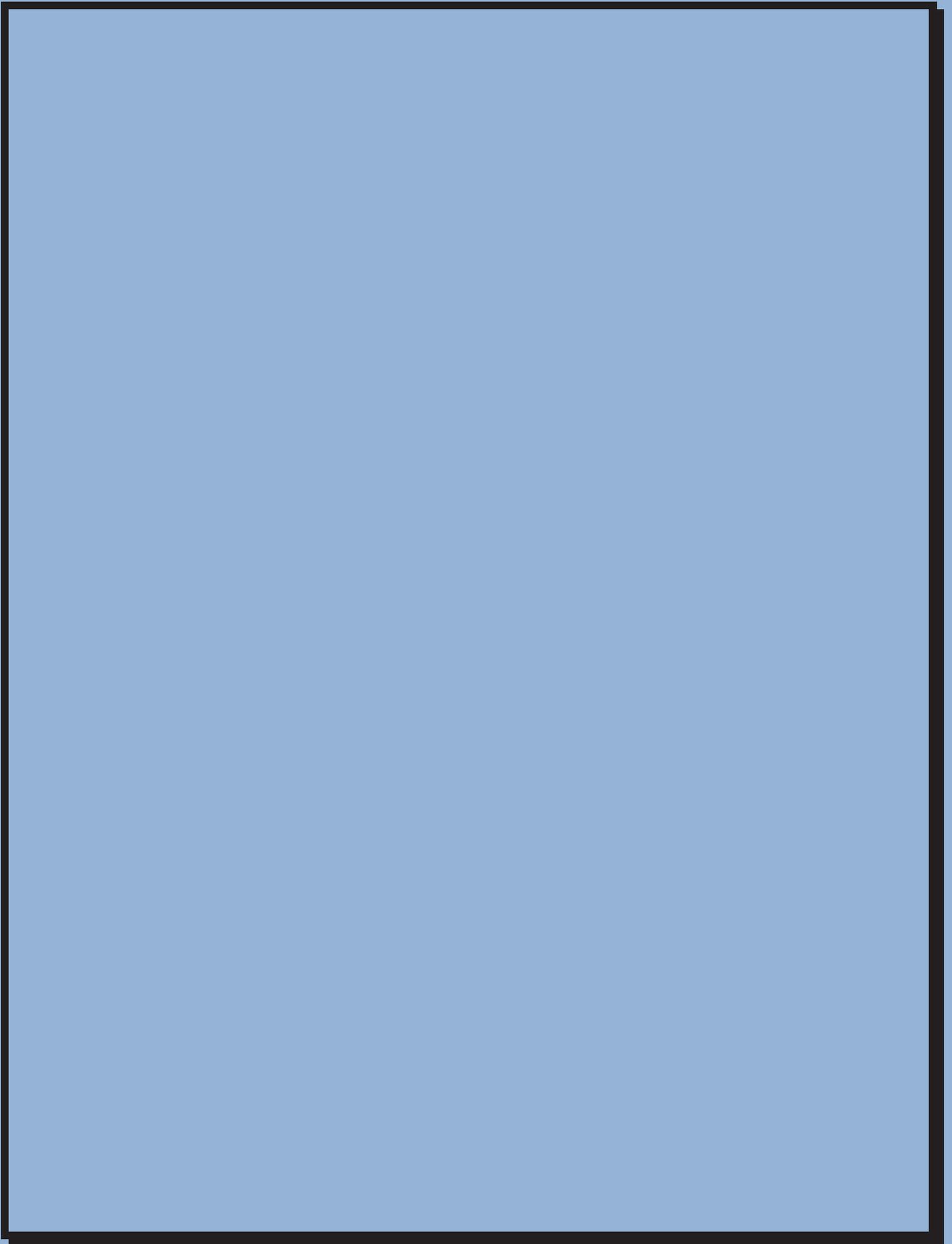
**Action Requested**

The Town Council is asked to acknowledge that the Town has successfully filled the following vacancies in accordance with the Adopted FY 17-18 Budget.

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Firefighter I	Fire	10-20-5300-5100-0200	\$15.64/hr. (\$34,157.76/yr.)
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T P&R Staff	P & R – Recreation	10-60-6220-5100-0210	\$9.00/hr.
P/T SRAC Staff	P & R – Aquatics	10-60-6220-5100-0220	\$8.00/hr.
P/T SRAC Staff	P & R – Aquatics	10-60-6220-5100-0220	\$8.00/hr.
P/T SRAC Receptionist	P & R – Aquatics	10-60-6220-5100-0220	\$9.00/hr.
P/T Laborer	PU – Water/Sewer	30-71-7220-5100-0200	\$8.00/hr.
P/T Laborer	PU – Water/Sewer	30-71-7220-5100-0200	\$8.00/hr.
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200	\$12.46/hr. (\$25,916.80/yr.)



# Business Items





# Request for Town Council Action

<b>Business Agenda Item:</b>	<b>Sanitation Rate Adjustment</b>
Date:	07/10/2018

<b>Subject:</b>	Sanitation Rate Adjustment
<b>Department:</b>	Public Works
<b>Presented by:</b>	Lenny Branch, Public Works Director
<b>Presentation:</b>	Business Item

### Issue Statement

The Public Works Department is proposing to raise the sanitation rates for Town of Smithfield customers.

### Financial Impact

Due to the increase in tipping fees (July 1<sup>st</sup>) at the Johnston County Landfill; the Landfill Fees Sanitation line 10-40-5800-5300-4501 will increase \$10,000.00.

### Action Needed

Council's approval for rate increase.

### Recommendation

Staff recommends the rate increase.

Approved:  Town Manager  Town Attorney

### Attachments:

1. Staff report
2. Letter from Johnston County verifying rate increase.
3. Fee Schedule



# Staff Report

**Business  
Agenda  
Item:**      **Sanitation  
Rate  
Adjustment**

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On June 22, 2018 the Public Works Department received confirmation of a Landfill fee increase from the county. The Johnston County Landfill fee increase (July 1, 2018) will raise our household garbage tipping rate of now \$35.00 per ton to \$37.00 per ton. Based on our averages; this increase will cost the Town of Smithfield an additional \$10,000.00 per year. With the uncertainty of the now "approved" county increase, the money wasn't added to the budget line. In order to pay the additional Landfill fees it is proposed to increase the Town of Smithfield Sanitation rates 24 cents per month per customer.

Curbside customers currently pay: \$16.00 per month  
**With Proposed increase: \$16.24 per month.**

Backyard customers currently pay: \$20.00 per month.  
**With Proposed increase: \$20.24 per month.**

The Yard Debris collection fee of \$10.00 per month will not change.

Staff recommends increasing the Town of Smithfield Sanitation rates 24 cents per customer per month. The proposed recommendation is due to the approved increase in tipping fees from Johnston County.

## Lenny Branch

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**From:** Barbara Barefoot  
**Sent:** Friday, June 22, 2018 1:03 PM  
**To:** Lenny Branch; Lawrence Davis; kim.jones@johnstonnc.com  
**Subject:** FW:

Lenny and Lawrence,  
Please see below for Tipping Fees effective July 1, 2018.

Kim,  
Thank you for assisting with our request.

*Barbara H. Barefoot*

Administrative Support Specialist  
Town of Smithfield  
Public Works Department  
PO Box 761  
231 Hospital Road  
Smithfield, NC 27577  
(919) 934-2596 Office  
(919) 934-1522 Fax  
[barbara.barefoot@smithfield-nc.com](mailto:barbara.barefoot@smithfield-nc.com)

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**From:** Kim M. Jones [<mailto:kim.jones@johnstonnc.com>]  
**Sent:** Friday, June 22, 2018 12:03 PM  
**To:** Barbara Barefoot  
**Subject:**

Dear Barbara,  
Here is our new fee listing:

### TIPPING FEES (July 1, 2018)

Municipal Solid Waste	\$37.00 Per Ton (Includes \$2 Per Ton NC Fee)
Construction and Demolition Waste	\$30.00 Per Ton (Includes \$2 Per Ton NC Fee)
Land Clearing and Inert Debris	\$30.00 Per Ton (Includes \$2 Per Ton NC Fee)
Asbestos	\$45.00 Per Ton (Includes \$2 Per Ton NC Fee)
Yard Waste and Vegetative Debris	\$18.00 Per Ton
Non-Commercial Yard Waste	\$8.00 Per ½ Ton Pickup Truck Load Volume
Clean Wood Waste	\$18.00 Per Ton
Automobile Tires	No Charge for Residential or Retail Tires / \$65.00 Per Ton for Ineligible Tires
All Transactions	\$5.00 Minimum Fee

HAPPY FRIDAY!! Have a great weekend!!

Love you,  
Kim

**TOWN OF SMITHFIELD**  
**FY 2018-2019**  
**ADOPTED JUNE 5, 2018**  
*Excerpt of the*  
**DEPARTMENTAL FEE SCHEDULE**

**Solid Waste Collection**

**Residential**

Standard Collection, Monthly Fee.....	<del>\$16.00</del>	<b>\$16.24</b>	(one roll-out container)
Additional Roll-out Container (standard).....	<del>-\$16.00</del>	<b>\$16.24</b>	(each container)
Backyard Collection, Monthly Fee .....	<del>\$20.00</del>	<b>\$20.24</b>	(one roll-out container)
Additional Roll-out Container (backyard) .....	<del>\$20.00</del>	<b>\$20.24</b>	(each container)
Backyard Collection, Disabled / Age 70 +.....	<del>\$16.00</del>	<b>\$16.24</b>	(one roll-out container)
Yard Debris Collection, Monthly Fee.....		\$10.00	(required)
Large Pile(s) of Debris Pickup.....		\$80.00	(per truck load = 8 cubic yards)

**Churches /Non-Profit**

Standard Pickup, Monthly Fee .....	<del>\$16.00</del>	<b>\$16.24</b>	(two roll-out containers)
Additional Solid Waste Roll-out Container (standard pickup) .....	<del>\$16.00</del>	<b>\$16.24</b>	(each container)
Backyard Pickup, Monthly Fee .....	<del>\$20.00</del>	<b>\$20.24</b>	(two roll-out containers)
Additional Solid Waste Roll-out Container (backyard pickup) .....	<del>\$20.00</del>	<b>\$20.24</b>	(each container)
Yard Debris Collection, Monthly Fee .....		\$10.00	(required)
Large Pile(s) of Debris Pickup .....		\$80.00	(per truck load = 8 cubic yards)



# Request for Town Council Action

**Business  
Agenda  
Item:** Sewer Rate  
Adjustment  
**Date:** 07/10/2018

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**Subject:** Sewer Rate Adjustment  
**Department:** Public Utilities  
**Presented by:** Ted Credle  
**Presentation:** Business Item

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## Issue Statement

The Public Utilities Department is proposing to raise the sewer rates for the customers served by the Town of Smithfield.

## Financial Impact

Revenue will have to be increased to cover the increased cost of the County's raised rates.

## Action Needed

Approve the proposed rate increase

## Recommendation

Staff recommends the rate increase

Approved:  Town Manager  Town Attorney (not required)

## Attachments:

1. Staff Report
2. E-mail from the County detailing rate increase as approved by the County Commissioners



# Staff Report

**Business  
Agenda  
Item: Sewer Rate  
Adjustment**

On June 20, 2018 the Johnston County Board of County Commissioners approved a rate increase for the County Utility Department services. The rate increase will affect all customers for Johnston County, including the Town of Smithfield.

The Board of Commissioners approved a bulk water rate increase of 5%, as well as, a sewer rate increase of over 5%. This is a cost the Town will have to pay on a monthly basis through the Town invoice for sewer service. As the Town did not budget for this increase, it is proposed to increase sewer rates by a commiserate amount to cover this increased cost. Below is a table of actual and proposed increases.

## County Approved Rate Increase

	Old Rate (Budgeted)	July 1, 2018 Rate	% Change
Sewer Flow	\$2.98/1,000 gallons	\$3.13/1,000 gallons	5.03
Transmission	\$0.51/1,000 gallons	\$0.54/1,000 gallons	5.88
Total	\$3.49/1,000 gallons	\$3.67/1,000 gallons	5.16

## Proposed Town of Smithfield Rate Increase

	Current Rate	Proposed Rate	% Change
In-Town Residential	\$8.25/1,000 gallons	\$8.43/1,000 gallons	2.19
In-Town Non-Residential	\$9.90/1,000 gallons	\$10.08/1,000 gallons	1.82
Out-of-Town Residential	\$16.50/1,000 gallons	\$16.86/1,000 gallons	1.01
Out-of-Town Non-Residential	\$19.80/1,000 gallons	\$20.16/1,000 gallons	0.91

It is proposed to make this increase effective on August 1, 2018, in accordance with the Town billing cycle.

**From:** [Ted Credle](#)  
**To:** [Shannan Parrish](#)  
**Subject:** FW: Proposed Water and Sewer Rates for FY 18/19  
**Date:** Wednesday, June 27, 2018 5:09:32 PM

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E-mail to go along with Agenda Form

Ted Credle, P.E.  
Director of Public Utilities  
Town of Smithfield  
PO Box 761  
230 Hospital Rd.  
Smithfield, NC 27577  
919-934-2116 x-1162  
[ted.credle@smithfield-nc.com](mailto:ted.credle@smithfield-nc.com)

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**From:** Chandra Farmer [<mailto:chandra.farmer@johnstonnc.com>]  
**Sent:** Thursday, June 21, 2018 6:08 PM  
**To:** Ted Credle  
**Cc:** Howard Mills; Eric Narron  
**Subject:** RE: Proposed Water and Sewer Rates for FY 18/19

Ted,

I wanted to confirm that the Johnston County Board of Commissioners approved the recommended water and sewer rate adjustments (identified below) with the FY 18/19 County budget adoption last night. These adjustments will be effective July 1, 2018.

Thanks,  
Chandra

**Chandra Cox Farmer, PE**  
Director  
Johnston County Department of Public Utilities  
PO Box 2263  
309 E. Market St.  
Smithfield, NC 27577  
(919) 209-8333  
(919) 934-7174 (fax)

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**From:** Chandra Farmer [<mailto:chandra.farmer@johnstonnc.com>]  
**Sent:** Thursday, March 08, 2018 1:35 PM  
**To:** 'Ted Credle'  
**Subject:** Proposed Water and Sewer Rates for FY 18/19

Hi Ted,

I hope you are doing well. Although, the Utilities Department has not completed our budgeting process or discussed the details with our County Manager, I wanted to give you a head's up that I plan to recommend a 5% rate increase for bulk wastewater, in addition to a 5% rate increase for bulk water. These recommendations are consistent with the third party rate study we had completed in the spring of 2017.

Therefore, I would expect the rates to be adjusted as follows:

Bulk Water = \$2.40/1,000 gallons

Bulk Wastewater:

Transmission = \$0.54/1,000 gallons

Treatment = \$3.13/1,000 gallons

Please let me know if you have any questions.

Thanks,  
Chandra

**Chandra Cox Farmer, PE**

Director

Johnston County Department of Public Utilities

PO Box 2263

309 E. Market St.

Smithfield, NC 27577

(919) 209-8333

(919) 934-7174 (fax)

**TOWN OF SMITHFIELD**  
**FY 2018-2019**  
**ADOPTED JUNE 5,2018**  
*Excerpt of the*  
**DEPARTMENTAL FEE SCHEDULE**

**Sewer Rates**

**Basic Charge**

Inside City Customers (All)     \$12.63  
 Outside City Customers (All)     \$22.11

**Consumption Charges**

	<b><u>Inside City</u></b>		<b><u>Outside City</u></b>	
	<b><u>Rate</u></b>		<b><u>Rate</u></b>	
Residential Customer	<del>\$8.25</del>	<b>\$8.43</b>	<del>\$16.50</del>	<b>\$16.86</b>
Non-Residential Customer	<del>\$9.90</del>	<b>\$10.08</b>	<del>\$19.80</del>	<b>\$20.16</b>





# Request for Town Council Action

**Business** **SRAC**  
**Agenda** **Membership**  
**Item:** **Rates for**  
**Employees**  
Date: 07/10/2018

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**Subject:** Amendment to SRAC Membership Rates for Employees  
**Department:** Parks and Recreation – Aquatics Center  
**Presented by:** Dale Ham, Recreation and Aquatics Center Director  
**Presentation:** Business Item

---

## Issue Statement

Staff is requesting the clarification and approval of amended SRAC membership rates for employees of the Town of Smithfield and Johnston County Public Schools.

