



Mayor

M. Andy Moore

Mayor Pro-Tem

John A. Dunn

Council Members

Marlon Lee

David Stevens

Travis Scott

David Barbour

Stephen Rabil

Roger A. Wood

Town Attorney

Robert Spence, Jr.

Town Manager

Michael L. Scott

Finance Director

Greg Siler

Town Clerk

Shannan Parrish

Town Council

Agenda

Packet

Meeting Date: Tuesday, December 1, 2020

Meeting Time: 7:00 p.m.

Meeting Place: Town Hall Council Chambers

350 East Market Street

Smithfield, NC 27577



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

Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

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Presentations:

1. Acceptance of the 2020 North Carolina American Water Works Association & Water Environment Federation Award for Potable Water Distribution System of the Year
(Public Utilities Director – Ted Credle) See attached information.....1
2. Acceptance of the 2020 North Carolina American Water Works Association & Water Environment Federation Award for Sanitary Sewer Collection System of the Year
(Public Utilities Director – Ted Credle) See attached information.....5
3. Fiscal Year 2019-2020 Annual Audit
(Finance Director – Greg Siler).....9

Public Hearings:

1. RZ-20-07 East River PUD: The applicant is requesting substantial changes to the previously approved East River Planned Unit Development Master Plan. The subject property is located on the east and west side of Buffalo Road approximately 490 feet north of its intersection with M. Durwood Stephenson Parkway. The property is further identified as Johnston county Tax ID# 14075013.
(Planning Director – Stephen Wensman) See attached information..... 11
2. RZ-20-06 Partners Commercial Realty: The applicant is requesting to rezone two tracks of land totaling approximately 1.98 acres from the B-2 (Business) zoning district and R-8 (Residential) zoning district to the B-3 (Business Highway

Entrance) zoning district. The properties considered for rezoning are located on the west side of the intersection of North Brightleaf Boulevard and Waddell Dr. The properties are further identified as Johnston county Tax ID 15005042 and 15005041.

(Planning Director – Stephen Wensman) See attached information..... 29

Citizens Comments

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2. Bid Award to Classic Ford in the amount of \$21,987 for the purchase of a work van for the Electric Department
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3. Consideration and request for approval to designate and install **signage for “No Thru Trucks” on East Hancock Street east of Ninth Street**
(Chief of Police – R. Keith Powell & Town Manager – Michael Scott)
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4. Board Appointments
 - a. Richard Upton has submitted an application for consideration to be appointed to a first term on the Board of Adjustment

 - b. Jeremy Pearce has submitted an application for consideration to be appointed a first term on the Board of Adjustment

 - c. Brenda Waddell has submitted an application for consideration to be reappointed for a second term on the Parks and Recreation Advisory Committee

(Town Clerk – Shannan Parrish) See attached information..... 79

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(HR/ PIO – Tim Kerigan) See attached information.....89

2. Consideration and request for approval of a Social Media Policy for appointed board members and elected officials
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3. Consideration and request for approval to adopt the 2021 Town Council Meeting Schedule (Town Clerk – Shannan Parrish) See attached information.....101

4. Consideration and request for approval to Adopt Resolution No. 670 (19-2020) setting the date or Public Hearing on the closing of a portion of 9th Street (Planning Director – Stephen Wensman) See attached information.....105

5. Consideration and request for approval to adopt ZA-20-03 (Amendments to the UDO) (Planning Director – Stephen Wensman) See attached information.....117

6. Consideration and request for approval of the low bid for the construction of the water plant project outlined in Resolution No. 671 (20-2020) (Public Utilities Director – Ted Credle) See attached information.....129

7. Consideration and request for approval to accept the funding from NCDEQ for the financing of the water plant project outlined in Resolution No. 672 (21-2020) (Public Utilities Director – Ted Credle) See attached information.....165

Councilmember’s Comments

Town Manager’s Report

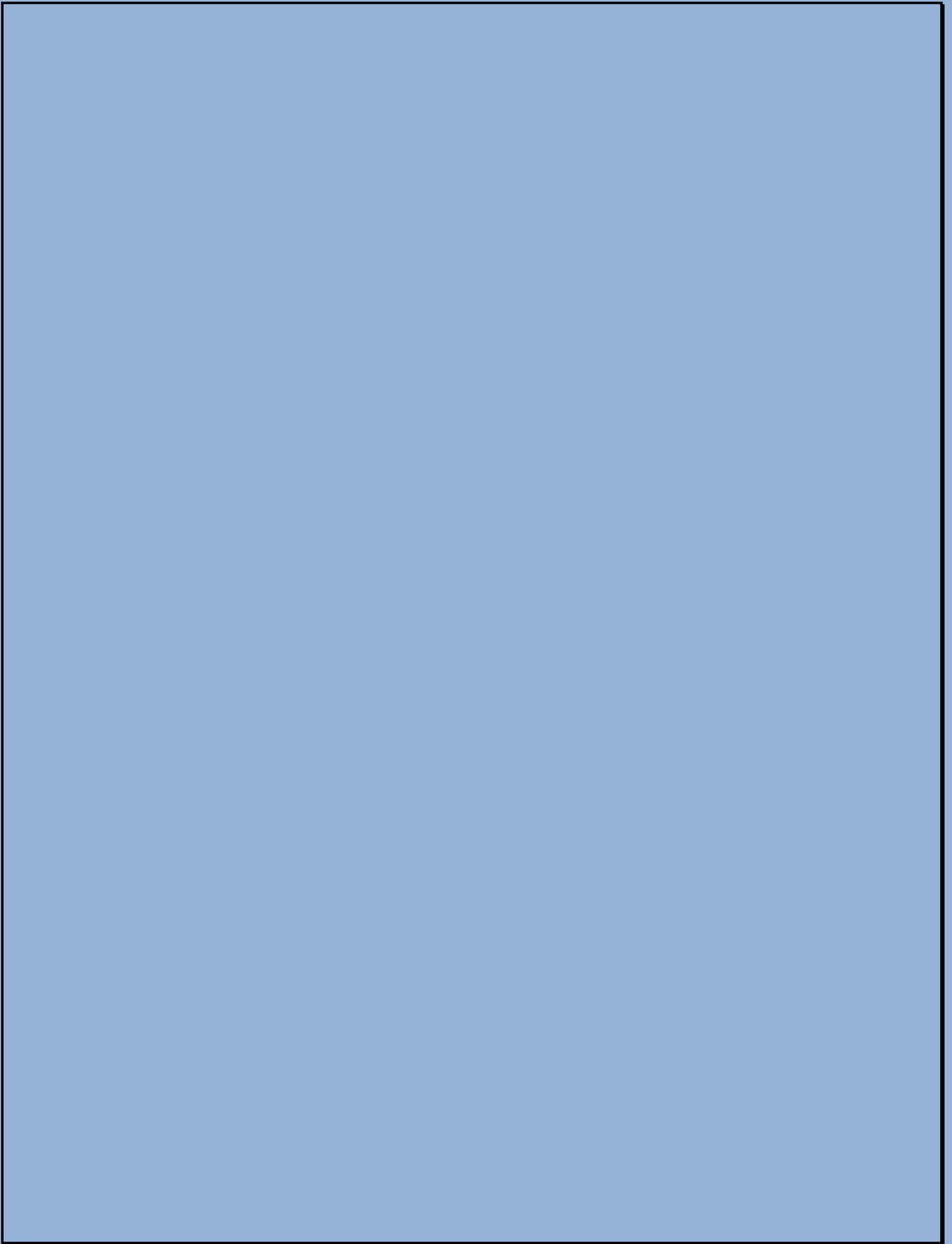
- Financial Report (See attached information).....193
- Department Reports (See attached information).....197
- **Manager’s Report** (Will be provided at the meeting)

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

Reconvene in Open Session

Adjourn

Presentations





Request for Town Council Action

Presentation: Potable
Water
Distribution
System
Date: 12/02/2020

Subject: NC AWWA-WEA Award Presentation
Department: Public Utilities
Presented by: Public Utilities Director - Ted Credle
Presentation: Presentation

Issue Statement

Acceptance of the 2020 North Carolina American Water Works Association & Water Environment Federation Award for Potable Water Distribution System of the year.

Financial Impact

None

Action Needed

Accept the Award as was given by the NC AWWA-WEA

Recommendation

Staff recommends acceptance of the award

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Letter of Notification



Staff Report

Presentation: Potable
Water
Distribution
System

The purpose of the NC AWWA-WEA North Carolina Water Distribution System of The Year Award is to identify and recognize the municipality that protects the public health through pro-active practices of management, operations and maintenance of their water distribution system beyond minimum standards.

To assist in these efforts the Water Distribution System committee shall annually recognize water distribution systems in North Carolina based on the size of their system. In 2020, only three systems in North Carolina were selected for this honor and for the fourth consecutive year, the Town of Smithfield has won their category!

Recipients of the award will have demonstrated that they perform quality water system maintenance procedures through the efficient use of labor, materials, equipment, and innovative methods to keep their distribution system in good working condition to minimize health hazards.

The award honors the system personnel that serve their community with a high level of professionalism and diligent work in the operation and maintenance of their water **distribution system facilities. The recipient's staffs make the most of their available resources,** no matter how great or small.

From: Catrice Jones <cjones@ncsafewater.org>
Sent: Monday, October 12, 2020 2:13 PM
To: Ted Credle <ted.credle@smithfield-nc.com>
Cc: Jennifer Picarella <jpicarella@ncsafewater.org>
Subject: NC AWWA-WEA Award Notification

Dear Town of Smithfield,

Congratulations on receiving the **Water Distribution System of the Year – Small System.**

NC AWWA-WEA will recognize your accomplishment during our 2020 Virtual Annual Conference scheduled for November 2-4, 2020. Award Recipients in the Awards Showcase Lounge within the Virtual Annual Conference Platform. Your recognition will be viewable in the platform for conference participants to view during and after the conference. Additionally, your accomplishment will be recognized in on our website and a future issue of *NC Currents*.

To help us properly recognize you, please provide a picture no later than **Monday, October 19th**. These pictures can be emailed to Catrice R. Jones, cjones@ncsafewater.org.

Congratulations again on your outstanding accomplishment and thank you for your commitment and dedication to the water industry. We look forward to honoring you during the NC AWWA-WEA Virtual Annual Conference!

Catrice R. Jones, CAE
Executive Director
NC AWWA-WEA
2841 Plaza Place, Suite 130, Raleigh, NC 27612
Office 919-784-9030 | Fax 919-784-9032
cjones@ncsafewater.org | www.ncsafewater.org





Request for Town Council Action

Presentation: Sanitary
Sewer
Collection
System
Date: 12/01/2020

Subject: NC AWWA-WEA Award Presentation
Department: Public Utilities
Presented by: Public Utilities Director -Ted Credle
Presentation: Presentation

Issue Statement

Acceptance of the 2020 North Carolina American Water Works Association & Water Environment Federation Award for Sanitary Sewer Collection System of the year.

Financial Impact

None

Action Needed

Accept the Award as was given by the NC AWWA-WEA

Recommendation

Staff recommends acceptance of the award

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Letter of Notification



Staff Report

Presentation: Sanitary
Sewer
Collection
System

The purpose of the NC AWWA-WEA North Carolina Collection System of The Year Award is to identify and recognize the municipality that protects the public health and the natural beauty of the environment through pro-active practices of management, operations and maintenance beyond what is required of its NC DEQ collection system permit.

To assist in these efforts, the committee annually recognizes three wastewater collection systems in our state based on the size of their collection system (small, medium & large systems). For the fourth consecutive year, the Town of Smithfield won their size category!

Recipients of the award will have demonstrated that they perform quality collection system maintenance procedures through the efficient use of labor, materials, equipment, and innovative methods to keep their collection system in good working condition to minimize health hazards and property damage that occur due to sanitary sewer over flows during both wet weather and dry weather conditions.

The award honors the collection system personnel that serve their community with a high level of professionalism and diligent work in the operation and maintenance of their **wastewater collection system facilities**. **The recipient's staff** prove themselves to make the most of their available resources, no matter how great or small.

From: Catrice Jones <cjones@ncsafewater.org>
Sent: Monday, October 12, 2020 2:14 PM
To: Ted Credle <ted.credle@smithfield-nc.com>
Cc: Jennifer Picarella <jpicarella@ncsafewater.org>
Subject: NC AWWA-WEA Award Notification

Dear Town of Smithfield,

Congratulations on receiving the **Wastewater Collection System of the Year – Small System.**

NC AWWA-WEA will recognize your accomplishment during our 2020 Virtual Annual Conference scheduled for November 2-4, 2020. Award Recipients in the Awards Showcase Lounge within the Virtual Annual Conference Platform. Your recognition will be viewable in the platform for conference participants to view during and after the conference. Additionally, your accomplishment will be recognized in on our website and a future issue of *NC Currents*.

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Congratulations again on your outstanding accomplishment and thank you for your commitment and dedication to the water industry. We look forward to honoring you during the NC AWWA-WEA Virtual Annual Conference!

Catrice R. Jones, CAE
Executive Director
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Office 919-784-9030 | Fax 919-784-9032
cjones@ncsafewater.org | www.ncsafewater.org



Request for
Town
Council
Action

Presentation 2020
Audit
Date: 12/01/2020

Subject: Presentation of the 2019-2020 Annual Financial Report
Department: Finance
Presented by: THOMPSON, PRICE, SCOTT, ADAMS & CO., P.A. (TPSA)
Presentation: Presentation

Issue Statement – Thompson, Price, Scott, Adams & Co., P.A. (TPSA) will present Fiscal Year 2020 audit results. The Annual Financial Report provides readers (board/council members, citizens, bondholders, lenders, rating agencies, etc.) with information useful in assessing the financial condition of the town and for making decisions.

Financial Impact – N/A

Action Needed – N/A

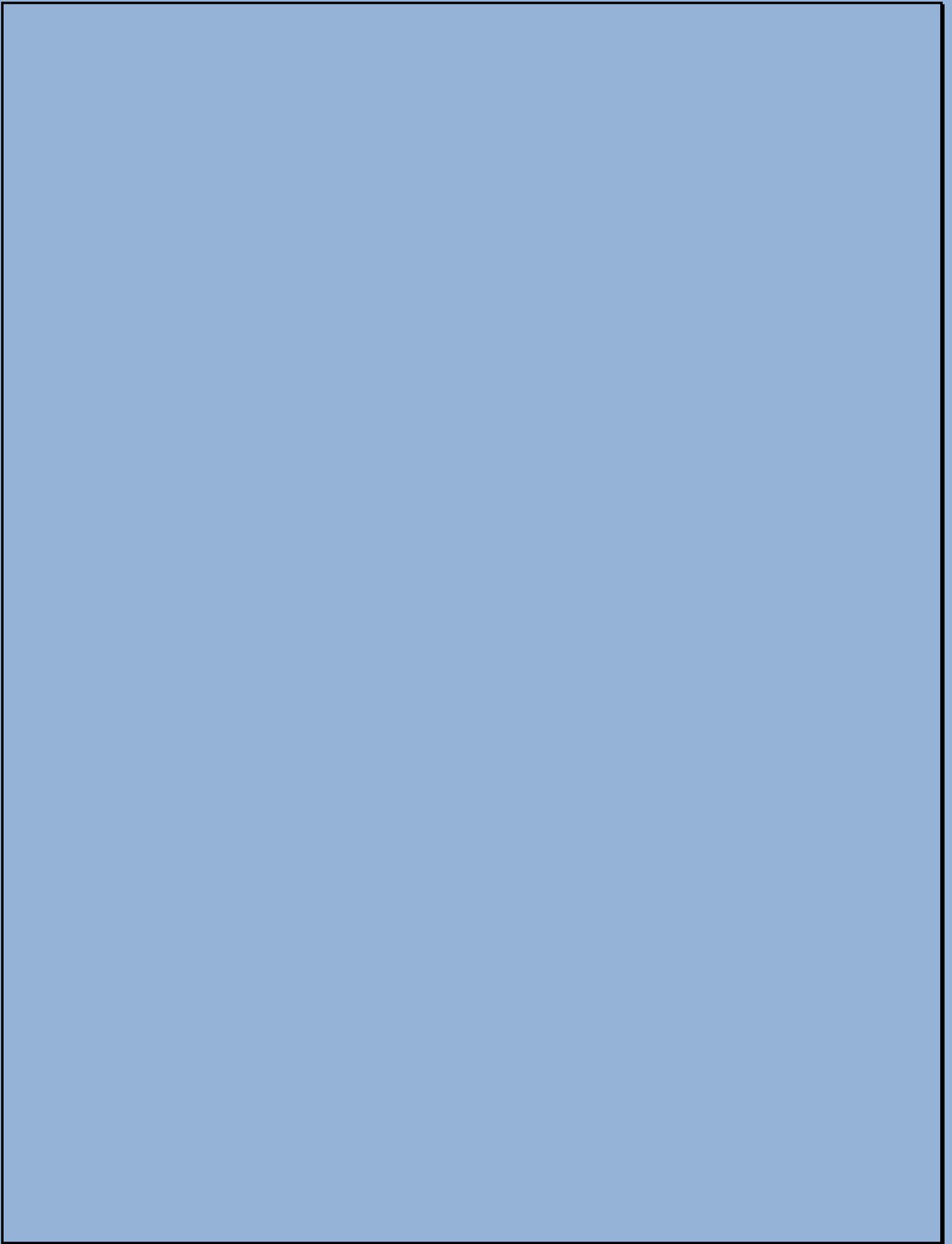
Recommendation – N/A

Approved: Town Manager Town Attorney

Attachments

1. Audit – Provided by separate attachment

Public Hearings





Request for Town Council Action

Public
Hearing: RZ-20-07
Date: 12/01/2020

Subject: PUD Master Plan
Department: Planning
Presented by: Planning Director - Stephen Wensman
Presentation: Public Hearing

Issue Statement

David DeYoung, RiverWild, is requesting approval of the revised East River PUD Master Plan.

The PUD zoning and Preliminary Plat were approved on December 4, 2018 and then revised and approved on April 7, 2020. This application is for a 3rd revision.

Financial Impact

None with revision.

Action Needed

To hold a public hearing, review the PUD Master Plan and make a decision whether to approve, approve with conditions or to deny the request.

Recommendation

The Planning Staff and Planning Board recommend approval of the amended PUD Master Plan with 8 conditions.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Application
3. **Consistency Statement**
4. Approved PUD Master Plan
5. Revised PUD Master Plan
6. Adjacent Property Owner Listing and Notification



Staff Report

Public RZ-
Hearing: 20-07

OVERVIEW:

The Town Council approved the East River PUD Master Plan on December 4, 2018 with up to 280 detached single family lots of which up to 76 of them may be attached units (triplexes) and up to 35 townhouse units on the east side of Buffalo Road.

A revised preliminary plat was submitted and approved on April 7, 2020 to address major changes to the stormwater management consisting of 188 detached single-family residential lots, 75 attached single-family triplex lots and 30 townhouse lots.

This submittal revises the PUD Master Plan and will result in a total unit count of 293 lots of which 168 are detached single family residential lots, 60 attached single-family triplex lots and 65 townhouse lots. The phasing has changed from 9 phases to 7 (phases 1 and 2 are under construction and will not be affected). The PUD Plan revises the stormwater management infrastructure, adds a new central park feature, new mail kiosk area, guest parking for the tri-plex lots, and improves the routing of the greenway away from the cul-de-sac and pump station.

Application Number	RZ-20-07
Project Name	East River
NC Pin	169520-80-3415 and 169420-79-4697
Town Limits/ETJ	Town of Smithfield
Applicant	RiverWild
Property Owner	Buffalo Road, LLC
Agents	David DeYound, RiverWild

LOCATION: About 1400 feet north of M.Durwood Stephenson Parkway.

Acreage	54.97 acres (affects phases 3-7)
Present Zoning	PUD Planned Unit Development/WS IV-PA Overlay
Proposed Zoning	PUD Planned Unit Development/WS IV-PA Overlay
Existing Uses	Single-Family Residential
Proposed Use	Detached Single-Family Residential/Attached Single Family Triplexes/Townhomes
Fire Protection	Town of Smithfield
Parks and Recreation	Public use trails/greenway.
Access	Buffalo Road
Utilities	Town of Smithfield

ANALYSIS:

Unit Type/Density. The revised preliminary plat (third) will result in a total PUD lot count of 293 residential lots:

- 168 are detached single family residential lots
- 60 attached single-family triplex lots and
- 65 townhouse lots.

From the April 7, 2020 preliminary plat, this revised plat reduces the number of detached single-family lots (-20), reduces the number of triplexes (-10) and increases the number of townhouse (+ 35).

The Townhouses are considered multi-family and require a separate special use permit approval.

Environmental. The proposed development site is outside of the floodplain. The development is outside the required 100-foot buffer zone of the Neuse River and blue line stream, except for the trail which is allowed. The development does not disturb existing wetlands on the property.

Water Supply Watershed Protection Overlay District. The development is partially within the WS IV-PA Overlay District. The overlay district provides an extra layer of regulation intended to protect the water supply watershed from pollution caused primarily from stormwater runoff. Within the WS IV-PA lot sizes are limited to ½ acre lots, unless cluster subdivision standards are followed (UDO Section 7.34). Impervious surfaces are limited to 24% unless the high-density option is utilized (UDO Section 10.92.6.2.3). With the high-density option, higher level of stormwater management controls is required and allows up to 75% impervious limit. The master plan complies with the cluster subdivision standards with a few exceptions.

Cluster Subdivision Standards. The proposed development is subject to the Supplementary Standards for Cluster Subdivision (UDO Section 7.34) with some exceptions. The development is in compliance with the cluster requirements with a few exceptions:

- Required open space is equal or greater to the reduction of the lot sizes from the underlying zoning district requirements when including Phases 1 and 2 that are currently under construction.
- Under the Cluster regulations, lot size cannot be less than 4,800 sq. ft. (60% of 8,000) Many of the lots are under 4,800 sq. ft. in size, but were approved with the original PUD Plan:
 - Single-family detached – 3,145 sq. ft.
 - Single family attached (tri-plex) units – 2,000 sq. ft.
 - Townhome units – 1,400 sq. ft.
- Minimum lot width and lot frontage cannot be less than 40 feet. Many of the lots are less than 40 feet wide but were approved with the original PUD Plan.
 - Single-family detached – 37 ft.
 - Single family attached (tri-plex) units – 25 ft.
 - Townhome units – 17.5 ft.
- The side yard setbacks cannot be less than 6 feet. If a zero lot line lot, the other setback is required to be 12 feet. A zero lot line cannot be more than one side of the lot. The Council approved a deviation from the cluster provisions with the original PUD plan:
 - Single-family detached – 5 ft.
 - Single family attached (tri-plex) units – 0 ft. on two sides/6 ft.
 - Townhome units – 0 ft. on two sides/6 ft.

- The building separation minimum is 12 ft. The proposed development is proposing a 10 ft. building separation (UDO Section 7.34.4.7). The Council approved this deviation from the cluster provisions with the approval of the PUD master plan.

State Road Dedication and Access. The development has access off Buffalo Road in two locations on both sides of Buffalo Road. The previous plans had two entrances on the east side and a single entrance on the west side. NCDOT approval will be required for each entrance prior to construction of the entrances. The developer has dedicated public right of way for Buffalo Road as required by the NCDOT.

Streets.

- The subdivision shows a mix of 50 foot and 60-foot-wide public R/W. The outer loop road is shown as a 60-foot R/W, whereas, the remainder of the R/W is proposed to be 50 feet wide. The streets are 24' wide with mountable valley curb.
- The west side of the development was reconfigured with the tri-plex lots aligned on a 50' wide right-of-way that loops around a central park as an organizing theme with the remainder of the lots being detached single family residential.
- The previous PUD Plan for the east side of the development had a mix of detached single family and townhouse lots with a single entrance off of Buffalo Road. The PUD Plan now has all the townhouse lots located on two private drives that access Buffalo Road. Staff recommends the two parking lots on the east side of Buffalo Road be connected.
- The roads on the east side of Buffalo Road are to be private roads/drives and will be maintained by the HOA.

Sidewalks & Trails.

- Sidewalks are shown on both sides of each street throughout the development which is consistent with the original PUD Plans.
- Sidewalks are required along Buffalo Road; however, the developer is proposing a 10' trails rather than a sidewalk that weaves in and out of the Buffalo Road right-of-way on both frontages. Staff is supportive of this because Buffalo Road is the identified alternate route for the Mountains to Sea Trail if a river edge greenway is not realized.
- A public greenway segment is provided in the center of the development connecting the Buffalo Road trail to the central park and to Neuse River trail. A portion of the Neuse River Trail provides a walking loop that will be constructed by the developer in a public easement, however the dead-end segment extending north will not be constructed by the developer. That segment will be constructed by the Town in the future if the river front greenway trail is realized with future development.
- Sidewalk/trails within the of Buffalo Road right-of-way require an NCDOT encroachment permit.
- The trail on the east side of Buffalo is shown in the required street landscape yard.

Parks Dedication. According to Park Dedication Requirements of the UDO, Section 10.112.3, at least one fifty-seventh of an acre (1/57) shall be dedicated for each dwelling unit planned or provided for in the subdivision plan, or a fee in lieu of park land dedication. No parkland has been identified in the comprehensive plan for this area. Fee in lieu of park land dedication will be required based on the number of lots in each final plat.

Private Park Facilities. The revised PUD Plan is organized around a private central park which is surrounded by the triplex lots, then detached single family units beyond. The central park has walking

concrete paths, a playground, mailboxes. The guest parking stalls around located around the park. The public greenway trail crosses through the park.

Public Utilities. The development will be served by Town water, sewer and electrical service. The developer estimated wastewater flow for the development to be 113,400 gallons per day. A portion of the development will be served by gravity wastewater flow and a portion will require a wastewater pump station which is to be located just beyond the Shore Court cul-de-sac. The wastewater pump station will be required to meet Town standards with appropriate public access for maintenance.

The pump station is shown to be located near future residential homes and potentially interfering with the required stormwater SCM maintenance accessway. More detail is needed of both and this area may need to be modified to meet stormwater management requirements and utility requirements.

Stormwater Management. The stormwater management has been modified again with this revised PUD Plan. In the original PUD Plan, the exiting pond near the Neuse River was to be used as a SCM. In the approved 2nd revision, the PUD open space was going to be dominated by SCM which was a concern for the Town Council. In this revised PUD Plan, two stormwater SCMs are shown to be located near the exiting ponds in the open space and another on the east side of Buffalo Road which will serve the townhouse area. The larger SCM is located behind the wastewater pump station and maintenance access to the SCM may be in conflict with the pump station. Additional stormwater ponds are shown in the town house area including one shown to be in the required landscape street yard.

Landscaping. There are no specific landscaping standards for single family residential development. The original master plan showed a conceptual plan the included street trees and landscaping within open space. The developer is installing landscaping in the first and second phases and that them will be continued throughout the development. Phases 6 and 7 show townhouses, a multi-family development. Multi-family is required to maintain streetyards and bufferyards; none are shown.

Parking. The UDO requires 2 parking stalls per unit for single family residential. This requirement will be accommodated with the garages and driveways. The Multifamily dwellings require 1.5 spaces per 1-bedroom units, 1.75 spaces per unit for 2-bedroom units, and 2 spaces for 3 or more-bedroom units. The exact number of bedrooms in each unit is unknown. Parking will be reviewed with each phase of construction to ensure parking compliance. The Town house parking in phases 6 and 7 will be reviewed with the required special use permit for multi-family development. The revised PUD Plan includes guest parking around the Central Park which will relieve parking congestion anticipated in this area. Furthermore, developer has incorporated into the HOA declarations a prohibition on street parking.

Street Lighting. A preliminary lighting plan has been provided with the light poles within easements located just beyond the public rights-of-ways.

Phasing. The developer has revised the phasing plan from 9 phases to 7 phases. Phases 6 and 7 are now planned for townhouse development (multi-family).

Homeowners Association Documents. The development is a maintenance free development with the HOA responsible for maintenance of yards and shared open space and amenities. The Town Attorney approved the HOA documents prior to recording the final plat for the first phase. With each successive phase the HOA documents will be modified to incorporate new phases.

Signs. Subdivision signs are regulated by the Town of Smithfield Unified Development Ordinance and prior to construction a separate sign permit from the Planning Department will be required.

REIMBURSEMENT AGREEMENT:

The revised Master Plan will require modifications to the existing Reimbursement Agreement between the Town and the Developer. The phasing and reimbursement figures will need to be modified and the new PUD Master Plan will need to replace the existing exhibit to the Agreement.

COMPREHENSIVE PLAN GUIDANCE:

The proposed PUD Plan is consistent with the comprehensive plan that was in place in 2018. The current Comprehensive plan outlines some development guidelines including a prohibition of single-family lots that are less than 45 feet in width. Both comprehensive plans embrace the PUD process to provide flexibility in the development code. Given that the Council has previously approved narrower lots for this development when it was in conformance with the previous comprehensive plan and because phases 1 and 2 are already under construction, Staff recommends the Council accept this nonconformance with the current comprehensive plan.

PLANNING DEPARTMENT RECOMMENDATIONS:

The Planning Staff and Planning Board recommend approval of the Amended PUD Master Plan for the East River subdivision with the following conditions (condition #8 was added by Staff):

- 1) That all phases of the subdivision shall be incorporated into the Homeowners Association deed restrictions and covenants prior to final plat of each phase.
 - 2) That a park dedication fee in lieu of parkland be paid prior to recording the final plat approval of each phase of the development consistent with Article 10, Section 10.112.8.
 - 3) That the public trail be constructed successively with each phase of the development in public right-of-way or within public easements as shown on the PUD Plan, with the exception of the dead-end section of the greenway trail by the Neuse River extending to the north extent of the development and a small segment to connect to the southern extent of the development.
 - 4) That the pump station and all SCM accessways be designed to meet Town's UDO requirements and to the satisfaction of the Town Engineer and Public Utilities Director's satisfaction.
 - 5) The utilities shall be designed such that that extension can be made conveniently and without undue burden or expense to serve future adjacent development.
 - 6) That landscaping be incorporated into each phase of the development consistent with phase 1 landscaping and that additional landscaping be placed along the edges of the development in phase 6 to provide for additional buffering.
 - 7) That access to phases 6 and 7 be private maintained by the HOA.
 - 8) That application for a special use permit be submitted for the townhouse development in phases 6 & 7.
-

CONSISTENCY STATEMENT (STAFF OPINION):

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

- **Consistency with the Comprehensive Growth Management Plan** -*The development is consistent with the comprehensive plan that was in place in 2018 when the development was first approved. The current Comprehensive plan outlines some development guidelines including a prohibition of single-family lots that are less than 45 feet in width. Both comprehensive plans embrace the PUD process to provide flexibility in the development code.*
 - **Consistency with the Unified Development Code** – *With the rezoning, the lot will be in conformance with the standards of the PUD, except for the lateral access requirements.*
 - **Compatibility with Surrounding Land Uses** - *The property considered for a rezoning is will be compatible with adjacent development. The Comprehensive Plan guides the adjacent lands for residential development.*
-

RECOMMENDED ACTION:

Planning Staff and the Planning Board respectfully requests that the Town Council hold a public hearing, review the PUD Master Plan and make a decision whether to approve, approve with conditions or to deny the request.

RECOMMENDED MOTION:

“Move to recommend approval of the revised PUD Master Plan, RZ-20-07, with 8 conditions of approval with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.”

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
RZ-20-07**

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

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

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

IN THE EVENT THAT THE MOTION TO RECOMMEND APPROVAL OF THE ORDINANCE IS ADOPTED,

That the final action regarding zoning map amendment RZ-20-07 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public meeting; and

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

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

That the final action regarding zoning map amendment RZ-20-07 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



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

REZONING APPLICATION

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

Name of Project: East River PUD Acreage of Property: 54.97 AC
 Parcel ID Number: 169520-80-3415, 169420-79-4697 Tax ID: 14075013, 14075014Q
 Deed Book: 5612 Deed Page(s): 276
 Address: 1899 Buffalo Road, Smithfield, NC 27577
 Location: East and West sides of Buffalo Road (adjacent to the Neuse River), just north of Booker Dairy Road.

Existing Use: Residential Planned Development Proposed Use: Residential Planned Development
 Existing Zoning District: PUD
 Requested Zoning District PUD
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): PD-R
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): WS IV-PA WSWP Overlay District

FOR OFFICE USE ONLY

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

OWNER INFORMATION:

Name: Buffalo Road, LLC

Mailing Address: 114 W. Main Street, Ste. 102 Clayton, NC 27520

Phone Number: (919)901-3178 Fax: NA

Email Address: david@theriverwildteam.com

APPLICANT INFORMATION:

Applicant: David DeYoung, AICP - RiverWild

Mailing Address: 114 W. Main Street, Clayton, NC 27520

Phone Number: 919-901-3178 Fax: NA

Contact Person: Same as above

Email Address: david@theriverwildteam.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

STATEMENT OF JUSTIFICATION

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

The purpose of this request is to amend/revise the rezoning for the East River PUD to allow for an enhanced design and overall layout of the master plan. Modifications include but are not limited to: Improved residential amenities included a new "central park" area with a dog park, tot lot, green space, picnic pavilion and centralized mail facility. Walking trails continue to play an important role and now connect through central park. Many environmental concerns have been addressed including the removal of linear drainage swales that ran between the lots. To address parking concerns, additional parking is now provided within the townhome sections and around central park. Once completed, the revised master plan delivers a higher quality development to the Town of Smithfield and its residents.

APPLICANT AFFIDAVIT

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

David DeYoung
Print Name


Signature of Applicant

10/1/20
Date



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

OWNER'S CONSENT FORM

Name of Project: East River PUD Submittal Date: 10/2/2020

OWNERS AUTHORIZATION

I hereby give CONSENT to David DeYoung, AICP and Cindy Szwarcokop, AICP (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] Reid Smith 10/1/20
 Signature of Owner Print Name Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

[Signature] David DeYoung 10/1/20
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: Date Received: Parcel ID Number:

IMPERVIOUS AREA CALCULATIONS*

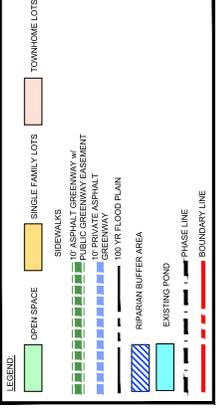
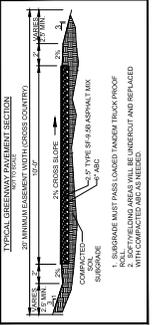
TOTAL AREA (SQUARE FEET)	% OF TOTAL SITE	IMPERVIOUS AREA (SQUARE FEET)	% IMPERVIOUS AREA
1,187,409	41.94%	637,835	53.76%
427,523	15.10%	374,508	87.64%
286,625	10.15%	47,225	16.48%
847,855	33.55%	103,890	12.25%
TOTAL AREA	100.00%	1,183,240	41.82%

*NOTE: AREAS CALCULATED FROM THE APPROXIMATE AS SHOWN IN MASTER PLAN. ACTUAL ACRESAGE WILL BE DETERMINED DURING THE SUBDIVISION APPLICATION SUBMITTAL PROCESS.

**NOTE: RIGHTS-OF-WAY INCLUDES STREETS AND DRIVEWAYS

***NOTE: INCLUDES RIPARIAN BUFFER AREAS, OPEN WATER BODIES AND 100 YEAR FLOOD PLAIN

****NOTE: OPEN SPACE INCLUDES AMENITIES, GREENWAYS, INTERNAL DRIVEWAYS, FEATURES IN PARKS, PARKS, ACTIVE AND PLAY SPACES, ETC.



EAST RIVER MASTER DEVELOPMENT CHART

PHASE	AREA OF PHASE	% OF OVERALL SITE	NUMBER OF UNITS	RIGHT OF WAY	IMPERVIOUS AREA	PERVIOUS AREA	STATUS OF PHASE
PHASE 1	26.91 AC	2.27%	40	26.79 AC	43.01 AC	23.10 (53%)	APPROVED MASTER PLAN
PHASE 2	4.02 AC	0.34%	31	3.98 AC	1.50 (38%)	1.48 (38%)	NOT YET SUBMITTED
PHASE 3	6.72 AC	0.57%	41	6.68 AC	1.07 (16%)	2.84 (47%)	NOT YET SUBMITTED
PHASE 4	5.77 AC	0.49%	29	5.73 AC	1.64 (28%)	2.84 (47%)	NOT YET SUBMITTED
PHASE 5	8.00 AC	0.68%	40	7.96 AC	1.11 (14%)	2.84 (47%)	NOT YET SUBMITTED
PHASE 6	5.30 AC	0.45%	27	5.26 AC	1.74 (33%)	2.84 (47%)	NOT YET SUBMITTED
PHASE 7	3.14 AC	0.27%	14	3.10 AC	1.51 (48%)	2.79 (87%)	NOT YET SUBMITTED
PHASE 8	2.51 AC	0.21%	14	2.47 AC	1.31 (53%)	1.91 (78%)	NOT YET SUBMITTED
PHASE 9	2.51 AC	0.21%	14	2.47 AC	1.31 (53%)	1.91 (78%)	NOT YET SUBMITTED
GRAND TOTAL	64.81 AC	5.56%	281	287.22 AC (44%)	22.93 AC (35%)	42.91 AC (65%)	

SITE PLAN INFORMATION:

OWNER: BUFFALO ROAD, LLC, 114 W MAIN ST STE 102, CLAYTON, NC 27920

PARCEL IDENTIFICATION NUMBER: 44072913

TAX NUMBER: 48000810500

PROPERTY LOCATION: 2700 SASE ST, 19 ACES

PROJECT LOCATION: TO BE ANNEXED INTO THE TOWN CORPORATE LIMITS

EXISTING PROPOSED ZONING: PUD

EXISTING USE: AGRICULTURAL/RESIDENTIAL

PROPOSED USE: RESIDENTIAL TOWNHOME UNITS - 281 UNITS

PROPOSED UNITS/LOTS: 281 UNITS

EXISTING UNITS/LOTS: 0

EXISTING UNITS/ACRE: 0

MAX PERMISSIBLE AREA: 27%

PERCENT IMPERVIOUS AREA: 41.82%

REQUIRED PROPOSED PARKING (TOWNHOMES): 5 SPACES/LOT

REQUIRED PROPOSED ACCESSIBLE PARKING (TOWNHOMES): 31.4 ACCESSIBLE SPACES

WATER PROVIDER: TOWN OF SMITHFIELD

SEWER PROVIDER: TOWN OF SMITHFIELD

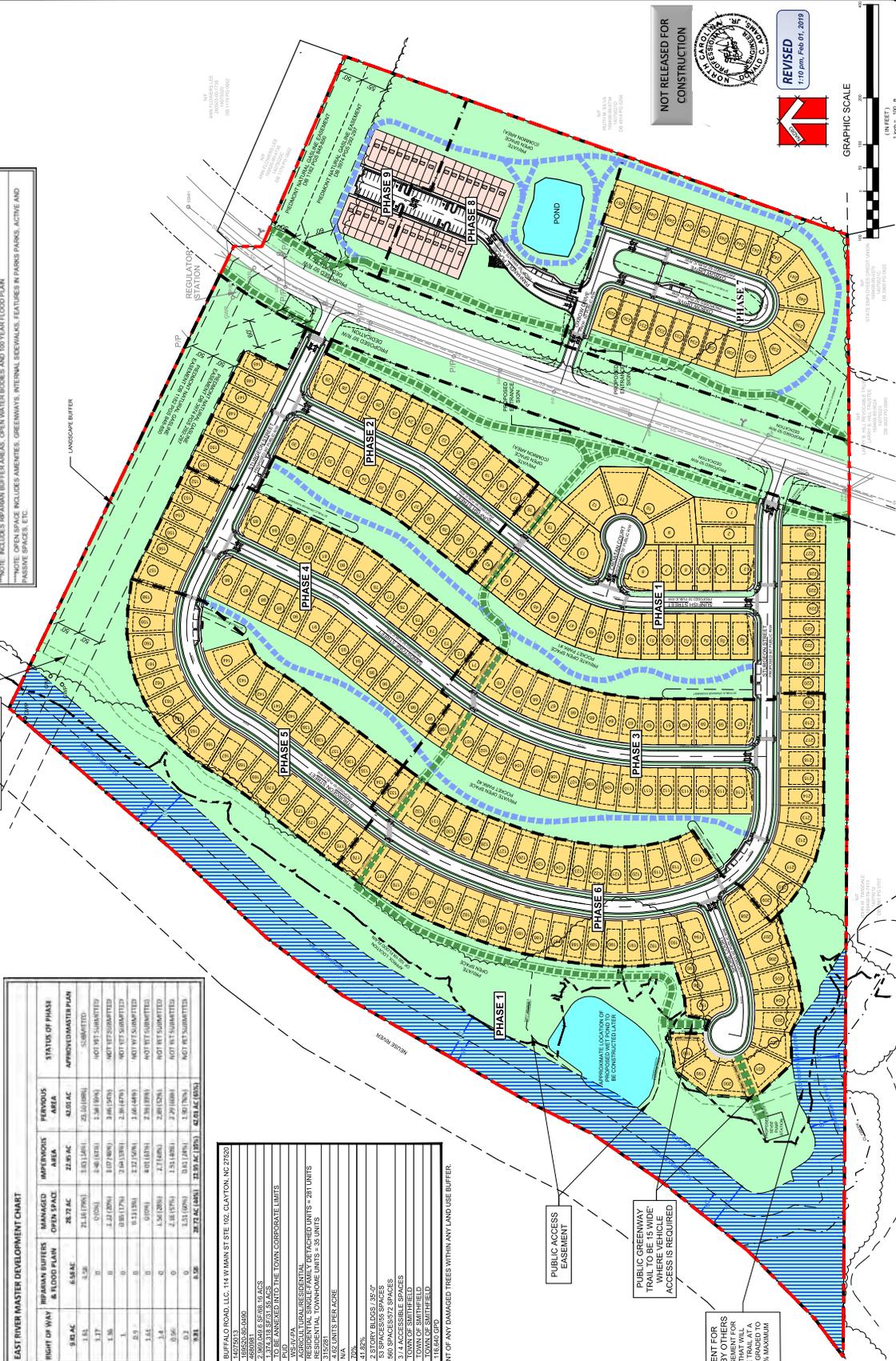
ANTICIPATED DAILY WASTEWATER FLOW: 116,640 GPD

*THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED TREES WITHIN ANY LAND USE BUFFER.

PRIVATE GREENWAY TRAIL

PHASE	LINEAR FEET
PHASE 1	1,177
PHASE 2	0
PHASE 3	775
PHASE 4	577
PHASE 5	0
PHASE 6	0
PHASE 7	451
PHASE 8	1,144
PHASE 9	508
TOTAL	5,337

20' PUBLIC GREENWAY EASEMENT FOR POTENTIAL FUTURE EXTENSION BY OTHERS. THE DEVELOPER WILL PROVIDE AN EASEMENT FOR THE TOWN TO CONSTRUCT THE TRAIL AT A FUTURE DATE. THE EASEMENT WILL BE GRANTED TO PROVIDE A 2% (MINIMUM LONGITUDINAL SLOPE).



NOT RELEASED FOR CONSTRUCTION

REVISED 1:10 PM, 04/01/2019

GRAPHIC SCALE (IN FEET) 1" = 100' E

Adjacent Property Owners of
RZ-20-07

TAX ID	PIN	NAME	ADDRESS	CITY	STATE	ZIP CODE
14075013Y	169520-80-4069	RMS INVESTMENTS, LLC	114 W MAIN ST STE 102	CLAYTON	NC	27520-2397
14075014O	169520-80-8167	BUFFALO ROAD, LLC	114 W MAIN ST STE 102	CLAYTON	NC	27520-2397
14075014N	169408-89-6793	PINK & PURPLE, LLC	114 W MAIN ST STE 102	CLAYTON	NC	27520-2397
14075014B	169408-89-4977	RMS INVESTMENTS, LLC	114 W MAIN ST STE 102	CLAYTON	NC	27520-2397
14075013	169520-80-3415	BUFFALO ROAD, LLC	114 W MAIN ST STE 102	CLAYTON	NC	27520-2397
14075013G	169520-80-6011	PINK & PURPLE, LLC	114 W MAIN ST STE 102	CLAYTON	NC	27520-2397
14075014P	169520-80-4363	BUFFALO ROAD, LLC	114 W MAIN ST STE 102	CLAYTON	NC	27520-2397
14075014Q	169420-79-4697	BUFFALO ROAD, LLC	114 W MAIN ST STE 102	CLAYTON	NC	27520-2397
14075013A	169408-89-7839	PINK & PURPLE, LLC	114 W MAIN ST STE 102	CLAYTON	NC	27520-2397
14075014J	169408-89-5733	ERWIN, AMY E.	157 STURGEON ST	SMITHFIELD	NC	27577
14075013C	169408-89-6825	KAMWERU, NICHOLAS	110 SUNFISH ST	SMITHFIELD	NC	27577
14075013Q	169520-80-6319	MOORE, PAUL B. JR. JOINT TENANTS	209 SUNFISH ST	SMITHFIELD	NC	27577
14075020C	169520-90-4736	LEE, ANN FLOWERS	2172 BUFFALO RD	SMITHFIELD	NC	27577-0000
14075021D	169408-99-6734	SILVA, RUTH M	12 HAZELWOOD CT	SMITHFIELD	NC	27577-0000
14075020	260503-00-1738	LEE, ANN FLOWERS	2172 BUFFALO RD	SMITHFIELD	NC	27577-0000
14075023	169408-89-9524	LARRY B HILL REVOCABLE TRUST	2899 BUFFALO RD	SMITHFIELD	NC	27577-0000
17K09008	169519-61-0427	WILSON 1995 FAMILY LIMITED PARTNERSHIP	101 E JOHNSTON ST	SMITHFIELD	NC	27577-4559
14075012	169408-79-8432	TWISDALE, JOHN W	1755 BUFFALO RD	SMITHFIELD	NC	27577-7434
17K09005	169500-62-8888	STEPHENSON FARM, LLC	1824 WILSONS MILLS RD	SMITHFIELD	NC	27577-7667
14075013M	169520-80-6148	PAMPUCH, JUSTIN	176 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075013D	169408-89-6819	COX, JOHNAVON JAMAL	118 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075013F	169408-89-6917	GALLIMORE, JENNIFER ANNE	132 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075013R	169520-80-5385	WILSON, SHATIK	199 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075013O	169520-80-7206	ADELL, SHONTAE	198 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075013E	169408-89-6913	FAIR, DEMETRICE	124 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075013S	169520-80-5362	WILLIAMS, MICHELE	191 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075014A	169520-80-4061	CALZARETTA, CHRISTOPHER JOINT TENANTS	139 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075013N	169520-80-6273	JOHNSON, DEANA	190 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075013U	169520-80-5215	LANGSTON, MELVIN MARTHOLOMEW	175 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075013X	169520-80-4173	VELASQUEZ, MICHELLE ELENA JOINT TENANTS	159 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075013T	169520-80-5239	SMITH, BRITNEY	183 SUNFISH ST	SMITHFIELD	NC	27577-8983

Adjacent Property Owners of
RZ-20-07

14075013V	169520-80-4291	ANDERSON, DEAN JR	171 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075013H	169520-80-6016	STROMAN, SHERELLE	150 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075014C	169408-89-4973	PIERRE-LOUIS, BALBINA	125 SUNFISH ST	SMITHFIELD	NC	27577-8983
14075013P	169520-80-7330	TENANTS (WROS)	210 SUNFISH ST	SMITHFIELD	NC	27577-8984
14075013J	169520-80-7063	AGUILAR-HERNANDEZ, YERELIA	132 CROATAN CT	SMITHFIELD	NC	27577-8985
14075013I	169520-80-7000	WILLIAMS, KEITH	128 CROATAN CT	SMITHFIELD	NC	27577-8985
14075013L	169520-80-7157	PADILLA, GEORGE ANIBAL JR.	129 CROATAN CT	SMITHFIELD	NC	27577-8985
14075013K	169520-80-7181	JONES, BILLY LEE	131 CROATAN CT	SMITHFIELD	NC	27577-8985
14075014L	169408-89-6713	WOHLENBERG, WILLIAM	141 STURGEON ST	SMITHFIELD	NC	27577-9730
14075014M	169408-89-6753	TEMPLE, TISHA R.	133 STURGEON ST	SMITHFIELD	NC	27577-9730
14075014F	169408-89-3773	SIMS, LOIS S.	189 STURGEON ST	SMITHFIELD	NC	27577-9730
14075014H	169408-89-4753	BROWN, DARIUS ELLIOTT	173 STURGEON ST	SMITHFIELD	NC	27577-9730
14075014G	169408-89-4713	ALSTON, SAMONA	181 STURGEON ST	SMITHFIELD	NC	27577-9730
14075013B	169408-89-6889	CRAIG, ANDREW D.	126 STURGEON ST	SMITHFIELD	NC	27577-9730
14075014I	169408-89-4793	ROBINSON, TANIEKA CHRISTINE	165 STURGEON ST	SMITHFIELD	NC	27577-9730
14075014K	169408-89-5773	SANDOVAL, JOCELYN E. CASTRO	149 STURGEON ST	SMITHFIELD	NC	27577-9730
14075014	169520-91-0500	TWISDALE, JOHN WYATT JR.	5536 PINE DR	RALEIGH	NC	27606-8942
14075021C	169408-99-0370	STATE EMPLOYEES CREDIT UNION	PO Box 26807	RALEIGH	NC	27611-6807
14075014D	169408-89-4879	WEAVER HOMES, INC	350 WAGONER DR	FAYETTEVILLE	NC	28303-4647
14075013Z	169520-80-4065	WEAVER HOMES, INC	350 WAGONER DR	FAYETTEVILLE	NC	28303-4647
14075013W	169520-80-4187	WEAVER HOMES, INC	350 WAGONER DR	FAYETTEVILLE	NC	28303-4647
14075014E	169408-89-4875	WEAVER HOMES, INC	350 WAGONER DR	FAYETTEVILLE	NC	28303-4647



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, **RZ-20-07**, were notified by First Class Mail on **11-13-20**.


Signature

Johnston County, North Carolina

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

13th day of November, 2020


Notary Public Signature

Julianne Edmonds
Notary Public Name

My Commission expires on January 15, 2023
(Seal)





Request for Town Council Action

Public
Hearing RZ-20-06
Date: 12/01/2020

Subject: Zoning Map Amendment
Department: Planning
Presented by: Stephen Wensman – Planning Director
Presentation: Public Hearing

Issue Statement

Request to rezone 1.98-acres; a 1.49-acre property located at 819 and 821 N Brightleaf Boulevard with the Johnston County ID# 15005041 from B-2 General Business to B-3 Highway Entranceway Business and a 0.53-acre property located at 40 Waddell Drive with the Johnston County ID# 15005042 from R-8 Single, Two and Multi-Family to B-3 Highway Entranceway Business.

Financial Impact

None.

Action Needed

The Town Council is respectfully requested to hold a public hearing, review the zoning map amendment and to make a decision whether to approve, or denial of the request.

Recommendation

Planning Staff and the Planning Board recommend approval of the zoning map amendment RZ-20-06 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Application
2. Consistency Statement
3. Property Survey
4. Rezoning Map
5. Adjacent Property Owner's Listing and Certification



Staff Report

REQUEST:

Partners Commercial Realty is requesting on behalf of the owner, Mohamed & Sons, Inc. to rezone a 1.49-acre property located at 819 and 821 N Brightleaf Boulevard with the Johnston County ID# 15005041 from B-2 General Business to B-3 Highway Entranceway Business and a 0.53-acre property located at 40 Waddell Drive with the Johnston County ID# 15005042 from R-8 Single, Two and Multi-Family to B-3 Highway Entranceway Business.

PROPERTY LOCATION:

The properties are located 819 and 821 N Brightleaf Boulevard between the east and west ends of Waddell Drive on the N Brightleaf Boulevard frontage and at 40 Waddell Drive, approximately 141 feet north of the Waddell Drive and N. Brightleaf Boulevard intersection – eastern end of the loop road.

SITE DATA:

Tax ID#	15005041 and 15005042
Acreage:	1.49 and 0.53 (1.98) acres
Present Zoning:	R-8 Single, Two and Multi-Family Residential and B-2 General Business
Proposed Zoning:	B-3 Highway Entranceway Business
Existing Use:	Commercial Strip Center and Vacant (house was torn down)
Proposed Use	Commercial Strip Center
Fire District:	Town of Smithfield
School Impacts:	None
Parks and Recreation:	None
Water and Sewer Provider:	Town of Smithfield
Electric Provider:	Town of Smithfield

ENVIRONMENTAL:

The properties are not located within a floodplain and no delineated wetlands exist on or near property considered for rezoning.

ADJACENT ZONING AND LAND USES: **(see attached map for complete listing)**

	Zoning	Existing Land Uses
North	R-8 (Residential)	Residential
South	B-3 (Business)	Business
East	B-3 (Business)/R-8 (Residential)	Business (Sun Auto Wash) /Single Family Residential
West	R-8 (Residential)	Residential

ANALYSIS:

A commercial strip center and a freestanding commercial building are located on the property with the Johnston County Tax ID 15005041. Enterprise Rental Car has outgrown its current location and the owner, Mohamed & Sons, Inc., has purchased the 0.53-acre residential property behind the business to expand the commercial area. The applicant intends to **expand the Brightleaf Plaza shopping center onto the "Enterprise Rental" lot** area, removing the existing building and constructing a new commercial strip building that will house Enterprise Car Rental and additional retail businesses. The entire site will be improved to address the parking needs of Enterprise Car Rental and other retail businesses, landscaping, lighting, signs and other required improvements.

The applicant is requesting the rezoning from B-2 to B-3 to take advantage of the B-3 Districts more expansive list of allowed land uses. The request to rezone the residential lot from R-8 to B-3 is to accommodate a new commercial strip center that will accommodate the **Enterprise Car Rental's expansion**. The rezoning of the residential lot would create a commercial encroachment into an existing residential development, like what exists across Waddell Drive. The property across Waddell Drive contains a single-family home, but is zoned is B-3 (Business) and is owned by the owner of the carwash.

COMPREHENSIVE GROWTH MANAGEMENT PLAN:

The Comprehensive Plan (Town Plan) identifies 5 goals:

PLAN GOALS



Balanced Growth

Grow in a fiscally responsible way and balance new residential growth with new commercial and industrial development. Maintain and invest in gateways and commercial corridors. Coordinate land use and transportation decisions while respecting environmental features and existing neighborhoods.



Vibrant Downtown

Preserve the historic charm of downtown. Activate downtown by encouraging redevelopment and infill that builds on downtown's existing strengths and connects to the larger community and a variety of visitors through creating unique places and events.



Healthy Neighborhoods

Strengthen neighborhoods by supporting enhancements and reinvestment. Encourage healthy lifestyles by connecting neighborhoods to parks and open space. Maintain a high-quality educational system to give all future generations opportunities for success.



Community Character

Plan, design, and construct spaces and infrastructure that enhance the community's existing small-town identity and promote a unique sense of place.



Move and Connect

Create a balanced transportation system that connects people to destinations with a safe, efficient, and equitable network that accommodates drivers, pedestrians, and bicyclists, with a particular focus on providing safe access for people of all ages.

Under each of the plan goals are objectives and policies intended to guide decision makers in order for the town to reach its goals. Upon reviewing the comprehensive plan for guidance on the **applicant's** rezoning request, staff found the following applicable objectives and policies:

Goal: Community Character

Objective 3: Preserve and enhance neighborhoods

Policy 3A: Discourage encroachment of commercial uses in established residential neighborhoods.

Strategies:

1. Certain low-impact, small-scale, home-based businesses are an exception.

2. Allow for small-scale commercial uses as part of a new residential development if design criteria are met.

- Sites should be at intersections of collector streets or thoroughfares.
- Site design and lighting choices should reduce impact on existing and planned residential.
- Architectural scale and details should resemble historic patterns of Smithfield.
- Parking and service areas should be adequately screened from public roads and residential areas.

Goal: Balanced Growth

Objective 4: Protect existing neighborhoods

Policy 4A: Discourage encroachment of incompatible commercial uses into residential neighborhoods.

Strategies:

1. Limit rezonings to commercial zoning districts in Medium Density Residential Areas except as part of planned developments.

In summary, the comprehensive plan discourages commercial encroachment into residential districts, and stipulates that if they do, they should meet the specific criteria to minimize its impact on the residential area and should be done as part of planned developments.

At present, the Town has no tool for a single use planned development but is working on such a tool: Conditional Zoning. Even without Conditional Zoning, the applicant has stated that they desire the rezoning for an expansion of Brightleaf Plaza with Enterprise Rental Car as a tenant. Of course, with a rezoning, the full list of potential commercial land uses is expansive and should be considered by the Town Council.

PROPOSED ZONING:

The existing R-8 zoning limits commercial uses to:

- Bed and breakfasts with special use permit
- Schools with special use permit

The proposed B-3 zoning **is the Town's most expansive business zoning** district (see UDO Section 6.5 for a complete list of uses). The B-3 district allows all uses that are allowed in the B-2 with a few additional uses including:

- Distilleries with a special use permit
- Museums
- Carpet cleaners

B-3 zoning includes the following commercial uses (see UDO Section 6.5 for a complete list of allowed uses):

- Veterinarian clinics
- Auto sales
- Auto parts sales
- Auto repair
- Service stations
- Personal service establishments
- Car washes
- Catering with special use permit
- Convenience food stores
- Distilleries with special use permit
- Retail shops
- Funeral homes with special use permit
- Hardware stores with special use permit
- Dry cleaners with special use permit
- Microbrewery with special use permit
- Museums
- Restaurants

LOT CONFORMITY:

The rezoned lots will conform to the B-3 zoning standards on their own, however, the applicant plans on combining the properties into a single commercial lot.

CONSISTENCY STATEMENT (Staff Opinion):

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

- Consistency with the Comprehensive Growth Management Plan - *The Comprehensive Plan discourages, but does not prohibit commercial encroachments into residential neighborhoods, but does stipulates that if they do, they should meet the specific criteria to minimize its impact on the residential area. The Town is reasonably sure the property will be developed like the adjacent parcel and the Town has no zoning tools for a single use planned development (Conditional Zoning).*
- Consistency with the Unified Development Code – *With the rezoning, the lots will be in conformance with the standards of the B-3 zoning district.*
- Compatibility with Surrounding Land Uses - *The property considered for a rezoning is will be compatible with the exiting Brightleaf Plaza shopping center and the B-3 zoning across Waddell Drive. The UDO requires a landscape buffer between residential and commercial properties, minimizing incompatibilities.*

RECOMMENDATION:

Planning Staff recommend approval of the zoning map amendment RZ-20-06 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest

RECOMMENDED MOTION:

Staff recommends the following motion:

"move to recommend approval of zoning map amendment, RZ-20-06, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest."



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

REZONING APPLICATION

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

Name of Project: Brightleaf Plaza Parcel Recombination & Rezoning **Acreeage of Property:** 1.98
Parcel ID Number: 260413-03-5247 (Parcel 1) - 260413-03-5482 (Parcel 2) **Tax ID:** 15005041 (Parcel 1) - 15005042 (Parcel 2)
Deed Book: 2517 (Parcel 1) - 5459 (Parcel 2) **Deed Page(s):** 236 (Parcel 1) - 594 (Parcel 2)
Address: 831 N Brightleaf Blvd, Smithfield NC 27577
Location: N Brightleaf Blvd between the two Waddell Dr intersections.

Existing Use: Parcel 1-Commercial; Parcel 2-Residential **Proposed Use:** Recombine Parcels for Commercial Use
Existing Zoning District: Parcel 1: B-2; Parcel 2: R-8
Requested Zoning District _____
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 Received: _____	Amount Paid: _____
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APPLICANT AFFIDAVIT

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

James P. Perricone/Partners Commercial Realty

James P. Perricone

09/28/2020

Print Name

Signature of Applicant

Date



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

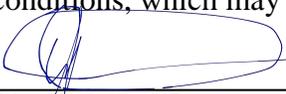
OWNER'S CONSENT FORM

Name of Project: Brightleaf Plaza Parcel Recombination & Rezoning **Submittal Date:** 09/28/2020

OWNERS AUTHORIZATION

I hereby give CONSENT to Partners Commercial Realty (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.

 Waiel Mohamad 09/28/2020
Signature of Owner *Print Name* *Date*

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

James P. Perricone James P. Perricone/Partners Commercial Realty 09/28/2020
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number:	Date Received:	Parcel ID Number:
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REFERENCE NUMBER
370EDE3B-FD9A-48AB-9BC5-2DC6117F9EF8

SIGNATURE CERTIFICATE

TRANSACTION DETAILS	DOCUMENT DETAILS
<p>Reference Number 370EDE3B-FD9A-48AB-9BC5-2DC6117F9EF8</p> <p>Transaction Type Signature Request</p> <p>Sent At 09/28/2020 09:59 EDT</p> <p>Executed At 09/28/2020 12:09 EDT</p> <p>Identity Method email</p> <p>Distribution Method email</p> <p>Signed Checksum 30e4a6027833122ce7a88b7a100596d6959c2e515f3868236eea6e2f2fbad24b</p> <p>Signer Sequencing Disabled</p> <p>Document Passcode Disabled</p>	<p>Document Name Tos Rezoning Application</p> <p>Filename tos_rezoning_application.pdf</p> <p>Pages 4 pages</p> <p>Content Type application/pdf</p> <p>File Size 78.3 KB</p> <p>Original Checksum e280c365c593704bf89490f0bc2b182b8421b97b41c1dd7b6a8d9c15e421f0a3</p>

SIGNERS

SIGNER	E-SIGNATURE	EVENTS
<p>Name Waiel H. Mohamad</p> <p>Email waiel@soundstationsecurity.net</p> <p>Components 3</p>	<p>Status signed</p> <p>Multi-factor Digital Fingerprint Checksum 9894891c726309efdfa1091f59474bc95db0fb37b7294c197faf37668f4e7f21</p> <p>IP Address 65.190.19.196</p> <p>Device Safari via Mac</p> <p>Drawn Signature </p> <p>Signature Reference ID 58B3B6C3</p> <p>Signature Biometric Count 336</p>	<p>Viewed At 09/28/2020 12:08 EDT</p> <p>Identity Authenticated At 09/28/2020 12:09 EDT</p> <p>Signed At 09/28/2020 12:09 EDT</p>
<p>Name Jim Perricone</p> <p>Email jperricone@partnerscrnc.com</p> <p>Components 6</p>	<p>Status signed</p> <p>Multi-factor Digital Fingerprint Checksum d8f971cea7af12f71e608cc8a2faf2b91b0ae07851bd9333f86288f391c7594c4</p> <p>IP Address 195.181.171.55</p> <p>Device Chrome via Windows</p> <p>Typed Signature </p> <p>Signature Reference ID 6876A781</p>	<p>Viewed At 09/28/2020 10:00 EDT</p> <p>Identity Authenticated At 09/28/2020 10:02 EDT</p> <p>Signed At 09/28/2020 10:02 EDT</p>

AUDITS

TIMESTAMP	AUDIT
09/28/2020 12:09 EDT	Waiel H. Mohamad (waiel@soundstationsecurity.net) signed the document on Safari via Mac from 65.190.19.196.
09/28/2020 12:09 EDT	Waiel H. Mohamad (waiel@soundstationsecurity.net) authenticated via email on Safari via Mac from 65.190.19.196.
09/28/2020 12:08 EDT	Waiel H. Mohamad (waiel@soundstationsecurity.net) viewed the document on Safari via Mac from 65.190.19.196.
09/28/2020 10:02 EDT	Jim Perricone (jperricone@partnerscrnc.com) signed the document on Chrome via Windows from 195.181.171.55.
09/28/2020 10:02 EDT	Jim Perricone (jperricone@partnerscrnc.com) authenticated via email on Chrome via Windows from 195.181.171.55.
09/28/2020 10:00 EDT	Jim Perricone (jperricone@partnerscrnc.com) viewed the document on Chrome via Windows from 195.181.171.55.
09/28/2020 09:59 EDT	Jim Perricone (jperricone@partnerscrnc.com) was emailed a reminder.