## Financial Impact

None expected.

## Action Needed

Consideration and approval of request.

## Recommendation

Approval of request to amend the Town's Fee Schedule to reflect the proposed reduced rates for Town of Smithfield and Johnston County Public Schools employees.

Approved:  Town Manager  Town Attorney

Attachments:

1. Staff Report
2. Fee Schedule



# Staff Report

**Consent  
Agenda  
Item: SRAC  
Membership  
Rates for  
Employees**

At the June 05, 2018 Council Meeting, Council adopted the proposed FY 2018-2019 Budget, including the updated Fee Schedule. Upon review following that adoption, it was noticed that there was miscommunication on the intended SRAC membership rates for the employees of the Town of Smithfield and Johnston County Public Schools.

In the adopted budget, Town of Smithfield employees receive a 50% rate reduction from “Community Rates” and Johnston County Public Schools employees receive a 25% rate reduction from “Community Rates”. The intent was for employees to receive the 50% / 25% rate reduction from the Corporate and/or Senior membership rate whichever is applicable

The major difference from FY 2017-2018 to FY 2018-2019 is that employees that are Smithfield residents will experience a slight decrease in rates and employees that are not Smithfield residents will experience a slight increase in rates.

For example, a Town of Smithfield employee that is a resident of the Town will pay a rate of \$15/month, where they would have paid a rate of \$17.50 in FY 2017-2018. A Town of Smithfield employee that is not a resident of the Town will pay a rate of \$21.00/month, where they would have paid a rate of \$17.50/month in FY 2017-2018.

See the proposed Membership Rates (Monthly/Annually) below:

Membership Type	Smithfield Residents		Non-Residents	
	Community	Corporate	Community	Corporate
Individual	\$40.00 / \$432.00	\$30.00 / \$324.00	\$52.00 / \$561.60	\$42.00 / \$453.60
Senior Individual (59+)	\$25.00 / \$300.00	\$25.00 / \$300.00	\$40.00 / \$453.60	\$40.00 / \$453.60
Family Add-On (per person)	\$7.00 / Month	\$7.00 / Month	\$10.00 / Month	\$10.00 / Month

Special Membership Rates:

Full-time Town of Smithfield employees shall pay 50% of the applicable membership rate when enrolled in payroll deduction

Full-time Johnston County Public Schools employees shall pay 75% of the applicable membership rate when enrolled in payroll deduction

**TOWN OF SMITHFIELD**  
**FY 2018-2019**  
**ADOPTED JUNE 5,2018**  
*Excerpt of the*  
**DEPARTMENTAL FEE SCHEDULE**

**Recreation & Aquatics Center**

Membership Rates are based on annual agreements.

Members receive a 10% discounts on services and programs.

Smithfield Residents are those persons living within the corporate limits of Smithfield.

Enrollment Fee: ..... \$35.00/ per person

Monthly Drafts/Annual Payment ..... 10% Discount

<b>Membership Type</b>	<b>Smithfield Residents</b>		<b>Non-Resident Rates</b>	
	<b>Community</b>	<b>Corporate</b>	<b>Community</b>	<b>Corporate</b>
Individual	\$40.00 / \$432.00	\$30.00/ \$324.00	\$52.00/ 561.60	\$42.00/ 453.60
Senior (Ind)	\$25.00/ 300.00	\$25.00/ 300.00	\$40.00/453.60	\$25.00/ 300.00
Town of Smithfield Employee/	<del>50% Off Resident Community Rate</del>	50% Off Resident Corporate Rate	<del>50% Off Non-Resident Community Rate</del>	50% Off Non-Resident Corporate Rate
Johnston County School Employee	<del>25% off Resident Community Rate</del>	25% off Resident Corporate Rate	<del>25% Off Non-Resident Community Rate</del>	25% Off Non-Resident Corporate Rate
Family add-on (per)	\$7.00/ per person	\$7.00/ per person	\$10.00/ per person	\$10.00/ per person





# Request for Town Council Action

**Business  
Agenda  
Item:** Approval of  
Agreement  
**Date:** 07/10/2018

---

**Subject:** Approval of agreement to Perform an Economic Analysis for the Town System Development Fees

**Department:** Public Utilities

**Presented by:** Ted Credle

**Presentation:** Business Item

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## Issue Statement

The court case of *Quality Built Homes vs. Town of Carthage* has changed how municipalities conduct the process of assessing System Development Fees. HB 436 mandates a "defensible methodology" when calculating how a municipality derives its fee structure. The contractor has proposed an agreement to undertake an economic analysis to provide the Town with the defensible numbers to set the System Development Fees.

## Financial Impact

The selected contractor will be paid \$20,000 to perform this analysis and develop the template. The funds will be spent from the Water Fund budget under line item #30-71-7200-5700-7417, balance of unused funds.

## Action Needed

Allow the Town to enter into a contract with Envirolink in the amount of \$20,000.00 for the purpose of performing the analysis that will be the basis of System Development Fees

## Recommendation

Staff recommends the award of the contract to Envirolink

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Bid Tabulation
3. Contractor Proposal



# Staff Report

**Business  
Agenda  
Item:** **Approval of  
Agreement**

---

The court case of *Quality Built Homes vs. Town of Carthage* has changed how municipalities conduct the process of assessing System Development Fees. HB 436 mandates a "defensible methodology" when calculating how a municipality derives its fee structure. To this end, municipalities have been using consulting firms to find these "defensible methodologies". Envirolink, after having developed the fee structure at other small Towns (Angier, Elm City, and Spring Hope) was chosen to provide the Town of Smithfield with the same service.

It is of note that the template of fee structure, once designed, provides the maximum number a municipality may assess. It would be up to the Town to actually implement the fee it felt was appropriate for the Town.

Staff is asking to have the consultant perform the analysis and get the fee structure designed, so that such information may be brought before the Council to determine how, where, and at what level future System Development Fees can be set.

Economic Analysis For System Development Fees			
<u>Envirolink</u>	20,000.00		
	\$		
		<u>Willdan</u>	<u>WR-Martin</u>
		<u>Financial Services</u>	<u>Management Consulting</u>
		\$	\$
		22,500.00	20,000.00

# Proposal

## Town of Smithfield

### Implementation of HB-436

#### Johnston County, North Carolina

PRESENTED BY:



ENVIROLINK

**January 31, 2018**

*USE AND DISCLOSURE OF DATA – This Proposal includes data that shall not be disclosed and shall not be duplicated, used, or disclosed – in whole or in part – for any purpose other than to evaluate this Proposal. However, if a Contract is awarded to this Offeror because of – or in connection with – the submission of these data, client shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting Contract. The restriction does not limit client's right to use information contained in these data if they are obtained from another source without restriction.*

## Care

Since 1997, Envirolink has provided water and wastewater operations, maintenance, and management services that give piece of mind to government officials and citizens. We eliminate personnel issues, guarantee compliance, and stretch your dollar. We understand the challenges you face in providing these vital services because we live them every minute of every day. We understand that mistakes can result in unwanted publicity and dissatisfied residents. We spend 100% of our effort on managing these challenges. We will assist you in providing a better, more cost effective services to citizens while continuing to focus on your personnel needs.

## Character

Our communities succeed because we are a vital part of the community and they are a vital part of us. We invite you to become a part of our community and look forward to reviewing this proposal with you.

## Strategic Planning

We help our clients overcome challenges and adversity, including lack of resources; staff retention, turnover, and training; employee bench strength; equipment utilization; changing regulations; and increasing budget demands. Our investment in our people, processes, and equipment allows us to

provide our clients with preventative care, routine operations and maintenance, and 24-hour emergency service.

We are proud to be a 100% American owned business and the Envirolink family takes great pride in working with municipalities throughout North Carolina, Ohio, Tennessee, Alabama and South Carolina.

## Professionalism

Envirolink is headquartered in North Carolina with Regional Centers in Alabama and Ohio. Our presence in the Southeast and Midwest gives us a network of Utility Management and Operations professionals that allow us to provide you with the resources of a team of highly trained professionals while ensuring that we become part of your community.



## Envirolink Management & Operational Capabilities

- Certified Operator
- Billing
- Customer Service
- Asset Management
- Management Consulting
- Operations
- Meter Reading
- Water Conservation
- Program Management
- Rate Analysis
- Construction Inspection
- Sanitary Surveys
- CCTV
- Sewer Cleaning
- Vac Truck Service
- Lift Station Cleaning
- Uni-Directional Flushing
- Utility BMP Audit

Envirolink started as an operation firm and has evolved in to a full service utility management company working with hundreds of communities ranging in populations from a few hundred to over 25,000. Our team includes former Utility Directors, Resource Managers, Chemist, Compliance and Safety Specialist, Maintenance Specialist, and Asset Management Professionals. Envirolink's team knows what it takes to manage assets because we do it every day, 365 days a year, 24-hours a day. We have a single purpose that is to:

**Improve the sustainability of communities and the environment through the management of Public Works and Utilities.**

We are committed to providing a superior level of service and management, but also to being an outstanding corporate citizen by remaining a vital and contributing member of the communities we proudly serve. We approach each day enthusiastically embracing the values that allow our staff and client to succeed.

### Leadership

Envirolink's management includes seasoned utility management and finance professionals and will provide financial support as necessary to assist Envirolink with its commitments and future responsibilities. Our financial resources enable Envirolink to make investments in our people, equipment, and systems and allow the company to stay on the leading edge of trends in the water and wastewater industry. Envirolink's management team has depth and experience with a broad background of capabilities.

### Excellence

Envirolink's investment in equipment allows us to provide an array of maintenance services, making Envirolink the one stop shop for utility operation, management and maintenance. Additionally, with Service Centers across North Carolina, South Carolina, Tennessee, Alabama and Ohio, we can provide prompt response.

---

*Envirolink, Inc.*

## Relevant Experience

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### Town of Angier

Since 2/2011

A system development fee analysis is underway at this time.

We recently completed a rate study and policy and procedure review for the Town. Comprehensive review of audited financial statement. Review financial and operating expenses and capital improvement plans. Compare project revenue and expense and develop a rate plan and implementation strategy. Address development and capital improvement cost issues Audit billing capacities and outputs.

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### Town of Spring Hope

Since 12/2011

Rate study and policy and procedure review. Comprehensive review of audited financial statement. Review financial and operating expenses and capital improvement plans. Compare project revenue and expense and develop a rate plan and implementation strategy. Address development and capital improvement cost issues Audit billing capacities and outputs.

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### Elm City

Since 1/2013

Review production billing and losses. Rate study and policy and procedure review. Comprehensive review of audited financial statement. Review financial and operating expenses and capital improvement plans. Compare project revenue and expense and develop a rate plan and implementation strategy. Address development and capital improvement cost issues Audit billing capacities and outputs.

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*Envirolink, Inc.*

## Envirolink's Regional Sites



## Summary of Proposal

Envirolink is pleased to submit to the Town of Smithfield the enclosed proposal for utility management support. Envirolink has reviewed the available technical data. Envirolink believes that its proposal addresses the services currently needed by the Town of Smithfield, and that it is ready, willing and able to fulfill the requirements.

Envirolink will provide an analysis and template for calculation of a System Development Fee methodology for new developments to fund costs of such new development, recoup costs of existing facilities or a combination of those cost(s) which would serve new developments based on the requirements of House Bill 436.

## Bench Strength

Envirolink is large enough to serve you with a small company feel, we have the bench strength to manage your utility through employee turnover, so that you never have to worry about “What happens if our operator leaves”. We have it covered. With a staff of over 60 employees across the State of North Carolina and additional employees in other states, we have personnel that will be trained on your utility system, so they can step in as needed.

## Our Process

Our process begins even before we are hired. Our engineers and operation personnel have reviewed your facilities and have begun the process of gathering data. While there is still a lot of data that we need, we have begun gathering sufficient data to allow us to evaluate the current operation and develop an operations plan for your facility.

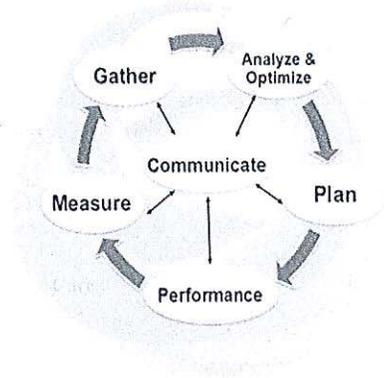
When selected, we will work to gather available information, so that we can analyze and optimize the operations of your facilities. This culminates in an operational plan that allows us to continually monitor, analyze and measure the performance of your facility.

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*Envirolink, Inc.*

Envirolink's Programmatic Approach

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## Contracting

After being selected, we will execute an agreement that will provide the detailed Scope of Services, along with other contract terms. Some of the important components of this agreement are:

- Scope of Service
- Fees
- Schedule

## Proposed Services

Provide an analysis and template for calculation of a System Development Fee methodology for new developments to fund costs of such new development, recoup costs of existing facilities or a combination of those cost(s) which would serve new developments based on the requirements of House Bill 436, including, but not limited to:

- uses generally accepted accounting, engineering and planning methodologies;
- documents details and data used for the analysis;
- uses by-in, incremental, marginal costs, or combined cost methods;
- documents application of the methodologies;
- identifies assumptions and limiting conditions;
- provides a system development fee per unit of new development and equivalency or conversion for use in determining fees for various categories of demand, and
- uses a planning horizon of not less than 10, nor more than 20 years.

In addition, the proposed analysis and template is to include a recommendation of the required revenue credit, which is to be based on the outstanding debt principal or present value of revenues for capital improvements needed by and attributable to the new development, over the planning horizon, but cannot be less than 25% of the aggregate cost of the capital improvements.

Note: In the event the new facilities are oversized for the use of others outside the development, a construction or contributions credit would be required to be calculated. The template will include this capability, but each construction or contributions credit would be developed on a case by case basis, based on the total new capital facilities to be installed.

### Assumptions and Requirements:

The Town will be required for provide sufficient financial, planning and operational data and information, including, but not limited to:

- Capital Improvement Plan (identifying any specific capital rehabilitation projects and capacity expansion projects) based on a planning horizon of 10 to 20 years, or
- any available and reasonable documentation of system capacity, limitations, expansions and projects, including actual or projected costs based on a planning horizon of 10 to 20 years; and
- existing and planned debt service, grants and other income;
- existing rates for water and sewer;
- system capital assets including depreciation; capital and operating costs for the most recent fiscal year;
- existing operating capacity for water and wastewater facilities;
- any planned capacity increases for water and wastewater facilities and;

- Any other pertinent operating, planning or financial information that might affect the calculation of an appropriate System Development Fee methodology and template.
- The scope and requirements of the proposed analysis and template for the calculation of a system development fee methodology is contingent upon no substantial changes in the interpretation of the requirements of HB 436.
- The proposed analysis and template for the calculation of a system development fee methodology may require data or information which will require coordination with other consultants and vendors used by the Town.

The proposed analysis and template would be based on information provided by the Town, and /or its consultants, related to existing water and sewer costs and capacities and proposed water and sewer facility costs and capacities for the chosen planning horizon. The proposed project would use that information in conjunction with expected size and density of new developments. Any new developments exceeding the expected or planned capacity of geographic locations may require additional review or analysis. As your partner, we are committed to your success, the highest standard of customer service and customer satisfaction.