TIMESTAMP**AUDIT**

09/28/2020 09:59 EDT

Wael H. Mohamad (wael@soundstationsecurity.net) was emailed a link to sign.

09/28/2020 09:59 EDT

Jim Perricone (jperricone@partnerscnc.com) created document 'tos_rezoning_application.pdf' on Chrome via Windows from 195.181.171.55.

Town of Smithfield Rezoning Application
Brightleaf Plaza Parcel Recombination & Rezoning
Adjacent Property Owners
September 28, 2020

Owner Name 1	SUN AUTO WASH LLC
Owner Name 2	
Mail Address 1	
Mail Address 2	PO BOX 447
Mail Address 3	SMITHFIELD, NC 27577-0000
Site Address 1	903 N BRIGHTLEAF BLVD
Site Address 2	SMITHFIELD, NC 27577-

Owner Name 1	ANDERSON, KEITH
Owner Name 2	
Mail Address 1	
Mail Address 2	P O BOX 274
Mail Address 3	SMITHFIELD, NC 27577-0274
Site Address 1	
Site Address 2	

Owner Name 1	JOHNSON, JOHN A
Owner Name 2	
Mail Address 1	34 WEST WADDELL STREET
Mail Address 2	
Mail Address 3	SMITHFIELD, NC 27577-0000
Site Address 1	34 WADDELL DR
Site Address 2	SMITHFIELD, NC 27577-

Owner Name 1	RYAN, MARK S
Owner Name 2	
Mail Address 1	
Mail Address 2	PO BOX 2458
Mail Address 3	SMITHFIELD, NC 27577-2458
Site Address 1	26 WADDELL DR
Site Address 2	SMITHFIELD, NC 27577-

Owner Name 1	WHITLEY, JOHN A
Owner Name 2	WHITLEY, BARBARA B
Mail Address 1	317 S 3RD ST
Mail Address 2	
Mail Address 3	SMITHFIELD, NC 27577-4543
Site Address 1	10 B WADDELL DR
Site Address 2	SMITHFIELD, NC 27577-

Owner Name 1	PARRISH, DOROTHY S
Owner Name 2	
Mail Address 1	
Mail Address 2	PO BOX 658
Mail Address 3	SMITHFIELD, NC 27577
Site Address 1	7 WADDELL DR
Site Address 2	SMITHFIELD, NC 27577-

Owner Name 1	SUN AUTO WASH LLC
Owner Name 2	
Mail Address 1	
Mail Address 2	PO BOX 447
Mail Address 3	SMITHFIELD, NC 27577-0000
Site Address 1	41 WADDELL DR
Site Address 2	SMITHFIELD, NC 27577-

Owner Name 1	L M R RENTAL
Owner Name 2	
Mail Address 1	201 S BRIGHTLEAF BLVD SUITE 1
Mail Address 2	
Mail Address 3	SMITHFIELD, NC 27577-0000
Site Address 1	38 WADDELL DR
Site Address 2	SMITHFIELD, NC 27577-

Owner Name 1	BRASWELL, MYRTLE M HEIRS
Owner Name 2	
Mail Address 1	17 DAIL ST
Mail Address 2	
Mail Address 3	SMITHFIELD, NC 27577-4703
Site Address 1	32 WADDELL DR
Site Address 2	SMITHFIELD, NC 27577-

Owner Name 1	GATES GROUP OF JOHNSTON COUNTY, LLC
Owner Name 2	
Mail Address 1	300 CITATION LN
Mail Address 2	
Mail Address 3	SMITHFIELD, NC 27577-8738
Site Address 1	24 WADDELL DR
Site Address 2	SMITHFIELD, NC 27577-

Owner Name 1	VO, TUAN QUOC
Owner Name 2	HUYNH, SIEU THI
Mail Address 1	10 W WADDELL DR
Mail Address 2	
Mail Address 3	SMITHFIELD, NC 27577-4726

Owner Name 1	PARRISH, DOROTHY S
Owner Name 2	
Mail Address 1	
Mail Address 2	PO BOX 658
Mail Address 3	SMITHFIELD, NC 27577
Site Address 1	5 WADDELL DR
Site Address 2	SMITHFIELD, NC 27577-

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
RZ-20-06**

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

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

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

IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE IS ADOPTED,

That the final action regarding zoning map amendment RZ-20-06 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public meeting; and

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

IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE FAILS,

That the final action regarding zoning map amendment RZ-20-06 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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

800 Block of North Brightleaf Boulevard

Project Name:
Brightleaf Plaza

File Number:
RZ-20-06

Existing Zoning:
B-2 (Business)
R-8 (Residential)

Proposed Zoning:
B-3 (Highway
Entrance Business)

Property Owner:
Mohamed & Sons Inc

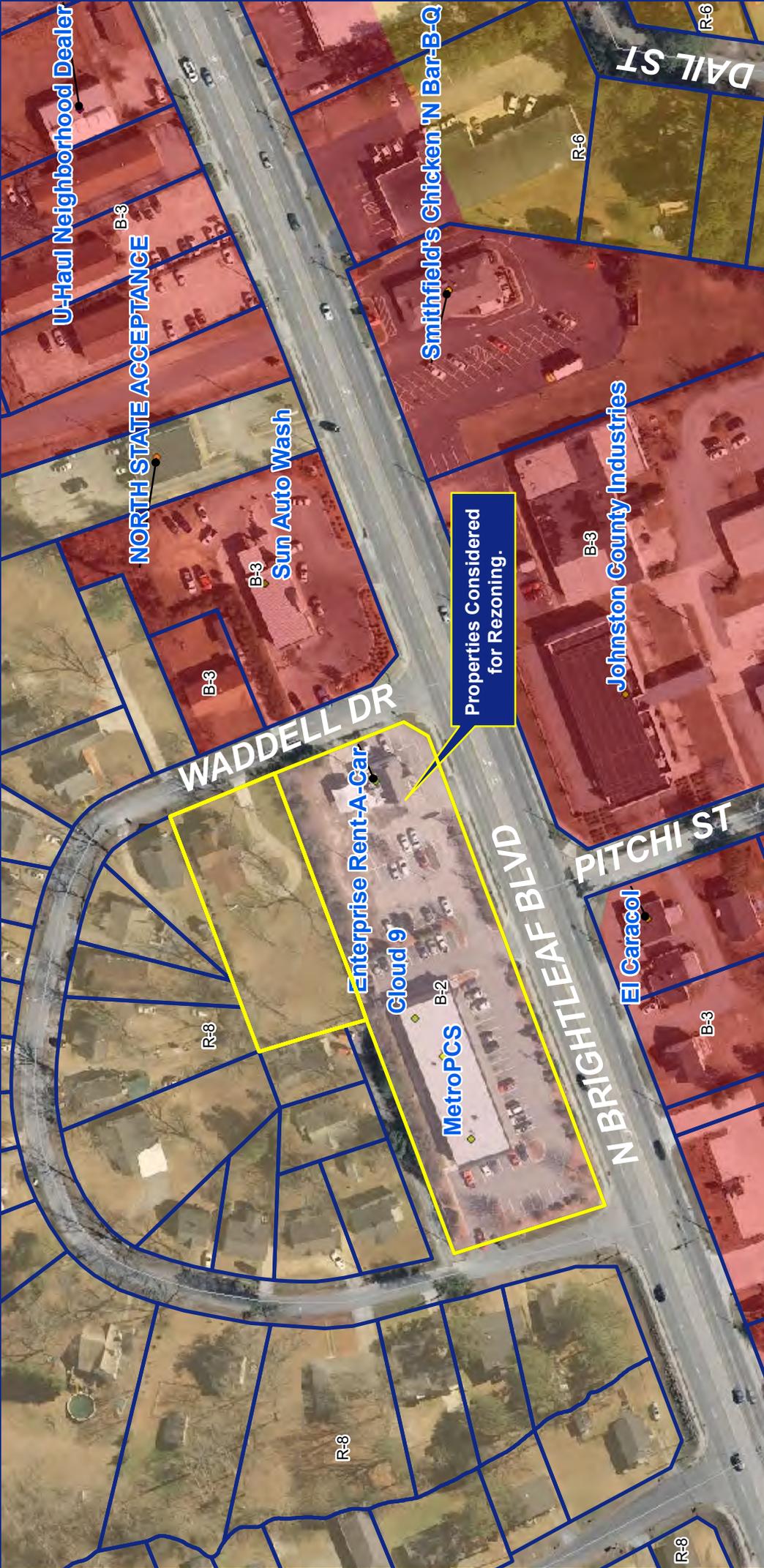
Location:
821 N. Brightleaf Blvd.

Tax ID# 15005041
15005042



1 in = 125 ft

Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 10/29/2020



Adjacent Property Owners of
RZ-20-06

TAX ID	PIN	NAME	ADDRESS	CITY	STATE	ZIP CODE
15005034	260413-13-0068	JOHNSTON COUNTY INDUSTRIES	1100 EAST PRESTON ST	SELMA	NC	27576-0000
15005017	260413-03-2135	PARRISH, DOROTHY S	PO BOX 658	SMITHFIELD	NC	27577
15005018	260413-03-2203	PARRISH, DOROTHY S	PO BOX 658	SMITHFIELD	NC	27577
15005041	260413-03-5247	MOHAMED & SONS INC	PO BOX 1236	SMITHFIELD	NC	27577-0000
15005043	260413-03-6542	L M R RENTAL	201 S BRIGHTLEAF BLVD SUITE 1	SMITHFIELD	NC	27577-0000
15005044	260413-03-5585	JOHNSON, JOHN A	34 WEST WADDELL STREET	SMITHFIELD	NC	27577-0000
15005031	260413-03-8418	SUN AUTO WASH LLC	PO BOX 447	SMITHFIELD	NC	27577-0000
15005031A	260413-03-9422	SUN AUTO WASH LLC	PO BOX 447	SMITHFIELD	NC	27577-0000
15005029	260413-03-7539	ANDERSON, KEITH	P O BOX 274	SMITHFIELD	NC	27577-0274
15005030	260413-03-8503	ANDERSON, KEITH	P O BOX 274	SMITHFIELD	NC	27577-0274
15005046	260413-03-4584	RYAN, MARK S	PO BOX 2458	SMITHFIELD	NC	27577-2458
15005042	260413-03-5482	MOHAMED & SONS, INC.	713 E MARKET ST	SMITHFIELD	NC	27577-4039
15005052A	260413-03-4368	WHITLEY, JOHN A	317 S 3RD ST	SMITHFIELD	NC	27577-4543
15005052	260413-03-4317	WHITLEY, JOHN A	317 S 3RD ST	SMITHFIELD	NC	27577-4543
15005045	260413-03-5543	BRASWELL, MYRTLE M HEIRS	17 DAIL ST	SMITHFIELD	NC	27577-4703
15005019	260413-03-1279	GODWIN, LAWRENCE ANDREW	9 W WADDELL DR	SMITHFIELD	NC	27577-4725
15005051	260413-03-3343	VO, TUAN QUOC	10 W WADDELL DR	SMITHFIELD	NC	27577-4726
15005056	260413-03-6054	WARD ENTERPRISES, LLC	1012 OLD OLIVE RD	SMITHFIELD	NC	27577-7855
15005047	260413-03-3591	COUNTY, LLC	300 CITATION LN	SMITHFIELD	NC	27577-8738
15006013A	260413-02-4973	O'REILLY AUTOMOTIVE STORES	PO BOX 9167	SPRINGFIELD	MO	65801-9167



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, RZ-20-06, were notified by First Class Mail on 11-13-20.


Signature

Johnston County, North Carolina

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

13th day of November, 2020


Notary Public Signature

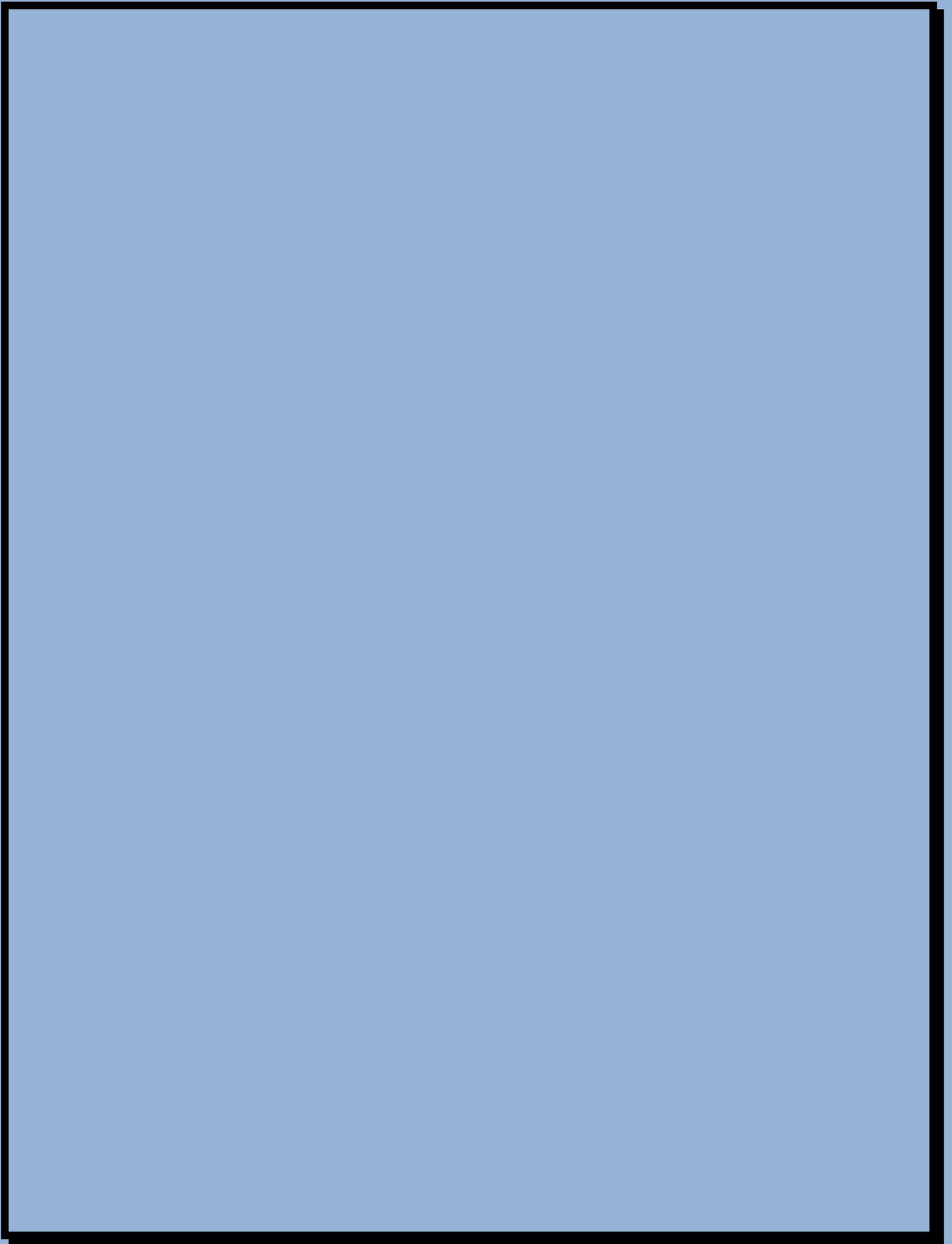
Julianne Edmonds
Notary Public Name

My Commission expires on January 15, 2023
(Seal)



Consent

Agenda Items



The Smithfield Town Council met in regular session on Tuesday, November 10, 2020 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

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

Councilmen Absent

John Dunn, Mayor Pro-Tem

Administrative Staff Present

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

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

Also Present

Bob Spence, Town Attorney
Bill Dreitzler, Town Engineer

Administrative Staff Absent

CALL TO ORDER

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

INVOCATION

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

APPROVAL OF AGENDA:

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

Consent Agenda:

- *Item #11 – Consideration and request for approval to adopt Resolution No. 669 (18-2020) donating personal property to Smithfield Selma High School – The Resolution was amended to reflect additional donated property.*

Unanimously approved.

PRESENTATIONS: None

PUBLIC HEARINGS:

1. **Zoning Text Amendment Request – Town of Smithfield (ZA-20-04):** The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 6, Table 6.5 Table of Uses and Activities to allow for a Columbarium as an accessory use to Churches/Places of Worship with supplemental regulations in the O/I Office-Institutional Zoning District and adding two definitions to Appendix A.

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

Planning Director Stephen Wensman informed the Council that Staff was requesting the amendment to allow Columbaria as an accessory use to Churches/Places of Worship in the O/I Office-Institutional Zoning District with supplemental regulations (Article 7) and definitions in Appendix A. A Columbarium is defined in GS 65-48 (8) as a structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person. A Columbarium is typically associated with a cemetery and in fact, GS 65-48 (3) defines cemetery as:

"Cemetery" means any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

- a. A burial park, for earth interment.*
- b. A mausoleum.*
- c. A columbarium.*

Columbaria have increased in popularity as the costs of funerals and cemetery plots have increased. In response, many churches have been adding columbaria to their churches or church properties. The Town recently had an inquiry about adding a columbarium to a church and after researching the issue found that there are at least 2 columbaria already on church property in the O/I zoning district in town. The Episcopal Church has an urn plot in a small garden setting and the Presbyterian Church as an even larger columbarium. Staff has also discovered that St. Ann's Catholic Church is planning to construct a columbarium, however they are currently located in the B-3 zoning district. Upon research of other towns, there seems to be columbaria on church properties throughout Raleigh and in many other smaller towns across North Carolina and across the Nation. Some jurisdictions are regulating columbaria on church properties to address potential issues, such as:

- Internment of cremated remains require maintenance in perpetuity just as with a cemetery plot. A church with a columbarium could be abandoned at some future date leaving the fate of the deceased remains in question.
- The location of a columbarium adjacent to residential property could become a nuisance when there are ceremonies, or the columbarium is large.
- Internment of remains in a columbarium can be expensive, \$1200 or more, and could become a potential revenue source for a small congregation. Regulation on the size of the columbarium might be needed so it does not become fundamentally a cemetery.

The draft UDO Amendment would make columbaria accessory to churches and places of worship in the O/I Zoning District with supplemental regulations. The O/I District contains most of the Town's large places of worship and is where the existing columbaria are known to exist presently. The placement of columbaria with places of worship in the O/I District are unlikely to be a nuisance or cause problems for adjacent properties, unlike with places of worship located in residential districts. The amendment addresses the various columbarium situations: an indoor or outdoor columbarium, or an urn plot. The supplemental regulations include regulations to address long term maintenance costs and alternate plans for future internment, dimensional considerations, number of allowed interments, appearance, and signage. The ordinance amends Table 6.5 Table of Uses and Activities, Article 7 Supplemental Regulations, and Appendix A Definitions. This ordinance does not address ash gardens.

Planning Staff and the Planning Board believe the zoning text amendment is consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Planning Staff and Planning Board unanimously recommended approval of the zoning text amendment ZA-20-04 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the November 10, 2020 agenda packet.

Mayor Moore asked if there were any questions from Council.

Councilman Barbour stated that if churches were allowable in any zoning district, could this draft ordinance add that columbaria be allowed in the business districts with an approved special use permit. Mr. Wensman responded it could be added to the business districts.

Councilman Barbour stated there were some churches in residential areas. Mr. Wensman explained staff does not believe that columbaria should be allowed in residential areas because some churches in residential areas are not equipped to handle the intensification. Staff modeled it off of the zoning areas where cemeteries in the Town were permitted.

Mayor Moore asked if there was any in attendance who wished to speak on this matter. No one in attendance wished to speak on the matter.

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

Councilman Barbour made a motion, seconded by Councilman Wood, to approved zoning text amendment ZA-20-04, adding Columbarium as an accessory use to Churches/Places of Worship with supplementary standards and adding definitions to Appendix A also allowing it in the R-20, R-10, R-8, R-6, B-2 and B-3 zoning district through the special use permitting process, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest. Unanimously approved.

ORDINANCE # ZA-20-04

**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE**

ARTICLE 6, SECTION 6.5, TABLE OF USES AND ACTIVITIES, ARTICLE 7 Supplemental regulations, and appendix A

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to the Town of Smithfield Unified Development Ordinance to allow columbarium as an accessory use to churches and places of worship in the O/I (Office Institutional) District.

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

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

[Revise Article 6, Section 6.5, to allow columbarium as an accessory use to churches and places of worship in the O/I (Office Institutional), Article 7 adding supplemental regulations for columbarium, and Appendix A. Definitions, adding definitions for Columbarium and Urn Plots.

PART 1

Section 6.5 Table Of Uses And Activities.

Accessory Uses/Buildings	R-20A	R-10	R-8	R-6	R-MH	PUDs	O/I	B-1	B-2	B-3	LI	HI	Supplemental Regulations
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<u>Columbarium accessory to places of worship</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>			<u>PS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>			<u>Section 7.35</u>
---------------------------------------------------	-----------	-----------	-----------	-----------	--	--	-----------	-----------	-----------	-----------	--	--	---------------------

PART 2

Section 7.35 Columbarium.

A columbarium, an indoor or outdoor columbarium, an outdoor columbarium, or an urn plot, shall be permitted as accessory uses to Churches and Places of Worship accordance with Section 6.5 and subject to the following standards:

7.35.1. Any place of worship may establish an indoor columbarium, an outdoor columbarium, or an urn plot as an accessory structure as an accessory to its permitted use provided the following are submitted to the Planning Department and approved:

7.35.1.1. A site plan of the proposed area approved by the Planning Department where the columbarium or urn plots are to be located showing the location of each urn, the dimensions of the space, and a 20 foot access area for maintenance and visitation that has relatively flat and firm topography such that maintenance equipment could access the burial area;

7.35.1.2. A plan of perpetual care and maintenance trust fund to be available if the Institution closes or no longer operates the columbarium or urn plot which is segregated for just the columbarium or urn plot with funds retained from half the price of each space. The place of worship may spend annually from the fund 3% of the trust fund.

7.35.2. All Indoor Columbaria within the building of a place of worship must comply with the following physical requirements:

7.35.2.1. Alternate Plan. The Place of worship must present a plan with a dedicated outside area for internment of the urns in the event the place of worship ceases to operate or manage the columbarium.

7.35.3. All Outdoor Columbaria must comply with the following physical requirements:

7.35.3.1. Location. A columbarium must be located outside a building owned and occupied by a church or place of worship as defined by the Unified Development Ordinance, Appendix A

7.35.3.2. Height. Outdoor columbaria must be no higher than six (6) feet as measured from the average grade elevation where the columbarium meets the grade. An outdoor columbarium that is not visible from off-property public is not subject to the six (6) feet requirement and may be higher.

7.35.3.3. Setback. Columbarium structures shall meet the setback and yard requirements of the O/I Office/Institutional district.

7.35.3.4. Appearance. A columbarium shall be complementary or consistent in material and design with the primary structure.

7.35.3.5. Signage. Signage shall be limited to inscriptions on the face of a columbarium niche and commemorative plaque on the columbarium structure. Commemorative plaques may be no larger than 12 inches by 12 inches.

7.35.3.6. **Number.** The columbarium must have spaces for no more than 200 urns.

7.35.4. All Outdoor Urn Plots must comply with the following physical requirements:

7.35.4.1. **Location.** An outdoor urn plot must be located outside a building owned and occupied by a church or place of worship as defined by the Unified Development Ordinance, Appendix A

7.35.4.2. **Setback.** Outdoor urn plot structures shall meet the setback and yard requirements of the O/I Office/Institutional district.

7.35.4.3. **Appearance.** Urn plot shall be complementary or consistent in material and design with the primary structure.

7.35.4.4. **Number.** The place of worship shall not provide urn plot spaces for more than 100 spaces.

7.35.4.5. **Signage.** Signage shall be limited to inscriptions on the face of a urns in the ground with one sign not exceeding 2 sq. ft.

PART 3

Section A.3 Definitions.

Columbarium

A Columbarium is defined in GS 65-48 (8) and is so defined herein as a structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person.

Urn Plots

Urn Plots in the ground are not defined by statute. Urn Plots are defined herein as urns set in the ground according to a predesigned and approved plot plan to contain cremated human remains.

Part 4

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

PART 4

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

Duly adopted this the 11 day of November 2020.

2. Bond Agreement hearing for Johnson Court Apartments.

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

Town Manager Michael Scott explained this was a request from a company by the name of Vitus. Kristen Kirby, the bond attorney, is present should there be questions. The company is requesting the Town assist them in getting bond money to rehabilitate Johnson Court Apartments which has fallen into a significant state of disrepair. The Town Manager further explained there have been a lot of complaints about the living conditions of the residents of those apartments. wished to rehab the apartment, but need assistance from the Town in order to get the bond money they required to make this process work. Smithfield Housing Authority could have assisted them in this process, but they chose not to be involved. Town Attorney Bob Spence has worked with Miss Kirby on his matter, believe he has everything resolved so the Town's interests are protected

Kristen Kirby stated she was an attorney with McGuire Woods in Raleigh the bond Council for the Burlington housing authority who will be issuing the bonds in question that will be used to finance the acquisition and rehabilitation of a portfolio of eight properties and total, one of which is Johnson court apartments. Of the total bond amount of approximately \$53.5 million, 8 million of that would be used towards Johnson Court Apartments. Their proposed rehabilitation is approximately \$52,000 per apartment unit. So pretty significant rehab of this property. Vitus is based in Seattle, but they do affordable housing development across the country. They've done other projects in North Carolina in Charlotte and in Wilmington. The reason this is before the town council for a public hearing and approval is that under the federal tax code, in order to issue tax exempt bonds for affordable housing, there has to be a public hearing, followed by an approval in each jurisdiction in which the projects being financed are located. And that public hearing and approval has to be before the elected legislative body of the jurisdiction. So since one of these properties is in the town of Smithfield, we have to have that approval from the town council. As the town manager mentioned, we are asking the Town also to cooperate in the issuance of the bonds. Under the North Carolina housing authorities' law, cities and towns are given the ability to act as housing authorities, you can exercise any power that Housing Authority could exercise, including the ability for multiple housing authorities or cities and towns acting as housing authorities to cooperate together, and the issuance of bonds to finance properties in one or more of their jurisdictions. So, on the cooperation front, would be the Town agreeing to cooperate and allowing the Burlington Housing Authority to be the issuer for the bonds that will finance all eight of the projects in the portfolio, including Johnson court. The Town does not have any financial liability whatsoever with respect to the bonds. They do not affect your legal debt limit or your debt ratios when you're doing your financial statements. The bonds are solely repaid from payments made by the borrower, the developer. We are looking to close on this bond issue in December, after which the rehab would start. This is an in-place rehab so no tenants will be permanently displaced.

Mayor Moore asked if there were any questions for Council.

Councilman Barbour questioned if there would be a new management company in place for the apartments. Ms. Kirby responded there would be a new management company in place. Since there is a HUD loan, HUD also has some oversight of the property and would have to approve any change in management company in the future.

Councilman Barbour questioned why the Smithfield Housing Authority chose not to be involved. Ms. Kirby responded they were not very responsive.

Mayor Moore questioned if the security issues would be addressed. Ms. Kirby responded there would be security upgrades, but she did not have specifics.

Mayor Moore questioned if each municipality in the portfolio would have to hold similar public hearings. Ms. Kirby responded that all of the municipalities had to hold similar public hearings.

Councilman Scott questioned if there would be any financial liability to the Town in the event this defaults. Town Attorney Bob Spence responded that the Town could receive \$20,000 for administrative costs, but the Finance Director has not decided to that at this time.

Councilman Scott questioned the term of the bonds. Ms. Kirby responded these are actually short-term bonds that are only outstanding during the construction period, so, roughly two years. The Town does not have any financial liability for the bonds. It's clear in the documents that the only source of repayment for the bonds is the revenues of the project. Also, these bonds are going to be issued as cash collateralized bonds, which means at all times the bond trustee will be holding sufficient cash to pay the full principal and interest on the bonds when they do mature. It was virtually impossible to have a payment default since they are collateralized by cash. And then any of the town's expenses related to this approval attorney's fees or anything like that are all covered by the developer as far as the financing, so there's really no money out of the town's pocket or no financial liability.

Mayor Moore asked if there was any in attendance who wished to speak on this matter. No one in attendance wished to speak on the matter.

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

Councilman Wood made a motion, seconded by Councilman Rabil, to approve the request for assistance. Unanimously approved.

3. **Zoning Text Amendment Request- Town of Smithfield (ZA-20-03):** The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Articles 3, 4, 5, 6 and 7 to allow conditional zoning, provide for quasi-judicial approvals of preliminary subdivision plats, adoption of Historic Preservation Commission regulations, incorporating 160D enabling legislation changes and corrections to text designed to reduce ambiguities and provide additional clarity.

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

Planning Department Stephen Wensman Planning Staff is respectfully requesting that the Town Council hold a public hearing and consider approval of the draft amendment to the Town of Smithfield Unified Development Ordinance (UDO) Articles 3, 4, 5, 6 and 7 in order to allow conditional zoning, to provide for quasi-judicial approvals of subdivision preliminary plats, to adopt Historic Preservation Commission and regulations, to incorporate the 160D enabling legislation changes, and to fix text errors, ambiguities and provide clarity to some sections.

The proposed UDO amendment to allow conditional zoning, to provide for quasi-judicial approvals of subdivision preliminary plats, to adopt Historic Preservation Commission and regulations, and to incorporate the 160D enabling legislation changes into the UDO requires changes to Articles 3, 4, 5, 6 and 7. The intent of the amendment is to:

- Allow for Conditional Zoning option as a parallel zoning district to each of the primary zoning districts. Conditional Zoning is a negotiated approach to a legislative decision (rezoning) allows maximum flexibility to tailor regulations to a site and project. Conditional Zoning Districts are zoning districts in which all the site-specific standards and conditions are incorporated into the zoning district regulations. Our current PUD regulations are a form of conditional zoning for mixed use developments. Conditional Zoning is a similar process but for developments that are not mixed use. The conditional zoning can only be for a land use that is permitted in the primary zoning district and the only the land use shown on the approved site plan.
- Change Major Preliminary Plat approvals from Administrative to Quasi-Judicial. This will allow the Town Council to conditionalize subdivision approvals and provide for public comment/expert comments. This change will also allow developers to submit preliminary plats without complete engineered construction plans as currently required. The TC approval of plats will allow for conditions to be incorporated into the preliminary plat approval, such as requiring construction drawings conform to the UDO.
- Adopt required changes to the UDO as a result of changes to the new combined enabling legislation both Counties and Towns, 160D. 160D requires Towns to adopted 160D changes into local regulations no later than July 1, 2001. The changes affect all Articles of the UDO; but only those in Articles 3 ,4, 5, 6 and 7 are being addressed at this time.
- Adopt HPC and regulations into the UDO. These were left in the Town's Administrative Code and left out of the UDO when the Planning Board and Board of Adjustments were moved to the UDO.

Key Points.

1. Conditional Zoning will follow the same process as rezonings. The Planning Board will review the rezoning (Conditional Zoning) and make recommendations to the Town Council.
2. For Special Use Permits and Preliminary Subdivisions, the current draft provides for the same process at the Planning Board for all quasi-judicial applications. Noticed public

meetings will be conducted at the Planning Board to provide an opportunity for community involvements outside of a quasi-judicial hearing and to provide feedback to the developer without ex-parte communication to Council.

3. What should the expiration of abandoned Special Uses be? As drafted, if a special use ceases for 6-months or more, the special use is void. This would help the Town eliminate many non-conforming sites, such as used car dealerships.
4. What land uses should be permitted, permitted with standards, special uses and special uses with standards in Table 6.5.
5. In the current draft, Major Subdivision Final Plats be administratively approved by Staff with appeals to BOA. Public dedications will require Council approval.
6. In the current draft, the R-6 Zoning District will be activated, reversing a previous policy, in order to accommodate market demand for smaller lots. The South 2nd Street lot development by Civitan Field is a recent example of R-6 development.
7. Multi-family residential development currently requires a special use permit with no standards. The current draft makes Multi-Family a permitted use with supplementary standards. STAFF WANTS TO AMEND THIS TO KEEP AS A SPECIAL USE, but with supplementary standards.
8. The current draft includes many new Supplementary Standards (Article 7). These need to be carefully reviewed. What additional standards are needed?
9. Article 8, Section 8.13, has been updated since the PB packet was delivered.

Summary of Amendment.

Article 3:

Article 3 addresses the administrative, legislative and quasi-judicial authority under the UDO. The proposed changes to the UDO include:

- Throughout the Article references to state statute were updated as related to 160D.
- 3.1.2.9. Deletes UDO Administrator's duty to provide nonconforming determinations of expansion of nonconforming uses and structures in anticipation of a future update to Article 9.
- 3.1.2.9. Adds duty to maintain records of the HPC.
- 3.2. Updates Ethics section as required with legislative enabling legislation 160D.
- 3.3.3. Updates Planning Board composition and vacancies as required with legislative enabling legislation 160D.
- 3.3.4.12. Adds to the Planning Board's duties a review of quasi-judicial applications as requested by the Planning Board and Town Council.
- 3.4.2.1. Updates reference to state statutes as required with legislative enabling legislation 160D.
- 3.4.2.2. Updates membership of the BOA as required with legislative enabling legislation 160D.
- 4.4.2.4. Updates Quorum and Voting of BOA as required with legislative enabling legislation 160D.
- 3.5 Inserts updated HPC regulations into the UDO (it was formerly in the Town's Administrative Code and was not moved when the UDO was update in 2016).
- 3.6.1. Adds quasi-judicial review of major subdivision plats to the Town Council's authority.
- 3.6.2. Adds conditional zoning to the Town Council's legislative authority.
- 3.6.4. Cleaned up text errors.

Article 4:

Article 4 addresses Legislative and quasi-judicial procedures in the UDO. Proposed changes include:

- Throughout the Article references to state statute were updated as related to 160D.
- 4.1.1. Add a summery table for required permits/approvals and process type (Admin./Legislative/Quasi-Judicial).
- 4.2. Includes updates as required with legislative enabling legislation 160D.

- 4.2.1. Strikes 45-day requirement for Town Council or BOA hearing after application submittal. The timeline was not feasible currently or under amended UDO.
- 4.3.2.1. Includes a 160D update about notice requirements.
- 4.3.2.3. Updates reference to state statutes related to 160D.
- 4.3.3. Updates the notice and public hearing section to include conditional zoning and preliminary plats and to address 160D requirements.
- 4.4. Updates expiration of permits by referencing state statutes and expirations of SUPs, including expirations of SUPs if use ceases for 6 months.
- 4.6.3. Adds noticed public meetings to the Planning Board actions.
- 4.6.4.1. Clean up of text.
- 4.6.4.6.3. Addresses changes related to 160D.
- 4.6.4.7. Adds Conditional Zoning/PUD procedures.
- 4.7. Updates vested rights references to statutes and procedures for plats, SUPs and site-specific CZ/PUD plans.
- 7.9.3.1. Clean up UDO, there are no alternates for Town Council.
- 4.9.3.5. Updates Special Use findings of fact requirements.
- 4.10. Updates reference to state statutes and updates voting requirements of the BOA.
- 4.11. Adds procedures section for preliminary subdivision plats.
- 4.12.1.2 Adds regulations for transmitting materials to various parties.

Article 5:

Article 5 establishes the development review process including subdivisions. In order to incorporate quasi-judicial review of major subdivision preliminary plats and to accurately describe the development review process the text changes are proposed and the order of the sections have been changed. The changes include:

- Throughout the Article references to state statute were updated as related to 160D.
- 5.3. Add conditional zoning and clean up text.
- 5.5. Add Major Subdivision Final Plats to Administrative approvals.
- 5.5.1. Update Admin Approval Flow chart to include Major Subdivision Final Plats
- 5.5.2. Provide clarifications in the text.
- 5.5.3. Delete section because it is out of sequence.
- 5.5.5. Added a process section for Minor Subdivisions.
- 5.5.6. Added a process section for Major Subdivision Final Plats.
- 5.6. Moved Site Plan Requirements from subdivision section. Subdivision requirements are in Article 10.
- 5.7. Updated Major Subdivision Plats Section for quasi-judicial preliminary plat review and administrative final plat review.
- 5.7.3. Updated the flow chart accordingly.

Article 6:

Article 6 establishes the Town's Zoning Districts and allowed uses within each district. Changes include:

- Throughout the Article references to state statute were updated as related to 160D.
- 6.3.3. Removed irrelevant text – PUDs are a zoning district.
- 6.3.4. Delete the prohibition to new R-6 rezonings. The smaller lots are currently desired in the marketplace for both developers and home buyers.
- 6.3.5. Delete two-family dwellings from description of R-MH District and deleted text about multifamily and manufactured home parks as special uses. The table of uses dictates what uses are special uses.
- 6.3.6. Deleted PUD as a Primary Zoning District in order to move it to a Conditional Zoning District section.
- 6.3.10. and 6.3.11. Add text to distinguish light industrial from heavy industrial.
- 6.3.13. Deleted AD District. There is no land zoned for AD in the Town or ETJ. The airport will be within an Airport Overlay District setting regulations for use and height in the airport safety

- zones.
- 6.3.14. Deleted the OS District. There is no land zoned for OS and there are no regulations for OS.
- 6.4. Added Conditional Zoning Districts section with descriptions of the two types of conditional zoning districts, CZ Districts and PUD.
- 6.5.3. and 6.5.4. Added description to Watershed Districts
- 6.4.5. Added AHH Overlay. The current airport master plan process will produce model ordinance language to be adopted by the Town to reduce the potential for airport hazards.
- 6.4.6. Create HO Overlay. This overlay district is mapped, but there are no district regulations in the UDO.
- 6.5. Amend uses in the Table of Uses, reducing the number of special uses by adding more rigorous supplementary standards for permitted uses and to encourage more conditional zoning. Also removing PUD, AD, AHH, OS RHO and ECO from the table of uses. The site-specific plan for PUDs identifies the uses and Overlay districts provide a layer of additional regulation over the primary zoning district uses.
- Key changes:
 - Churches/Places of worship are permitted in all primary zoning districts to comply with RLUIPA.
 - Parks and playgrounds and recreation facilities are permitted uses, rather than special uses. These are typically approved with development or are Town projects. The Town can hold informational meetings with neighborhoods to shape the development of these facilities.
 - Multi-family will remain a special use, but with standards. The standards are intended to be rigorous, to encourage most developers to choose Conditional Zoning to negotiate standards with a site-specific plan.
 - Licensable facilities will be permitted uses with standards rather than special uses.
 - Vehicle storage in conjunction with repair has been deleted as a use and new standards for vehicle storage has been incorporated into the Automobile Repair and Automobile Painting and Body Shop supplementary standards.
 - Bars and Nightclubs will be the new term for private clubs, establishments that serve alcohol without food.

Article 7:

Article 7 provides supplementary standards for specific land uses. With the adoption of conditional zoning, many land uses that were special uses are to be permitted with strict supplementary standards (typical of conditions that would be placed on the land use) with the intent that the strict standards will create more conditional rezonings with site-specific plans which give the Town Council an ability to shape development in a legislative decision-making process.

Changes to Section 7 include:

- 7.2. Require/clarify the requirement for concrete curb and gutter between the building and the public street and other paving requirements. Allows gravel paving to the side and rear of the industrial development.
- 7.3. Updates Accessory Structure section. Allows 2 accessory structures on properties greater than ½ acre in size in the R20A District.
- 7.5.2. Adds new standard for Accessory Dwelling Units in the B-1 District. This was developed in coordination with the DSDC.
- 7.13. Updated Temporary Office Units/Modular Office Units. Temporary Uses throughout this Article have been rewritten.
- 7.15. Fairgrounds was not a standard, but rather a definition; therefore, it was moved to Appendix A- Definitions.
- 7.22. Strengthened and clarified standards for Automobile Service Stations; Gas Pumping Stations.

- 7.27 Street vendors was deleted. This is already in the Town's Administrative Code.
- 7.30 Temporary Uses section was reworked.
- 7.34. Cluster Development regulations were updated including a prohibition to stormwater SCMs within required open space.
- 7.35. Created standards for Multi-family Residential.
- 7.36. Created standards for Animal Hospital/Veterinarians.
- 7.37. Created standards for Drive-in Facilities.
- 7.38. Created standards for Automotive Repair.
- 7.39. Created standards for Car Washes.
- 7.40. Created standards for Mini-storage.
- 7.41. Created standards for Outdoor Storage.
- 7.42. Created standards for Assembly uses/Event Centers.
- 7.43. Created standards for Public Utility Pump Station/ Utility Substation/ Switch stations which adds a screening requirement.
- 7.44. Created standards for outdoor vehicle storage, sales and display.
- 7.45. Created standards for Flea Markets.
- 7.46. Created standards for Kennels.
- 7.47. Created standards for Bed and Breakfasts.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the November 10, 2020 agenda packet.

Mayor Moore asked if there were any questions from Council.

Mayor Moore questioned bringing back the R-6 zoning district because the lot sizes are smaller than in the R-8 zoning district. The Town Manager responded staff was not looking to change the zoning map and add a bunch of R-6 districts by right. He further explained the Town did not have an R-6 zoning option. If someone wanted to rezone to R-6, they would have to rezone to R-8 and then we would have to do a conditional zoning to address the lot size which is a more cumbersome process. If there were to be a request for rezoning to R-6, the Council would have the decision to approve or deny the request.

Councilman Barbour questioned if there was a movement towards smaller lots. Mr. Wensman responded he had received requests for smaller lots all over Town, but he did not think it was appropriate in all areas of Town.

Mayor Moore asked if there was anyone in attendance that wished to seek on the matter.

Mark Lane of 2108 Yelverton Grove Road stated he was coming to the Council as a member of the Planning Board. The Planning Board has recommended that public input be included in the conventional zoning and also in special use cases heard by the planning board. In special use cases these amendments might slow the process for business applications. But special use cases also include solar farms and many other business uses this as new businesses coming into our community. He provided the following example: if a solar farm was built adjacent to your property, it is required that the adjacent property owners be notified no less than 10 days before but no more than 25 days. I talked with a planning staff member and I was told at the planning department usually notifies property owners around a 10-day index prior to here. So that means that if a citizen needs to hire an attorney to represent them, they would have either ten days to hire an attorney or the item would have to be postpone. The Planning Board unanimously recommended approval of all the amendments.

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

Councilman Barbour made a motion, seconded by Councilman Stevens, to table this item until the December 1, 2020 regular Town Council meeting. Unanimously approved.

CITIZEN’S COMMENTS:

- David Johnson of 397 Sassafras Lane, Clayton, North Carolina expressed his concerns to the Town Council about reoccurring flooding issues on the 1600 block of South Brightleaf Boulevard. It was Mr. Johnson’s understanding CSX has agreed to conduct an engineering study for an approximate cost to the Town of \$15,000. Mayor Moore responded that at this time, the Town has not approved to move forward with any engineering studies. Mr. Johnson stated he would like to be part of the solution and not part of the problem.

CONSENT AGENDA:

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

1. The following minutes were approved
 - October 6, 2020 – Regular Meeting
 - October 6, 2020 – Closed Session
 - October 20, 2020 – Special Meeting
 - October 20, 2020 – Closed Session
2. Promotion: approval was granted to promote a Utility Line Mechanic to the vacant Pump Station Mechanic position in the Public Utilities Water/ Sewer Department
3. Approval was granted to adopt the updated salary schedule
{Attached hereto and made a part of these official minutes is a copy of the updated salary schedule on file in the office of the Town Clerk}
4. Approval was granted to designate and install signage for “No Thru Trucks” on Britt Street.
5. Bid was awarded to Deacon Jones in the amount of \$74,919.00 for the purchase of three Dodge Chargers for the Police Department Bids received are as follows
 - Deacon Jones \$ 24,973 x 3= \$74,919.00
 - Performance Automotive \$ 25,528 x 3= \$76,584.00
 - Bleeker \$ 25,534x 3 = \$76,602.00
6. Bid was awarded to Owens Roofing, Inc. in the amount of \$62,636.00 for the replacement of the roof at Fire Station No.1. Bids received are as follows:
 - Owens Roofing, Inc. \$62,636.00
 - Mark Gregory Roofing Company \$65,400.00
 - Baker Roofing \$68,246.00
7. Bid was awarded to NexGen in the amount of \$106,700.00 and contract was approved for the installation of AMI water meters in West Smithfield. Bids received are as follows:
 - NexGen \$ 106,700.00
 - Hydrant Mechanics \$ 429,000.00
 - Neal Constructions & Consulting \$ 742,500.00
8. Approval was granted to bring forward budget encumbrances from the 2019-2020 fiscal year to the 2020-2021 fiscal year

1. Revenue

10-00-3900-3900-0000	Fund Balance Appropriation	<u>\$1,020,500.00</u>	<u>\$677,007.92</u>	<u>\$1,697,507.92</u>
Expenditure				
10-10-4100-5700-7400	General Gov. - Capital Outlay	\$500.00	\$20,317.50	\$20,817.50
10-10-4100-5700-7400	General Gov. - Capital Outlay (Municipal Code Corp)	20,817.50	9,600.00	30,417.50
10-61-4110-5300-5710	Non-Departmental - Economic Development	25,000.00	25,000.00	50,000.00
10-61-4110-5300-5710	Non-Departmental - Economic Development (Shandy Communications)	50,000.00	7,898.00	57,898.00
10-61-4110-5300-5710	Non-Departmental - Economic Development (CB Towers LLC)	57,898.00	376.75	58,274.75
10-10-4110-5300-0771	Non-Departmental - Unemployment Compensation	15,000.00	15,000.00	30,000.00
10-61-4110-5300-5712	Non-Departmental - S.H.A.R.P. Reimb	20,000.00	20,000.00	40,000.00
10-10-4900-5300-4501	Planning - C.S./Engineering Standards Manual	0.00	30,000.00	30,000.00
10-10-4900-5700-7400	Planning - Capital Outlay	0.00	12,000.00	12,000.00
10-20-5100-5300-3100	Police - Vehicle Supplies/Maintainance	86,300.00	2,125.00	88,425.00
10-20-5100-5300-3600	Police - Uniforms (Lawmens)	44,600.00	655.00	45,255.00
10-20-5100-5300-3600	Police - Uniforms (Lawmens)	45,255.00	1,450.00	46,705.00
10-20-5100-5700-7400	Police - Capital Outlay (Performance Chrysler)	271,550.00	16,365.00	287,915.00
10-20-5100-5700-7400	Police - Capital Outlay - Atlantic Resources	287,915.00	2,400.00	290,315.00
10-20-5100-5700-7400	Police - Capital Outlay (FCB Visa- NCDMV)	290,315.00	5,000.00	295,315.00
10-20-5300-5125-0601	Fire - Firefighters Physicals (UNC Physicians Network)	15,600.00	11,340.00	26,940.00
10-60-5500-5300-3440	General Services - Appearance Commission (Rodney S Blackmon)	15,000.00	3,877.67	18,877.67
10-60-5500-5300-3440	General Services - Appearance Commission	18,877.67	4,747.00	23,624.67
10-60-5500-5700-7400	General Services - Cap. Outlay (Painting Mausoleum)	20,500.00	3,000.00	23,500.00
10-60-5500-5700-7400	General Services - Cap. Outlay (Mark Gregory Roofing)	23,500.00	14,800.00	38,300.00
10-60-5500-5700-7400	General Services - Cap. Outlay (Dennis Evans)	38,300.00	10,000.00	48,300.00
10-30-5600-5300-7300	Streets - Sidewalk & Curb Repair (NCDOT Sidewalk Agreement)	17,000.00	112,406.00	129,406.00
10-30-5600-5700-7400	Streets - Capital Outlay (195 Bridge Lighting)	0.00	93,000.00	93,000.00
10-30-5600-5700-7401	Streets - Street Paving (Equity Drive)	0.00	173,000.00	173,000.00
10-76-5800-5970-9110	Transfer to GF Capital Reserve	80,000.00	80,000.00	160,000.00
10-60-6200-5300-1700	Pks & Rec - Equipment Maint. (James Paul Edwards Inc)	55,000.00	1,800.00	56,800.00

10-60-6200- 5300-1700	Pks & Rec - Equipment Maint. (James Paul Edwards Inc)	<u>56,800.00</u>	<u>850.00</u>	<u>57,650.00</u>
		<u>\$1,555,728.17</u>	<u>\$677,007.92</u>	<u>\$2,232,736.09</u>

To bring forward encumbrances from the 2019-2020 General Fund Budget to FY20-21

2. Revenue

30-71-3900- 3900-0000	Fund Balance Appropriation	<u>\$0.00</u>	<u>\$213,812.35</u>	<u>\$213,812.35</u>
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Expenditures

30-71-7220- 5300-1700	Water Sewer - Equip Maint (Nixon Power Services)	\$35,000.00	\$5,030.51	\$40,030.51
30-71-7220- 5300-4501	Water Sewer - Service Contracts (Nixon Power Services)	265,000.00	8,781.84	273,781.84
30-71-7220- 5300-5710	Water Sewer - Economic Water Plant - Development	<u>100,000.00</u>	<u>200,000.00</u>	<u>300,000.00</u>
		<u>\$400,000.00</u>	<u>\$213,812.35</u>	<u>\$613,812.35</u>

To bring forward encumbrances from the 2019-2020 Water/Sewer Fund Budget to FY20-21

3. Revenue

31-72-3900- 3900-0000	Fund Balance Appropriation	<u>\$0.00</u>	<u>\$233,862.08</u>	<u>\$233,862.08</u>
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Expenditures

31-72-7230- 5300-3300	Electric - Supplies/Operations (Anixter)	\$185,000.00	\$2,426.88	\$187,426.88
31-72-7230- 5300-3300	Electric - Supplies/Operations (Anixter)	187,426.88	4,926.40	192,353.28
31-72-7230- 5300-3300	Electric - Supplies/Operations (National Transformers)	192,353.28	15,060.00	207,413.28
31-72-7230- 5300-3300	Electric - Supplies/Operations (National Transformers)	207,413.28	8,665.00	216,078.28
31-72-7230- 5300-3300	Electric - Supplies/Operations (Wesco)	216,078.28	2,783.80	218,862.08
31-72-7230- 5300-5710	Electric - Economic Development	<u>100,000.00</u>	<u>200,000.00</u>	<u>300,000.00</u>
	Electric - Economic Development	<u>\$1,088,271.72</u>	<u>\$233,862.08</u>	<u>\$1,322,133.80</u>

To bring forward encumbrances from the 2019-2020 Electric Fund Budget to FY20-21

4. Revenue

40-61-3900- 3900-0000	Fund Balance Appropriation	<u>\$0.00</u>	<u>\$2,679.00</u>	<u>\$2,679.00</u>
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Expenditures

40-61-4100-5300-3400	J.B. George Projects	1,200.00	2,381.00	3,581.00
40-61-4100-5300-3410	J.P. George Projects	<u>210.00</u>	<u>298.00</u>	<u>508.00</u>
		<u>\$1,410.00</u>	<u>\$2,679.00</u>	<u>\$4,089.00</u>

To bring forward encumbrances from the 2019-2020 J.B. George Fund Budget to FY20-21

- 9. Approval was granted of the East River Phase II Final Plat (S-18-01)
- 10. Approval was granted to adopt Resolution No. 668 (17-2020) accepting public dedication for S-18-01 East River Phase 2

RESOLUTION NO. 668 (17-2020)
RESOLUTION ACCEPTING DEDICATION TO THE PUBLIC OF RIGHTS-OF-WAY AND EASEMENTS ON SUBDIVISION PLATS

WHEREAS, G.S. 160A-374 authorizes the Town Council to accept by resolution any dedication made to the public of land or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction; and

WHEREAS, the Smithfield Town Council has acted to approve the final plat named in this resolution on November 10, 2020; and,

WHEREAS, the final plats named in this resolution contain dedication to the public of lands or facilities for streets, parks, public utility lines, or other public purposes; and

WHEREAS, the Smithfield Town Council finds that it is in the best interest of the public health, safety, and general welfare of the citizens of the Town of Smithfield to accept the offered dedication on the plats named in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Smithfield Town Council, North Carolina:
Section 1. The Town of Smithfield accepts the dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes offered by, shown on, or implied in the following approved subdivision plat:

East River Phase 2 Map Book 87 Page 302

Section 2. Acceptance of dedication of lands or facilities shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility except as provided by the ordinances, regulations or specific acts of the Town, or as provided by the laws of the State of North Carolina.

Section 3. Acceptance of the dedications named in this resolution shall be effective upon adoption of this resolution.

Adopted the 10th day of November 2020 in Smithfield, North Carolina.

- 11. Approval was granted to adopt Resolution No. 669 (18-2020) donating personal property to Smithfield Selma Senior High School

Resolution No. 669 (18-2020)
Approving Conveyance of Personal Property to
Smithfield Selma High School
Pursuant to G.S. 160A-278

Whereas, the Town of Smithfield owns 2 Survair Panther/Warb-HP air packs, 4 Survair Panther face masks and 4 Survair 4500 psi composite air bottles; and

Whereas, North Carolina General Statute § 160A-280 authorizes a Town or county to convey personal property for nonmonetary consideration to a nonprofit corporation if the governing board deems the property to be surplus, obsolete, or unused; and

Whereas, the Town of Smithfield has determined that the personal property described above is surplus, obsolete, or unused; and

Whereas, the Town of Smithfield finds that the public will benefit from the conveyance of the property described above because it will increase graduation rates and the potential for graduates to become Smithfield Firefighters. It also benefits the Town as better training increase fire safety and the safety of future Firefighters

Therefore, the Smithfield town council resolves that:

1. The Mayor of the Town of Smithfield is authorized to execute all documents necessary to convey the follow:
 - 2 Survair Panther/Warb-HP air packs,
 - 4 Survair Panther face masks and
 - 4 Survair 4500 psi composite air bottles
 - 8 Turnout Pants
 - 8 Turnout Coats
 - 8 Hoods
 - 5 Sets of Boots
 - 5 Sets of Suspenders
 - 6 Rope Accessories
 - 1 Rope
 - 2 Prusik Rope Ties
 - 1 Soft Protection Pad
 - 1 Hardware Bag

to Smithfield Selma Senior High School for its Fire Sciences Program

2. The consideration for the conveyance will benefit the Smithfield Selma High School by contributing to its Fire Science Program which could potentially increase graduation rates and the potential for graduates to become Smithfield Fire Fighters.
3. In accordance with the notice requirements of N.C.G.S. § 160A-280, public notice of this resolution was given by Town Clerk Shannan Parrish on the Town of Smithfield's website www.smithfield-nc.com . Notice was posted on November 3, 2020.

Adopted the 10th day of November 2020 in Smithfield, North Carolina.

12. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Lifeguard	P&R - Aquatics	10-60-6220-5100-0230	\$8.00/hr.
Sanitation Worker	PW – Sanitation	10-40-5800-5100-0200	\$12.83/hr. (\$26,686.40/yr.)
Water Plant Operator I	PU – Water Plant	30-71-7200-5100-0200	\$15.62/hr. (\$32,489.60/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Assistant Finance Director	Finance	10-10-4200-5100-0200
Firefighter I (2 positions)	Fire	10-20-5300-5100-0200
Fire Inspector (Part-time)	Fire	10-20-5300-5100-0210
Police Officer I (4 positions)	Police	10-20-5100-5100-0200
Pump Station Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

Business Items:**1. Consideration and request for approval for Riverbank Refurbishment along the Greenway**

Town Manager Michael Scott explained the riverbank has washed out just north of the Market Street Bridge. The washout goes straight down from the cement Greenway all the way to the river and it is a repair that is tenuous and needs to be completed. We estimated the repair at between 95,000 and \$100,000. Last month, we received a quote for \$96,920 From James P. Edwards. Staff met with the County at their last County Commissioners meeting seeking assistance in financing some of this as an unbudgeted expense. The County agreed to grant us \$20,000 to assist in this process, which would be a reimbursed amount after completion of the project. That would leave \$76,920 for the repair, which can be taken from the general fund contingency. We did have a second bid at \$114,122, we did not receive three quotes because other companies would not submit a bid for the project. J.P. Edwards would be the low bidder at \$96,920. This company also did the similar repair just a south of this repair which the two would actually be connected when completed. That repair held during this last flood event on September 1 August 31. Although there are no guarantees that anything, we do out there is going to hold, the Town has to do something if we want to continue the use of the Greenway. Staff's recommendation is the approve James P. Edwards Construction in the amount of \$96,9620 for the repair to the riverbank. The Finance Director will provide a budget amendment to the Council for approval moving funds from the general fund contingency after the repair is completed.

Councilman Scott questioned the amount that would remain in contingency funds after this expense. The Town Manager responded there was over \$200,000 in contingency funds. The Town Manager further explained that the LGC is reviewing the Town's draft audit and it appears the general fund 's fund balance will be in excess of \$100%; therefore, funds were also available from fund balance.

Councilman Scott made a motion, seconded Councilman Rabil, approve the low bid from Jimmy Edwards in the amount of \$96,920. Included in the motion was to accept the funds from Johnston County in the amount of \$20,000 and to use contingency funds in the amount of \$76,920 to fund the project. Unanimously approved.

2. Consideration and Request for approval of the Spring Branch Community restoration Project Contract with KCI

This item was tabled from the October 6, 2020 Meeting

Planning Director Stephen Wensman addressed the Council on a request to approve a contract with KCI to design and install the Spring Branch Community Restoration Project. Mr. Wensman reminded the Council that the overall project would cost \$200,500. The Attorney General's Office awarded the Town \$100,000 for this project leaving a \$100,500 shortfall. The intent is to get all the design and permitting completed with the grant funding and then wait until the next budget to pay for the construction. The total project could be done now with the use of fund balance.

Councilman Scott questioned how this would assist with flooding. Mr. Wensman responded the concern was the first phase of the project which was the construction of the wetland and stream bank restoration. If the Spring Branch fills, this would provide an outlet for flood waters to flow into and slowly seep into the ground as opposed to running downstream and causing more impact downstream. This project was included in the Hazardous Mitigation study completed several years ago.

Councilman Wood questioned the timeframe in which the project would be completed. Mr. Wensman explained it would take three months to completed the project. KCI would like to start in April, but if they do not start until July, the project would be completed possibly by October. Mr. Wensman further explained the contractors are aware of the situation and will honor the contract if construction doesn't begin until after July 1st.

Councilman Barbour made a motion, seconded by Councilman Rabil, to use the grant funds to completed the planning portion of the project and budget the remainder of the project in next year's budget. Councilman Barbour voted in favor of the motion. Councilman Lee, Councilman Stevens, Councilman Scott, Councilman Rabil and Councilman Wood voted against the motion. Motion failed six to one.

Councilman Wood stated he thought it was best to take funds from the fund balance to complete the repairs prior to July 1st.

Councilman Wood made a motion, seconded by Councilman Rabil, to approve using the grant funding in the amount of \$100,000 and to appropriate the additional \$100,500 from the general fund's fund balance to complete the project and award the contract for the design and installation of the Spring Branch Community Restoration Project to KCI. Unanimously approved.

3. Consideration and request for approval for Easement Amendment for Kamdon Ranch

Planning Director Stephen Wensman explained with approval of the Kamdon Ranch subdivision, there was discussion concerning providing an access to the historic cemetery in the adjacent farm field. At that time, all the parties agreed to and 18-foot easement along the back-property line. Family members who tend to the cemetery were concerned about that access because of the trees. Stating it would impede their ability to access the cemetery. All the parties renegotiated this access and agreed to provide a 10-foot easement across a shared property line adjacent to the cemetery. This new access is a compromise for all parties.

Councilman Scott questioned if the family was agreeable to this. Town Attorney Bob Spence responded it was a reasonable compromise, but he has been unable to contact the family.

Councilman Scott made a motion, seconded by Councilman Barbour, to approve the revised easement. Unanimously approved.

4. Consideration and request for approval of a Social Media Policy for appointed board members and elected officials

Town Manager Michael Scott explained Council had communicated to him earlier to direct staff to draft a social media policy for board members and elected officials. HR Director Tim Kerigan explained he looked at several other towns in the state and in in the country and drafted this policy. He reviewed it with the town attorney to get his input. He asked for input or any suggestions from the Town Council

Councilman Scott stated he would like the policy to be shared with all the advisory board members for their feedback. He further questioned if a policy for Town employees was also being updated. Mr. Kerigan responded the employee policy would be updated and sent to the employee committee for review. Also, staff was developing a public policy for the Town's social media sites.

Councilman Scott made a motion, seconded by Councilman Barbour, to provide the draft policy to all advisory board members and to the employee committee for review and bring it back to the council at a later date for approval. Unanimously approved.

Councilmembers Comments:

- Councilman Lee explained there was an incident the first night of early voting at First Baptist Church, but he was alright. He stated the Police Department needed to be more accountable.
- Councilman Scott stated he was disappointed the Town could not hold its annual Christmas parade and wished there was another option. He expressed his appreciation to the Electric Department for their swift response during a recent power outage. He felt it was important that we highlight the benefit of having our utilities and managing it locally.

- Councilman Barbour a reminder that we are continuing to drive our drone technology policy and program. We are working on trying to get with parks and recreation to identify locations within the Town that would be safe places for our people that have drones to fly. He expressed his appreciation to the Public Works employees for their leaf collection efforts.
- Councilman Stevens he wished the Town could get everyone for at least the Christmas tree lighting. It's a great experience.
- Mayor Moore there are somethings that are being planned for Christmas which can be safely done. Mayor Moore stated he was pretty excited about the drone program. He asked staff to provide an update even if a policy had not been drafted. Mayor Moore encouraged the public to not place their leaves in the roadway. Leaves in the roadways clogs the storm drains. With the eminent thread of heavy rains, he urged citizens not to cross flooded streets.

Town Manager's Report:

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

- Cancellation of the annual Christmas parade due to Covis-19 reinstructions
- Employee Christmas: The employee annual Christmas luncheon has been cancelled due to Corona Virus restrictions. Each Town department is being allotted funds to hold smaller, department size parties for their employees.
- Christmas Celebrations: Events will be virtual so he encouraged the public to follow the Town's social media pages.
- Parks and Rec: The Veteran's Day Celebration is ready to proceed. This event is scheduled to take place rain or shine. The events will be broadcast on Facebook Live. The schedule of events will be as follows:
 - 4:15 Ribbon Cutting for DAV equipment at DAV Building
 - 5:15 Troopers from Fort Bragg jump into the SSS Football Field
 - 5:30 Mayoral presentation and dedication at SSS Football Field
 - 5:45 Fireworks Show
- Audit: The Town's FY 2020 audit is complete and in draft form. It has been provided to LGC for certification. It will be presented to the Council during the December 1st meeting.
- Equity Drive Status: J. Smith Civil is on site and construction has begun with new curbing being put into place on the inside of the circle. Valley curbs are planned where the driveway cuts will be placed to further storm drainage from the road and into the storm water drains
- Municipal Batteries: Recently court rulings have opened the door to the use of municipal batteries as a load shedding mechanism for the entire Town's electricity use, thus lowering the cost of wholesale electricity. There our options to lease and to purchase this equipment. The Utility Director is suggesting a special meeting be held to allow him to present these alternatives, cost and pros and cons of such a venture.
-

Adjourn

Being no further business, Councilman Barbour made a motion, seconded by Councilman Stevens to adjourn the meeting. The meeting adjourned at approximately 9:42 pm

M. Andy Moore, Mayor

ATTEST:

Shannan L. Parrish, Town Clerk

DRAFT



Request for Town Council Action

Consent
Agenda
Item: Award of
Bid
Date: 12/01/2020

Subject: Purchase New Vehicle for Meter Technician

Department: Public Utilities

Presented by: Public Utilities Director - Ted Credle

Presentation: Consent Agenda Item

Issue Statement

The purchase of a new **work truck** was approved by Town Council for the current fiscal year (2020 – 2021). The desired vehicle **however** work van **is preferred and** quoted for bid and the low bid has been submitted for approval.