**Limitations:**

Included in this proposal:

- Meeting and training staff for compliance of HB 436 requirements
- Presentations to council as needed on implementing HB 436 – on results.

## Price Proposal

Contract Line Item #	Description of Service	Project Cost
001	Data research and financial review	\$ 9,000
002	Template and procedures development	\$ 8,000
003	Training, meetings and council presentations	\$ 3,000
	<b>TOTAL</b>	<b>\$ 20,000</b>

Monthly billing will be based on a percentage complete of the total project. Individual line items are approximate.

### Next Steps

Upon acceptance of this proposal, we would execute a contract between Town of Smithfield and Envirolink. This contract would include terms and conditions for a project of this nature.

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*Envirolink, Inc.*

# Letter Proposal

July 2, 2018

Ted Credle, P.E.  
Director of Public Utilities  
Town of Smithfield  
PO Box 761/230 Hospital Rd.  
Smithfield, NC 27577

## Re: Request for Proposal (“RFP”) For Water and Sewer System Development Fee Study

Dear Mr. Credle:

Willdan Financial Services (Willdan) is pleased to submit a System Development Fee proposal to the Town of Smithfield, NC (the Town). This proposal will outline the strength of our qualifications and experience and explain our approach and proposed scope of work.

Our hand-selected team of qualified and experienced consultants bring 101 years of combined experience and have prosecuted more than 600 governmental water and wastewater rate, financial, and capital planning projects throughout the country, with over 200 throughout the Carolina’s.

This team has also prosecuted numerous System Development Fee Studies throughout the southeast and is at the forefront of SDF Rate development in North Carolina. In fact, one of Willdan’s Principal Consultants, presented a “System Development Fees” case study last Fall with a representative from the Town of Harrisburg, NC at the NCGFOA Conference in Winston-Salem, North Carolina.

We recently completed similar studies for the following agencies as it pertains to System Development Fees; **City of Greensboro, City of Gastonia, Town of Mooresville, City of Kannapolis, Town of Carolina Beach, Town of Harrisburg, City of Monroe, and Johnston County**. If we are fortunate enough to work with you, then **we pledge** to:

- **Work collectively** with you to meet the specific requirements of the Study; and
- Develop Water and Wastewater System Development Fees that are **legally defensible** and in compliance with House Bill 436.

Thank you for your interest in Willdan and your kind consideration as we look forward to the opportunity to partner. Willdan is ready to initiate this project immediately and is committed to timely and effective prosecution of this engagement. If you have any questions, then please do not hesitate to call me at (407) 459-7117, or via email me at [jmcgarvey@willdan.com](mailto:jmcgarvey@willdan.com) or Project Manager, Mr. Rick McClung at (407) 734-2110, or via email at [rmcclung@willdan.com](mailto:rmcclung@willdan.com).

Respectfully submitted,

**WILLDAN FINANCIAL SERVICES**



Jeff McGarvey  
Managing Principal, Vice President

## Executive Summary

Willdan’s team brings the relevant experience, innovative approach and client-first service required to support the needs of the Town. Shown below is why we believe Willdan is the right choice:

### System Development Fees Study Objectives

- o To **set justifiable, legally defensible fees** that meet the requirements of House Bill 436, NCGS 162A, “Article 8, System Development Fees”.
- o To support Town Leadership with accurate System Development Fees, which will assist in maintaining the **financial integrity and stability** of the water and sewer utility systems, as it pertains to Town-Wide development.

### Willdan’s Approach

- o Meet with the Town Management and Staff to develop a thorough understanding of the project requirements and any critical initiatives.
- o **Develop a communication process** that will serve to enhance the effective prosecution and implementation of the project engagement.
- o **Provide a report** that is easy to read, well written, not voluminous, and concise and to the point!

### The Willdan Difference: Expertise and Experience

Willdan’s professionals are well-versed in the requirements of HB 436 and are recognized experts in industry accepted calculation methodologies. We will assure the Town is in compliance with the new State legislation. While we provide all the support you need to successfully complete the study, our experts also work with your staff to make this project a success. Such a partnership gives you the greatest chance of achieving consensus among your many stakeholders.

<b>No one-size-fits-all strategy:</b>	We bring <b>custom solutions</b> to each client engagement. It’s what our clients need and deserve.
<b>Team’s expertise:</b>	Our team has specific <b>North Carolina System Development Fee</b> experience, and serves as an extension of your team.
<b>Client’s experience:</b>	Our clients thoroughly <b>enjoy working with us</b> as evidenced by the many professional friendships we’ve developed over time and the long-term relationships that continue.

### North Carolina System Development Fee Experience

A representative listing of our current North Carolina System Development Fees project experience is shown below. All of the studies were performed by our proposed Project Team members and led by Project Manager, Mr. Rick McClung and Assistant Project Manager, Mr. Daryll Parker.

Recent North Carolina Experience	
System Development Fee Studies	
City of Gastonia	City of Kannapolis
City of Greensboro	City of Monroe
Town of Harrisburg	Town of Carolina Beach
Johnston County	Town of Mooresville

# Statement of Qualifications and Experience

## Company Overview

Willdan Financial Services is one of four operating divisions within Willdan Group, Inc. (WGI), which was founded in 1964 as an engineering firm working with local governments. Today, WGI is a publicly-traded company on NASDAQ (ticker: WLDN). WGI, through its subsidiaries, provides professional technical and consulting services that ensure the quality, value and security of our nation’s infrastructure, systems, facilities, and environment. The firm has pursued two primary service objectives since its inception—ensuring the success of its clients and enhancing its surrounding communities. In doing so, Willdan has gained a notable reputation for technical excellence, cost-effectiveness, and client responsiveness in providing superior consulting services. The company's service offerings span a broad set of complementary disciplines that include engineering and planning, energy efficiency and sustainability, financial and economic consulting, and national preparedness. Willdan has crafted this set of integrated services so that, in the face of an evolving environment—whether economic, natural, or built—Willdan can continue to extend the reach and resources of its clients. Currently, WGI has over 850 employees operating from offices in **Arkansas, Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Illinois, Kansas, Nevada, New Jersey, New York, Ohio, Oregon, Utah, Texas, and Washington.**



ENGINEERING, PLANNING, & INFRASTRUCTURE



ENERGY EFFICIENCY & SUSTAINABILITY



FINANCIAL & ECONOMIC CONSULTING SERVICES



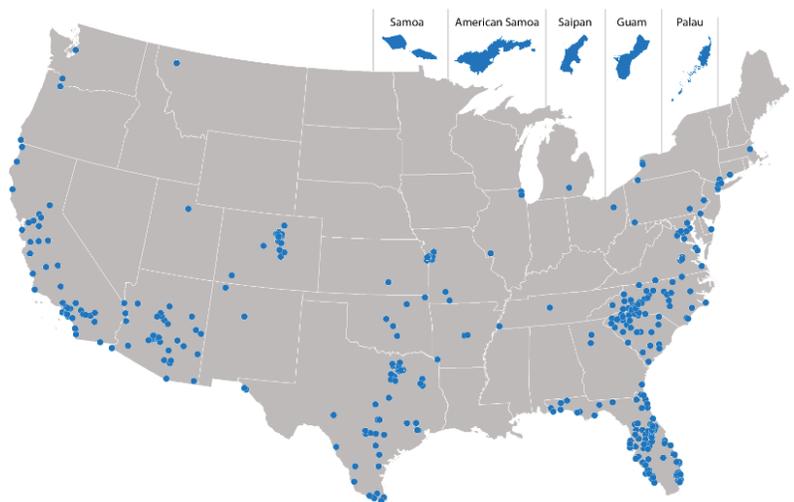
NATIONAL PREPAREDNESS & INTEROPERABILITY

Established on June 24, 1988, Willdan Financial Services, is a national firm, and is one of the largest public sector financial consulting firms in the United States. Willdan assists local public agencies by providing the following services:

- o Utility Rate and Cost-of-Service Studies
- o Capital Planning Studies
- o Regionalization
- o Benchmarking Studies
- o Regulatory Support
- o Classification/Compensation Analysis
- o Litigation Support/Expert Witness Testimony
- o Economic Development Plans/Strategies
- o Tax increment Finance District Formation
- o **System Development Fees**
- o Revenue Bond Financial Feasibility Reports
- o Mergers and Acquisitions
- o Valuation Analyses
- o Development Impact Fee Establishment
- o Feasibility Studies
- o Long-term Cash Flow Modeling
- o Cost Allocation Plans and User Fee Studies
- o Property Tax Audit

## National and Pacific Rim Experience

Willdan staff are experienced in a broad range of utility planning services and therefore understand the importance of an approach that integrates elements of rates and capital planning with the political aspect of the utility. A graphic representation of Willdan’s geographical client presence is depicted to the right.



## Carolina Project Experience

A representative listing of our “Carolina” water and wastewater project experience is shown below.

Representative Carolina Project Experience	
South Carolina	North Carolina
Berkeley County W&S Authority, SC	Broad River Water Authority, NC
City of Abbeville, SC	Cape Fear Public Utility Authority, NC
City of Anderson, SC	City of Albemarle, NC
City of Beaufort, SC	City of Concord, NC
City of Bennettsville, SC	City of Gastonia, NC
City of Cayce, SC	City of Greensboro, NC
City of Clemson, SC	City of Henderson, NC
City of Clinton, SC	City of Hickory, NC
City of Columbia, SC	City of High Point, NC
City of Florence, SC	City of Kannapolis, NC
City of Georgetown, SC	City of Kinston, NC
City of Goose Creek, SC	City of Kings Mountain, NC
City of Inman, SC	City of Lenoir, NC
City of Newberry, SC	City of Lexington, NC
City of North Augusta, SC	City of Lincolnton, NC
City of Rock Hill, SC	City of Monroe, NC
City of Sumter, SC	City of Morganton, NC
City of Union, SC	City of Mount Airy, NC
City of York, SC	City of Raleigh, NC
Dorchester County, SC	City of Shelby, NC
East Richland County PSD, SC	City of Thomasville, NC
Gaffney BPW, SC	City of Winston-Salem, NC
Greenville Water System, SC	Greenville Utilities Commission, NC
Greenwood CPW, SC	Harnett County, NC
Greenwood Metro. District, SC	Johnston County, NC
Greer CPW, SC	Lincoln County, NC
Hilton Head Public Service District, SC	Lower Cape Fear W/S Authority, NC
Lancaster County W&S District, SC	MSD of Buncombe County, NC
Laurens CPW, SC	New Hanover County, NC
Lexington County Municipal W/S Com, SC	Onslow County W/S Authority, NC
Low Country Regional Water Authority, SC	Town of Apex, NC
North Charleston Sewer District, SC	Town of Carolina Beach, NC
REWA-Greenville, SC	Town of Harrisburg, NC
Richland County, SC	Town of Hudson, NC
SJWD Water District, SC	Town of Mooresville, NC
Town of Clover, SC	Union County, NC
Town of Fort Mill, SC	
Town of Winnsboro, SC	
York County, SC	

## National Project Experience

Shown below is a representative listing of recent national water and wastewater projects, including: rate & cost-of-service studies; wholesale rates; revenue bond financial feasibility reports; capital financing/planning analyses; system development fee (capacity) studies; regionalization studies; mergers and acquisitions; economic feasibility studies; and strategic planning studies.

Representative National Project Experience		
Representative Client List		
City of Flagstaff, AZ	City of Goodyear, AZ	City of Nogales, AZ
City of Yuma, AZ	City of Banning, CA	City of Coachella, CA
City of Covina, CA	City of Fillmore, Ca	City of La Palma, CA
City of Modesto, CA	City of Norwalk, CA	City of Tulare, CA
Mission Springs Water Dist., CA	City & County of Denver, CO	City of Durango, CO
City of Littleton, CO	City of Louisville, CO	City of New Haven, CT
County of New Castle, DE	Bay County, FL	City of Deland, FL
City of Dade City, FL	City of Dania Beach, FL	City of Fernando Beach, FL
City of Fort Myers, FL	City of Fort Walton Beach, FL	City of Hialeah, FL
City of Lakeland, FL	City of Marco Island, FL	City of Miami Springs, FL
City of Oviedo, FL	City of Tarpon Springs, FL	Cobb County, GA
County of DeKalb, GA	City of Fort Wayne, IN	City of Branson, MO
City of Columbia, MO	City of Lee's Summit, MO	City of Concord, NC
City of Gastonia, NC	City of Hickory, NC	City of High Point, NC
City of Kannapolis, NC	City of Kings Mountain, NC	City of Thomasville, NC
Town of Apex, NC	Town of Mooresville, NC	Union County, NC
City of Ada, OK	City of Edmond, OK	City of Miami, OK
City of Muskogee, OK	City of Pryor, OK	Borough of State College, PA
City of Anderson, SC	City of Clemson, SC	City of Clinton, SC
City of Columbia, SC	City of Florence, SC	City of Newberry, SC
City of Sumter, SC	Laurens CPW, SC	Greer CPW, SC
SJWD Water District, SC	Town of Fort Mill, SC	City of Allen, TX
City of Garland, TX	City of Fairview, TX	City of Midlothian, TX
City of Oak Point, TX	City of Plano, TX	City of Robstown, TX
City of Richardson, TX	City of Sachse, TX	City of Manassas, VA

## Project Team Members

This team of senior-level Principal Consultants have worked together on numerous projects and can provide the Town with the expertise, experience and skill set to successfully complete the System Development Fees Study project. In addition, Willdan Project Manager, **Mr. Rick McClung** and Principal Consultant, **Mr. Daryll Parker** have provided utility rate, financial, economic, management and capital planning consulting services to the Carolina's since the mid 1990's. They collectively possess more than **55 years of Carolina-specific experience** and have completed more than **225 water and wastewater utility projects within North and South Carolina**. Shown below is a brief description of Willdan's proposed project team.

Rick McClung, MBA - Principal Consultant	
<b>Project Role:</b>	Project Manager/Main Contact
<b>Business Address:</b>	200 South Orange Avenue, Suite 1550 Orlando, Florida 32801
<b>Telephone:</b>	(407) 734-2110 Email: <a href="mailto:rmclung@willdan.com">rmclung@willdan.com</a>
<b>Education:</b>	Master of Business Administration, University of Central Florida Bachelor of Science, Marketing, University of Central Florida
<b>Years of Experience:</b>	Total – 31 years
Daryll Parker, MBA - Principal Consultant	
<b>Project Role:</b>	Assistant Project Manager/Project Support
<b>Business Address:</b>	200 South Orange Avenue, Suite 1550 Orlando, Florida 32801
<b>Telephone:</b>	(407) 409-8755 Email: <a href="mailto:dparker@willdan.com">dparker@willdan.com</a>
<b>Education:</b>	Master of Business Administration, University of Florida Bachelor of Science, Finance, University of Florida
<b>Years of Experience</b>	Total – 24 years
Tara Hollis, CPA, MBA - Principal Consultant	
<b>Project Role:</b>	Accounting & Tax/Project Support
<b>Business Address:</b>	200 South Orange Avenue, Suite 1550 Orlando, Florida 32801
<b>Telephone:</b>	(407) 255-2928 Email: <a href="mailto:thollis@willdan.com">thollis@willdan.com</a>
<b>Education:</b>	Master of Business Administration, University of Central Florida Bachelor of Science, Business Administration, University of Central Florida
<b>Years of Experience:</b>	Total – 20 years
Jeff McGarvey - Managing Principal	
<b>Project Role:</b>	Quality Assurance/Quality Control
<b>Business Address:</b>	200 South Orange Avenue, Suite 1550 Orlando, Florida 32801
<b>Telephone:</b>	(407) 459-7117 Email: <a href="mailto:jmgarvey@willdan.com">jmgarvey@willdan.com</a>
<b>Education:</b>	Bachelor of Science, Finance, University of Central Florida
<b>Years of Experience:</b>	<b>Total – 26 years</b>

# Scope of Services

## Project Approach

Provided herein is the proposed scope of work intended to calculate the System Development Fees for the Town's Water and Sewer Utility System, in accordance with HB 436. Based on requirements of HB 436, the calculation of the SDFs must employ generally accepted accounting, engineering, and planning methodologies. Defined methodologies include the buy-in, incremental cost or marginal cost, and combined cost. **It should also be noted that the Study will cover a planning horizon of 20 years.**

A brief description of each of these methods (as identified in the American Water Works Association M1 Manual) is shown below and each of these methods will be developed for consideration in calculating the Town's SDFs. Each of these methods will be developed for consideration in calculating the SDFs.