Financial Impact

Approved Budgeted Amount for FY 2020-2021: \$35,000

Amount of Purchase/Bid/ Contract: \$21,987 for the vehicle purchase plus an additional \$3,000 for upfitting. Total \$24,987

Action Needed

Approve the purchase from the low bidder Classic Ford in the amount of \$21,987 and the additional \$3,000 for upfitting

Recommendation

Staff recommends the approval of the proposed low bid to purchase the vehicle.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Classic Ford - Proposed bid
3. Deacon Jones - Proposed bid
4. **NC Sheriff's Association Pricing**



Staff Report

Consent
Agenda Award of Bid
Item:

As part of the approved budget for the present fiscal year (2020-2021), the Town Council approved funding to purchase a new **work truck** for the Town Electric Meter Technician to use for the Public Utilities Department. **However upon review, a work van is better suited for this purpose.**

The quoted vehicle is under the approved budget (\$35,000) and will fit Town needs. Staff is also asking to use up to \$3,000 to install shelving and work-related up-fit equipment in

Ted Credle

From: Classic Ford of Smithfield
<classicfordsmithfield@classicfordsmithfield.forddirectcrmpro.com>
Sent: Wednesday, November 11, 2020 7:05 PM
To: Ted Credle
Subject: 2020 Ford Transit Connect Quote
Attachments: Credle Quote.pdf

Hello Mr. Credle,

I want to apologize for my late email. We spoke last week about a quote for the Transit Connect. I have been out of the office for a family emergency but I did get you a quote.

Take a look at the attached window sticker to make sure this vehicle will fit your company's needs.

MSRP is \$27,245

Sales Price with all available discounts \$20,500

Price with tax, tags, and fees is \$21,987

Please let me know what you think, I will try to reach you at your office tomorrow.

Thank you for your consideration.

Sincerely,

Tabatha Morgan
Internet Sales Manager
Customer Care Coordinator
Classic Ford of Smithfield
tmorgan@millsautoqgroup.com

Ted Credle

From: Jeff Hill <jhill@deaconjonesautogroup.com>
Sent: Tuesday, November 17, 2020 12:13 PM
To: Ted Credle
Subject: FW: Attached Image
Attachments: Attached Image

Mr. Credle, Attached is quote for Transit Connect. This unit is in stock. Bid quote \$22546.00. No tax or fees inc. Just let me know. Thank you for the opportunity to help you.

Jeff Hill
Deacon Jones Ford Lincoln
Goldsboro, N.C.
Sales/Fleet Manager
919-736-3387 office
800-948-5857 toll free
919-222-0090 cell

-----Original Message-----

From: donotreply@deaconjonesautogroup.com <donotreply@deaconjonesautogroup.com>
Sent: Tuesday, November 17, 2020 12:06 PM
To: Jeff Hill <jhill@deaconjonesautogroup.com>
Subject: Attached Image

CAUTION: This email originated from outside your organization. Do not click links, follow guidance, or open attachments unless you recognize the sender and know the content is safe.

North Carolina Sheriffs' Association (NCSA) Vehicle and Motorcycle Procurement: Bid Award Summary 21-07-0915

FORD F-750 84 CA DIESEL BASE SUPERCAB (X7D) (Specification #91)

Capital Ford Inc.	2021 Ford F-750 Diesel Base SuperCab (X7D)	Appalachia	\$55,876.00
Capital Ford Inc.	2021 Ford F-750 Diesel Base SuperCab (X7D)	Dogwood	\$55,876.00
Capital Ford Inc.	2021 Ford F-750 Diesel Base SuperCab (X7D)	Cardinal	\$55,876.00
Capital Ford Inc.	2021 Ford F-750 Diesel Base SuperCab (X7D)	Longleaf Pine	\$55,876.00
Name of Dealer		Zone	Base Price

FORD CREW TRANSIT VAN 150 RWD (E1Z) (Specification #92)

Piedmont Truck Center	2021 Ford Crew Transit Van 150 RWD (E1Z)	Appalachia	\$25,533.00
Piedmont Truck Center	2021 Ford Crew Transit Van 150 RWD (E1Z)	Dogwood	\$25,533.00
Piedmont Truck Center	2021 Ford Crew Transit Van 150 RWD (E1Z)	Cardinal	\$25,533.00
Piedmont Truck Center	2021 Ford Crew Transit Van 150 RWD (E1Z)	Longleaf Pine	\$25,533.00
Name of Dealer		Zone	Base Price

FORD TRANSIT CONNECT XL STANDARD ROOF 121"WB CARGO VAN (S7E) (Specification #93)

Four Seasons Ford, Inc.	2021 Ford Transit Connect LWB (S7E)	Appalachia	\$22,824.88
Capital Ford Inc.	2021 Ford Transit Connect LWB (S7E)	Dogwood	\$22,926.67
Four Seasons Ford, Inc.	2021 Ford Transit Connect LWB (S7E)	Cardinal	\$22,924.88
Capital Ford Inc.	2021 Ford Transit Connect LWB (S7E)	Longleaf Pine	\$22,946.67
Name of Dealer		Zone	Base Price

FORD TRANSIT CONNECT XL 7 PASSENGER WAGON (S9E) (Specification #94)

Four Seasons Ford, Inc.	2021 Ford Transit Connect LWB (S9E)	Appalachia	\$24,398.62
Four Seasons Ford, Inc.	2021 Ford Transit Connect LWB (S9E)	Dogwood	\$24,498.62
Four Seasons Ford, Inc.	2021 Ford Transit Connect LWB (S9E)	Cardinal	\$24,478.85
Four Seasons Ford, Inc.	2021 Ford Transit Connect LWB (S9E)	Longleaf Pine	\$24,628.95
Name of Dealer		Zone	Base Price

FORD TRANSIT 150 XL 8 PASSENGER LOW ROOF WAGON (K1Y) (Specification #95)

Piedmont Truck Center	2021 Ford Transit-150 Wagon (K1Y)	Appalachia	\$28,627.00
Piedmont Truck Center	2021 Ford Transit-150 Wagon (K1Y)	Dogwood	\$28,627.00
Piedmont Truck Center	2021 Ford Transit-150 Wagon (K1Y)	Cardinal	\$28,627.00
Piedmont Truck Center	2021 Ford Transit-150 Wagon (K1Y)	Longleaf Pine	\$28,627.00
Name of Dealer		Zone	Base Price

FORD TRANSIT 350 XL 12 PASSENGER LOW ROOF WAGON (X2Y) (Specification #96)

Piedmont Truck Center	2021 Ford Transit-350 Wagon (X2Y)	Appalachia	\$29,391.00
Piedmont Truck Center	2021 Ford Transit-350 Wagon (X2Y)	Dogwood	\$29,391.00
Piedmont Truck Center	2021 Ford Transit-350 Wagon (X2Y)	Cardinal	\$29,391.00
Piedmont Truck Center	2021 Ford Transit-350 Wagon (X2Y)	Longleaf Pine	\$29,391.00
Name of Dealer		Zone	Base Price

FORD TRANSIT T-150 LOW ROOF CARGO VAN - RWD (E1Y) (Specification #97)

Piedmont Truck Center	2021 Ford Transit T-150 Cargo Van (E1Y)	Appalachia	\$23,557.00
Piedmont Truck Center	2021 Ford Transit T-150 Cargo Van (E1Y)	Dogwood	\$23,557.00



Request for Town Council Action

Consent Agenda Item:	No Trucks on East Hancock Street
Date:	12/01/2020

Subject: No Through Trucks Request on East Hancock Street East of 9th Street

Department: Police Department

Presented by: Chief of Police - R.K. Powell

Presentation: Consent Agenda Item

Issue Statement

East Hancock Street is a street located in North Smithfield off North Brightleaf Blvd. Trucks are utilizing this street to cut through residential neighborhoods to get back onto North Brightleaf Blvd. This is a residential street with low hanging utility lines and was not constructed for truck traffic on a regular basis. Staff is recommending East Hancock Street East of 9th Street be designated and so marked for no through truck traffic.

Financial Impact

There is no financial impact for the Town other than staff time and sign costs.

Action Needed

Approve the request for no through trucks on Hancock Street east of 9th Street.

Recommendation

Approve the request for no through trucks on Hancock Street east of 9th Street.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report



Staff Report

Consent
Agenda
Item: No Trucks on East Hancock Street

East Hancock Street is a street located in North Smithfield off North Brightleaf Blvd. Trucks are utilizing this street to cut through residential neighborhoods to get back onto North Brightleaf Blvd. This is a residential street with low hanging utility lines and was not constructed for truck traffic on a regular basis. Staff is recommending East Hancock Street East of 9th Street be designated and so marked for no through truck traffic.



Request for Town Council Action

Consent Advisory
Agenda Board
Item: Appointment

Date: 12/01/2020

Subject: Advisory Board Appointments
Department: General Government
Presented by: Town Clerk - Shannan Parrish
Presentation: Consent Agenda Item

Issue Statement

The Town Council is asked to consider two new appointments to the Board of Adjustment and one reappointment to the Parks and Recreation Advisory Committee

Financial Impact

Each Board of Adjustment member is paid \$25 per meeting. The Planning Department has an annual budget of \$2,400 (10-10-4900-5300-2900) for members of the Board of Adjustment.

Action Needed

The Town Council is asked to consider and approve the new appointments of Richard Upton and Jeremy Pearce to Board of Adjustment and the reappointment of Brenda Waddell to the Parks and Recreation Advisory Committee

Recommendation

Staff recommends approval of these appointments.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Richard Upton – Board Application
3. Jeremy Pearce – Board Application
4. Brenda Waddell – Board Application



Staff Report

Consent Advisory
Agenda Board
Item Appointments

Appearance Commission

Richard Upton has submitted an application for consideration to be appointed to a first term on the Board of Adjustment

Jeremy Pearce has submitted an application for consideration to be appointed to a first term on the Board of Adjustment

Brenda Waddell has submitted an application for consideration to be reappointed to a second term on the Parks and Recreation Advisory Committee

Current Board vacancies are as follows:

- Appearance Commission – 3 positions
- Board of Adjustment – 3 In-Town positions
- Library Board of Trustees – 1 position
- Parks and Recreation Advisory Commission – 3 positions and 2 High School representative Positions



Town of Smithfield
Board, Commission, or Committee
Application

Name: Upton Stephen Richard
Home Address: S Hazelwood Ct. Smithfield (MI)
Business Name & Address: Zed's Char Grill 618 E. Main St Smithfield
Telephone Numbers: (Home) (Mobile) 919 631 4085 (Email) s1upton3@gmail.com

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

Form with checkboxes for: 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:

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

Recent Job Experiences: Zed's Grill 2006 - Present

Civic or Service Organization Experience:

Town Boards previously served on and year(s) served:

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

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

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: 2003 misdemeanor death by vehicle

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

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

Printed Name: Richard Upton

Signature: [Handwritten Signature] Date: 11-10-20

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

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



Town of Smithfield
Board, Commission, or Committee
Application

Name: Pearce Jeremy
(Last) (First)

Home Address: 409 E LEE St, Smithfield NC 27577

Business Name & Address:

Telephone Numbers: (Home) 919-631-9257 (Mobile) JPEARCE@theinsuranceshoppe.com (Email)

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

Form with checkboxes for various boards: Appearance Commission, Board of Adjustment In Town Resident, Board of Adjustment ETJ Member, Historic Properties Commission, Library Board of Directors, Parks/Recreation Advisory Commission, Planning Board In-Town Resident, Planning Board ETJ Resident, Other.

Interests & Skills: INTERESTS - GOLF, Family, TRAVEL, Community Service
SKILLS - ADAPTABILITY, hard working, listener, PLANNER

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

Recent Job Experiences: The Insurance shoppe of NC - 2003 to PRESENT

Civic or Service Organization Experience: Kewly AREA Chamber of Commerce, Boy Scouts of America, First PRESBYTERIAN church of SMITHFIELD

Town Boards previously served on and year(s) served: APPEARANCE Commission - 2017 to CURRENT

Please list any other Boards/Commissions/Committees on which you currently serve: DOWNTOWN SMITHFIELD Development CORP - JAN 2019 to CURRENT

Why are you interested in serving on this Board/Commission/Committee? Decisions made by this Board/
Directly affect the citizens and businesses of our great town. I would like
to be part of an impartial Board of peers that assist in making these decisions.
Smithfield is a wonderful town, and I look forward to seeing its continued growth & change

Affirmation of Eligibility:

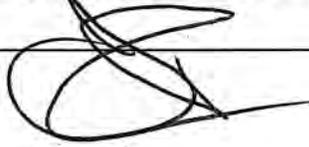
Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes No If yes, please explain disposition: _____

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

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

Printed Name: Jeremy Pearce

Signature:  Date: 11-16-20

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

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



Town of Smithfield
Board, Commission, or Committee
Application

Name: Waddell Brenda H.

Home Address: (Last) 309C, Woodall St (First) Smithfield NC (MI) 27577

Business Name & Address:

Telephone Numbers: (Home) 919-656-1341 (Mobile) daugofking14@gmail.com (Email)

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

Form with checkboxes for various boards: Appearance Commission, Board of Adjustment In Town Resident, Board of Adjustment ETJ Member, Historic Properties Commission, Library Board of Directors, Parks/Recreation Advisory Commission, Planning Board In-Town Resident, Planning Board ETJ Resident, Other.

Interests & Skills: Love dealing with people.

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

Recent Job Experiences: Customer Service & Security

Civic or Service Organization Experience: Town of Holly Spring GFWC Founder

Town Boards previously served on and year(s) served: Town of Smithfield Park & Rec

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

Why are you interested in serving on this Board/Commission/Committee? Learning more about the community and to help serve them better

Affirmation of Eligibility:

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

Yes No If yes, please explain disposition: _____

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

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

Printed Name: Brenda H. Waddell

Signature: Brenda H. Waddell Date: Nov 20, 2020

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

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



Staff Report

Consent
Agenda
Item: New
Hire /
Vacancy
Report

Background

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

In addition, please find the following current vacancies:

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Assistant Finance Director	Finance	10-10-4200-5100-0200
Firefighter I (3 Positions)	Fire	10-20-5300-5100-0200
Fire Inspector (Part-time)	Fire	10-20-5300-5100-0210
Police Officer I (5 positions)	Police	10-20-5100-5100-0200

Action Requested

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

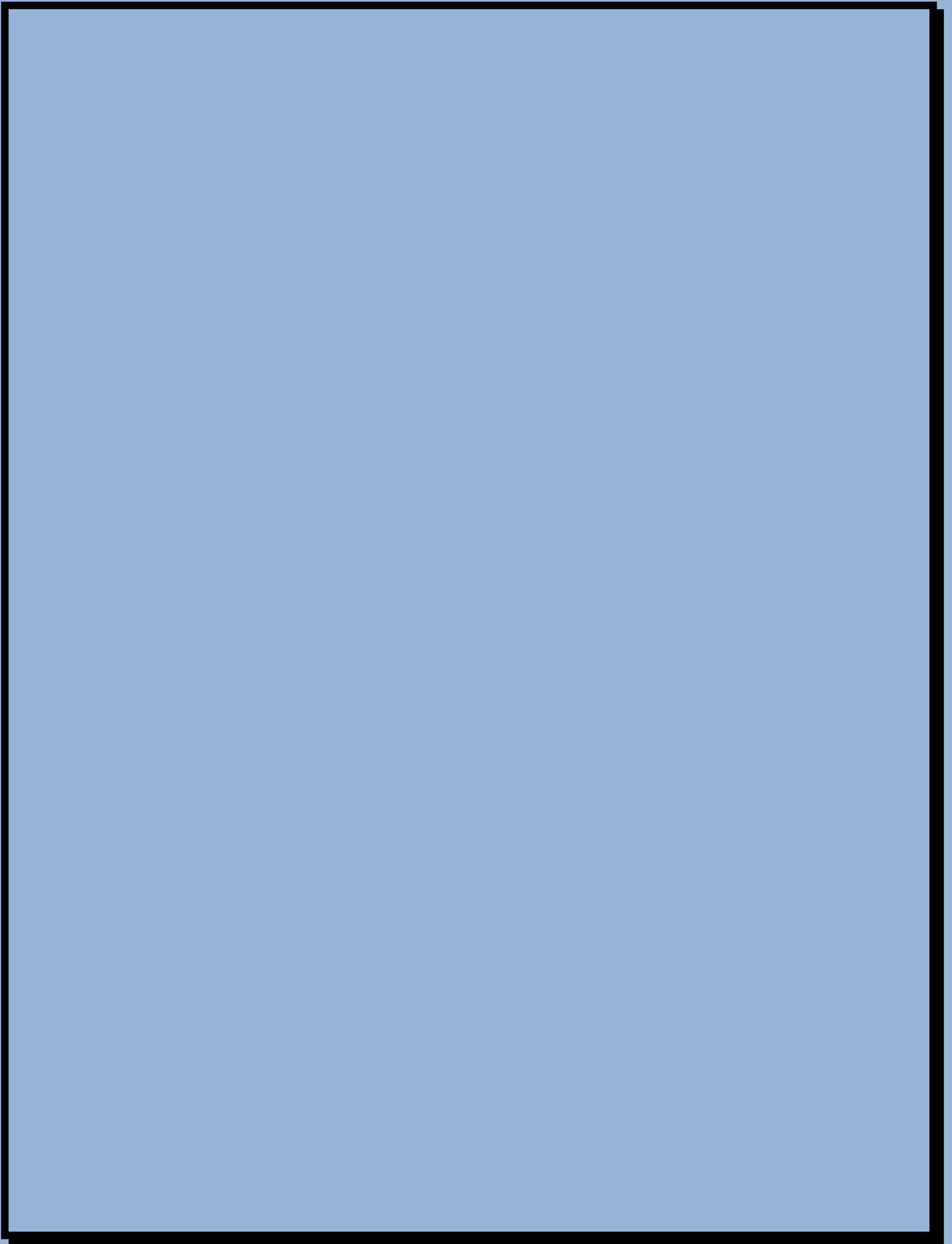
<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T SRAC Staff	P&R - Aquatics	10-60-6220-5100-0210	\$9.00/hr.
P/T SRAC Staff	P&R - Aquatics	10-60-6220-5100-0210	\$9.00/hr.

Additional Notes – COVID-19:

While we have experienced a few positive COVID tests with town staff, we have overall been very fortunate. Employees have been diligent with proper hygiene and adherence to safety guidelines and protocols. In addition, department heads are exercising an abundance of caution and providing proper time off for testing and quarantining to ensure the best of safety for employees and the public we serve.

To this date, we have had no need for employees to request donations of sick leave from other employees. However, administration will be quick to act should the need arise.

Business Items





Request for Town Council Action

Update on
Business Drone
Agenda Program /
Item: Policies
Progress
Date: 12/01/2020

Subject: Update on Drone Program / Policies Progress

Department: General Government

Presented by: Tim Kerigan

Presentation: **Business Item**

Issue Statement

The use of drones has become increasingly popular for both recreational use and municipal operations. For municipal purposes, drones can be used to assess operations for all departments, while offering a much safer environment for Town staff.

Financial Impact

No impact at this time. Budgetary requests may be made in the future as each department assesses their individual needs.

Action Needed

No action at this time.

Recommendation

Staff recommends that Council consider future funding and support for development of Drone program for Town of Smithfield departments to use for Town business. Staff also recommends that Council support future designated drone fly zones for the public. These future recommendations will be presented by Parks and Recreation Director Gary Johnson.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Draft Drone Public Policy



Staff Report

Update on
Business Drone
Agenda Program /
Item: Policies
Progress

The use of drones has become increasingly popular for both recreational use and municipal operations. For municipal purposes, drones can be used to assess operations for all departments, while offering a much safer environment for Town staff.

Several types of usage include:

- Fire, HazMat Response and Disaster Operations - While hazardous materials response is not new, the integration of drone technology into HazMat and the capabilities of those drones to provide reliable and real-time information to responders is new. Drones are more efficient and more effective at performing down-range reconnaissance. Drones save the lives of responders and the public when they are used properly for the collection of information and decision-making. There are a lot of ways drones might help firefighters. Operators could use them to get a better view of where a fire has spread to, which could give them a better idea of how to fight it. As crews move into areas that have been burned, drones mounted with thermal cameras could point out hot spots on the ground.
- Law Enforcement Operations - Drones are used in everything from high pressure tactical situations where split-second decisions need to be made to investigations and documentation where evidence needs to be carefully collected as they only have one chance to get the job done. Drones can also be very helpful for both Law Enforcement and Fire personnel for search and rescue operations.
- Planning Departments – Planning staff can utilize drones mapping and 3D models in order to assist is both commercial and residential developments.
- Public Utilities – Drones are being used by electric and other public utilities to assess and support operations. Drones allow for the public utilities to inventory all assets, identify repair needs before they get to substantial, etc. This saves time and provides safety staff as these inspections can be made from the ground using the drone rather than having put staff in bucket trucks, etc.

In all uses, safety and time are the key rewards for a having a successful drone program.



Unmanned Aerial Systems (Drones) Policies

The Town of Smithfield recognizes operating unmanned aerial systems (UAS), or drones, has become a popular recreational activity. This website will serve as a resource that provides all the necessary information needed for recreational drone flying within the Town of Smithfield.

Areas that have been approved for UAS or drone use are listed below with their hours and designated approved locations.

Getting Started

As a recreational UAS pilot, you must first register your aircraft with the [Federal Aviation Administration](#).

Once you have registered your UAS (drone), here are a few of the basic rules:

- Fly at or below 200 feet (**NOTE: Though FAA guidelines allow for an approved flight height of 400 feet, the Town of Smithfield's policy allows a maximum flight height of 200 feet**)
- Keep your drone within visual line of sight (VLOS)
- Don't fly in [restricted airspace](#)
- Don't fly over groups of people
- Don't fly over people, traffic, stadiums or sporting events
- Don't fly near emergency response efforts
- Don't fly under the influence
- Don't fly at night (FAA guidelines for recreational users allow for flight from 30 minutes

Other Helpful Links

[Recreational Flyers and Modeler Based Community Organizations Before You Fly \(B4UFLY\) Mobile App](#)

UAS (Drones) weighing **less than 400 grams** may take off and land in any Town of Smithfield location except for nature preserves, lakes, wetland centers, or cemeteries. UAS (Drones) weighing **more than 400 grams** should take off and land from the designated locations listed below.

Before flying your drone, be sure to check the area on the [U.S. Air Space Map](#). Once you enter the location address, click on the map to identify all possible air traffic restrictions including airport/heliports you may need to contact before flight.

Model Rocketry

- Observe and abide by the National Association of Rocketry Safety Code and Safety Zone Requirements;
 - [American Academy of Model Aeronautics National Model Aircraft Safety Code](#)
- Not launch in unsafe weather conditions or when wind speeds are greater than 20 miles per hour;
- Ensure launch sites must have a diameter of at least 400 feet free of any obstructions, including trees, structures, play equipment and should be level;
- Operate a safe distance from park users;
- Utilize single rocket engines size “A” or “B”; and,
- Be responsible for disposing of all trash associated with the activity.

If you have any questions, comments or suggestions for UAS (Drones) within the Town of Smithfield, call the [Smithfield Parks and Recreation Department](#) at 919-934-2148.

Approved Spaces in Smithfield

Drones are allowed to fly in the following locations: To be determined



Request for Town Council Action

Business Agenda Item:
Date: 12/01/2020
Social Media Policy

Subject: Social Media Policy for Town Boards

Department: General Government

Presented by: Tim Kerigan, Michael Scott

Presentation: Business Agenda Item

Issue Statement

Council requested staff create a social media policy for appointed board members and elected officials. Upon first review at the November meeting, Council asked staff to provide the draft to all appointed Town board members for review and feedback.

Financial Impact

There is no financial impact for the Town other than staff time.

Action Needed

Approve attached policy if accepted by Council.

Recommendation

Approve attached policy.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Draft Social Media Policy



Staff Report

Business
Agenda
Item: Social Media
Policy

Council requested staff create a social media policy for appointed board members and elected officials. Upon first review at the November meeting, Council asked staff to provide the draft to all appointed Town board members for review and feedback.

Per Council direction, staff shared the draft policy with members of the following:

- Appearance Commission
- Board of Adjustment
- Historic Properties Commission
- Library Board of Trustees
- Parks and Recreation Advisory Board
- Planning Board

There was no opposition expressed to adopting the policy. One member asked that if approved, the board members receive a summary explanation of the policy at their next board meeting.

TOWN OF SMITHFIELD SOCIAL MEDIA POLICY
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

I. Policy:

A. **Introduction.** The Town of Smithfield (the “Town”) depends upon an environment of tolerance and respect for the achievement of its goals in serving the citizens of the Town.

B. **Purpose.** The purpose of this policy is to provide notice to appointed and elected board and committee members that their use of social media must conform to the law and this policy. This policy is designed to promote and govern the professional and personal use of social media in a responsible manner and to avoid uses that can: (1) breach confidentiality by revealing protected information about the Town, its citizens, or its employees; (2) expose the Town to liability for behavior that may be harassing, offensive, or maliciously false; or (3) interfere with productivity and/or ability to perform the duties and responsibilities as Officials of the Town.

II. Definitions:

1. The Town: Town of Smithfield.
2. Official: An individual who holds office in the Town, whether elected or appointed.
3. Social Media: Online forums in which individuals participate in the exchange of ideas, messages, and content, including but not limited to, blogs, microblogs, and social networking sites (e.g., Facebook, LinkedIn, Twitter).
4. Electronic Media: All forms of electronic communication, transmission, or storage, including but not limited to, websites and any content contained therein or related thereto.

III. General Provisions:

A. While Officials may maintain and use personal web pages and websites, blogs, microblogs, social networking sites and other forms of social media while off-duty, their status as Officials of the Town requires that the content of any postings on those social media sites or other web pages not be in violation of existing Town by-laws, policies, directives, rules or regulations. The Town’s image as a professional organization comprised of professionals is critical to maintaining the respect of its constituents. Although the Town recognizes that Officials may choose to express themselves by posting personal information upon electronic media sites through personal websites, social networking sites, blogs, microblogs, chat rooms, or other electronic means or by making comments upon electronic sites hosted by other persons, groups or organizations, this right of expression should not interfere with the operation of the Town. Although the Town acknowledges its Officials have the First Amendment right to free speech, the right is not absolute and extends only to matters of public concern. Therefore, Officials should exercise caution with respect to comments they post, particularly those concerning the Town and the business of the Town; or in instances where it could be perceived that they are representing the Town.

Approved by the Smithfield Town Council on MM/DD/YYYY

TOWN OF SMITHFIELD SOCIAL MEDIA POLICY
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

B. This section describes acceptable and unacceptable uses of all social media by Officials. Officials should use their best personal judgment when using any form of social media and must ensure that their use does not violate this or any other Town policy.

C. Use of social media is also subject to the Town's Sexual Harassment Policy, Use of Town Supplies and Equipment Policy and Acceptable Use Policy, as well as the Town's other policies and standards of conduct, rules, regulations, and by-laws.

D. All use of social media is subject to the following conditions:

1. There is no guarantee of privacy for electronic communications through Town systems or equipment. The Town reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the Town's electronic communications systems. In accessing the Internet, including social media sites, users should assume that all connections and sites visited using the Town's network will be monitored and recorded. This examination helps to ensure compliance with Town policies, assists when internal investigations must be conducted and supports the management of the Town's information systems. Use of the Town's electronic communication devices including, but not limited to, Town-issued email accounts, Internet services, Intranet, Town-owned laptops and computers provided for remote use, and computer software constitutes acceptance of such monitoring. Content maintained electronically is also subject to the Public Records Law.
2. All Officials are expected and required to conduct themselves in a manner consistent with the Town's policies and standards of conduct.
3. Officials must not reveal any confidential or privileged information about the Town, its constituents, its employees, or its contractors. Officials must be particularly careful to protect against the inadvertent disclosure of confidential information.
4. Officials must not harass others in contravention of the Town's Sexual Harassment Policy, Use of Town Supplies and Equipment Policy or Acceptable Use Policy, regardless of the time, place, form, or manner in which the information is posted or transmitted. Comments may be deemed to violate this Policy even if the Town's name or the name(s) of any individual is not specifically referenced.
5. Officials should be honest and accurate when posting information or news, and if they make a mistake must correct it quickly. Officials should not post any information or rumors they know to be false about the Town, its

TOWN OF SMITHFIELD SOCIAL MEDIA POLICY
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

employees, constituents, officials, suppliers, vendors, contractors or any other entities or individuals.

6. Officials may express only their personal opinions and should never represent themselves as a spokesperson for the Town, their board or committee unless designated to do so. If the Town is a subject of the content created by an Official, the Official should be clear and open about the fact that he/she is an Official of the Town and should make it clear that his/her personal views do not represent those of the Town, or its employees, officials, suppliers, vendors, or any other agent of the Town unless designated to do so. Officials who publish blogs or other online posts related to their role with the Town should make clear that they are not speaking on behalf of the Town (unless designated to do so). Further, an Official's decision to express their personal opinions does not alleviate their responsibility as an Official to take appropriate action under the circumstances, which may include, but not be limited to, taking action themselves or reporting an issue to the Human Resources Director or Town Manager.
7. Officials must also recognize that posting content regarding Town-related matters may result in the violation of the open meeting laws if the medium and manner used would constitute a quorum. Officials should consult with the Town Clerk, Town Attorney or Town Manager with any questions or concerns prior to posting.
8. Officials are expressly prohibited from using social media to engage in any activity or conduct that violates federal, state, or local law (e.g., software or data piracy, child pornography, etc.).
9. Officials are prohibited from using social media to engage in any activity that constitutes a conflict of interest.
10. Officials are generally not authorized to provide employee references and are prohibited from using any review or recommendation feature or system on a social media site (e.g., LinkedIn) to post reviews or other comments about employees.
11. Officials must be mindful that residents, property owners and others appearing before Town boards or committees come from all walks of life. Public comments, in any forum, that contain racial slurs, express bigotry toward a group based on their race, religion, national origin, sexual orientation, gender, gender identity or any other legally protected classification shall be considered conduct unbecoming a Town Official and shall constitute good cause for removal for any appointed Official.

TOWN OF SMITHFIELD SOCIAL MEDIA POLICY
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

E. The Town encourages anyone who uses social media in contravention of this policy to be honest and admit the error as soon as it occurs. Although errors cannot always be erased, prompt notification can make a significant difference in the Town's ability to correct or remedy the issue.

F. Beyond the above general provisions, appointed and elected board/committee members are strongly encouraged to consider the impact of their statements before making them. The Town strives to be professional in its operations and processes. Posts that suggest a likelihood of more or less favorable treatment toward any individual or group of individuals, e.g., based upon race, gender, national origin, sexual orientation, reflects poorly on the individual making an inappropriate statement as well as the Town and its citizens. Further, comments suggesting such treatment can expose the Town to liability and legal costs. All are strongly encouraged to carefully consider their comments before posting them.

G. Nothing in this policy precludes the Town Council from removing any appointed Official of any approved board for the Town, as these positions are considered "At Will" appointments.

IV. Complaints or Problems of Misuse:

Should any Official receive or become aware of a violation of this policy, the Official should report the violation to the Human Resources Director or Town Manager.

In accordance with the Town's Whistleblower Policy, the Town prohibits taking action against anyone for reporting a possible violation of this Policy or for cooperating in an investigation.

V. Questions:

Anyone who is unsure whether a particular posting or contribution to online social media violates this policy is encouraged to ask the Human Resources Director or Town Manager.

VI. Discipline.

Violation of this Policy may constitute good cause for removal of appointed Officials. Elected officials may be subject to a request for their resignation, public censure or reprimand or a recall petition. A failure to enforce this Policy does not constitute a subsequent waiver of any violation of this Policy.

This Policy shall be read and interpreted in conjunction with all other Town policies and procedures.

TOWN OF SMITHFIELD SOCIAL MEDIA POLICY
FOR APPOINTED AND ELECTED BOARD/COMMITTEE MEMBERS

Acknowledgment of Receipt of Policy

I acknowledge receipt of this *Social Media Policy for Appointed and Elected Board/Committee Members*, and that I have read it. I understand that all social media usage and all information transmitted by, received from, or stored in these systems are the property of the Town. I also understand that I have no expectation of privacy in connection with the use of the Town's electronic communications or with the transmission, receipt or storage of information in these systems. I acknowledge and consent to the Town monitoring my use of its electronic communications at any time, at its discretion. Such monitoring may include reviewing Internet websites visited, including social media sites, printing and reading all e-mail entering, leaving or stored in these systems, and/or reviewing all documents created or downloaded. I understand that all e-mail messages are subject to the Town's e-mail deletion and retention procedures.

Name (Print)

Signature

Date

Witness

Approved by the Smithfield Town Council on MM/DD/YYYY



Request for Town Council Action

2021
Town
Council
Meeting
Schedule
Date: 12/01/2020

Subject: 2021 Town Council Meeting Schedule
Department: General Government
Presented by: Shannan Parrish – Town Clerk
Presentation: Business Item

Issue Statement

Each year the Council is asked to review the next year's Town Council meeting schedule and determine if there are any regularly scheduled meetings that conflict with either a holiday or election day.

Financial Impact

N/A

Action Needed

It is requested that the Council review the 2021 regular meeting schedule and determine an alternate date for the November regular meeting.

Recommendation

Staff recommends conducting the November meeting on November 9th

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. 2021 Calendar



Staff Report

2021
Town
Council
Meeting
Schedule

Business
Item:

Article II Section 2-46 of the Town of Smithfield's Code of Ordinances states that a regular meeting of the Town Council shall be held at the Town Hall on the first Tuesday of each month unless the date conflicts with a Town observed holiday or election day, in which event, the meeting will be schedule for the following Tuesday or as such time as may be prescribed.

In 2021, the November meeting is scheduled to be held on November 2nd which is municipal election day.

It is requested that Council review the 2021 regular meeting schedule and determine an alternate date for the November regular meeting

2021 Town Council Meeting Schedule

January 5th

February 2nd

March 2nd

April 6th

May 4th

June 1st

July 6th

August 3rd

September 7th

October 5th

November 2nd (Municipal Election Day) Suggested: November 9th

December 7th

2021

Holidays:

Jan 01	New Year's Day
Jan 18	ML King Day
Apr 02	Good Friday
May 31	Memorial Day
July 04	Independence Day
July 05	Independence Day Observed
Sep 06	Labor Day
Nov 11	Veterans Day
Nov 25	Thanksgiving
Nov 26	Thanksgiving
Dec 24	Christmas
Dec 25	Christmas
Dec 26	Christmas

March

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June

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February

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28						

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August

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November

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January

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31						

April

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July

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October

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31						



Request for Town Council Action

Business Item: N. 9th Street Closure
Date: 12/01/2020

Subject: Resolution of Intent to Permanent Close 9th Street Public Rights-of-Way

Department: Planning

Presented by: Planning Director – Stephen Wensman

Presentation: Business Item

Issue Statement

NC Statutes 160A-299 requires the Town Council adopt a Resolution of Intent to close public right-of-way as the first step to closing public right-of-way.

Financial Impact

None

Action Needed

To adopt resolution of intent to permanently close public right-of-way.

Recommendation

Staff recommends the Council adopt the Resolution of Intent to permanently close the Ninth Street right-of-way and to schedule and advertise for a public hearing for the closure.

Approved: Town Manager Town Attorney

Attachments:

- Staff Report
- Resolution No. 670 (19-2020) Intent to permanently close N. Ninth Street.
- Closure petition
- Petition Letter
- Plat of N. Ninth Street



Staff Report

Business Item: N. 9th Street Closure

Petition Description:

Market Street Investments owns both sides of North Ninth Street from the northern right of way of **Hancock Street to where the street now terminates at the Walgreen's property**, 102.48 feet from N. Brightleaf Boulevard and would like to close the street to facilitate a commercial development.

Analysis:

A portion of North Ninth Street was closed to the west to facilitate the development of the Walgreen Store in the 2005.

The existing Ninth Street Road right-of-way requested for closure no longer benefits the abutting properties and is barricaded at the north end by Walgreens 102.48 feet south of Bright Leaf Boulevard.

The Town has existing utilities in the right-of-way and if closed, a 30-foot-wide utility easement would need to be dedicated by Market Street Investments over the utilities to provide Town access to them. Improvements within the easement would be restricted and any paving, landscaping or other allowed improvement would be subject to being disturbed without compensation should utility repairs be necessary.

All the abutting property owners have signed the petition except for Evanston Smithfield LLC, the owner of the property in which Walgreens is located. Evanston Smithfield LLC was notified of the petition with the assistance of the Town Attorney; however, they did not respond to the petition and they did not sign it.

Legal Description for Right of Way Closure for a portion of N. Ninth Street:

Lying and being in the Town of Smithfield, Smithfield Township, Johnston County, North Carolina and being more particularly described as follows:

Being at a Existing Iron Pipe (EIP) a point in the southern property line of Now or Formerly Evanston Smithfield II, LLC (Walgreens) (see Plat Book 67, Page 179 and Plat Book 67, Page 178) said point having NC Grid Coordinates of N=641,910.3871, E=2,197,673.9224 (NCGS VRS, NAD 1983 (2011) GEOID 12A) **thence along the southern line of Walgreens, N62°19'38"W 67.33' to an EIP in the eastern Right of Way of N Ninth Street (30' R/W see Plat Book 4, Page 393) a corner with now or formerly Lot 102 (PB 4, PG 393; DB 5502, PG 834) the TRUE point of beginning, thence with the eastern right of way of N Ninth Street S27°23'26"W 166.76' to an EIP on the northern right of way of Hancock Street (50' R/W, see PB 4, PG 393 and PB 58, PG 322) a corner with Lot 101 (PB 4, PG 393; DB 5502, PG 842) thence N62°03'00"W 30.00' to an EIP on the western R/W of N Ninth Street, a corner with now or formerly Market Street Investors (DB 5498, PG 675) thence with the western right of way of N Ninth Street N27°23'26"E 166.61' to an existing iron rebar (ERB), thence**

S62°19'38"E 15.00' to a magnetic nail set (MNS), said point being the southwest corner of Walgreens, thence S62°19'38"E 15.00' to the point and place of beginning and containing 5,000 SF± as shown on a plat prepared by Jimmy Barbour Surveying, PA, entitled Recombination Map for: Market Street Investors dated 10-7-2020 and being recorded in Plat Book___, Page___ Johnston County Registry.

Action Requested:

The Town Council is requested to adopt the Resolution No. 670 (19-2020), Resolution of Intent to Permanently Close the N. Ninth Street Public Rights-of-way, and to schedule and advertise for a public hearing for the permanent right-of-way closure.

**TOWN OF SMITHFIELD
RESOLUTION NO. (19-2020)
DECLARING THE INTENT OF THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD TO CONSIDER
CLOSING OF THAT PORTION OF NORTH NINTH STREET FROM HANCOCK STREET TO ITS TERMINATION
102.48 FEET SOUTH OF BRIGHT LEAF BOULEVARD.**

WHEREAS, G.S. 160A-299 authorizes the Town of Smithfield to close streets and public alleys; and

WHEREAS, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of North Ninth Street between Hancock Street to its termination 102.48 feet South of Bright Leaf Boulevard;

NOW, THEREFORE, BE IT RESOLVED by the Town of Smithfield that:

(1) A meeting will be held at 7 p. m. on the 1st day of December, 22020, in the Town Hall Council Chambers to consider a resolution closing that portion of North Nineth Street between Hancock Street to its termination 102.48 feet South of Bright Leaf Boulevard.

(2) The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Raleigh News and Observer.

(3) The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.

(4) The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Upon motion duly made by Councilmember _____, and duly seconded by Councilmember _____, the above resolution was duly adopted by the Town Council at the meeting held on the 1st day of December, 2020, in the Town Hall.

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

_____	_____	_____
_____	_____	
_____	_____	

This the 1st day of December, 2020, at ___ o'clock p.m.

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 10th day of July, 2018

Shannan L. Parrish, Town Clerk

NORTH CAROLINA
JOHNSTON COUNTY

I, Bethany B. McKeel, 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 _____, 2020

Bethany B. McKeel, Notary Public

My Commission Expires: August 6, 2024

*Legal Description for Right of Way Closure for a portion of
N. Ninth Street*

Lying and being in the Town of Smithfield, Smithfield Township, Johnston County, North Carolina and being more particularly described as follows:

Being at a Existing Iron Pipe (EIP) a point in the southern property line of Now or Formerly Evanston Smithfield II, LLC (Walgreens) (see Plat Book 67, Page 179 and Plat Book 67, Page 178) said point having NC Grid Coordinates of N=641,910.3871, E=2,197,673.9224 (NCGS VRS, NAD 1983 (2011) GEOID 12A) thence along the southern line of Walgreens, N62°19'38"W 67.33' to an EIP in the eastern Right of Way of N Ninth Street (30' R/W see Plat Book 4, Page 393) a corner with now or formerly Lot 102 (PB 4, PG 393; DB 5502, PG 834) the TRUE point of beginning, thence with the eastern right of way of N Ninth Street S27°23'26"W 166.76' to an EIP on the northern right of way of Hancock Street (50' R/W, see PB 4, PG 393 and PB 58, PG 322) a corner with Lot 101 (PB 4, PG 393; DB 5502, PG 842) thence N62°03'00"W 30.00' to an EIP on the western R/W of N Ninth Street, a corner with now or formerly Market Street Investors (DB 5498, PG 675) thence with the western right of way of N Ninth Street N27°23'26"E 166.61' to an existing iron rebar (ERB), thence S62°19'38"E 15.00' to a magnetic nail set (MNS), said point being the southwest corner of Walgreens, thence S62°19'38"E 15.00' to the point and place of beginning and containing 5,000 SF± as shown on a plat prepared by Jimmy Barbour Surveying, PA, entitled Recombination Map for: Market Street Investors dated 10-7-2020 and being recorded in Plat Book , Page Johnston County Registry.



STREETS AND ALLEYS PROCEDURE FOR PERMANENT CLOSING

<u>PROCEDURE:</u>	<u>RESPONSIBILITY:</u>
1. Submission of request to Town must include:	
a. Letter of request (petition) signed by 100% of property owners abutting the street or alley. <i>see attached for you to do</i>	Property Owners
b. Copy of recorded plat showing original layout or dedication of street or alley. <i>P.B.4, Pg 393 I have this ready</i>	Property Owners
c. Registered land surveyors plat of recent survey of Portions of street to be closed on legal sized drawing, suitable for recording and the metes and bounds description. <i>I've got this ready</i>	Property Owners
d. Non-refundable application fee of \$300.00. <i>you need to do this</i>	Property Owners
2. Review and recommendations to Town Manager by legal, planning and public works.	Town Staff
3. Recommendation to Town Council.	Town Council
4. Adopt Resolution of Intent.	Town Council
5. Public Notice	Town Clerk
a. Newspaper (one per week, four consecutive weeks).	Town Clerk
b. Posted notices (two signs on street).	Town Staff
c. Mail copy of Resolution of Intent to all adjoining property owners by Registered or Certified mail.	Town Staff
6. Public Hearing	Town Council
7. Order of Closing	Town Council
8. Record Order of Closing	Town Attorney

Market Street Investments

18825 W Catawba Ave 250

Cornelius NC 28031

Stephen Wensman

Town of Smithfield

We own the property on both sides of North Ninth Street from the northern right of way of Hancock Street to where the street now terminates at the Walgreen's property and virtually at the eastern right of way of N. Brightleaf Blvd. Currently Walgreen's has closed the street as it abuts or enters their property. Please see the attached GIS showing the Evanston Smithfield LLC property, apparently rented by Walgreen's. Also see a 2005 map recorded in Plat Book 67, page 178 showing a "closure" of the northern portion of the street in 2005. Planning Staff has not located that closure. Please find an additional 2005 plat where the closure appears clearly planned with handwritten notations that are relevant thereto. Finally note that the street is now barricaded and if memory is correct, has been barricaded for the past decade. Since the street is no longer benefitting any abutting property, and if opened would actually substantially interfere with the turn lanes to enter Walmart, we ask for the street to be closed so that we can develop our properties and extend the development across what is now the street so as to connect our property on both sides of 9th street between Hancock and Walgreen's.

Note the surveys and the plat showing the Walgreen's easement as it extends across our property to provide the right turn access to Walgreen's blocking which blocks Ninth Street before it reaches the Walgreen's property. See also the attached pictures from 2008 showing the barricade of Ninth Street to protect the Walgreen's entrance.

We are merely attempting to close this street to bring it in accord with current development in the area and allow our lots to be developed so as to benefit the area, ourselves and the town.

Thank you for your consideration

David Dupree



Request for Town Council Action

Agenda
Item: ZA-20-03
Date: 12/02/2020

Subject: Zoning Text Amendments, Articles 3, 4, 5, 6 and 7
Department: Planning Department
Presented by: Stephen Wensman, Planning Director
Presentation: Business Item

Issue Statement

Staff has prepared and is requesting the Town Council review a proposed UDO Amendments to Articles 3, 4, 5, 6 and 7 in order to allow conditional zoning, to provide for quasi-judicial approvals of subdivision preliminary plats, to adopt Historic Preservation Commission and regulations, to incorporate the 160D enabling legislation changes, and to fix errors, ambiguities.

Financial Impact

None

Action Needed

To review of proposed UDO Amendments to Articles 3, 4, 5, 6 and 7 and to decide whether to approve, approve with changes, or deny the requested amendment to the UDO.

Recommendation

Staff and the Planning Board recommend approval of ZA-20-03 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. **Draft Ordinance**
3. Consistency Statement



Staff Report

Agenda Item: ZA-20-03

CONTINUED FROM NOVEMBER 10 TOWN COUNCIL MEETING:

This agenda item was continued from the November 10th Town Council meeting to provide the Council additional time to consider the draft ordinances. The public hearing is closed.

REQUEST:

Planning Staff is respectfully requesting that the Town Council consider approval of the draft amendment to the Town of Smithfield Unified Development Ordinance (UDO) Articles 3, 4, 5, 6 and 7 in order to allow conditional zoning, to provide for quasi-judicial approvals of subdivision preliminary plats, to adopt Historic Preservation Commission and regulations, to incorporate the 160D enabling legislation changes, and to fix text errors, ambiguities.

ANALYSIS:

The proposed UDO amendment to allow conditional zoning, to provide for quasi-judicial approvals of subdivision preliminary plats, to adopt Historic Preservation Commission and regulations, and to incorporate the 160D enabling legislation changes into the UDO requires changes to Articles 3, 4, 5, 6 and 7. The intent of the amendment is to:

- Allow for Conditional Zoning option as a parallel zoning district to each of the primary zoning districts. Conditional Zoning is a negotiated approach to a legislative decision (rezoning) allows maximum flexibility to tailor regulations to a site and project. Conditional Zoning Districts are zoning districts in which all the site-specific standards and conditions are incorporated into the zoning district regulations. Our current PUD regulations are a form of conditional zoning for mixed use developments. Conditional Zoning is a similar process but for developments that are not mixed use. The conditional zoning can only be for a landuse that is permitted in the primary zoning district and the only the landuse shown on the approved site plan.
- Change Major Preliminary Plat approvals from Administrative to Quasi-Judicial. This will allow the Town Council to conditionalize subdivision approvals and provide for public comment/expert comments. This change will also allow developers to submit preliminary plats without complete engineered construction plans as currently required. The TC approval of plats will allow for conditions to be incorporated into the preliminary plat approval, such as requiring construction drawings conform to the UDO.

- Adopt required changes to the UDO as a result of changes to the new combined enabling legislation both Counties and Towns, 160D. 160D requires Towns to adopted 160D changes into local regulations no later than July 1, 2021. The changes affect
- all Articles of the UDO; but only those in Articles 3 ,4, 5, 6 and 7 are being addressed at this time.
- **Adopt HPC and regulations into the UDO. These were left in the Town’s Administrative Code and left out of the UDO when the Planning Board and Board of Adjustments were moved to the UDO.**

Key Points.

1. Conditional Zoning will follow the same process as rezonings. The Planning Board will review the rezoning (Conditional Zoning) and make recommendations to the Town Council.
2. For Special Use Permits and Preliminary Subdivisions, the current draft provides for the same process at the Planning Board for all quasi-judicial applications. Noticed public meetings will be conducted at the Planning Board to provide an opportunity for community involvements outside of a quasi-judicial hearing and to provide feedback to the developer without ex-parte communication to Council?
3. What should the expiration of abandoned Special Uses be? As drafted, if a special use ceases for 6-months or more, the special use is void. This would help the Town eliminate many non-conforming sites, such as used car dealerships.
4. What land uses should be permitted, permitted with standards, special uses and special uses with standards in Table 6.5.
5. In the current draft, Major Subdivision Final Plats be administratively approved by Staff with appeals to BOA. Public dedications will require Council approval.
6. In the current draft, the R-6 Zoning District will be activated, reversing a previous policy, in order to accommodate market demand for smaller lots. The South 2nd Street lot development by Civitan Field is a recent example of R-6 development.
7. Multi-family residential development currently requires a special use permit with no standards. The current draft makes Multi-Family a permitted use with supplementary standards. STAFF WANTS TO AMEND THIS TO KEEP AS A SPECIAL USE, but with supplementary standards.
8. The current draft includes many new Supplementary Standards (Article 7). These need to be carefully reviewed. What additional standards are needed?
9. Article 8, Section 8.13, has been updated since the PB packet was delivered.

Summary of Amendment.

ARTICLE 3:

Article 3 addresses the administrative, legislative and quasi-judicial authority under the UDO. The proposed changes to the UDO include:

- Throughout the Article references to state statute were updated as related to 160D.
- 3.1.2.9. **Deletes UDO Administrator's duty to provide nonconforming determinations** of expansion of nonconforming uses and structures in anticipation of a future update to Article 9.
- 3.1.2.9. Adds duty to maintain records of the HPC.
- 3.2. Updates Ethics section as required with legislative enabling legislation 160D.
- 3.3.3. Updates Planning Board composition and vacancies as required with legislative enabling legislation 160D.
- **3.3.4.12. Adds to the Planning Board's duties a review of quasi-judicial applications** as requested by the Planning Board and Town Council.
- 3.4.2.1. Updates reference to state statutes as required with legislative enabling legislation 160D.
- 3.4.2.2. Updates membership of the BOA as required with legislative enabling legislation 160D.
- 4.4.2.4. Updates Quorum and Voting of BOA as required with legislative enabling legislation 160D.
- 3.5 Inserts updated HPC regulations **into the UDO (it was formerly in the Town's Administrative Code and was not moved when the UDO was update in 2016)**.
- **3.6.1. Add's quasi-judicial review of major subdivision plats to the Town Council's authority.**
- **3.6.2. Add's conditional zoning to the Town Council's legislative authority.**
- 3.6.4. Cleaned up text errors.

ARTICLE 4:

Article 4 addresses Legislative and quasi-judicial procedures in the UDO. Proposed changes include:

- Throughout the Article references to state statute were updated as related to 160D.
- 4.1.1. Add a summery table for required permits/approvals and process type (Admin./Legislative/Quasi-Judicial).
- 4.2. Includes updates as required with legislative enabling legislation 160D.
- 4.2.1. Strikes 45-day requirement for Town Council or BOA hearing after application submittal. The timeline was not feasible currently or under amended UDO.
- 4.3.2.1. Includes a 160D update about notice requirements.

- 4.3.2.3. Updates reference to state statutes related to 160D.
- 4.3.3. Updates the notice and public hearing section to include conditional zoning and preliminary plats and to address 160D requirements.
- 4.4. Updates expiration of permits by referencing state statutes and expirations of SUPs, including expirations of SUPs if use ceases for 6 months.
- 4.6.3. Adds noticed public meetings to the Planning Board actions.
- 4.6.4.1. Clean up of text.
- 4.6.4.6.3. Addresses changes related to 160D.
- 4.6.4.7. Adds Conditional Zoning/PUD procedures.
- 4.7. Updates vested rights references to statutes and procedures for plats, SUPs and site-specific CZ/PUD plans.
- 7.9.3.1. Clean up UDO, there are no alternates for Town Council.
- 4.9.3.5. Updates Special Use findings of fact requirements.
- 4.10. Updates reference to state statutes and updates voting requirements of the BOA.
- 4.11. Adds procedures section for preliminary subdivision plats.
- 4.12.1.2 Adds regulations for transmitting materials to various parties.

ARTICLE 5:

Article 5 establishes the development review process including subdivisions. In order to incorporate quasi-judicial review of major subdivision preliminary plats and to accurately describe the development review process the text changes are proposed and the order of the sections have been changed. The changes include:

- Throughout the Article references to state statute were updated as related to 160D.
- 5.3. Add conditional zoning and clean up text.
- 5.5. Add Major Subdivision Final Plats to Administrative approvals.
- 5.5.1. Update Admin Approval Flow chart to include Major Subdivision Final Plats
- 5.5.2. Provide clarifications in the text.
- 5.5.3. Delete section because it is out of sequence.
- 5.5.5. Added a process section for Minor Subdivisions.
- 5.5.6. Added a process section for Major Subdivision Final Plats.
- 5.6. Moved Site Plan Requirements from subdivision section. Subdivision requirements are in Article 10.
- 5.7. Updated Major Subdivision Plats Section for quasi-judicial preliminary plat review and administrative final plat review.
- 5.7.3. Updated the flow chart accordingly.

ARTICLE 6:

Article 6 establishes the Town's Zoning Districts and allowed uses within each district.

Changes include:

- Throughout the Article references to state statute were updated as related to 160D.
- 6.3.3. Removed irrelevant text – PUDs are a zoning district.
- 6.3.4. Delete the prohibition to new R-6 rezonings. The smaller lots are currently desired in the marketplace for both developers and home buyers.
- 6.3.5. Delete two-family dwellings from description of R-MH District and deleted text about multifamily and manufactured home parks as special uses. The table of uses dictates what uses are special uses.
- 6.3.6. Deleted PUD as a Primary Zoning District in order to move it to a Conditional Zoning District section.
- 6.3.10. and 6.3.11. Add text to distinguish light industrial from heavy industrial.
- 6.3.13. Deleted AD District. There is no land zoned for AD in the Town or ETJ. The airport will be within an Airport Overlay District setting regulations for use and height in the airport safety zones.
- 6.3.14. Deleted the OS District. There is no land zoned for OS and there are no regulations for OS.
- 6.4. Added Conditional Zoning Districts section with descriptions of the two types of conditional zoning districts, CZ Districts and PUD.
- 6.5.3. and 6.5.4. Added description to Watershed Districts
- 6.4.5. Added AHH Overlay. The current airport master plan process will produce model ordinance language to be adopted by the Town to reduce the potential for airport hazards.
- 6.4.6. Create HO Overlay. This overlay district is mapped, but there are no district regulations in the UDO.
- 6.5. Amend uses in the Table of Uses, reducing the number of special uses by adding more rigorous supplementary standards for permitted uses and to encourage more conditional zoning. Also removing PUD, AD, AHH, OS RHO and ECO from the table of uses. The site-specific plan for PUDs identifies the uses and Overlay districts provide a layer of additional regulation over the primary zoning district uses.
 - Key changes:
 - Churches/Places of worship are permitted in all primary zoning districts to comply with RLUIPA.
 - Parks and playgrounds and recreation facilities are permitted uses, rather than special uses. These are typically approved with development or are Town projects. The Town can hold informational meetings with neighborhoods to shape the development of these facilities.
 - Multi-family will remain a special use, but with standards. The standards are intended to be rigorous, to encourage most developers to choose Conditional Zoning to negotiate standards with a site-specific plan.

- Licensable facilities will be permitted uses with standards rather than special uses.
- Vehicle storage in conjunction with repair has been deleted as a use and new standards for vehicle storage has been incorporated into the Automobile Repair and Automobile Painting and Body Shop supplementary standards.
- Bars and Nightclubs will be the new term for private clubs, establishments that serve alcohol without food.

ARTICLE 7:

Article 7 provides supplementary standards for specific land uses. With the adoption of conditional zoning, many land uses that were special uses are to be permitted with strict supplementary standards (typical of conditions that would be placed on the land use) with the intent that the strict standards will create more conditional rezonings with site-specific plans which give the Town Council an ability to shape development in a legislative decision making process.

Changes to Section 7 include:

- 7.2. Require/clarify the requirement for concrete curb and gutter between the building and the public street and other paving requirements. Allows gravel paving to the side and rear of the industrial development.
- 7.3. Updates Accessory Structure section. Allows 2 accessory structures on properties greater than ½ acre in size in the R20A District.
- 7.5.2. Adds new standard for Accessory Dwelling Units in the B-1 District. This was developed in coordination with the DSDC.
- 7.13. Updated Temporary Office Units/Modular Office Units. Temporary Uses throughout this Article have been rewritten.
- 7.15. Fairgrounds was not a standard, but rather a definition; therefore, it was moved to Appendix A- Definitions.
- 7.22. Strengthened and clarified standards for Automobile Service Stations; Gas Pumping Stations.
- 7.27 Street vendors was **deleted. This is already in the Town's Administrative Code.**
- 7.30 Temporary Uses section was reworked.
- 7.34. Cluster Development regulations were updated including a prohibition to stormwater SCMs within required open space.
- 7.35. Created standards for Multi-family Residential.
- 7.36. Created standards for Animal Hospital/Veterinarians.
- 7.37. Created standards for Drive-in Facilities.
- 7.38. Created standards for Automotive Repair.
- 7.39. Created standards for Car Washes.
- 7.40. Created standards for Mini-storage.

- 7.41. Created standards for Outdoor Storage.
- 7.42. Created standards for Assembly uses/Event Centers.
- 7.43. Created standards for Public Utility Pump Station/ Utility Substation/
Switchstations which add's a screening requirement.
- 7.44. Created standards for outdoor vehicle storage, sales and display.
- 7.45. Created standards for Flea Markets.
- 7.46. Created standards for Kennels.
- 7.47. Created standards for Bed and Breakfasts.

ORDINANCE # ZA-20-03
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLES 3, 4, 5, 6 AND 7

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to the Town of Smithfield Unified Development Ordinance to provide for quasi-judicial approvals of subdivision preliminary plats, to adopt Historic Preservation Commission and regulations, to incorporate the 160D enabling legislation changes, and to fix errors, ambiguities.

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

NOW, THEREFORE, be it ordained that:

1. The Articles attached in Exhibit A are amended as set forth by the deletions (strikethroughs) and additions (double underlining)
2. That if this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.
3. That if it be determined that any other Town Ordinance or any part of any other Town Ordinance is in conflict with this Ordinance, said conflicting Ordinance shall be deemed repealed and of no effect and the provisions of this Ordinance shall prevail.

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

Duly adopted this the _____ day of _____ 2020.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

EXHIBIT A
Includes the following attachments:

UDO Amendments to Articles 3, 4, 5, 6 and 7

DRAFT

THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
ZA-20-03

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

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

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

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

That the final action regarding zoning ordinance amendment ZA-20-03 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the regularly scheduled meeting of Town Council; and

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

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

That the final action regarding zoning ordinance amendment ZA-20-03 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



Request for Town Council Action

Business
Agenda
Item:
Date: 12/01/2020
Award of
Contract

Subject: Tentative Award of Contract for Water Plant Improvement
Project Construction

Department: Public Utilities

Presented by: Ted Credle

Presentation: Business

Issue Statement

Plans to improve the Water Plant through the construction of a 4th treatment filter, a larger reservoir, a new clear well and associated plant upgrades to increase water treatment from 6.2 million gallons per day to a new level of 8.3 million gallons per day have come to fruition. The proposed plans have been approved at all appropriate state and federal levels. The construction project was publicly advertised for bid and the low bidder, Shook Construction, is recommended for approval.

Financial Impact

This project bid for all aspects of completion is \$17,598,500. Funding is recommended to include the deposit made by Johnston County in 2019 (\$3.25 million), the SRF loan from the NCDEQ (\$12,050,000), and fund balance and existing budgeted capital improvement monies (\$2,289,500). This will maintain the water and sewer fund balance at 60% or higher. The debt service for the loan was included in the rate study performed by the Utility Financial Solutions, LLC in Spring 2020.

Action Needed

Approve the resolution that tentatively awards the construction contract to the proposed low bidder, Shook Construction, subject to available funding.

Recommendation

Staff recommends Town Council approve the resolution that tentatively awards Shook Construction the construction project, subject to available funding.

Approved: Town Manager Town Attorney

Attachments:

- Staff Report
- Recommendation of Award by Consulting Engineer
- Proposed Resolution
- Certified Bid tab
- Copy of Low Bid



Staff Report

Business
Agenda
Item: Award of
Contract

The Smithfield Water Plant Improvement project is the improvement upgrades, expansion, and associated construction of the Smithfield Water plant, in accordance with the approved plans.

The construction project was publicly advertised on October 11, 2020. Bids were received on November 17, 2020 to perform the construction. The low bidder was identified as Shook Construction.

Because the bulk of the funding is through the NCDEQ Division of Water Infrastructure, the Council is asked to approve a resolution, which tentatively awards the construction project to the apparent low bidder, based on available funding. This includes a price tag of \$17,598,500 which includes an updated Tier IV generator.



November 19, 2020

Mr. Ted Credle, P.E.
Director of Public Utilities
Town of Smithfield
230 Hospital Road
Smithfield, NC 27577

Re: Recommendation for Award
Water Treatment Plant Improvements
Smithfield, North Carolina
Project Number H-SRP-D-17-0146
TWC No. 3081-AB

Dear Mr. Credle:

Enclosed is the Certified Bid Tabulation for the bids received on November 17, 2020 for the above referenced project. There were a total of five (5) bids received for the advertised project. The apparent Low Bidder is Shook Construction Company, Inc. of Columbia, SC with a Base Bid of \$11,650,000.00.

The Low Bidder is properly licensed and qualified to perform the work. We recommend that the Town of Smithfield accept the bid and award the contract for the construction of the project to Shook Construction Company, Inc. for the Base Bid amount of \$11,650,000.00, and the combination of Bid Alternates as may be selected by the Town, subject to the availability of funds and N.C. Division of Water Infrastructure concurrence. Please see the attached Resolution of Award for the Town Council's consideration.

Once the selected Add Alternate Bid Items have been confirmed, the availability of funds have been confirmed, and the Town has received formal Authority to Award concurrence from the N.C. Division of Water Infrastructure, we will prepare and submit the Notice of Award document to the Town for execution.

Should you have any questions concerning this recommendation or need additional information please let us know.

Sincerely,

THE WOOTEN COMPANY

Charlie W. Davis, P. E.

Enclosure: As Stated

cc: TWC File

120 North Boylan Ave.
Raleigh, NC 27603

919.828.0531
fax 919.834.3589

**TOWN OF SMITHFIELD
RESOLUTION NO. 671 (20-2020)
OF AWARD OF BID
FOR THE
WATER TREATMENT PLANT IMPROVEMENTS
PROJECT NO. H-SRP-D-17-0146**

- WHEREAS,** the Town of Smithfield publicly advertised for bids to be received for the Water Treatment Plant Improvements project to be opened November 17, 2020; and
- WHEREAS,** the BIDS were publicly opened on the stated date; and
- WHEREAS,** the apparent low Bidder is Shook Construction Company, Inc.; and
- WHEREAS,** the Town of Smithfield has secured funding through the NC Division of Water Infrastructure; and
- WHEREAS,** the Town of Smithfield intends to construct the project in accordance with the plans and specifications.

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

The Town of Smithfield award the Water Treatment Plant Improvements contract to Shook Construction Company, Inc. for the Base Bid amount of \$11,650,000.00, and the combination of Bid Alternates as may be selected by the Town, subject to the availability of funds and N.C. Division of Water Infrastructure concurrence.