- **Buy-in Method.** Based on the value of the existing system's capacity. Under this method, new development "buys" a proportionate share of capacity at the cost (value) of the existing facilities.
- **Incremental/Marginal Cost Method.** Based on the value or cost to expand the existing system's capacity. This method assigns to new development the incremental cost of future system expansion needed to serve new development.
- **Combined Cost Method.** Based on blended value of both the existing and expanded system capacity. This method uses a combination of the buy-in and incremental/marginal cost methods.

## Process and Protocols

Shown below is our Project Approach philosophy.

- **Project Management** – Willdan Principal Consultants **actually prosecute** the project, attend all of the meetings, present the findings and conclusions, and serve as the main point of contact throughout the entire engagement.
- **Communication** – Willdan has established a **detailed communication process** that will serve to enhance the effective implementation of a project engagement. **Communication is key to a successful project.**
- **Quality Assurance/Quality Control** - Throughout the course of a project, Willdan will adhere to the company's Quality Assurance and Quality Control ("**QA/QC**") Guidelines. Willdan has developed an internal process to make sure the Client's project is meeting the high standards set forth by Willdan and to assure the Client is satisfied with the end result.

## Work Plan

### Task 1 - Data Collection and Review.

Willdan will provide a data request which sets for the information required to perform the study. Once received, Willdan will review the data for completeness to ensure it is sufficient for use in calculating the SDF. The types of data requested may include, but not be limited to, the following:

- Detailed asset listing;
- 10 or 20 Year Capital Improvement Plan ("CIP");
- Available engineering documents describing existing and planned facilities (e.g. Master Plans);
- Detailed amortization schedules for outstanding debt issued to fund existing water and sewer facilities.

### Task 2 – Identification of System Capacities.

The available master planning and capital improvement information will be utilized to identify the existing and future treatment and transmission capacities for the water and sewer system. Such information will be used to determine the existing and future levels of treatment and transmission capacities for use in calculating the respective capacity fees.

### Task 3 – Buy-In Analysis.

**Sub-Task 3.1 - Allocation of Existing Assets.** Utilize detailed data of the existing water and sewer system assets as provided by the utility in order to allocate the assets between major facility components of treatment, transmission and distribution/collection. Identify which asset or portions of the asset that may have been funded through grants or contributed by developers as these amounts would be excluded as recoverable assets in the development of the SDFs.

**Sub-Task 3.2 - Determination of Replacement Cost of Assets.** The replacement cost of each asset line item will be determined using construction cost indices set forth in such publications as the Handy-Whitman Index or the Engineering News Record.

**Sub-Task 3.3 - Determination of Replacement Cost Less Depreciation (RCLD).** The depreciation amount for each asset line item will be deducted from the replacement cost for that line item. The total of the Replacement Cost Less Depreciation (“RCLD”) value of all assets will be used as the basis to determine the Buy-In method’s SDFs.

**Sub-Task 3.4 – Determination of Applicable Credits and/or Financing Costs.** Depending upon the funding and/or financing mechanisms used to pay for existing capital facilities, it may be appropriate to apply debt service credits. In addition to debt service, the analysis will consider credits for grants and other generally accepted valuation adjustments.

### Task 4 – Incremental/Marginal Cost Analysis.

**Sub-Task 4.1 - Functional Allocation of CIP.** The most current 10 or 20-year CIP will be reviewed and summarized, and the level of future growth/capacity related capital expenditures will be identified in order to determine the projected amount of growth-related capital expenditures to be incurred during the planning horizon. This task will involve the identification of planned capital project costs incurred as a result of customer growth and will include utilization of information provided in Master Plans or other engineering reports prepared for the utility (if available). The analysis will include costs of construction or expansion that are necessitated by and attributable to new development. The planned capital costs will be allocated between major facility components of treatment, transmission and distribution/collection.

**Sub-Task 4.2 – Determination of Applicable Credits.** The analysis will include a credit against the projected aggregate cost of water and/or sewer capital improvements. The credit will be determined based upon generally accepted calculations and will reflect a deduction of outstanding debt principal. As required by HB 436, the credit will be no less than twenty-five percent (25%) of the aggregate cost of the planned capital improvements.

### Task 5 – Calculation of SDFs.

**Sub-Task 5.1 – Buy-In Method.** The asset values, as adjusted for applicable credits, and capacity information will be utilized to develop SDFs that equitably recover the capacity-related cost of existing water and sewer facilities.

**Sub-Task 5.2 – Incremental/Marginal Cost Method.** The applicable growth-related project costs, delineated between treatment and distribution/collection related, and the capacity added by those projects will be utilized to develop SDFs that equitably recover the cost of future growth-related projects.

**Sub-Task 5.3 - Combined Cost Method.** The buy-in and incremental/marginal cost methods will be combined to calculate the water and sewer SDFs. The calculation methodology will separate SDFs by major utility component (treatment and transmission/collection). **The proposed fees will include an equivalency or conversion table for use in determining the fees applicable for various categories of demand.**

### Task 6 – Neighboring Utility Comparisons.

In order to provide the Town with additional insight regarding the development and application of the SDFs, a comparison is often included to show the level of such fees as imposed by several other utility systems in North Carolina. The comparison would typically show the capacity-related fees for a new residential water and wastewater connection that receives service (from the subject utility or other local provider) through a standard residential-sized water meter (representative of 1 ERU) calculated under the existing and proposed fees of the Town, and those of the other utility systems. However, given the current timing requirements of Chapter 162A, and the fact that numerous

utility systems in the State are in the process of performing fee studies comparable to the one addressed in this proposal, including a neighboring utility comparison at this time will provide somewhat meaningless information. If the Town would like to get a better idea of how it's SDFs compare to other systems, it is suggested that such a comparison be performed after July 1, 2018. This is the deadline for meeting all of the requirements needed for utility systems to have legally supported SDFs in accordance with Chapter 162A.

### **Task 7 – Draft Report.**

Following completion of the analysis, Willdan will prepare a draft report which documents and demonstrates the reliable application of the methodologies to the facts and data, including all reasoning, analysis, and interim calculations underlying each identifiable component of the SDFs. Additionally, the report will identify all assumptions and limiting conditions affecting the analysis, and will demonstrate that they do not materially undermine the reliability of conclusions reached. The report will be provided to staff for review and comment prior to posting on the website for public comment.

### **Task 8 – Addressing Public Comment.**

After posting the analysis on its website for not less than 45 days, all written comments submitted will be reviewed by Willdan and considered for possible modifications or revisions to the analysis.

### **Task 9 – Final Report.**

After consideration of public input, comments and changes provided by staff, public officials or other decision makers will be incorporated into a final report document. Upon completion, an electronic (PDF) copy of the final report will be provided to staff for their records.

### **Task 10 – Project Meetings.**

The project will include certain meetings with staff to address the needs and objectives of the utility system. The number of meetings, either at the Client site or via Web Conference will be determined before project commencement. For proposal purposes, the anticipated meetings will be as follows:

**Sub-Task 10.1 – Kick-Off Meeting.** A kick-off meeting will be scheduled with the Town at the initial stages of the project. This will provide the opportunity to discuss the goals and objectives for the project and to establish the project schedule.

**Sub-Task 10.2 – Project Progress Web Conferences.** During the course of the project, team web conferences will be scheduled to present the progression of the analysis to staff in order to obtain input and feedback associated with any rate adjustments that may be presented. Such web meetings will assist in the completion of the project and guide the development of the draft report.

**Sub-Task 10.3 – Draft Report Web Conference.** After allowing sufficient review time from the delivery date of the draft report, a web conference will be scheduled to present the results to staff. The purpose of the web conference will be to 1) provide staff members with a better understanding of the analyses and assumptions applied in developing the proposed fees, and 2) obtain personal feedback and comments from the staff members who will be responsible for administering the fees.

### **Task 11 – Town Council Presentation.**

The results of the Final Report will be presented to the Town Council, which may include the public, where the recommended System Development Fees are to be considered. This presentation will be provided in order to offer the supporting analyses for the proposed fees and to address any questions and/or concerns raised by Town officials prior to action being taken on the fees.

## Deliverables

### Preliminary Draft Report.

A Draft Report will be developed to address the study findings and the proposed recommendations for the System Development Fees. The Report will also identify all assumptions, and limiting conditions affecting the analysis and demonstrate that they do not materially undermine the reliability of the conclusion. Upon completion, an electronic PDF copy of the Draft Report will be provided to staff for review.

### Final Report.

Based on comments received from staff and other participants during the presentation of the Draft Report, the Final Report will be revised to incorporate the agreed upon changes. Upon completion, an electronic PDF copy of the Final Report will be provided to the Town.

## Cost Proposal

The fees charged by Willdan are reflective of our belief and commitment of providing high quality, cost-effective consulting services to our clients. This is accomplished by utilizing a fixed fee approach based on a defined scope of services, and not requesting change orders or budget amendments unless additional services are requested by the client.

Based on the General Project Approach/Scope of Services described herein, Willdan proposes ***a lump sum or fixed fee of \$22,500***, which includes all labor billings and expenses. However, this fee may be increased or decreased depending on the finalization of the scope and the number of meetings. Also, it is Willdan's billing practice, on fixed-fee projects, that invoices will be billed monthly on a percentage of project completion basis.

## In Summary, Why Willdan?

We believe that Willdan is the right choice for the Town's System Development Fees Study project and shown below is why we feel this way:

- ✓ **101 years** of collective Project Team experience, which includes **55 years** of Carolina experience,
- ✓ **600** water and wastewater rate/financial projects prosecuted nationwide, with over **200** in the Carolina's,
- ✓ At the forefront of the recent Legislative Changes as it pertains to **System Development Fees in North Carolina**, having completed numerous SDF Studies,
- ✓ A **partnership approach** supported by strong communication processes,
- ✓ **Fixed Fee Pricing** which includes labor billings and all expenses with no request for budget amendments,
- ✓ **Subject matter experts** that frequently provide industry training and speak at state, local and national conferences,
- ✓ A **Communication** process where project webinar's and conference calls will be scheduled when project milestones are met, and
- ✓ A **Quality Assurance/Quality Control program** based on Willdan's philosophy of communication, relationships, and professional service.

July 28, 2018

Ted Credle, P.E.  
Director of Public Utilities  
Town of Smithfield  
PO Box 761  
230 Hospital Rd.  
Smithfield, NC 27577

REGARDING:

*Smithfield Water and Sewer  
System Development Fee Analysis*

Dear Mr. Credle:

In response to your recent discussion with Bill Cowan, WR-Martin has prepared this proposal for the subject project for your consideration. We look forward to working with you on this important project.

#### PROPOSED SCOPE OF SERVICES

##### *Project Planning / Management*

- Conduct a project planning working session with the Director of Public Utilities and his designees (Project Leadership Group) to review project objectives, key assumptions, and project schedule.
- Assess progress at strategic milestones during the project.
- Conduct working sessions with the Project Leadership Group (PLG) to review project drafts, key operational parameters, internal processes and gathered data and information.
- Review the NC legislation governing System Development Fee authorization for local government (HB 436) with the PLG to establish a compliant approach to project methodology, rate structure and other compliance issues. *This proposal assumes that the buy-in or equity methodology will be utilized in the assessment as the basis for proposed system development fees.*

##### *Compile Requisite Data for Current Water Assets*

- Collect recent water and sewer capacity data, fixed asset inventory, and other related information from the Town.
- Collect and review the status and content of the Town's current fixed asset report and related GIS data to determine whether supplemental work must be accomplished to address essential data gaps. **If data gaps exist, discuss potential solutions with the Director of Public Utilities and take necessary actions to obtain the missing information, provided it is deemed essential to the project outcome. (OPTIONAL)**
- Gather information necessary to identify and calculate debt, grants and other value off-sets in compliance with the NC general statutes.
- Prepare a draft summary of present water and sewer assets and associated attributes related to quantities, capacities, age, and other relevant values.

##### *SDF Rate Calculation Modeling*

- Prepare a Water and Sewer Asset Valuation model for Smithfield's assets.

- Prepare a draft SDF calculation model, based on established project assumptions and data gathered and vetted with Town staff.
- Meet with the Director of Public Utilities and PLG to review the draft models and identify options for establishing SDF rates, based on the values provided by the SDF Calculation model.
- Finalize SDF model refinements based on discussions with the Town.
- Prepare a draft project report that contains a written description of the data and process used to calculate the SDF rates, in compliance with the requirements of the North Carolina enabling legislation (HB 436).
- Assist the Town with the requisite public hearing and prepare edits / modifications resulting from the public comment period and public hearing and update the models and report.

#### **Final Project Deliverables**

- A draft memorandum of findings and conclusions, including the written explanation of the proposed System Development fee methodology, related policy assumptions and recommendations and other information relevant to the SDF development process.
- Review of the draft Memorandum with the Smithfield Director of Public Utilities and PLG.
- The final Fees and Memorandum.

#### **Key Project Assumptions**

- The proposed project scope assumes a total of up to three (3) working meetings in Smithfield, including the public hearing.
- The Town will provide all needed data, reports, and supporting capital cost estimates in a timely fashion.
- The Town will provide timely feedback and response to inquiries, reviews, and communications.
- The estimated time for project completion is 120 to 140 days from receipt of the Town's written notification to proceed. Excessive delays in the project attributable to the Town could result in additional charges for lost time.

**Estimated Project Cost**

WR-Martin proposes to provide the services outlined in the above scope of services for an estimated fee of Twenty Thousand Dollars (\$20,000).

The estimated cost would be assessed monthly based on progress, in accordance with WR-Martin's current schedule of fees and expenses. Our estimate does not include any provision for architectural or engineering services, cost estimates, legal services, or other services that are not specifically addressed in the above scope of services.

We greatly value this opportunity to assist the Town of Smithfield with this project and we look forward to a rewarding and successful association. We are prepared to begin work immediately upon receipt of your notice to proceed. We would be pleased to meet with you to discuss the proposed scope of work at your convenience.

Respectfully,  
WR-Martin



Jessica Martin-Lane

Execution of this document in the space provided below acknowledges approval of the terms and provisions provided for herein.

\_\_\_\_\_  
Ted Credle, Director of Public Utilities  
Town of Smithfield

\_\_\_\_\_  
Date

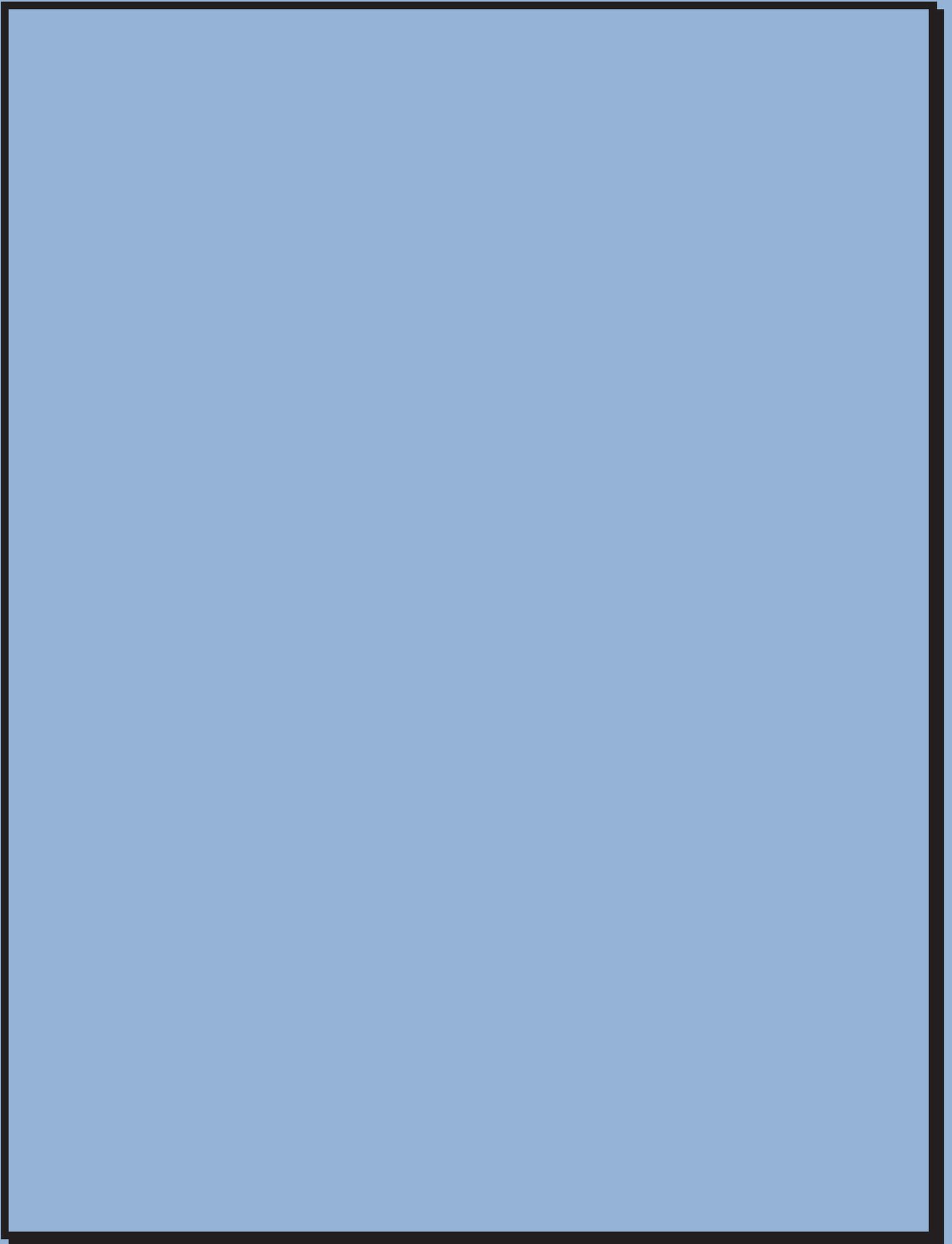
THIS INSTRUMENT has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act as amended.

Date:

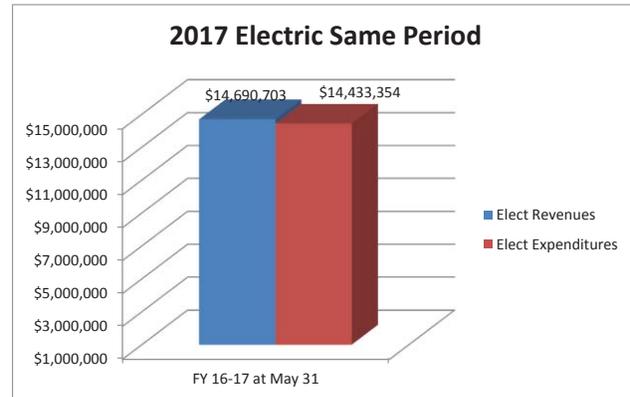
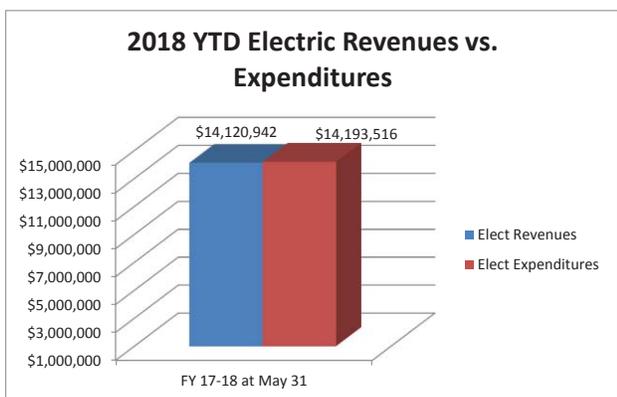
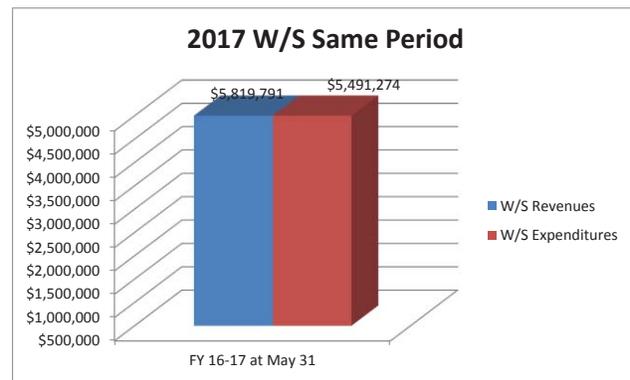
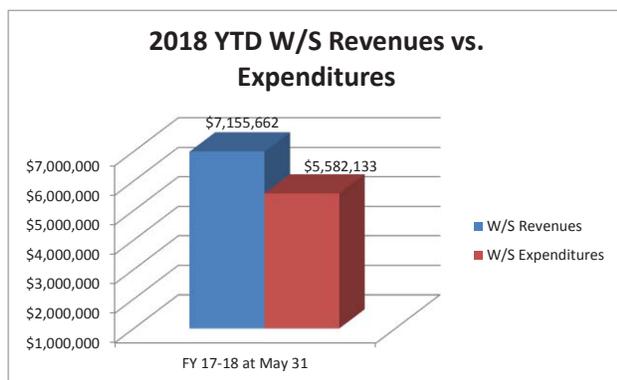
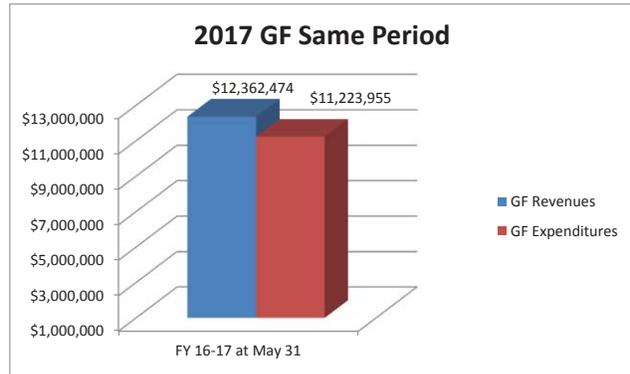
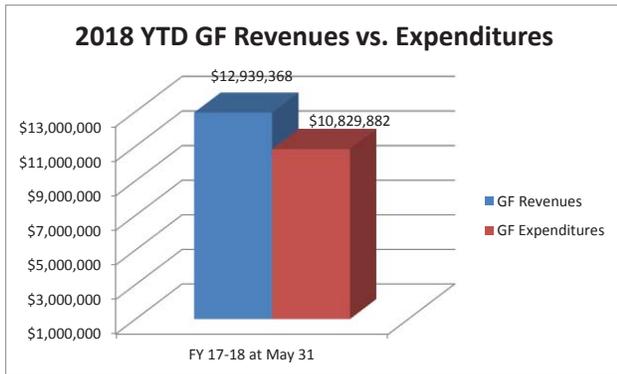
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Chief Financial Officer



# Financial Report



## Town of Smithfield Revenues vs. Expenditures



**TOWN OF SMITHFIELD**  
**MAJOR FUNDS FINANCIAL SUMMARY REPORT**  
**May, 2018**  
**Gauge: 11/12 or 92 Percent**

**92.00%**

**GENERAL FUND**

	Frequency	Actual	Budget	Actual to Date	YTD %
		FY '16-17	FY '17-18	FY '17-18	Collected
<b>Revenues</b>					
Current & Prior Year Property Taxes	Monthly	\$ -	\$ 5,559,000	\$ 5,701,866	102.57%
Motor Vehicle Taxes	Monthly	-	500,000	490,002	98.00%
Utility Franchise Taxes	Quarterly	-	975,000	714,357	73.27%
Local Option Sales Taxes	Monthly	-	2,065,019	1,861,567	90.15%
Aquatic and Other Recreation	Monthly	-	765,100	718,441	93.90%
Sanitation	Monthly	-	1,305,500	1,126,482	86.29%
All Other Revenues		-	1,877,014	2,065,039	110.02%
Loan Proceeds		-	25,400	-	0.00%
Transfers (Electric and Fire Dist.)		-	261,614	261,614	100.00%
Fund Balance Appropriated		-	431,896	-	0.00%
Total		\$ -	\$ 13,765,543	\$ 12,939,368	94.00%

	Actual	Budget	Actual to Date	YTD %
	FY '16-17	FY '17-18	FY '17-18	Spent
<b>Expenditures</b>				
General Gov.-Governing Body	\$ -	\$ 402,278	\$ 323,669	80.46%
Non Departmental	-	940,674	747,553	79.47%
Debt Service	-	1,342,760	1,258,612	93.73%
Finance	-	143,501	127,939	89.16%
Planning	-	649,651	270,517	41.64%
Police	-	3,745,925	3,112,753	83.10%
Fire	-	1,739,702	1,501,394	86.30%
EMS	-	-	-	#DIV/0!
General Services/Public Works	-	658,764	475,577	72.19%
Streets	-	577,388	403,680	69.91%
Motor Pool/Garage	-	91,391	57,497	62.91%
Powell Bill	-	322,725	46,455	14.39%
Sanitation	-	1,237,678	968,979	78.29%
Parks and Rec	-	962,819	743,929	77.27%
SRAC	-	932,329	791,328	84.88%
Contingency	-	17,958	-	0.00%
Appropriations/Contributions	-	-	-	0.00%
Total	\$ -	\$ 13,765,543	\$ 10,829,882	78.67%

YTD Fund Balance Increase (Decrease)

- -

92.00%

### WATER AND SEWER FUND

Revenues	Actual	Budget	Actual to Date	YTD %
	FY '16-17	FY '17-18	FY '17-18	Collected
Water Charges	\$ -	\$ 2,560,000	\$ 2,134,790	83.39%
Water Sales (Wholesale)	-	955,000	1,171,140	122.63%
Sewer Charges	-	3,350,000	3,104,946	92.68%
Tap Fees	-	15,500	10,740	69.29%
All Other Revenues (Includes Grants)	-	121,000	734,046	606.65%
Loan Proceeds	-	-	-	#DIV/0!
Fund Balance Appropriated	-	99,017	-	0.00%
<b>Total</b>	<b>\$ -</b>	<b>\$ 7,100,517</b>	<b>\$ 7,155,662</b>	<b>100.78%</b>

Expenditures	Actual	Budget	Actual to Date	YTD %
	FY '16-17	FY '17-18	FY '17-18	Spent
Water Plant (Less Transfers)	\$ -	\$ 1,756,006	\$ 1,520,411	86.58%
Water Distribution/Sewer Coll (Less Transfers)	-	3,920,825	2,713,854	69.22%
Transfer to General Fund	-	-	-	#DIV/0!
Transfer to W/S Capital Proj. Fund	-	630,833	630,833	100.00%
Debt Service	-	717,038	717,035	100.00%
Contingency	-	75,815	-	0.00%
<b>Total</b>	<b>\$ -</b>	<b>\$ 7,100,517</b>	<b>\$ 5,582,133</b>	<b>78.62%</b>

### ELECTRIC FUND

Revenues	Actual	Budget	Actual to Date	YTD %
	FY '16-17	FY '17-18	FY '17-18	Collected
Electric Sales	\$ -	\$ 16,400,000	\$ 13,733,817	83.74%
Penalties	-	315,000	297,134	94.33%
All Other Revenues	-	46,000	89,991	195.63%
Loan Proceeds	-	-	-	
Fund Balance Appropriated	-	111,566	-	
<b>Total</b>	<b>\$ -</b>	<b>\$ 16,872,566</b>	<b>\$ 14,120,942</b>	<b>83.69%</b>

Expenditures	Actual	Budget	Actual to Date	YTD %
	FY '16-17	FY '17-18	FY '17-18	Spent
Administration/Operations	\$ -	\$ 2,048,433	\$ 1,710,461	83.50%
Purchased Power - Non Demand	-	12,800,000	5,113,032	39.95%
Purchased Power - Demand	-	-	5,010,189	#DIV/0!
Purchased Power - Debt	-	-	1,059,828	#DIV/0!
Debt Service	-	359,972	359,971	100.00%
Capital Outlay	-	103,672	6,406	
Contingency	-	609,275	-	

Transfers to Electric Capital Proj Fund		750,000	847,415	
Transfer to Electric Capital Reserve		115,000	-	
Transfers to General Fund	-	86,214	86,214	100.00%
Total	\$ -	\$ 16,872,566	\$ 14,193,516	84.12%

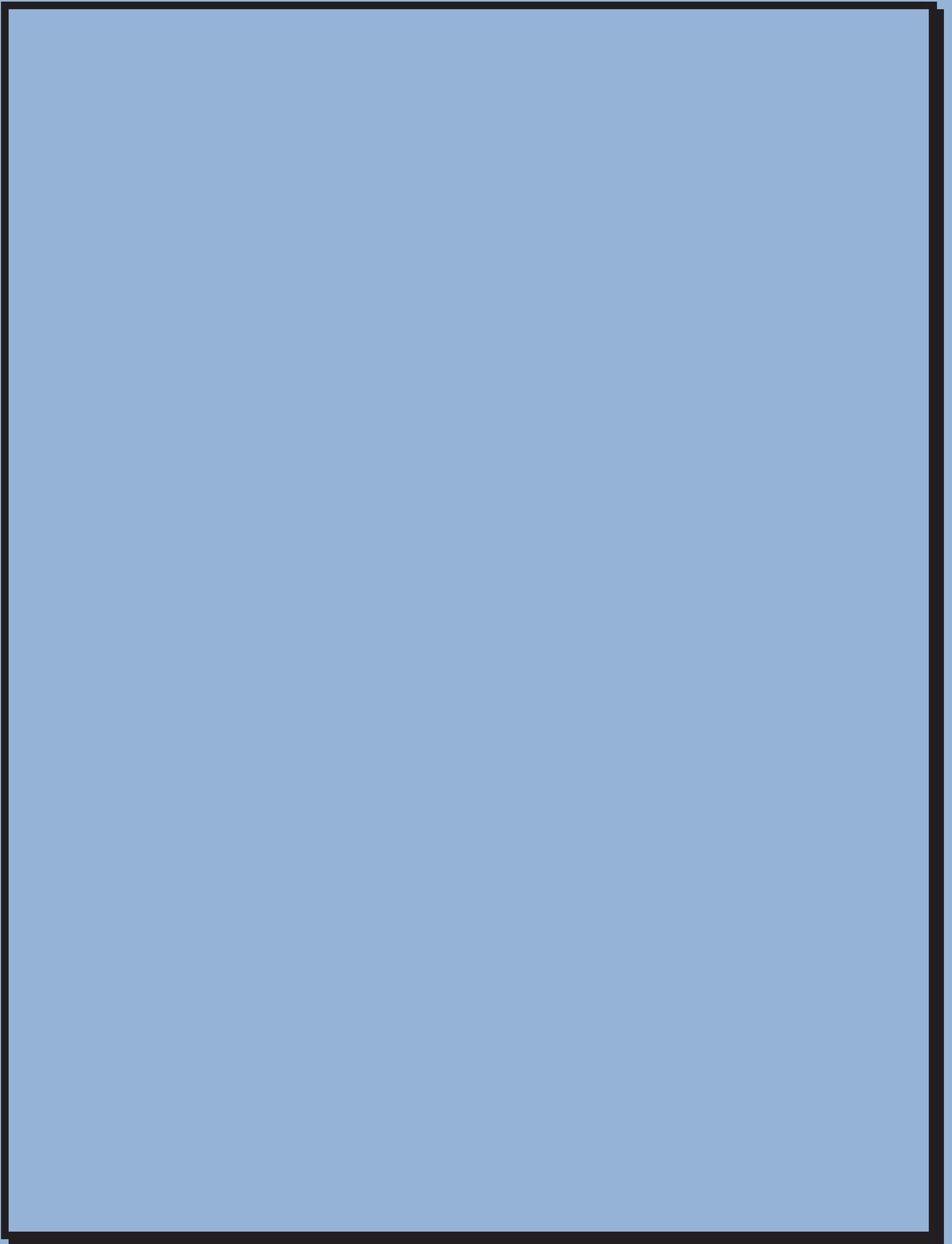
#### CASH AND INVESTMENTS

General Fund (Includes P. Bill)	10,887,214			
Water and Sewer Fund	6,384,996			Interest Rate
Electric Fund*	9,855,377			
Booker Dairy Road Fund (44)	118,968			
Capital Project Fund: Wtr/Sewer (45)	356,987	1st CITIZENS	20,720,507	0.20%
Capital Project Fund: General (46)	(532,922)	NCCMT	2,304,904	1.960%
Capital Project Fund: Electric (47)	697,437	STIFEL	-	Market
Firemen Relief Fund (50)	130,898	KS BANK	3,727,027	1.75%
Fire District Fund (51)	12,334	FOUR OAKS	1,290,135	0.85%
JB George Endowment (40)	131,284	PNC BANK	-	0.00%
Total	<u>\$28,042,573</u>		<u>\$ 28,042,573</u>	

\*Plug

**Account Balances Confirmed By Finance Director on 6/19/2018**

# Department Reports





# Staff Report

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

**Date of Meeting:** July 10, 2018      **Date Prepared:** June 29, 2018

**Staff Work By:** Tim Kerigan, Economic Development Liaison

## **Update**

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

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

Please see the attached most recent Implementation Activities and Progress Matrix.