Adopted this the first day of December, 2020.

M. Andy Moore, Mayor

ATTEST:

Shannan Parrish, Town Clerk

**BID TABULATION
WATER TREATMENT PLANT IMPROVEMENTS
TOWN OF SMITHFIELD, NORTH CAROLINA**

TWC No. 2698-BY

BID DATE/TIME: Tuesday, November 17, 2020 @ 3:00 P.M.

CONTRACTORS	LIC. NO.	CLASS	BID BOND	ADD. NO. 1	ADD. NO. 2	BASE BID	ALT. 1	ALT. 2	ALT. 3	ALT. 4	REMARKS
MB Kahn Construction 101 Flintlake Road Columbia SC 29223	1425	UL:BLDG PU	5%	√	√	\$13,856,355.00	\$414,373.00	\$494,681.00	\$2,558,526.00	\$457,783.00	
Shook Construction 3453 Apex Peakway Apex NC 27502	21618	UL:BLDG PU	5%	√	√	\$11,650,000.00	\$340,000.00	\$520,000.00	\$1,730,000.00	\$450,000.00	Apparent Low Bidder
State Utility Contractors, Inc. 4417 Old Charlotte Highway Monroe NC 28110	17793	UL:UC	5%	√	√	\$12,642,000.00	\$434,000.00	\$504,000.00	\$2,413,000.00	\$485,000.00	
T.A. Loving Company 400 Patetown Rd. Goldsboro NC 27530	325	UL:UC	5%	√	√	\$13,694,200.00	\$475,000.00	\$525,000.00	\$1,281,000.00	\$551,000.00	
Wharton-Smith, Inc.-Charlotte 5601 Seventy Seven Center Dr. Ste 120 Charlotte NC 28217	38755	UL:BLDG PU	5%	√	√	\$13,297,000.00	\$475,000.00	\$675,000.00	\$2,900,000.00	\$510,000.00	

This is to certify that the bids tabulated herein were publicly opened and read aloud at 3:00 p.m. on the 17th day of November, 2020, at the Town Operations Center at 230 Hospital Road, Smithfield, N.C., and that all said bids were accompanied by either a certified check or bidder's bond except as otherwise noted.

THE WOOTEN COMPANY
120 N. Boylan Avenue
Raleigh, NC 27603
License No. F-0115



17-Nov-20

Charles W. Davis, P.E.

BID FORM

PROJECT: Water Treatment Plant Improvements
BID FROM: Shook Construction Co. dba Shook Construction Co., Inc.

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ARTICLE 1 BID RECIPIENT

- 1.01 This Bid is Submitted To:
Town of Smithfield
350 East Market Street
Smithfield, NC 27577
- 1.02 Undersigned bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with the Owner in the form included in the Bidding Documents to perform the Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in the Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 BIDDER'S ACKNOWLEDGEMENTS

- 2.01 Bidder accepts all of the terms and conditions of the Advertisement and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 BIDDER'S REPRESENTATIONS

- 3.01 In submitting this Bid, Bidder represents that:
- A. Bidder has examined and carefully studied the Bidding Documents, the other related data identified in the Bidding Documents, and the following Addenda, receipt of which is hereby acknowledged.
Addenda One, Two
 - B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local and Site conditions that may affect cost, progress, and performance of the Work.

- C. Bidder is familiar with and is satisfied as to federal, state and local Laws and Regulations that may affect cost, progress, and performance, of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site (except Underground Facilities) which have been identified in SC-4.02, and (2) reports and drawings of Hazardous Environmental Conditions, if any, that have been identified in SC-4.06 as containing reliable "technical data".
- E. Bidder has considered the information known to Bidder; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and the Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents; and (3) Bidder's safety precautions and programs.
- F. Based on the information and observations referred to in Paragraph 3.01.E above, Bidder does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.
- J. Bidder will submit written evidence of its authority to do business in the state where the Project is located not later than the date of its execution of the Agreement.

ARTICLE 4 BIDDER'S CERTIFICATION

4.01 Bidder further represents that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:

1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process;
2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

- A. For all Base Bid Work, **other than Unit Price Work**, a Lump Sum of: _____
Eleven Million Four Hundred Fifty Thousand Dollars Dollars (\$11,450,000)
- B. For Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated below.

Item No.	Description	Unit	Estimated Quantity	Unit Price	Total Estimated Price
1	Undercut Unsuitable Material and Backfill with Suitable Material	CY	4,000	\$50.00	\$200,000.00
				Total Bid Price	\$4,450,000 \$200,000

- C. Unit Prices have been computed in accordance with paragraph 11.03.B of the General Conditions.
- D. Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for Unit Price Bid items will be based on actual quantities, determined as provided in the Contract Documents. Determinations of actual quantities and classification are to be made by Engineer as provided in paragraph 9.07 of the General Conditions.
- E. The Total Base Bid for Lump Sum and Unit Price Work of: _____
Eleven Million Six Hundred Fifty Thousand Dollars (\$11,650,000)
- F. For the following Alternates as selected by the Owner for inclusion in the Project as follows;
1. Add Alternate No. 1, Sludge Dewatering Screw Press \$ 340,000
 2. Add Alternate No. 2, PAC Feed and Storage System \$ 520,000

- | | |
|------------------------------------------------------------------------------|---------------------|
| 3. Add Alternate No. 3, Raw Water Reservoir Expansion | \$ <u>1,730,000</u> |
| 4. Add Alternate No. 4, Engine Generator System and Enclosed Transfer Switch | \$ <u>450,000</u> |

ARTICLE 6 TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be completed and ready for final payment in accordance with paragraph 14.07 of the General Conditions on or before the dates or within the number of calendar days indicated in the Agreement.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 7 ATTACHMENTS TO THIS BID

- 7.01 The following documents are attached to and made a condition of this Bid. Failure to provide the documentation with the bid may be grounds for rejection of the bid.
- A. Required Bid security in the form of a Bid Bond (EJCDC No. C-430) or Certified Check (circle type of security provided).
 - B. In accordance with GS 143-128.2(c), Bidder shall identify on its bid the minority businesses that it will use on the project and the total dollar value of the bid that will be performed by the minority businesses and list the good faith efforts (Affidavit A) made to solicit participation. A Bidder that will perform all of the work with its own workforce may submit an Affidavit (B) to that effect in lieu of the affidavit (A) required above.
 - 1. Identification of Minority Business Participation.
 - 2. Affidavit A, Listing of Good Faith Efforts; or Affidavit B, Intent to Perform Contract with Own Workforce.
 - C. In accordance with GS 64-26(a), Bidders shall submit the E-Verify Affidavit to document that the work authorization of their employees has been verified through E-Verify. The Affidavit shall also document that the Bidders subcontractors comply with E-Verify.
 - D. A tabulation of Subcontractors required to be identified in the Bid.
 - E. Equipment Manufacturer's List.
- 7.02 Submit the Bidder's Checklist as provided in the bidding documents with the bid submittal. The Checklist shall be completed and included as the first page of the submittal.
- 7.03 After the bid opening the Owner will consider all bids and alternates and determine the lowest responsible, responsive bidder. Upon notification of being the apparent low Bidder, the Bidder shall then file within 72 hours of the notification of being the apparent lowest bidder, the following:
- A. An Affidavit (C) that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the goal established by the Owner and indicated in the Instruction to Bidders, paragraph Minority Participation Goals. This affidavit shall give rise to the presumption that the bidder has made the required good faith effort; or

B. Affidavit (D) of its good faith effort to meet the goal. The document must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations and other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

7.04 In accordance with GS 143-128 the Single Prime Contractor must identify the Contractors, if any, selected for the following subdivision of work:

A. General Construction

Name: Shook Construction Co. dba Shook Construction Co., Inc.

Address: 3453 Apex Peakway Apex, NC 27502

N.C. License No.: 21618

B. HVAC Construction

Name: SPC

Address: Wilson, NC

N.C. License No.: 02108

C. Plumbing Construction

Name: Keen Plumbing

Address: Goldsboro, NC

N.C. License No.: 1515

D. Electrical Construction

Name: Jackson Electrical

Address: Arden, NC

N.C. License No.: 26736U

7.05 Bidder understands that if this Bid is accepted by the Owner, Bidder shall not substitute for the subcontractors named in the Bid Documents except as allowed in the Supplementary Conditions.

ARTICLE 8 DEFINED TERMS

8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 9 BID SUBMITTAL

9.01 Contractor's License

A. Number: 21618

B. Classification: Building; Public Utilities

C. Limitation: Unlimited

Employer's Tax ID No.: 31-0443680

Business Address

Shook Construction Co.

3453 Apex Peakway

Apex, NC 27502

Phone No.: 919-290-8141

Fax No.: 919-290-8081

E-Mail Address: rtolen@shookconstruction.com

9.02 This Bid Submitted by:

~~An Individual~~

~~Name: _____
(Type or print)~~

~~By: _____
(Individual's Signature)~~

~~Doing Business As: _____
(Type or print)~~

~~A Partnership~~

~~Partnership Name: _____~~

~~The Organization and Internal Affairs of the Partnership are governed by the laws of the State of: _____~~

~~By: _____
(Signature of general partner, attach evidence of authority to sign)~~

~~Name: _____
(Type or print)~~

~~Title: _____
(Type or print)~~

~~Attest: _____
(Signature of Corporate Secretary)~~

A Corporation

Corporation Name: Shook Construction Co. dba Shook Construction Co., Inc.

State of Incorporation: Ohio

Type (General Business, Profession, Service, Limited Liability):

General Business

By:

Riley Tolon

(Signature, attach evidence of authority to sign)

Name:

Riley Tolon

(Type or print)

Title:

Vice President

(Type or print)

Attest:

Samuel Myers

Samuel Myers

(Signature of Corporate Secretary
Asst.)

Date of Qualification to do business in North Carolina is

December 31, 2019



~~Limited Liability Company – LLC~~

~~Name of LLC:~~

~~Name of State under whose Laws the Limited Liability Company was formed:~~

~~By:~~

~~(Signature of Manager)~~

~~Name:~~

~~(Type or print)~~

~~Title:~~

~~(Type or print)~~

END OF DOCUMENT

SECTION 00414

PROPOSED LIST OF SUBCONTRACTORS

PART 1 GENERAL

1.1 SCOPE

- A. The Contractor, shall attach the Proposed List of Subcontractors with the Bid Form to indicate the selected subcontractors for each subcontract greater than \$10,000 in contract value.

PART 2 PRODUCTS

Not Used

PART 3 EXECUTION

Not Used

END OF SECTION

SECTION 00415

EQUIPMENT MANUFACTURERS LIST

PART 1 GENERAL

1.01 SCOPE

- A. Bidder shall be required to attach the Equipment Manufacturers List with the Bid Form to indicate the selected manufacturers for the requested major pieces of equipment.

1.02 REQUIREMENTS

- A. The requirements as they apply to the submitted list are as follows:
 1. Each Bidder shall enter in the space provided the names of the manufacturers of equipment which Bidder proposes to furnish. Not more than one manufacturer's name shall be listed for each item of equipment.
 2. Failure to completely and accurately fill out the list shall disqualify the Bid as non-responsive.
 3. Named manufacturers listed in the specific Specification Sections are acceptable provided the supplied equipment meets or exceeds the requirements of the Project Specifications.
 4. "Or Equal" manufacturers may be listed in the blank provided for each item of equipment. The Bidder shall be required to follow the provisions for the approval of "Or Equal" pieces of equipment as outlined in the Instructions to Bidders, Article 11.
 5. Upon award of a contract, the named equipment shall be furnished. Substitutions will be permitted only if the named equipment does not meet the requirements of the Contract Documents, the manufacturer is unable to meet the delivery requirements of the construction schedule, or the manufacturer is dilatory in complying with the requirements of the Contract Documents. Substitutions shall be subject to concurrence of the Owner and shall be confirmed by Change Order.
 6. Preliminary acceptance of equipment listed by manufacturer's name shall not in any way constitute a waiver of the specifications covering such equipment and final acceptance will be based on full conformity with the Contract Documents.

PART 2 PRODUCTS

Not Used

PART 3 EXECUTION

Not Used

END OF SECTION

TOWN OF SMITHFIELD
 WATER TREATMENT PLANT IMPROVEMENTS
 EQUIPMENT MANUFACTURERS LIST

- | | | |
|----|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| A. | Section 11064 Vertical Turbine Pumps - Enclosed Line Shaft | <u>Fairbanks</u> , Layne
Byron Jackson, Goulds,
Floway, Flowserve |
| B. | Section 11065 Vertical Turbine Pumps - Open Line Shaft | <u>Fairbanks</u> , Layne
Byron Jackson, Goulds,
Floway, Flowserve |
| C. | Section 11094 Submersible Mixer | <u>Wilo</u> |
| D. | Section 11100 Electric Actuators | <u>AUMA</u> |
| E. | Section 11223 Wafer Style Injection Mixer | <u>Westfall</u> |
| F. | Section 11226 Sludge Collection System | JMS, Ovivo, Xylem |
| G. | Section 11307 Submersible Non-Clog Pump | <u>Wilo</u> , Flygt, Fairbanks,
ABS |
| H. | Section 11338 Vertical Entry Mixer | <u>SPX Lightnin, Heyward</u>
Gordon |
| I. | Section 11352 Floating Decanter | <u>Evoqua</u> |
| J. | Section 11366 Sludge Screw Press | <u>PW Tech</u> |
| K. | Section 11700 PAC Feed System | Chemco , ITT
Valdette |
| L. | Section 13206 Prestressed Concrete Tank | <u>Crom, Precor</u> |
| M. | Section 13220 High Rate Filter Equipment and Controls | <u>Roberts</u> |
| N. | Section 13445 SCADA System | <u>CTS</u> |
| O. | Section 16230 Engine Generator System | <u>Cummins</u> |



Respectfully submitted: (Type
 or Print Name) SHOOK CONSTRUCTION CO.
 (Signature) Riley Tolén
VICE PRESIDENT - RILEY TOLEN
 (Title)
 License Number: 21618

Date: Nov 17th, 2020

(SEAL - if bid is by a Corporation)

Bid Bond

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

BIDDER (Name and Address):

Shook Construction Co. dba Shook Construction Co., Inc.
2000 W. Dorothy Lane
Moraine, OH 45439

SURETY (Name and Address of Principal Place of Business):

Arch Insurance Company
Harborside 3, 210 Hudson Street Suite 300
Jersey City, NJ 07311-1107

OWNER (Name and Address):

Town of Smithfield
350 East Market St
Smithfield, NC

BID

Bid Due Date: *November 17, 2020*

Description (Project Name and Include Location):

Smithfield WTP Improvements

BOND

Bond Number: Bid Bond

Date (Not earlier than Bid due date):

Penal sum	<u>Five Percent of Amount Bid</u>	\$	<u>5%</u>
	(Words)		(Figures)

Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth below, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.

PENAL SUM FORM

BIDDER

SURETY

Shook Construction Co. dba Shook Construction Co., Inc. (Seal)

Arch Insurance Company (Seal)

Bidder's Name and Corporate Seal

Surety's Name and Corporate Seal



By:

Riley Tolen
Signature

Catherine Thompson
Signature (Attach Power of Attorney)

Riley Tolen
Print Name

Catherine Thompson
Print Name

Vice President
Title

Attorney-in-Fact
Title

Attest:

Timothy A. Myers
Signature

Attest:

James Webb
Signature James Webb

VPWA ESTIMATOR
Title

Witness
Title

Note: Above addresses are to be used for giving any required notice. Provide execution by any additional parties, such as joint venturers, if necessary.

Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond shall be Owner's sole and exclusive remedy upon default of Bidder.

1. Default of Bidder shall occur upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.

2. This obligation shall be null and void if:

2.1 Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or

2.2 All Bids are rejected by Owner, or

PENAL SUM FORM

- 2.3 Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
3. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
4. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions shall not in the aggregate exceed 120 days from Bid due date without Surety's written consent.
5. No suit or action shall be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety and in no case later than one year after Bid due date.
6. Any suit or action under this Bond shall be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
7. Notices required hereunder shall be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Registered or Certified Mail, return receipt requested, postage pre-paid, and shall be deemed to be effective upon receipt by the party concerned.
8. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
9. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond shall be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute shall govern and the remainder of this Bond that is not in conflict therewith shall continue in full force and effect.
10. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for Note, Loan, Letter of Credit, Currency Rate, Interest Rate or Residential Value Guarantees.

POWER OF ATTORNEY

Know All Persons By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

Catherine Thompson

its true and lawful Attorney-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds, undertakings, recognizances and other surety obligations.

Surety Bond Number: Bid Bond

Principal: Shook Construction Co. dba Shook Construction Co., Inc.

Obligee: Town of Smithfield

This authority does not permit the same obligation to be split into two or more bonds In order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on September 15, 2011, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on September 15, 2011:

VOTED, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on September 15, 2011, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.

In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 28th day of September, 2017.

Attested and Certified

Arch Insurance Company

Patrick K. Nails



David M. Finkelstein

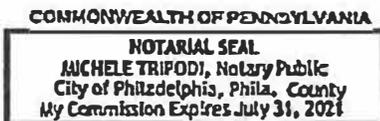
Patrick K. Nails, Secretary

David M. Finkelstein, Executive Vice President

STATE OF PENNSYLVANIA SS

COUNTY OF PHILADELPHIA SS

I, Michele Tripodi, a Notary Public, do hereby certify that Patrick K. Nails and David M. Finkelstein personally known to me to be the same persons whose names are respectively as Secretary and Executive Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing Instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.



Michele Tripodi

Michele Tripodi, Notary Public
My commission expires 07/31/2021

CERTIFICATION

I, Patrick K. Nails, Secretary of the Arch Insurance Company, do hereby certify that the attached Power of Attorney dated September 28, 2017 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said David M. Finkelstein, who executed the Power of Attorney as Executive Vice President, was on the date of execution of the attached Power of Attorney the duly elected Executive Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 17th day of November, 2020.

Patrick K. Nails

Patrick K. Nails, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES R.ELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Insurance – Surety Division
3 Parkway, Suite 1500
Philadelphia, PA 19102



STATE OF NORTH CAROLINA

AFFIDAVIT

Wake

COUNTY OR MUNICIPALITY

I, Riley Tolen (the individual attesting below), being duly authorized by and on behalf of Shook Construction Co. dba Shook Construction Co., Inc. (the entity bidding on project hereinafter "Employer") after first being duly sworn hereby swears or affirms as follows:

1. Employer understands that E-Verify is the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with NCGS §64-25(5).
2. Employer understands that Employers Must Use E-Verify. Each employer, after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS§64-26(a).
3. Employer is a person, business entity, or other organization that transacts business in this State and that employs 25 or more employees in this State. (mark Yes or No)
 - a. YES X, or
 - b. NO _____
4. Employer's subcontractors comply with E-Verify, and if Employer is the winning bidder on this project Employer will ensure compliance with E-Verify by any subcontractors subsequently hired by Employer.

This 17th day of November, 2020

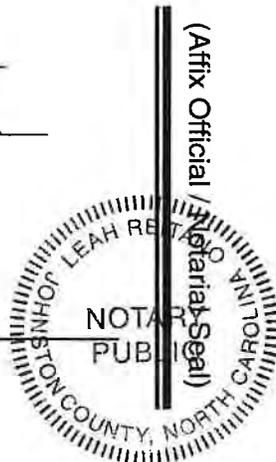
Riley Tolen
Signature of Affiant
Print or Type Name: Riley Tolen -Vice President

State of North Carolina County of Wake

Signed and sworn to (or affirmed) before me, this the 17 day of November, 2020

My Commission Expires: 7/20/2024

Leah Reitano
Notary Public



NC Division of Water Infrastructure MBE/WBE (DBE) Compliance Supplement Instructions

(This package combines the various aspects of State of NC HUB program requirements and Federal DBE requirements into a single compliance supplement in order to eliminate redundancy and ambiguity)

Item	What to do with it
Good Faith Efforts Form	Provided by all bidders to be responsive Only low bidder's form is submitted to the State
Table A (Summary of firms on job)	Provided by all bidders to be responsive Only low bidder's form is submitted to the State
Table B (per item being subbed)	Provided by low bidder if SRF project or SRP/SEL* that obtains less than 10% M/WBE utilization (see page 2)
Provide documentation of anything you did that is mentioned later in this supplement	- Proof of trade paper advertisement - Printouts of DBE sources used - Solicitation emails and/or letters
Additional Forms for SRF Projects (these forms are currently not applicable)	
6100-3 (per M/WBE firm)	Provided by low bidder if SRF project
6100-2	Distributed to M/WBE firms if SRF project
Subs submit concerns on 6100-2 forms to:	Michael Pigram Region 4, Atlanta Federal Center 61 Forsyth Street Atlanta, GA 30303-8960

NOTES on this Compliance Supplement

Verifiable Goals

- EPA MBE/WBE participation goals: MBE 10.9%
WBE 10.4%

These are goals that the State reports against and are not quotas. The good faith efforts must be adhered to and all forms provided regardless of what percentage utilization is achieved.

- State of NC MBE/WBE participation goal: 10% (combined)

Table B is not required for SRP and SEL projects if you achieve 10% utilization.

DBE (MBE or WBE) Certification

In order for a firm to count towards the goals, a firm must be properly certified. Table A and Table B both provide spaces to note who certified the firm. The North Carolina Department of Administration and North Carolina Department of Transportation are the most common certifications we see listed. Division of Water Infrastructure staff verify all certifications listed.

Good Faith Efforts Form

Attempts to provide subcontracting opportunities for MBE/WBE firms.

Per 01 NCAC 30I .0101, 50 points must be claimed below by the bidder.

(This is identical to State of NC Affidavit A)

- 1 – (10 pts)** Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- 2 --(10 pts)** Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.
- 3 – (15 pts)** Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- 4 – (10 pts)** Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- 5 – (10 pts)** Attended prebid meetings scheduled by the public owner.
- 6 – (20 pts)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- 7 – (15 pts)** Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- 8 – (25 pts)** Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- 9 – (20 pts)** Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- 10 - (20 pts)** Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

Results of Good Faith Efforts Undertaken (you must check one box below)

- No subcontractors are being used for this contracted work. Fill out Table A listing only the Prime Contractor. (This statement takes the place of State of NC Affidavit B)
- Subcontractors are being used. Fill out Table A and B for each trade. **Each Table B lists 3.**
- Subcontractors are being used. If any Table B has fewer than 3 solicitations you must also advertise in an M/WBE trade paper and indicate what source of M/WBE firms you used (*must list at least one*). Some possible papers and sources of M/WBE firms are listed in the Instructions of this Supplement.

Name of the Trade Paper: _____

Submit proof of advertisement with package

M/WBE Sources: Source: _____ Source: _____

Submit printouts from M/WBE source(s)

Certification Statement and Affidavit of Contractor.

The below affidavit constitutes compliance with 01NCAC 30I .0308(7)(a) and (b) and takes the place of State of North Carolina Affidavits C and D.

I have read the information in this compliance supplement and all information provided to the State in this package is accurate and true to the extent of my knowledge including the calculated percentages and the good faith efforts presented herein.

Shook Construction Co. dba Shook
Construction Co., Inc

Prime Contractor Company Name (Print)

Riley Tolen

11-17-20

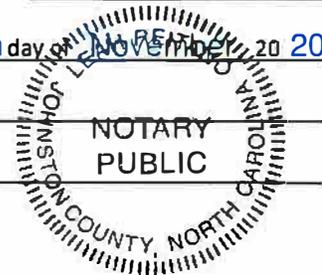
Prime Contractor Representative (Sign & Date)
Riley Tolen - Vice President

State of North Carolina, County of Wake

Subscribed and sworn to before me this 17th day of NOVEMBER, 2020

Notary Public *Leah Reitano*

My Commission Expires 7/20/2024



Certification of Project Owner/Funding Applicant

Funding Applicant (City, Town etc)

Applicant Authorized Representative (Sign & Date)

Division of Water Infrastructure Project Number

Table A: Prime Contractor and list of selected subcontractors

List Prime and ALL of the selected subcontractors (both DBE's and non-DBE's) being used on the project. Each Trade listed on this sheet should have a completed Table B: Subcontract Solicitation List showing the DBE firms contacted and given opportunities to bid.

Company Name (list prime first then subs)	Company Address and Phone	Trade (Above) and Price (Below)	MBE or WBE and certifying agency if applicable	(State use only) Listed in EPLS as Debarred?
Shook	Apex, NC 919-290-8141	Prime \$ 14,500,000	N/A	
Keen	Goldsboro, NC 919-735-1179	Plumbing \$ 24,000	N/A	
SPC	Wilson, NC 252-237-9035	HVAC HVAC \$ 84,000	N/A	
National Erectors	Lumberton, NC 910-618-9200	Rebar \$ 179,000	MBE	

Calculate M/WBE utilization as a percent (00.00%) of the prime contract. Limited to 100% even if the Prime is a DBE.

MBE and WBE subs total	\$ —	See Next Page %
Prime Contract Price	\$ —	

Note: Table A substitutes for both the State of NC "Identification of Minority Participation" form and EPA Form 6100-4.

Table A: Prime Contractor and list of selected subcontractors

List Prime and ALL of the selected subcontractors (both DBE's and non-DBE's) being used on the project. Each Trade listed on this sheet should have a completed Table B: Subcontract Solicitation List showing the DBE firms contacted and given opportunities to bid.

Company Name (list prime first then subs)	Company Address and Phone	Trade (Above) and Price (Below)	MBE or WBE and certifying agency if applicable	(State use only) Listed in EPLS as Debarred?
Manning Masonry	Williamston, NC 252-797-0922	Masonry \$120,000	N/A	
Warne Roofing	Goldsboro, NC 919-734-5475	Roofing \$55,000	N/A	
Dixie Coating	Goldsboro, NC 919-735-8924	Painting \$60,000	N/A	
RDU Paving	Raleigh, NC 919-329-7300	Paving \$45,000	N/A	

Calculate M/WBE utilization as a percent (00.00%) of the prime contract. Limited to 100% even if the Prime is a DBE.

MBE and WBE subs total	\$	—
Prime Contract Price	\$	—

See Next Page

Note: Table A substitutes for both the State of NC "Identification of Minority Participation" form and EPA Form 6100-4.

Table A: Prime Contractor and list of selected subcontractors

List Prime and ALL of the selected subcontractors (both DBE's and non-DBE's) being used on the project. Each Trade listed on this sheet should have a completed Table B: Subcontract Solicitation List showing the DBE firms contacted and given opportunities to bid.

Company Name (list prime first then subs)	Company Address and Phone	Trade (Above) and Price (Below)	MBE or WBE and certifying agency if applicable	(State use only) Listed in EPLS as Debarred?
Jackson Electrical	Arden, NC 828-891-4335	Electrical \$ 980,000	N/A	
		\$		
		\$		
		\$		

Calculate M/WBE utilization as a percent (00.00%) of the prime contract. Limited to 100% even if the Prime is a DBE.

MBE and WBE subs total	\$ 179,000	1.23 %
Prime Contract Price	\$ 14,500,000	

Note: Table A substitutes for both the State of NC "Identification of Minority Participation" form and EPA Form 6100-4.

Table B: Subcontract Solicitation List

Table B is required if:

- 1) Project is Federally funded (SRF) OR;
- 2) Project is a State Reserve Project or State Emergency Loan (SRP or SEL) and Utilization % on Table A is less than 10%
- 3)

Trade: _____ (enter the trade being solicited, paving, hauling etc.)

List the firm being used on the project first. If three MBE or WBE firms are not listed, additional information must be provided showing advertisements and/or sources used to identify MBE/WBE subs.

Use as many of these sheets as are necessary to cover every trade being subbed out.

Company Name	Company Address and Phone	MBE or WBE and certifying agency if applicable.	How was this firm contacted (email, letter, phone) and what was the result of the solicitation?*

*Must submit copies of emails or letters. If phone calls were made this sheet can serve as documentation of calls.

MBE/WBE (DBE) – Change or Add a Subcontractor Form

According to EPA guidance on 40 CFR 33.302

If a DBE subcontractor fails to complete work under the subcontract for any reason, the recipient must require the prime contractor to employ the six good faith efforts described in §33.301 if soliciting a replacement subcontractor.

Please provide the information below **if the subcontracted work in question was included in previously submitted good faith efforts documentation:**

Prime Contractor:

Subcontracted work:

Previous Subcontractor:

Reason this firm did not complete the work:

New subcontractor and DBE status:

MBE

WBE

N/A

If this is a new trade being subcontracted, or was not documented in the original Project Bid Information submittal to the State then good faith efforts to solicit a DBE firm must be documented. As the original DBE instructions indicate, please provide a Table B from those original instructions, showing all the DBE firms contacted to perform this work. If three (3) firms are not listed on Table B, then additionally you must submit proof of an advertisement in a minority trade paper and evidence that there were not three reasonably available firms in the work area. The EPA provides in 33.301(a) that good faith efforts are to be carried out "...to the fullest extent practicable...". If solicitations were not carried out due to being impracticable, please attach this explanation to this form.

Please follow the steps below for new subcontracted work:

Indicate the new trade being subcontracted:

Indicate the firm being used and DBE status:

MBE

WBE

N/A

Attach Table B

(For State Use) Is this sub debarred?

Yes

No

Project Owner/Applicant:

Project Number:

Signature of Prime Contractor's Representative

License Year

2020

License No.

21618

North Carolina

Licensing Board for General Contractors

This is to Certify That:

Shook Construction Co., T/A
Shook Construction Co., Inc.
Moraine, OH

is duly registered and entitled to practice

General Contracting

Limitation: Unlimited
Classification: Building; Public Utilities

until

December 31, 2020

when this Certificate expires.

Witness our hands and seal of the Board.

Dated, Raleigh, N.C.

January 1, 2020

This certificate may not be altered.



[Signature]

Chairman

[Signature]

Secretary-Treasurer

SECRETARY'S CERTIFICATE
Shook Construction Co.

The undersigned, Jeffrey S. Schloemer, hereby certifies, on behalf of Shook Construction Co., an Ohio corporation (the "**Corporation**"), and not individually, that he is the duly elected, qualified, and acting Secretary of the Corporation and that the following are true, correct, and unaltered Resolutions adopted by the Board of Directors of the Corporation as of December 12, 2018, as supplemented by Resolutions adopted by the Board of Directors of the Corporation as of May 6, 2019, and that such resolutions have not been amended, modified, repealed, or otherwise altered as of the date hereof.

RESOLVED, that the following persons are elected to the corporate offices set opposite their respective names, to serve until their successors are duly elected and qualified:

Vincent M. Corrado	-	Chairman Emeritus
Frank J. Klein	-	Chairman
William R. Whistler	-	Chief Executive Officer
Christopher B. Halapy	-	President
Christopher A. Shafer	-	Chief Financial Officer
Jeffrey S. Schloemer	-	Secretary

RESOLVED FURTHER, that the following persons are appointed to the positions set forth opposite their respective names, each to serve at the pleasure of the Board of Directors:

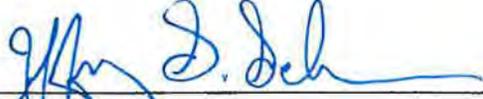
Andrew B. Goetz	-	Executive Vice President, Building Construction
Ronald K. Mellon, Jr. (Joe)	-	Executive Vice President, Water Resource
Keith A. Bruner	-	Vice President - Preconstruction Services
Matthew A. Danis	-	Vice President – Corporate Development
Charles E. Peabody	-	Vice President – Business Development
Matthew A. Bennett	-	Vice President, Water Resources – Great Lakes Region
Eric W. Rees	-	Vice President, Water Resources – Midwest Region
Riley A. Tolen	-	Vice President, Water Resources – Mid Atlantic Region
Christopher M. Freitag	-	Vice President of Healthcare
Matthew J. Huelsman	-	Vice President of Education
Timothy R. Kneuve	-	Vice President of Industrial
Michael J. Schmidlin	-	Vice President of Mission Critical
Ryan P. Hayes	-	Regional Director - Indiana
David R. Kleckner	-	Regional Director – Great Lakes Region
Randall F. Beck	-	Assistant Secretary
Susan L. Hoover	-	Assistant Secretary

Samuel A. Myers - Assistant Secretary
Dan T. Walters - Assistant Secretary

RESOLVED FURTHER, that the President, Chief Executive Officer, Chief Financial Officer, Executive Vice Presidents, Vice Presidents, and Regional Directors of the Corporation named herein be, and each of them hereby is, expressly authorized and empowered to execute bids, contracts, subcontracts, bonds, and purchase orders on behalf of the Corporation; and

RESOLVED FURTHER, that the Secretary and/or Assistant Secretaries be, and each hereby is, expressly authorized and empowered to attest the signatures of the above-named individuals acting on behalf of the Corporation.