Going further, at the request of Council, staff will provide similar monthly summary and matrix updates.

## **Action Requested**

No action requested.

## Smithfield Economic Development Implementation Activities MAY/JUNE 2018

1. Product Development – West Smithfield Industrial Park - geotechnical, engineering, and environmental evaluations continue. In addition, required information on items such as utility availability, highway access, and the required title search is being assembled for the certification package. Discussions were held with Stephen Wensman re: the current zoning of the property and what is needed for certification. A course of action was identified to address the zoning issue and will be implemented. It is anticipated that the West Smithfield certification package will be submitted for consideration at the Certified Sites Steering Committee August meeting.
2. Golden LEAF Grant – in response to a request for additional information to support the recently awarded infrastructure grant, the estimated jobs and annual wages that the West Smithfield Industrial Park could potentially support were calculated. Using a conservative approach, factoring all elements by .75, it was projected that the park could support 6,739 jobs creating a direct annual economic impact of \$192,728,661.
3. Product Development-Recertification – the issues with the property continue. We will continue to follow-up with the co-owner regarding recertification of the property.
4. BRE – met with three companies to introduce the town’s BRE program, learn more about the companies, and offer our support to them addressing any issues that may arise in the future.

Tim and Rocky met with Daniel Leslie of Penn Compression. Construction on the 30,000 square foot expansion is going well. Daniel gave an overview of the company, their products, and markets. Tim explained the intent of the BRE program and the pledge to support and assist the company in any way possible. Daniel cited a potential issue with the expansion that Tim will follow-up on.

Tim and Rocky, along with Chris Johnson of JCE, Harry Swendsen of the NCEDP, and Mike Mancuso of the Smithfield-Selma Chamber of Commerce, met with Bob Lockhart, Robert Scott, and Scott Smith of Global Skyware. The company is approaching the end of their current lease and they are considering relocating their operations. The company’s main products are satellite dishes, and their markets are world-wide. They do not want to move, but their lease payments are very high. In addition, the various pressures on the company were discussed and how they were impacting the company. Bob Lockhart, General Manager, must make a proposal to the board of directors in July. He requested that any assistance, incentives, etc. that could be offered to the company to assist with a small expansion and to retain the company and its employees (216) as they exist today would be appreciated and that the information was needed by 15JUL18. It was agreed that we, town, county, state, and chamber would meet again soon to coordinate any incentive package.

Tim and Rocky met with Steve Brinchek of OPW. The company manufactures components that are used at gas stations, including the nozzle for the delivery system (gas pump), the piping, and various other components that deliver the gas from the underground storage tank to customer's tank. The plant is 303,000 square feet and currently employs 280 with immediate expansion plans for a new product line to add another 60 people. Tim explained the purpose and mission of the town's BRE program and offered the pledge of assistance. Steve spoke of adding some resin tanks and is working with the county and town to obtain permits. He praised the level of support he was getting from both.

5. Along with Sarah Edwards, conducted a tour of the Old Town Hall for Rory Dowling, a developer who is currently involved in the renovation/rehabilitation of older, some historic, properties in multiple communities in several states, and Aric Geda, a consulting engineer who works with Rory on his projects. Rory and Aric were both impressed with the facility but requested a copy of the asbestos report. Rory also expressed interests in other downtown properties and Sarah conducted an impromptu tour of several buildings.

As a follow-up the asbestos report indicated that there are no residual issues. Rory indicated an intent to take the next steps in the process, that is to develop a plan, and approach the owners regarding acquisition.

The current status is that the price the owners quoted was too high to allow the financial model to produce a positive outcome. However, the owner indicated to Tim that there was another person interested in the facility that had the financial wherewithal to successfully redevelop the building and the will to bring the project to life. We will monitor the progress and activity on the building and, if after a period there is no movement there, we will reengage to try and push the project forward.

6. Conducted a conference call with a developer that has deep experience renovating/rehabilitating old facilities in multiple communities in several states. This developer is familiar with the Old Town Hall and indicated that he and his partner may have some interest in the renovation of the property and possibly other projects in Smithfield. A meeting and tour of the facility was scheduled for May.

# SMITHFIELD STRATEGIC PLAN IMPLEMENTATION-21JUN18

ACTIVITY	TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
Develop overall support for the Economic Development Program					
	Develop and increase support for the Town's economic development efforts	Smithfield-Selma Chamber of Commerce		Good contact and support established with the organization. Tim attends Chamber meetings regularly	
		Commercial Realtors		Maintaining on-going contact with realtors.	
234		SEDAC		Maintaining on-going contact with SEDAC.	
		East Smithfield		Met with Tony Nixon to discuss needs, challenges, and opportunities in the community.	
		Business Community		Meeting with business community via BRE program.	Additional meetings with the business community are being scheduled via BRE activities.
Existing Business & Industry Support					
	Reestablish the Existing Industry Outreach Program				Reprioritization of Plan of Work will put a focus on Existing Business and Industry Support.

ACTIVITY	TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
	Develop a contact directory of Existing Industries			Initial Directory completed and will be updated regularly.	Contacted business owners via phone to discuss the renewed BRE Program.
	Developing an introductory letter to be mailed by January 2017				
	Schedule visitations			Visitations are on-going.	Contacted several companies via phone to discuss the town's renewed emphasis on BRE.
					Met with Daniel Leslie of Penn Compression to discuss program and offer assistance in anyway possible. Along with reps from the county, state, and chamber met with officials from Global Skyware to discuss issues centered on their current lease and the potential of the relocation on the facility. Met with Steve Brinckek of OPW to discuss the BRE program and offer assistance in anyway possible.
	Determine Recognition Activities			Options discussed and being considered.	
New Business Recruitment					

ACTIVITY	ATTRACT NEW BUSINESS INVESTMENT AND JOBS	TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
	Attract new business investment and jobs	Identify needs of major companies in the County that Smithfield can capitalize on	JCED		Met with Chris Johnson and discussed business attraction and expansion issues, including product and workforce.	
					Met with Durwood Stephenson regarding an initiative that would be of great benefit to the town, and would assist in the recruitment of other businesses.	
Town Image/Gateways						
236	Gateways				Meetings to be scheduled in conjunction with Visioning/Branding and the development of the Strategic Communication Plan (SCP) to more fully discuss the issue.	Met with a developer who expressed developing a parcel located a one of Smithfield's gateways. The developer has been involved in many successful projects and what the vision he expressed for the property would greatly enhance the area and improve the aesthetics. We will follow up with the developer to identify ways that we can encourage him to make his vision a reality.
	Identify areas for improvement		SEDAC			

ACTIVITY		TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
			East Smithfield - Tony Nixon		Tony Nixon of the East Smithfield Improvement organization was identified as the best person to contact re: to East Smithfield issues.	
			Business Community			
	Conduct a Visioning/Branding process		Electricities/ Business Community/ SEDAC/East Smithfield		Town Council agreed to move forward with the development of the Strategic Communication Plan at their 07MAR17 meeting and a draft is being prepared by Electricities for review.	Received a draft strategic communications plan from Michelle Vaught, VP of Marketing for Electricities.
					A decision on what level of Visioning/Branding effort the town feels is appropriate will be made after a review of the SCP.	
					A decision on what level of Visioning/Branding effort the town feels is appropriate will be made after a review of the SCP.	
Product Development						

ACTIVITY		TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
	Industrial Sites and Buildings	Increase the Town's product inventory	County and SEDAC		<p>Contacted one of the Wellons-Howell property owners to discuss recertification. Reached out to owners of other properties identified as suitable for development as industrial sites. Searching for other suitable properties for evaluations and inclusion in the town's product inventory</p>	<p>The issues with the property continue. We will continue to follow-up with the co-owner regarding recertification of the property.</p>
					<p>The town is partnering with Johnston County Economic Development on assembling properties for an industrial park that will then be certified. Five parcels lie within the town's corporate limits. Land owners will be contacted to secure the properties for the project.</p>	<p>Geotechnical, engineering, and environmental evaluations continue. In addition, required information on items such as utility availability, highway access, and the required title search is being assembled for the certification package. A plan for rezoning of the property has been developed, in conjunction with Stephen Wensman. Anticipated submission of the certification package is for the August Steering Committee Meeting.</p>

ACTIVITY		TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
						Continued the effort to contact the representative of the last two parcels that could be included in the industrial park, but to no avail. If the owners decide that they would like to be included, the parcels could be included in the recertification.
	Infrastructure Improvements				received, or will receive grant funding for economic development related projects from the Golden LEAF Foundation. One of the projects identified is the extension improvement of water/sewer lines along the U.S. 70 corridor, which will serve the new industrial park. The GL Board will approve the projects at their April meeting.	The number of estimated jobs that the West Smithfield Industrial Park could support and the total annual payroll of those jobs was calculated in response to a request by the Golden LEAF in support of the grant. Taking a conservative approach, it is estimated that the park could support 6,739 jobs creating a direct annual economic impact of \$192,728,661.
Downtown Redevelopment	Renovation and redevelopment of Downtown properties	Golden LEAF Grant	Public Works Department- Johnston County		The final report on the redevelopment of the Old Town Hall by the UNC SOG graduate student class was presented on 30NOV17.	

ACTIVITY		TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
						<p>developer and his engineer, Aric Geda. Dowling also expressed interest in other Smithfield properties and toured several as well. After reviewing the asbestos report, Dowling reached out to the owners with a proposal. The asking price was not within the range of his financial model to allow for a successful project. According to the owner, another developer has made an offer on the property which would be acceptable. The progress on the redevelopment of the OTH will be monitored and, if after a reasonable period there has been no movement, the project will be revisited.</p>
Internal/External Marketing		Identify the Economic Development Program Spokesman			Tim Kerigan is the spokesperson for the Economic Development Program.	
		Develop a newsletter			Exploring options for newsletter.	
	External	Develop Marketing Materials			The marketing flyer has been reviewed and finalized, utilizing town staff resources.	

ACTIVITY		TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
	Internal/External	Strategic Communications Plan			Received a draft strategic communications plan, social media presentation, social media content calendar, and references to additional resources for social media.	
241						
Johnston Community College						
		Convene a meeting with JCC leadership to discuss opportunities for collaboration	JCC		Follow up meeting with Dr. Johnson and Dr. McGraw to continue earlier discussion and identify other areas of collaboration.	Follow-up with the college in regards to the building will be late in the Spring.
Incentives						

ACTIVITY		TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
		Review the Town's Incentives to assess the Town's competitiveness			A list of typical incentive practices was developed for consideration of incentive proposals for current and future prospects	A conference call with Mike Scott, Mike Fleming, Tim and Rocky was conducted with Ernie Pearson, an attorney and SHEDC partner with extensive experiences in incentives was held to discuss practices and procedures.
Retirement Development		Determine interest in advancing this initiative				
Residential Development		Assess Housing Stock	Tax Office Planning Department Local Realtors		Working with the SEDAC Redevelopment Committee to explore options of increasing/enhancing the housing stock in the town limits, primarily near downtown.	
Retail Development					The OTH was adopted by a graduate class of the UNC School of City and Regional Planning.	A conference call with Ernie Pearson and Mike Scott, Mike Fleming, Tim, and Rocky was held to discuss the various ways that residential renovation/revitalization/development might be encouraged.

ACTIVITY		TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
		Expanding the Retail offerings of the Town	ElectriCities-Retail Strategies		Discussions were held with a retail developer that has an interest in the town for a project.	
Public Education						Tim met with Supt. Renfro to discuss the Smithfield Economic Development program and explore areas of collaboration and support



**FINANCE DEPARTMENTAL REPORT FOR MAY, 2018**

**SUMMARY OF ACTIVITIES:**

Daily Collections/Property Taxes/Other .....	\$2,183,195
Franchise Tax.....	0
Sales & Use Tax.....	185,521
Powel Bill.....	0
<b>Total Revenue</b>	<b>\$2,368,716</b>

Expenditures: General, Water, Electric and Firemen’s Fund..... \$3,334,464

**FINANCE:**

- Compiled and submitted monthly retirement report on 5/31/18
- Issued 81 purchase orders
- Processed 862 vendor invoices for payment and issued 419 accounts payable checks
- Prepared and processed 2 regular payrolls. Remitted federal and state payroll taxes on 5/4/2018 and 5/18/2018
- Issued 1 new privilege licenses (new law change in effect 7/1/2015)
- Collected \$0.00 on past due privilege license fees. **NOTE:** Total collected now at \$10,714. The past due collections are the result of mailing some 287 past due notices to local businesses. Approximately 40 second notices were sent
- Sent 0 past due notices for grass cutting
- Collected \$0 in grass cutting invoices. Total collected to date is \$7,026
- Processed 20 NSF Checks (Utility and SRAC)
- Bad debt calendar year-to-date collections total \$29,652.74 (EMS = \$10,455.13; SRAC = \$5,896.62; Utility= \$13,300.99; and Other = \$0).
- Invoiced five (5) grave openings for a total of \$2,900 (two children)
- Invoiced Smithfield Housing Authority and Johnston Community College for Police Security
- Paid \$0 to First Citizens Bank for bank fees in May
- Paid \$5,440.10 to PNC Bank for credit/debit card fees

**FINANCE DIRECTOR**

- Attended Town Council Meeting on May 1, 2018
- Attended Department Head meeting on May 1 & 22, 2018
- Attended after hours budget review meeting on May 7 & 10, 2018
- Prepared FY19 Budget Ordinance, May 23, 2018
- Successfully transitioned to new online bill pay provider on May 25, 2018
- Renewed KS Bank 1.291 million investment for 12 months at 1.75%
- Prepared year end budget amendments and encumbrances for June’s Council meeting, May 30, 2018



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

**BOARD ACTIONS REPORT - 2018**

	May	Calendar Year to date
<b>Town Council</b>		
Zoning Map Ammendments	0	5
Special Use Permit	2	5
Zoning Ordinance Amendments	0	5
Major Subdivisions	0	0
Annexations	0	0
Special Events	2	8
Site Plan	0	0
<b>Planning Board</b>		
Zoning Map Amendments	2	6
Zoning Ordinance Ammendments	0	5
Major Subdivisions	0	0
<b>Board of Adjustment</b>		
Variance	0	0
Admin Appeal	0	0
<b>Historic Properties Commission</b>		
Certificate of Appropriateness	0	0
Historic Landmarks	0	0



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### Permit Issued for May 2018

		Permit Fees	Permits Issued
Site Plan	Minor Site Plan	25.00	1
Zoning	Land Use	\$950.00	12
Zoning	Sign	\$250.00	5
Report Period Total:		\$1,225.00	18
Fiscal YTD Total:		\$15,200.00	219

Z18-000075	Zoning	Land Use	A T Mart Food Store Inc.	608 Buffalo Road
Z18-000076	Zoning	Land Use	Auto Sales	100 Computer Drive
Z18-000077	Zoning	Sign	Exxon	836 West Market Street
Z18-000079	Zoning	Land Use	Kobe House of Steaks & Seafood	101 Venture Drive
Z18-000080	Zoning	Land Use	Adams Roadside BBQ Restaurant	728 N Brightleaf Blvd
Z18-000078	Zoning	Land Use	Jorval Properties	15 Bradford Street
Z18-000081	Zoning	Land Use	TNT Fireworks	1299 N Brightleaf Blvd
Z18-000082	Zoning	Sign	TNT Fireworks	1299 N Brightleaf Blvd
Z18-000083	Zoning	Land Use	Existing SFD Garage Addition	211 North Second Street
Z18-000085	Zoning	Land Use	Existing SFD Metal Carport Addition	1009 First Street
Z18-000086	Zoning	Land Use	24'x48' Above Ground Pool	191 Fox Chase Lane
Z18-000087	Zoning	Sign	Luxury Nails & Spa	150 Suite B South Equity Drive
Z18-000084	Zoning	Sign	Sound Station & Security	713 East Market Street
SP16-000050	Site Plan	Minor Site Plan	Accessory Structure	944 Galilee Road
Z18-000088	Zoning	Land Use	SFD New Construction	331 Pace Street
Z18-000089	Zoning	Land Use	Combine Mindz Tattoo Productions	181 Venture Drive
Z18-000090	Zoning	Sign	Arby's Restaurant	1720 East Market Street
Z18-000091	Zoning	Land Use	Coldstone Creamery	150-A South Equity Drive



**TOWN OF SMITHFIELD  
POLICE DEPARTMENT  
MONTHLY REPORT  
MONTH ENDING May 31, 2018**

**I. STATISTICAL SECTION**

Month Ending May 31, 2018	May-18	May-17	Total 2018	Total 2017	YTD Difference
Calls For Service	2051	2007	9322	9503	-181
Incident Reports Completed	138	179	709	794	-85
Cases Closed	88	135	493	550	-57
Accident Reports	85	74	362	358	4
Arrest Reports	92	122	520	603	-83
Burglaries Reported	6	9	28	44	-16
Drug Charges	23	24	157	168	-11
DWI Charges	5	14	26	50	-24
Citations Issued	288	202	1131	1039	92
Speeding	113	58	324	324	0
No Operator License	56	45	234	209	25
Registration Violations	43	18	194	132	62

**II. PERSONNEL UPDATE**

The police department is currently short 2 positions at this time. One officer is currently out due to health issues. Two officers were on leave due to birth of new babies.

**III. MISCELLANEOUS**

Mandatory in-service training was continued in May, with most courses be completed on line. Officers in the Walk To School at the Smithfield Primary School. Annual Ham and Yam took place in downtown Smithfield.

## REPORTED UCR OFFENSES FOR THE MONTH OF MAY 2018

PART I CRIMES	May	May	+/-	Percent	Year-To-Date		+/-	Percent
	2017	2018		Changed	2017	2018		Changed
MURDER	0	0	0	N.C.	0	0	0	N.C.
RAPE	0	0	0	N.C.	1	0	-1	-100%
ROBBERY	4	1	-3	-75%	11	6	-5	-45%
Commercial	1	0	-1	-100%	2	1	-1	-50%
Individual	3	1	-2	-67%	9	5	-4	-44%
ASSAULT	3	1	-2	-67%	18	12	-6	-33%
* VIOLENT *	7	2	-5	-71%	30	18	-12	-40%
BURGLARY	9	6	-3	-33%	42	26	-16	-38%
Residential	7	3	-4	-57%	34	13	-21	-62%
Non-Resident.	1	2	1	100%	3	5	2	67%
Commercial	1	1	0	0%	5	8	3	60%
LARCENY	51	40	-11	-22%	214	184	-30	-14%
AUTO THEFT	0	2	2	N.C.	4	4	0	0%
ARSON	0	0	0	N.C.	0	0	0	N.C.
* PROPERTY *	60	48	-12	-20%	260	214	-46	-18%
PART I TOTAL:	67	50	-17	-25%	290	232	-58	-20%
PART II CRIMES								
Drug	20	23	3	15%	137	158	21	15%
Assault Simple	20	8	-12	-60%	69	57	-12	-17%
Forgery/Counterfeit	4	2	-2	-50%	26	16	-10	-38%
Fraud	6	6	0	0%	32	30	-2	-6%
Embezzlement	1	2	1	100%	6	3	-3	-50%
Stolen Property	3	1	-2	-67%	4	11	7	175%
Vandalism	7	7	0	0%	36	23	-13	-36%
Weapons	1	3	2	200%	16	12	-4	-25%
Prostitution	0	0	0	N.C.	0	0	0	N.C.
All Other Sex Offens	2	2	0	0%	8	5	-3	-38%
Gambling	0	0	0	N.C.	0	0	0	N.C.
Offn Agnst Faml/Chld	1	1	0	0%	1	2	1	100%
D. W. I.	13	6	-7	-54%	47	26	-21	-45%
Liquor Law Violation	0	0	0	N.C.	1	3	2	200%
Disorderly Conduct	0	2	2	N.C.	3	7	4	133%
Obscenity	0	0	0	N.C.	0	1	1	N.C.
Kidnap	0	0	0	N.C.	0	0	0	N.C.
All Other Offenses	8	10	2	25%	40	37	-3	-8%
PART II TOTAL:	86	73	-13	-15%	426	391	-35	-8%
===== GRAND TOTAL:	153	123	-30	-20%	716	623	-93	-13%

N.C. = Not Calculable



**Town of Smithfield**  
**Fire Department**  
May, 2018

**I. Statistical Section**

Responded to	2018 May	May IN	May OUT	2017 May	2018 IN	2018 OUT	2018 YTD	2017 YTD
<b>Total Structure Fires Dispatched</b>	<b>7</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>26</b>	<b>20</b>	<b>46</b>	<b>52</b>
*Confirmed Structure Fires (Our District)*	2	1	1	1	12	4	16	16
*Confirmed Structure Fires (Other Districts)*	1	0	0	1	0	0	4	18
<b>EMS/Rescue Calls</b>	<b>108</b>	<b>104</b>	<b>4</b>	<b>159</b>	<b>675</b>	<b>39</b>	<b>714</b>	<b>726</b>
<b>Vehicle Fires</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>2</b>	<b>12</b>	<b>4</b>
<b>Motor Vehicle Accidents</b>	<b>21</b>	<b>20</b>	<b>1</b>	<b>22</b>	<b>91</b>	<b>7</b>	<b>98</b>	<b>83</b>
<b>Fire Alarms (Actual)</b>	<b>7</b>	<b>6</b>	<b>1</b>	<b>15</b>	<b>44</b>	<b>7</b>	<b>51</b>	<b>62</b>
<b>Fire Alarms (False)</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>5</b>	<b>38</b>	<b>3</b>	<b>41</b>	<b>29</b>
<b>Misc./Other Calls</b>	<b>30</b>	<b>26</b>	<b>4</b>	<b>10</b>	<b>98</b>	<b>27</b>	<b>125</b>	<b>84</b>
*Mutual Aid (Received)*	4	0	0	7	0	0	27	30
*Mutual Aid (Given)*	3	0	0	7	0	0	29	42
*Overlapping Calls (Calls at the same time)*	17	0	0	25	0	0	139	141
<b>TOTAL EMERGENCY RESPONSES</b>	<b>177</b>	<b>163</b>	<b>14</b>	<b>215</b>	<b>982</b>	<b>105</b>	<b>1087</b>	<b>1040</b>

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

	May	YTD
Fire Inspections/Compliance Inspections	74	233
Public Fire Education Programs	2	11
Children in Attendance	88	522
Adults in Attendance	38	266
Plans Review Construction/Renovation Projects	1	25
Fire Code Citations	0	0
Fire Lane Citations	0	0
Consultation/Walk Through	4	91
Re-Inspections	9	84

**II. Major Revenues**

	May	YTD
<b>Inspections</b>	<b>\$1,750.00</b>	<b>\$7,375.00</b>
<b>False Alarms</b>	<b>\$0.00</b>	<b>\$1,975.00</b>
<b>Fire Recovery USA</b>	<b>\$0.00</b>	<b>\$3,878.40</b>
<b>EMS Debt Setoff</b>	<b>\$0.00</b>	<b>\$8,584.57</b>

## **Major Expenses for the Month:**

### **III. Personnel Update:**

- We have one vacancy in the FF 1 position and are currently in the process of filling this opening.

### **IV. Narrative of monthly departmental activities:**

- We participated in Fire prevention programs throughout the month of May: Students from Corinth-Holders visited and at the SSS high school fire program.
- May 5<sup>th</sup> Ham & Yam
- May 8<sup>th</sup> Walk to School, South Smithfield Elementary

**Town of Smithfield  
Public Works Department  
May 31, 2018**



167 Total Work Orders completed by the Public Works Department

3 Burials, at \$700.00 each = \$2,100.00

2 Cremation Burial, \$400.00 each = \$800.00

\$1,000.00 Sunset Cemetery Lot Sales

\$5,000.00 Riverside Extension Cemetery Lot Sales

447.21 tons of household waste collected

116 tons of yard waste collected

7.02 tons of recycling collected

**Town of Smithfield**  
**Public Works Appearance Division**  
**Cemetery, Landscapes, and Grounds Maintenance**  
**Buildings, Facilities, and Sign Division**  
**Monthly Report**  
**May 31, 2018**



**I. Statistical Section**

- 5 \_\_\_ Burials
- 7 \_\_\_ Works Orders – Buildings & Facilities Division
- 11 \_\_\_ Work Orders – Grounds Division
- 33 \_\_\_ Work Orders – Sign Division

**II. Major Revenues**

Sunset Cemetery Lot Sales:	\$1,000.00
Riverside Ext Cemetery Lot Sales:	\$5,000.00
Grave Opening Fees:	\$2,900.00 (Two of the burials were cremations)
Total Revenue:	\$8,200.00

**III. Major Expenses for the Month:**

\$60,000 to The Blackmon Companies for Storm debris removal in Spring branch, Meadowbrook creek and Buffalo creek. \$905.00 to Swift Creek Nursery for landscape beds at Miracle Park.

**IV. Personnel Update:**

None for the month

**V. Narrative of monthly departmental activities:**

The overall duties include daily maintenance on cemeteries, landscapes, right-of-ways, buildings and facilities. The Public Works Department safety meeting was on "Hazard Communication".

**Town of Smithfield  
Public Works Drainage/Street Division  
Monthly Report  
May 31, 2018**



**I. Statistical Section**

- a. All catch basins in problem areas were cleaned on a weekly basis
- b. 7 - Work Orders – 7.02 Tons of Asphalt was placed in 7 utility cuts and 1 overlay.
- c. 2 - Work Orders – 100 Linear Feet of Drainage Pipe cleaned.
- d. Crews assisted with Ham & Yam Festival and beach music (on N 4<sup>th</sup> Street) events.
- e. 35 - Work Orders – 1,215lbs. of Cold Patch was used for 35 Potholes.

**II. Major Revenues**

None for the month

**III. Major Expenses for the Month:**

\$3,745.00 to Sherwin Industries for 3 pallets of crack seal material, \$723.51 to American Tire Distributors for tires on street sweeper.

**IV. Personnel Update:**

None for the month

**V. Narrative of monthly departmental activities:**

The Public Works Department safety meeting was on "Hazard Communication".

**Town of Smithfield  
Public Works Department  
May 31, 2018 Drainage Report**

Location: Down Town District  
 Starting Date: 5/2/2018  
 Completion Date: 5/4/2018  
 Description: Assisted downtown development with preparation for Ham and Yam Festival. Crews sweep streets cut grass and unloaded items.  
 Man-hours: 20hrs.  
 Equipment: 420 Cat backhoe. Street sweeper, mowers.  
 Materials: 67 cones and 20 Barrels.

Location: 619 E Market Street.  
 Starting Date: 5/3/2018  
 Completion Date: 5/3/2018  
 Description: Cut nuisance property for planning department.  
 Man-hours: 2hrs.  
 Equipment: Mowers plus hand tools.  
 Materials: N/A

Location: North and Buffalo Road, Outlet Center Drive in front of Outback-Cracker Barrel, 42 Peedin Road, 110-118 Carolina Ave, 270-275-250-230-125 Equity Drive, Bridge and Front, 2 Runnymede Pl, 410 Canterbury, North and 4<sup>th</sup>, 3<sup>rd</sup> and Bridge.  
 Starting Date: 5/4/2018  
 Completion Date: 5/24/2018  
 Description: Repaired 35 potholes with 20.25 bags of Perma Patch.  
 Man-hours: 5.33hrs.  
 Equipment: 401 pickup plus hand tools.  
 Materials: 20.25 bags of Perma Patch asphalt.

Location: 118 S 2<sup>nd</sup> Street.  
 Starting Date: 5/4/2018  
 Completion Date: 5/4/2018  
 Description: Restriped no parking zone in front of hydrant.  
 Man-hours: 2hrs.  
 Equipment: Hand tools.  
 Materials: One pint of yellow traffic paint.

Location: 4<sup>th</sup> and Bridge Street.  
 Starting Date: 5/8/2018  
 Completion Date: 5/10/2018  
 Description: Delivered rollout containers and cones for beach music event.  
 Man-hours: 3.42hrs.  
 Equipment: 401 pickup and 305 trash truck.  
 Materials: 12 traffic cones and 6 rollout containers.

Location: 5<sup>th</sup> Street Fema lots, Woodall and SBL, beside travel odyssey, Riverside Drive, 2<sup>nd</sup> Ave, 3<sup>rd</sup> Ave, Martin Street, MLK and College Road, Blount Street, West Street between Lee and 2<sup>nd</sup> Ave, E Lee Street beside CSX track, S 2<sup>nd</sup> Street between Bingham and Holding.

Starting Date: 5/10/2018  
 Completion Date: 5/17/2018  
 Description: Cut back right of ways, Fema lots etc.  
 Man-hours: 20hrs.  
 Equipment: Mowers plus hand tools.  
 Materials: N/A

Location: Blount and Midway, 516 Rosewood, Johnston between 2<sup>nd</sup> and 3<sup>rd</sup>, 3<sup>rd</sup> and Woodall.

Starting Date: 5/11/2018  
 Completion Date: 5/29/2018  
 Description: Down trees across roadway due to storms. Trees were removed.  
 Man-hours: 12hrs.  
 Equipment: 420 Cat backhoe, 408 dump truck, Knuckle boom.  
 Materials: N/A

Location: Downtown district.

Starting Date: 5/22/2018  
 Completion Date: 5/22/2018  
 Description: Put up new welcome banners and American flags.  
 Man-hours: 10hrs.  
 Equipment: 401 pickup plus ladders.  
 Materials: N/A

Location: 11 Runnymede Pl, 816 Vermont, 20-21 Franklin Drive, 316 N 3<sup>rd</sup> Street, 7<sup>th</sup> and Caswell, 417 SBL, Greenway Trail behind Log Cabin.

Starting Date: 5/2/2018  
 Completion Date: 5/23/2018  
 Description: Repaired 7 utility cuts and 1 dip in the pavement.  
 Man-hours: 41hrs.  
 Equipment: 420 Cat backhoe, 405 dump truck, 408 flatbed plus hand tools.  
 Materials: 7.02 tons of asphalt.

Location: 712 Wilkins Street.

Starting Date: 5/24/2018  
 Completion Date: 5/24/2018  
 Description: Repaired damaged drain line for positive drainage.  
 Man-hours: 5hrs.  
 Equipment: 401 pickup plus hand tools.  
 Materials: 3 yards of 3000psi concrete.

Location: 926 MLK Drive.  
Starting Date: 5/29/2018  
Completion Date: 5/29/2018  
Description: Cleaned 100LF of drain pipe with jet truck for positive drainage.  
Man-hours: 7.5hrs  
Equipment: Jet truck.  
Materials: N/A

Location: 1114-1116 MLK Drive.  
Starting Date: 5/30/2018  
Completion Date: 5/30/2018  
Description: Repaired sinkhole beside drainage grate for positive drainage.  
Man-hours: 2hrs.  
Equipment: 401 pickup plus hand tools.  
Materials: 4 bags of concrete.



**Town of Smithfield  
Public Works Fleet Maintenance Division  
Monthly Report  
May 31, 2018**



**I. Statistical Section**

  29   Preventive Maintenances

   0   North Carolina Inspections

   0   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 Department safety meeting was on "Hazard Communication".

**Town of Smithfield  
Public Works Sanitation Division  
Monthly Report  
May 31, 2018**



**I. Statistical Section**

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

- a. Sanitation forces completed 40 work orders
- b. Sanitation forces collected tons 447.21 of household waste
- c. Sanitation forces disposed of 58 loads of yard waste and debris at Spain Farms Nursery
- d. Recycled 0.66 tons of clean wood waste (pallets) at Convenient Site Center
- e. Town's forces collected 0 tons of construction debris (C&D)
- f. Town disposed of 0 scrap tires that was collected at Convenient Site Center
- g. Recycling forces collected 5.02 tons of recyclable plastic
- h. Recycled 2120 lbs. of cardboard material from the Convenient Site Center
- i. A total of 0 gals of cooking oil was collected at the Convenient Site Center
- j. Recycled 2520 lbs. of plastics & glass (co-mingle) from the Convenient Site Center.

**II. Major Revenues**

- a. Received \$20.59 from Sonoco Products for cardboard material
- b. Sold 0 lbs. of aluminum cans for \$0
- c. Sold 2140 lbs. of shredder steel for \$128.40 to Omni Source

**III. Major Expenses for the Month:**

Spain Farms Nursery was paid \$2,541.00 for disposal of yard waste and debris. Paid \$1225.00 to Cox's Repair for towing Knuckle boom and Garbage Truck. Paid Whites tire \$540.00 for tires for sanitation trucks.

**IV. Personnel Update:**

No new personnel was hired.

**V. Narrative of monthly departmental activities:**

The department worked closely with Downtown Development providing traffic control devices and providing the event rollouts for the Ham and Yam Festival May 5, 2018. On May 11, 2018 Event rollouts were provided for the Fire Dept. Station 2. On May 31, 2018 Event rollouts were provided for Furlong Drive Community center. May 2, 2018 Safety meeting with Sandy Altman dealing with "Hazard Communications"

Community Service Workers worked 72.62 hrs.



## PARKS AND RECREATION

### MONTHLY REPORT FOR MAY, 2018

<b>PROGRAMS STATISTICS</b>	<b>MAY, 2018</b>		<b>MAY, 2017</b>	
NUMBER OF PROGRAMS	14		17	
TOTAL ATHLETICS PARTICIPANTS	411		311	
TOTAL NON/ATHLETIC PARTICIPANTS	923		1017	
NUMBER OF GAMES PLAYED	61		94	
TOTAL NUMBER OF PLAYERS (GAMES)	1464		2176	
NUMBER OF PRACTICES	34		13	
TOTAL NUMBER OF PLAYER(S) PRACTICES	408			
	<b>MAY, 2018</b>	<b>17/18 FY YTD</b>	<b>MAY, 2017</b>	<b>16/17 FY YTD</b>
PARKS RENTALS	39	242	28	218
USERS (PARKS RENTALS)	1555	18484	3724	16604
<b>TOTAL UNIQUE CONTACTS</b>	<b>4,761</b>		<b>7,228</b>	
	<b>MAY, 2018</b>	<b>17/18 FY YTD</b>	<b>MAY, 2017</b>	<b>16/17 FY YTD</b>
<b>FINANCIAL STATISTICS</b>				
PARKS AND RECREATION REVENUES	\$ 5,237.00	\$ 80,327.00	\$ 5,004.00	\$ 64,554.00
PARKS AND RECREATION EXPENDITURES (OPERATIONS)	\$ 66,951.00	\$ 610,121.00	\$ 54,078.00	\$ 576,224.00
PARKS AND RECREATION EXPENDITURE (CAPITAL OUTLAY EQUIP)		\$ 133,807.00	\$ -	\$ 137,670.00

#### HIGHLIGHTS

HOSTED USSSA GIRLS SOFTBALL TOURNAMENT



**SMITHFIELD RECREATION  
AND AQUATICS CENTER**

**SRAC MONTHLY REPORT FOR MAY, 2018**

<b>PROGRAMS SATISTICS</b>	<b>MAY, 2018</b>		<b>MAY, 2017</b>	
NUMBER OF PROGRAMS	26		23	
TOTAL CONTACT WITH PROGRAM PARTICIPANTS	3275		1915	
	<b>MAY, 2018</b>	<b>17/18 FY YTD</b>	<b>MAY, 2017</b>	<b>16/17 FY YTD</b>
SRAC MEMBER VISITS	5856	55689	6502	57831
DAY PASSES	1034	8355	914	8616
RENTALS (SRAC)	83	7404	66	731
USERS (SRAC RENTALS)	5571	38641	4572	39618
<b>TOTAL UNIQUE CONTACTS</b>	<b>15,736</b>		<b>13,903</b>	
	<b>MAY, 2018</b>	<b>17/18 FY YTD</b>	<b>MAY, 2017</b>	<b>16/17 FY YTD</b>
<b>FINANCIAL STATISTICS</b>				
SRAC REVENUES	\$ 83,419.00	\$ 638,115.00	\$ 99,692.00	\$ 604,260.00
SRAC EXPENDITURES	\$ 66,061.00	\$ 791,327.00	\$ 83,060.00	\$ 785,902.00
SRAC MEMBERSHIPS	3736		3768	
<b>HIGHLIGHTS</b>	Hosted 3 AAU Basketball Tournaments			



- **Statistical Section**

- Electric CP Demand 26,807 Kw relative to April's demand of 15,167 Kw.
- Electric System Reliability for was 99.998%, with four (4) recorded outage; relative to April's 99.998%.
- Raw water treated on a daily average was 3.827 MG relative to 3.422 MG for April; with maximum demand of 4.776 MG relative to April's 4.399 MG.
- Total finished water to the system was 111.803 MG relative to April's 97.840 MG. Average daily for the month was 3.607 MG relative to April's 3.156 MG. Daily maximum was 4.464 MG (May 14<sup>th</sup>) relative to April's 3.915 MG. Daily minimum was 2.836 (May 20<sup>th</sup>), relative to April's 2.849 MG.

- **Miscellaneous Revenues**

- Water sales were \$197,815 relative to April's \$206,406
- Sewer sales were \$299,042 relative to April's \$313,117
- Electrical sales were \$1,161,414 relative to April's sales of \$1,253,928
- Johnston County Water purchases were \$132,730 for 66.365 MG relative to April's \$108,070 for 54.035 MG.

- **Major Expenses for the Month**

- Electricity purchases were \$1,076,375 relative to April's \$754,763
- Johnston County sewer charge was \$199,919 for 64.048 MG relative to April's \$236,081 for 72.775 MG.

- **Personnel Changes –**

- No changes were made in May



**Town of Smithfield  
Electric Department  
Monthly Report  
May, 2018**

**I. Statistical Section**

- Street Lights repaired –16
- Area Lights repaired -9
- Service calls – 48
- Underground Electric Locates –145
- Poles changed out, installed or removed-1
- Underground Services Installed/Repaired -1

**II. Major Revenues**

- N/A

**III. Major Expenses for the Month:**

- N/A

**IV. Personnel Update:**

- Utility Dept. had a Safety meeting on Arc Flash & Ladder Safety.

**V. Miscellaneous Activities:**

- Started installing another phase of approximately 1200 new Nexgrid electrical meters.
- Started another phase of conversion work on the south side of town. Holding street to Wellons St.



## WATER & SEWER MAY 2018 MONTHLY REPORT

● DISCONNECT WATER	2
● RECONNECT WATER	1
● TEST METER	1
● TEMPORARY METER SET	2
● DISCOLORED WATER CALLS	4
● LOW PRESSURE CALLS	5
● NEW/RENEW SERVICE INSTALLS	5
● LEAK DETECTION	18
● METER CHECKS	17
● METER REPAIRS	8
● WATER MAIN/SERVICE REPAIRS	8
● STREET CUTS	7
● REPLACE EXISTING METERS	1
● INSTALL NEW METERS	3
● FIRE HYDRANTS REPAIRED	1
● FIRE HYDRANTS REPLACED	1
● SEWER REPAIRS	11
● CLEANOUTS INSTALLED	4

- SEWER MAIN CLEANED 2831LF
- SERVICE LATERALS CLEANED 685LF
- SERVICE CALLS 108
- LOCATES 171
  
- SERVICE AND MAINTAINED ALL 18 LIFT STATIONS 2 TIMES PER WEEK
- INSPECTED ALL AERIAL SEWERS ONE TIME
- INSPECTED HIGH PRIORITY MANHOLES WEEKLY

## MAJOR EXPENSES FOR THE MONTH

## PERSONNEL UPDATES

- Hired Luther Parrott
- Mario out with knee surgery

## UPCOMING PROJECTS FOR THE MONTH OF MAY

- BRASWELL FINISHED BOOKER DAIRY ROAD.
- BRASWELL FINISHED SEWER REPLACEMENT AT DURHAM ST THIS MONTH.



## **MONTHLY WATER LOSS REPORT**

**MAY, 2018**

### **(5) Meters with slow washer leaks**

**$\frac{3}{4}$ " Line,  $\frac{1}{8}$ " hole – 3days**

**(2)  $\frac{3}{4}$ " Line,  $\frac{1}{8}$ " Hole – 1day**

**$\frac{3}{4}$ " Line,  $\frac{1}{18}$ " hole – 2days**

**$\frac{3}{4}$ " Line,  $\frac{1}{4}$ " hole – 2days**

**1" Line,  $\frac{1}{8}$ " hole – 1 Month**

**1" Line,  $\frac{1}{8}$  hole – 4days**

**1  $\frac{1}{2}$ " Line,  $\frac{1}{8}$  hole – 4days**

**2" Line,  $\frac{1}{4}$ " hole – 5days**

# Hydrant Flushing

## Smithfield Water Plant Distribution Sampling Site Plan

Street Name	Date	Chlorine	Time	Gallons	Psi	Street Name	Date	Chlorine	Time	Gallons	PSI
Stephson Drive	05/14/18	3	15	7965	10	North Street	04/11/18	2.6	15	17820	40
Computer Drive	05/14/18	3	15	31860	10	West Street	04/11/18	1.8	30	156060	50
Castle Drive	05/14/18	3	15	7965	10	Regency Drive	04/11/18	2.4	15	63720	60
Parkway Drive	05/14/18	2.8	15	63720	40	Randers Court	04/11/18	2.8	15	15930	40
Garner Drive	05/14/18	3	15	63723	40	Noble Street	04/11/18	2	15	15930	40
Hwy 210 LIFT ST.	05/14/18	2.4	30	31860	40	Fieldale Dr#1(L)	05/16/18	2.4	15	63720	40
Skyland Drive	05/14/18	3	15	7965	10	Fieldale Dr#2(R)	05/16/18	2.4	15	63720	40
Bradford Street	05/14/18	3	30	31860	10	Heather Court	05/16/18	1	15	15930	40
Kellie Drive	05/16/18	3	30	15930	10	Reeding Place	05/16/18	1	15	15930	40
Edgewater	05/16/18	3	15	7965	10	East Street	05/16/18	1	30	127440	40
Edgewcombe	05/16/18	2.8	15	15930	40	Smith Street	05/16/18	1	15	63720	40
Valley Wood	05/16/18	2.6	30	127440	40	Wellons Street	05/16/18	0.5	15	63720	40
Creek Wood	05/16/18	2.8	30	127440	40	Kay Drive	05/14/18	1.8	15	38985	15
White Oak Drive	05/16/18	3	30	15930	10	Huntington Place	05/14/18	1	15	38985	15
Brookwood Drive	05/16/18	3	30	45030	5	N. Lakeside Drive	05/14/18	0.6	15	9750	15
Runnymede Place	05/16/18	3	15	31860	10	Cypress Point	05/14/18	0.6	15	34890	12
Nottingham Place	05/16/18	2.8	15	38985	10	Quail Run	05/14/18	0.6	15	8715	12
Heritage Drive	05/16/18	3	15	38985	10	British Court	05/14/18	0.2	15	8715	12
Noble Plaza #1	05/16/18	2.8	15	9750	10	Tyler Street	05/14/18	0.4	15	78030	60
Noble Plaza #2	05/16/18	2.4	15	9750	10	Yelverton Road	05/14/18	2.4	15	63720	40
Pinecrest Street	05/16/18	2.4	15	9750	10	Ava Gardner	05/14/18	2.4	15	63720	40
S. Sussex Drive	05/16/18	3	15	31860	10	Waddell Drive	05/14/18	1.6	15	7965	10
Elm Drive	05/16/18	3	15	9750	10	Henly Place	05/14/18	1.4	15	8715	12
Bradford Street	05/16/18	3	15	38985	10	Birch Street	05/16/18	1.8	15	34890	12
Coor Farm Supply	05/16/18	2.2	15	7965	10	Pine Street	05/16/18	2.8	15	38985	15
Old Goldsboro Rd.	05/16/18	3	15	7965	10	Oak Drive	05/16/18	2	15	37695	14
Hillicrest Drive	05/16/18	3.2	15	31860	10	Cedar Drive	05/16/18	2.4	15	31860	10
Eason Street	05/16/18	2.6	15	38985	40	Aspen Drive	05/16/18	3	15	34890	12
Magnolia circle	05/16/18	2.6	30	156060	40	Furlonge Street	05/16/18	2	15	34890	12
Rainbow Drive	05/16/18	0.4	15	19500	60	Golden Corral	05/16/18	2.8	15	40290	16
Rainbow Circle	05/16/18	0.6	15	19500	60	Holland Drive	05/16/18	2.8	15	9750	15
Moonbeam Circle	05/16/18	1.4	15	19500	60	Davis Street	05/16/18	2.8	15	34890	12
Ray Drive	05/16/18	2.8	15	15930	60	Caroline Ave.	05/16/18	3.2	15	31860	10
Will Drive	05/16/18	2.6	15	63720	40	Johnston Street	05/16/18	2.4	15	38985	15
Michael Lane	05/16/18	2.6	15	63720	40	Ryans	05/14/18	2.4	90	9750	15
Ward Street	05/16/18	2.6	15	15930	40						