IN WITNESS WHEREOF, this Secretary's Certificate is executed as of the 3rd day of June, 2019.



Jeffrey S. Schloemer
Secretary
Shook Construction Co.

BIDDER'S CHECKLIST

✓	-	Properly Executed Bid Form (Including the acknowledgement of all Addenda)
✓	A.	Required Bid security in the form of a Bid Bond (EJCDC No. C-430) or Certified Check (circle type of security provided); Bid Bond shall be include an executed Power of Attorney.
✓	B1.	Identification of Minority Business Participation
✓	B2.	Affidavit A, Listing of Good Faith Efforts; or Affidavit B, Intent to Perform Contract with Own Workforce
✓	C.	E-Verify Affidavit
✓	D.	List of Proposed Subcontractors
✓	E.	List of Proposed Suppliers (Equipment Manufacturers List)



Request for Town Council Action

Business
Agenda
Item: Water Plant
Funding
Date: 12/01/2020

Subject: Approve a Resolution to Accept Funding Offer from the NCDEQ for the Water Plant Improvement Project Construction

Department: Public Utilities

Presented by: Public Utilities Director Ted Credle

Presentation: Business

Issue Statement

Plans to improve the Water Plant treatment capacity from 6.2 million gallons per day to a new level of 8.3 million gallons per day have come to fruition. The construction plans for this project have been approved at all appropriate state and federal levels. The NCDEQ has offered the Town a revolving loan to help fund the project. As part of accepting the offered loan, the Town has been asked to approve the attached resolution and execute the offered funding package.

Financial Impact

Total project cost is estimated at \$17,589,500. This project will be funded through the deposit made by Johnston County in 2019 (\$3,250,000), the SRF loan from the NCDEQ (\$12,050,000), and existing fund balance and existing budgeted capital improvement monies (\$2,289,500). The use of fund balance in this amount will keep the water and sewer fund balance at a projection over 60%. The debt service for the loan was included in the rate study performed by the Utility Financial Solutions, LLC in Spring 2020. Debt service payments are anticipated to begin in FY 2023.

Action Needed

Approve the resolution that accepts the funding (revolving loan) from the NCDEQ in the amount of \$12,050,000 and approve the execution of the offer package.

Recommendation

Staff recommends Town Council approve the resolution to accept the offered loan and approve the execution of the offer package.

Approved: Town Manager Town Attorney

Attachments: Staff Report
Proposed Resolution
Offered Funding Package



Staff Report

Business
Agenda
Item: Water Plant
Funding

The Smithfield Water Plant Improvement project is the improvement upgrades, expansion, and associated construction of the Smithfield Water plant, in accordance with the approved plans.

The construction project was publicly advertised on October 11, 2020. Bids were received on November 17, 2020 to perform the construction. The low bidder was identified as Shook Construction.

As part of the funding of this project, the NCDEQ has offered a loan in the amount of \$12,050,000. Part of their acceptance process of these funds is the approval of the proposed resolution (Resolution 671) and the execution (Mayoral signature) of the funding package. Staff is asking for the approval of the resolution and execution of the offered package.

Town of Smithfield
Resolution No. 672 (21-2020)
By Town Council of the Town of Smithfield

WHEREAS, the Safe Water Drinking Act Amendment of 1996 and the North Carolina Water Infrastructure Fund have authorized the making of loans and/or grants, as applicable, to aid eligible, drinking-water system owners in financing the cost of construction for eligible, drinking-water infrastructure; and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State's Drinking Water State Reserve Program (DWSRP) Revolving Loan in the amount of \$12,050,000 for the construction of Expansion of Water Treatment Plant by 2.1 MGD with the following planned additions or improvements: raw & settled water pumps, 7.7 MGD raw-water reservoir, flash mixer, 3.11 MGD filter and Building, 1-MG clearwell, second backwash tank, second sludge-dewatering screw, stand by generator, PAC feed system, sedimentation basin sludge collectors for each existing sedimentation basin, fourth sedimentation basin, replace filters' air-scouring system and (2) 4.6 MGD finished-water pumps hereafter referred to as the "Project" ; and

WHEREAS, the Town of Smithfield intends to construct said Project in accordance with engineering plans and specifications that have been or will have been approved by the North Carolina Public Water Supply Section.

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

That the Town of Smithfield does hereby accept the State's Drinking Water State Reserve Program (DWSRP) Revolving Loan offer in the amount of \$12,050,000 at a maximum interest of 1.82%; and

That the Town of Smithfield does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the **Department's** Funding offer, awarded in the form of a revolving loan; and

That Michael L. Scott Town Manager, and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application of the Project; to make the Assurances as contained above; and to execute such other documents as may be required in connection with the application; and

That the Town of Smithfield has complied substantially or will comply substantially with all Federal, State and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

Adopted this the _____ day of December 2020 in Smithfield, North Carolina.

M. Andy Moore, Mayor

Date

ATTEST:

Shannan L. Parrish, Town Clerk



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

Kim H. Colson
Director

September 23, 2020

The Honorable M. Andy Moore, Mayor
Town of Smithfield
350 East Market Street
Smithfield, North Carolina 27577

Subject: Offer & Acceptance Documents for State DWSRP Funding Award

DWI Project No.: H-SRP-D-17-0146

Project Scope: Expand ex. WTP by 2.1 MGD to proposed new, total capacity of 8.3 MGD w/following additions/improvements:
 1) Raw- & settled-water pumps;
 2) 7.7-MGD raw-water reservoir; 3) Flash mixer; 4) 3.11 MGD filter & building;
 5) 1-MG clearwell; 6) Second backwash tank; 7) Second sludge-dewatering screw;
 8) Stand-by generator; 9) PAC feed system; 10) Sedimentation-basin (SB) sludge collectors for each ex. SB;
 11) Fourth SB; 12) Replace filters' air-scouring system & two (2), 4.6-MGD, finished-water pumps.

Dear Mayor Moore:

The **Town of Smithfield** have been approved for loan and/or grant funding assistance from the State of North Carolina Water Infrastructure Fund via the State's *Drinking Water State Reserve Program (DWSRP)*. Accordingly, enclosed are two (2) copies of an offer-and-acceptance document (Offer), extending the Town of Smithfield a total, combined funding award (**Award**) in the amount of **\$12,050,000**.

This Award is made by the Division of Water Infrastructure (**DWI**), subject to the Assurances and Conditions set forth in the enclosed Offer. Priority for obtaining this Award was based on the entire scope of this Project. Therefore, the Town of Smithfield must complete the Project in its entirety, as defined in their application for funding.

Please note this Project may be funded with bond proceeds pursuant to S.L. 2015-280. Therefore, the Town of Franklinville must adhere to DWI's procedures for federal tax compliance, as noted as in the amended Offer. In addition, please also note no funds will be disbursed unless this Offer is accepted in writing and returned to DWI at the mailing address below.



As soon as they are prepared, please submit the following items to **Pam Whitley** with DWI at the following mailing address: 1633 Mail Service Center, Raleigh, North Carolina 27699-1633:

1. A resolution adopted by the governing body accepting the amended Offer and making the applicable Assurances contained therein (sample copy attached);
2. One (1) original copy of the Offer, executed by your designated Authorized Representative for the Project, along with the signed "Acknowledgement of Standard Conditions and Assurances" for federal SRF loans. **Retain the other copy for your project files;**
3. The Federal Identification Number and DUNS Number of the Applicant (Memo attached);
4. A Sales-Tax Certification Form (sample copy attached); and
5. Federal Tax Compliance Questionnaire and Certification regarding tax compliance for projects funded with proceeds from the NC Connect Bond Act of 2015 (attached). Note there is a continued compliance procedure outlined in the instructions with the questionnaire.

The Site Certification and a Capital Project Ordinance (or a budget ordinance covering the subject project) must be provided to DWI before disbursements can begin. In addition, a memorandum requesting your federal identification number also has been included with this amended offer of funding. You must complete and submit these documents no later than the time when you choose to submit your first request for reimbursement. For further assistance, please see the enclosed *Guidance Document* for a complete list of those items due no later than the project's first reimbursement request.

Reimbursement requests for drinking-water projects should be forwarded to **Teresa Tripp** at the address noted below (see the footer on the first page of this transmittal letter). A reference copy of the necessary "reimbursement request form" has been enclosed for your convenience. Once construction of the subject project has commenced, the enclosed, standardized form must be completed and submitted with all reimbursement requests. You are free to reproduce this form should additional copies be needed.

On behalf of the Department of Environmental Quality, I am pleased to extend this offer of State DWSRP loan and/or grant funds, made available by the North Carolina Water Infrastructure Fund. Should you have any questions concerning this offer of funding, or any of the stipulations outlined in this letter, please contact **Mark Hubbard**, DWI's Grant Management Unit Supervisor, at **919.707.9162**.

Sincerely



Kim H. Colson, P.E., Director
Division of Water Infrastructure, NCDEQ

Enclosures: Loan/Grant Offer-and-Acceptance Document (two copies)
Resolution to Accept Loan Offer (suggested format)
Federal ID & DUNS Number Request Memo
Sales-Tax Certification Form
Reimbursement Request Form
Guidance Document
Site Certification
Capital Project Ordinance (sample)
Federal Tax Compliance Questionnaire and Instructions for Connect North Carolina Bonds

cc: Carl Scharfe, P.E., The Wooten Company, Consulting Engineer (Raleigh NC office)
Jennifer House, DWI (w/o attachments)
Amanjit Paintal, DWI (w/o attachments)
PROJECT FILE: DW SRP Funding Commitment (COM—LOX)



STANDARD CONDITIONS & ASSURANCES FOR STATE RESERVE PROJECTS

1. Specific MBE/WBE forms and instructions are provided that shall be included in the contract specifications. These forms will assist with documenting positive efforts made by applicants, their consultants and contractors to utilize disadvantaged businesses enterprises (DBEs). Such efforts should allow DBEs the maximum feasible opportunity to compete for sub-agreements and subcontracts to be performed. Documentation of efforts made to utilize DBEs must be maintained by all applicants and their contractors, and made available upon request.
2. The Applicant intends to construct the project – or cause it to be constructed – to final completion, in accordance with the Application approved for financial assistance by the Division.
3. The Applicant acknowledges that in the event a milestone contained in the “Letter of Intent to Fund” is missed, the Department of Environmental Quality will rescind this Funding Offer.
4. The Applicant is responsible for paying for those costs ineligible for State funding.
5. The construction of the project, including the letting of contracts in connection therewith, shall conform to the applicable requirements of State and local laws and ordinances.
6. As of the acceptance of this Funding Offer, Steps A-D in the Funding Guidance shall be complete. These Assurances, likewise, incorporate the most recent version of the Funding Guidance, and the Applicant hereby certifies by accepting this Funding Award Offer that it will adhere to the subsequent steps in the Funding Guidance document. The remaining steps generally govern project design, bidding, contracting, inspection, reimbursements, closeout and repayment.
7. The Applicant will provide and maintain adequate engineering supervision and inspection.
8. The Applicant agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records shall be maintained during the construction of the project and shall be retained and made available for a period of at least three years following completion of the project.
9. All State funds loaned shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the Applicant’s compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its contractor(s), and to retain only such amount as allowed by North Carolina General Statute.
10. The Applicant will expend all requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of funds from the State. Please note the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contractual obligations regarding timely payment.
11. This project may be funded with bond proceeds pursuant to S.L. 2015-280. Therefore, the Applicant shall adhere to the Division’s procedures for federal tax compliance for projects receiving bond proceeds pursuant to S.L. 2015-280 Connect NC Bond Act of 2015, which assures that the infrastructure will not be used or operated in a way that would create private business use, unless such use or operation is approved by the State.

Acknowledgement of Standard Conditions and Assurances

The Applicant hereby gives assurance to the Department of Environmental Quality that the declarations, representations, and statements made in all documents, and communications filed with the Department of Environmental Quality in support of its request for financial assistance, will be fulfilled.

Signature	Date
-----------------	------------

RESOLUTION BY GOVERNING BODY OF APPLICANT *(Suggested Format)*

- WHEREAS,** the Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Fund have authorized the making of loans and/or grants, as applicable, to aid eligible, drinking-water system owners in financing the cost of construction for eligible, drinking-water infrastructure; and
- WHEREAS,** the North Carolina Department of Environmental Quality has offered a (SELECT as applicable: "State Revolving Loan", "High Unit-Cost Grant", "Technical Assistance Grant", "State Bond Loan", "Drinking Water State Revolving Fund Loan", and so forth) in the amount of [INSERT dollar amount here: \$ _____] for the construction of [INSERT project description here], hereafter referred to as the "Project"; and
- WHEREAS,** the [INSERT name of drinking-water system owner here] intends to construct said Project in accordance with engineering plans and specifications that have been or will have been approved by the North Carolina Public Water Supply Section.

NOW, THEREFORE, BE IT RESOLVED BY THE [INSERT NAME OF GOVERNING BODY HERE] OF THE [INSERT NAME OF DRINKING-WATER SYSTEM OWNER: "CITY OF...", "TOWN OF...", "COUNTY OF" and so forth]:

That [INSERT name of drinking-water system owner] does hereby accept the [INSERT type of State and/or Federal Funding here: State Revolving Loan, HUC or TAG Grant, State Bond Loan, DWSRF Loan, etc.] offer in the amount of [INSERT dollar amount here: \$ _____]; and

That the [INSERT name of drinking-water system owner] does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the Department's funding offer, awarded in the form of [SPECIFY here type(s) of loan or grant offered]; and

That [INSERT here the name and title of your Authorized Representative], and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the Project; to make the Assurances as contained above; and to execute such other documents as may be required in connection with the application; and

That the [INSERT name of drinking-water system owner] has complied substantially or will comply substantially with all Federal, State and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

Adopted this the [INSERT here date resolution adopted] at [INSERT place name here], North Carolina.

(Signature of Chief Executive Officer)

(Date)

FEDERAL ID & DUNS # REQUEST MEMO

TO: All Loan and Grants Recipients

SUBJECT: Federal Identification Number

Please be advised that all local government units receiving grant or loan funds from the State of North Carolina must supply their **Federal Identification Number** to this office upon acceptance of their loan and/or grant offer. Therefore, please provide the information below and return to:

Division of Water Infrastructure
1633 Mail Service Center
Raleigh, North Carolina 27699-1633

RECIPIENT:

PROJECT NUMBER:

FEDERAL IDENTIFICATION NUMBER:

DUNS NUMBER:

SALES-TAX REIMBURSEMENT CERTIFICATION FORM

(FOR FUNDING PROGRAMS IN THE DIVISION OF WATER INFRASTRUCTURE)

Applicant: _____

Project Number: _____

Check If Applicant is not a unit of government under North Carolina law

If the applicant noted above is a Unit of Government in North Carolina, check the applicable box below.

Sales Tax **IS** deducted in this scenario. Please show this on the disbursement requests.

The construction contract was bid with sales taxes and the unit of government will request reimbursement from the DOR.

Sales Tax **IS NOT** deducted in either of these scenarios.

The construction contract was bid with sales taxes and the unit of government will not request reimbursement from the DOR.

The construction contract was bid without sales taxes

(Printed Name and Title of Authorized Representative)

(Signature of Authorized Representative)

(Date)

Submit to: NC Dept. of Environment & Natural Resources
Division of Water Infrastructure
Pam Whitley, Project Management Branch
1633 Mail Service Center
Raleigh, NC 27699-1633

REIMBURSEMENT REQUEST FORM

NC Division of Water Infrastructure

Funding Recipient: _____
 DWI Project No. _____

Payment No. _____ of _____
 Page No. _____ (Use more pages as needed)

CONSTRUCTION <i>(Requires 3+ Approvals)</i>	Cumulative Cost to Date	Minus Ineligibles	Minus Overruns Not App'd By Change Order	Subtotal of Payable Cost	Minus Retainage on Payable Cost	Minus Cumulative Sales Tax	Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
Contract 1	\$1,200,000	(\$100,000)	(\$100,000)	\$1,000,000	(\$50,000)	(\$50,000)	(\$500,000)	(\$300,000)	\$100,000
Contract 2	\$505,000		(\$5,000)	\$500,000	(\$25,000)	(\$10,000)		(\$400,000)	\$65,000
Contract 3									
Contract 4									
Contract 5									
ENGINEERING <i>(Requires 3+ Approvals)</i>	Cumulative Cost to Date						Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
Item 1	\$250,000							(\$250,000)	\$0
Item 2									
Item 3									
Item 4									
OTHER COSTS <i>(Requires 3+ Approvals)</i>	Cumulative Cost to Date						Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
Item 1									
Item 2									
Item 3									
PAY REQUEST TOTALS	Cumulative Cost to Date	Minus Ineligibles	Minus Overruns Not App'd By Change Order		Minus Retainage on Payable Cost	Minus Cumulative Sales Tax	Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Total Requested For This Pay Request
	\$1,955,000	(\$100,000)	(\$105,000)		(\$75,000)	(\$60,000)	(\$500,000)	(\$950,000)	\$165,000

Certification
 - I certify that to the best of my knowledge and belief the billed costs or disbursements are in accordance with terms of the project and that this request represents the monies due which have not been previously received and that an inspection has been performed and all work is in accordance with the terms and conditions of the award.
 - For applicable SRF projects, the project remains in compliance with Davis-Bacon and American Iron and Steel conditions or is the process of remediating noncompliance.

You must check ONE of the boxes below or your payment will not be processed:
 The funds requested above have already been paid to the respective vendors, consultants & contractors by the funding recipient OR
 The funds requested above have not been paid to the respective vendors, consultants & contractors.
 Funds received from the State will be disbursed to these entities within three (3) banking days.

Type or Print Name and Title _____ Signature of Authorized Representative _____ Date _____

DWI comments _____

Instructions and notes on how to use this form
 - Complete guidance for preparing reimbursements can be found in section G.2. of the North Carolina SRF Program Overview and Guidance that was included with your Funding offer (applicable to State grants and loans too).
 - The form, as downloaded, is filled out with sample numbers. It is suggested that the sample be used as a reference (saved or printed).
 - Please submit ONE COPY of this form and backup documents when requesting funds.
 - Only the Authorized Representative can sign this form, unless declared otherwise in a resolution.
 - Construction contract line item overruns and engineering contract overruns must have approved change orders or engineering amendments before those costs will be paid.

North Carolina Drinking Water Funding Programs Overview

Division of Water Infrastructure (DWI) Website: <http://portal.ncdenr.org/web/wi/home>

A) Application Filing

1. Application deadlines can be held up to twice per year; typically, the deadlines would be during March and September. However, the Drinking Water State Revolving Fund (DWSRF) currently is available only in the Fall round of each year.
2. If SRF and State Reserve funding are both available, the Applicant simply will apply for funding, and DWI will slot successful applications into the funding program that best suits the situation (most grant or principal forgiveness, most total dollars, etc.).
3. Letters of Intend to Fund (LOIFs) are mailed after DWI evaluation and State Water Infrastructure Authority approval. Recipients of LOIF letters are placed on a schedule for completing the rest of the steps to start construction.
4. Consult the DWI website (noted above) for the most current application forms.

B) Engineering Report (ER) Submission and Approval (See website for guidance and details)

1. From the Date of the LOIF, an ER must be submitted within **4 months**.
2. From the Date of the LOIF, the ER must be approved within **9 months**.
3. Consult the DWI website for the most current submittal checklists and instructions.

C) Application Approval by the Local Government Commission (LGC)

1. For projects with a loan component, the LGC must approve the Applicant's ability to take on the requested debt. This is done after the ER is approved. DWI staff will transmit the required information to the LGC on behalf of the Applicant. **Note that LGC-108A & -108C forms now are not requested by DWI until the ER is approved. The ER approval letter asks the Applicant to obtain the forms from the website and return them to DWI. Please do this as soon as possible.**
2. Terms:
 - a) Projects with interest-bearing loans will receive the lower of two interest rates. The two rates are the current rate when applications are due and the rate when the LGC approves the loan. The Loan Offer (discussed in D, below) will reflect the lower rate. The rates are $\frac{1}{2}$ the 20-year municipal-bond buyers' index. Certain, qualifying applications receive 0% interest loans.
 - b) The LGC sets the loan term with a maximum term of 20 years. Applicants may want to contact the LGC earlier than this to ensure they are able to meet LGC approval requirements. Currently, the LGC is not allowed to review applications for \$1,000,000 or more unless a letter to the Joint Legislative Committee on Local Government and the Fiscal Research Division has been provided.
 - c) Loan Offers can be written for as much as 110% of the LGC-approved amount. The Applicant must justify this to DWI, and must request it in writing.
 - d) In some, rare cases a 30-year term may be available. Please consult DWI management to discuss whether this option potentially is available for your situation.

D) Loan Offer

1. After approval of the ER, and debt capacity via LGC (for loans), a formal Award Offer is prepared, which includes the Award's details and its applicable Assurances and Conditions.

2. Two copies of the Award Offer and several accompanying forms are sent to recipients for execution and completion. Owners/Applicants shall return the following to DWI:
 - a) One signed copy (please retain the second copy) of the Award Offer;
 - b) A Resolution of the Governing Board, accepting the Award Offer;
 - c) A completed Federal ID and DUNS # form; and
 - d) A completed Sales-Tax Certification form.
3. In the event formal bids exceed the proposed project budget, a loan increase for up to 10% can be authorized without additional approval of the LGC. Amounts above 10% require that a modified application be approved by the LGC.
4. Closing Fees are invoiced with the Authority-to-Award (ATA) approval letter (Paragraph F, below). The Award Offer contained an *estimated* closing fee, but actual closing costs are based on the total costs after bids are received. Loan Fees are 2% and Grant Fees are 1.5%.

E) Plans and Specifications Approval (see DWI website for guidance and details)

1. Plans and Specifications must be submitted within **15 months** of the LOIF.
2. Plans and Specifications must be approved within **19 months** of the LOIF. This includes issuance of all permits.
3. The project's plans and specifications must be approved by DWI prior to advertising for bids. Changes by addendum must be submitted to DWI for approval. Changes by change order must also be submitted for approval.

F) Bidding and Issuance of Authority to Award (ATA) the Construction Contract

1. Issuance of the ATA approval letter must be within **23 months** of the LOIF letter. Awarding contracts before issuance of the ATA letter is at the risk of the Owner.
2. The contracts may be advertised as soon as plans and specifications are approved and permits are issued. NC General Statutes require the project be advertised for 7 days; however, DWI prefers projects be advertised for 30 days. For the initial advertisement period, three bids must be received in order for an award to be made. The Plans and Specifications approval letter has the Project Bid Information (PBI) Form attached. It, and the other information described in it, must be submitted to and approved by DWI **before contracts can be awarded**. This information includes:
 - a) PBI Form, fully completed and signed by Authorized Representative;
 - b) Certified Bid Tabulation, sealed by the consulting engineer;
 - c) Proposal(s) from the successful bidder(s) (i.e., Bid Form);
 - d) Tentative award resolution from loan recipient, subject to DWI approval;
 - e) Engineer's Recommendation-of-Award Letter;
 - f) Proof of Advertisement (e.g., newspaper clipping of the request for bids);
 - g) American Iron and Steel Certification (DWSRF only); and
 - h) DBE (MBE/WBE) outreach documentation (Detailed guidance for DBE-outreach procedures and forms to be completed are available on the DWI website).
3. In an environment where program funding is limited, monies (project costs) not demonstrated to be needed by the Applicant will be made immediately available (de-obligated) for future funding rounds.

G) Construction Phase of Project

1. Inspections

- a) Site Inspections will be conducted for all funded projects. Coordinate the Pre-Construction Conference with the Inspector assigned to the project. The number of inspections performed will be determined based on the length of the project, type of project, amount of funding involved, and other factors. Any duly authorized representative of the State shall have access to the work site, and the Contractor shall provide proper facilities for such access and inspection. Further, any authorized representative of the State shall have access, for audit and examination purposes, to any records pertinent to the funds.
- b) A primary duty of the administering State agency is to guard against fraud, waste and abuse of Federal funds. To ensure proper use of Federal funds, State personnel may review submittals, daily logs, testing reports, as-builts and other appropriate construction documentation to verify that project elements meet the approved specifications. Generally, any changes to unit quantities or changes in specifications that result in substantial monetary savings for the Owner, will need to be documented by change order.
- c) Conformance with SRF standard conditions is a primary program responsibility. These currently include DBE, Davis-Bacon and American Iron and Steel.
- d) Additionally, inspections may uncover unsafe construction practices and environmental compliance violations. While not necessarily in SRF staff jurisdiction, deficiencies may be referred to the appropriate enforcement agencies. Expedient and timely use of SRF funds is a program goal, and avoidance of any delay in construction is a concern, particularly delays associated with public health or worker safety, which are of concern in their own right.

2. Disbursements (\$\$\$)

a) First Disbursement

- i) Approval of Construction Contracts must happen with **24 months** of the LOIF letter. The following items are required for approval:
 - o Contract must be fully executed and bound;
 - o Notice to Proceed (NTP) must be executed by the Owner and Contractor;
 - o The project specifications must include 100% performance and payment bonds. Bonds must be dated on or after the contract date;
 - o Original power of attorney must be dated on or after bonds;
 - o The Contractor must provide current Insurance;
 - o All documents must be bound with the specifications; and
 - o Davis-Bacon documents must be present (bound within) the specifications.
- ii) Capital Project Ordinance submitted as required by G.S. 159-13.2. Alternately a budget ordinance that clearly identifies the project being funded by the SRF can be submitted;
- iii) All items under Item D,1;
- iv) Site Certificate;

- v) Engineering Contracts, if payment is sought;
- vi) Closing Fee must have been received; and
- vii) For Loans, promissory note executed and returned to the Local Government Commission (this is requested from the LGC upon receipt of the executed construction contract and is for the amount noted in the ATA letter).

b) Disbursements - General Information

- i) Forms can be found online. A sample was included with the Loan Offer;
- ii) Disbursement requests should be sent to the attention of the following individual:
Teresa Tripp / NCDEQ – DWI / 1633 Mail Service Center / Raleigh, NC 27699-1633;
- iii) All items must be approved in advance before being reimbursed;
- iv) One copy of each of the following information is required for reimbursements:
 - o Reimbursement-request form with original signature;
 - o Contractor's (or contractors') monthly estimates;
 - o Engineering invoices;
 - o Invoices for any other approved costs;
 - o Eligible land costs will be reimbursed when the land has been acquired. A copy of an offer to purchase the land must be submitted with the appraisal. **Condemned-land costs are not eligible in the DWSRF program;**
- v) Indicate cumulative totals on the reimbursement form;
- vi) Check the appropriate box regarding whether the contractor(s) have already been paid. Note that if DWI funds are needed to pay the contractor(s), the funds must be disbursed within 3 banking days of receipt;
- vii) As noted in the Award Offer's "Assurances", sales taxes will be deducted from disbursements if an applicant indicates they intend to seek reimbursement for them from the NC Department of Revenue. A certification form is provided on the DWI website to indicate what the Owner intends to do regarding sales tax; and
- viii) Note that Davis-Bacon certified payrolls and materials' invoices that support the contract summary invoice **do not** need to be submitted with reimbursement requests.

c) Project Closeout and Final Disbursement

- i) Funds are held at 95% until the final payment is authorized.
- ii) Required items for final payment include:
 - o The inspector must issue a final inspection report signifying the project is complete, all concerns have been satisfied, and all change orders have been submitted.
 - o Final invoices showing zero retainage must be submitted with a final reimbursement request.
 - o Submit the following to Pam Whitley with DWI:
 - ✓ Engineer's certifications;
 - ✓ Owner's Certification of Completion; and
 - ✓ Signed Closeout Checklist.

H) REPAYMENTS(Loans Only)

1. Repayments will be reflected in the final promissory note and will be for the actual funds borrowed.
2. Repayments by the recipient begin on the May 1st or November 1st that is between 6 months and 12 months after the original project completion noted on the NTP.
3. The May 1st payment includes principal and interest, while the November 1st payment is interest only.
4. **Interest begins to accrue from the date of completion noted on the NTP** (i.e., no interest during the originally planned construction period). For multi-prime contracts, the general contract will be used to set this date.
5. "Construction-Manager-at-Risk" and "Design-Build" contracts should set their dates of completion within those specific contracts.

I) Eligible Expenses

1. Regulatory Authority - DWSRF

- a) The types of projects that can be funded are defined in Section 1452 of the Safe Drinking Water Act. Generally, these are described as:
 - i) Treatment;
 - ii) Transmission and Distribution;
 - iii) Source;
 - iv) Storage;
 - v) Consolidation; and
 - vi) Creation of new systems.

2. Construction – Items Not Eligible

- a) Project elements not related to the scope of the approved project.
- b) DWSRF will pay to restore project-related items such as road patching, sidewalks, fences, seeding, etc. The complete paving of streets, unless warranted by their disturbance from the construction activities – even if required by NCDOT – is not eligible.
- c) Note that items or rework that should be covered by bonds, insurance or liquidated damages will not be covered by the SRF funds.
- d) Any installation of service lines or service laterals outside the right-of-way.
- e) Operation-and-maintenance types of work, or items such as spare parts.
- f) Extended warranties or maintenance contracts.
- g) Wastewater facilities are not eligible for DWSRF monies, unless work is necessary to complete a drinking water project (e.g. moving a sewer line).

3. Engineering and Technical Services – Eligibility Considerations

- a) Planning and Design Contracts must include task descriptions, and these tasks must be associated with the project being built.
- b) Construction Administration and Inspection:
 - i) Task Description must be included and tasks must be associated with eligible construction work
 - ii) Typical tasks include, but are not limited to: attending meetings, providing plan copies, reviewing test results, reviewing shop drawings, reviewing payment applications, preparing change orders, coordinating with DWI, preparing as-builts, etc.
 - iii) Price should be cost plus fixed fee or per diem with a ceiling. This fee schedule should be in the contract.
 - iv) Invoices must include hours, rate and task.
 - v) Contract must be amended to pay beyond the ceiling, and it must be accompanied by a justification, such as a corresponding change order.
- c) Other eligible engineering activities include bidding, O&M manuals, soils reports, etc.

4. Other Eligibility Notes

- a) Legal - Legal fees for contract review and for advertisements, etc.
- b) Real Property - limited to actual value of the property (not what is paid). Costs associated with condemnations are not eligible.
- c) Preparation of permits required by Federal or State regulations or procedures.
- d) Permits imposed by the local unit of government (e.g., building permits) are not eligible.

**CERTIFICATION REGARDING
UNIFORM RELOCATION ASSISTANCE AND
REAL PROPERTY ACQUISITION POLICIES (URLAP) ACT OF 1970**

Applicant: _____
DWI Project No.: _____
Project Name: _____

Please check appropriate boxes:

<input type="checkbox"/> I certify that all real property (including easements) has been acquired, or condemnation proceedings for property have been entered into, thereby providing legal access for this project. <p style="text-align: center;">AND</p>
<input type="checkbox"/> I certify to the best of my knowledge and belief that the acquisition of property specifically for the above-referenced project is in compliance with the URLAP Act of 1970 (the Uniform Act). The acquisition of real property either: <input type="checkbox"/> Did not result in the displacement of any person, business or farm operation. <p style="text-align: center;">OR</p> <input type="checkbox"/> Relocation was involved in the land acquisition, and the Federal Highway Administration (FHA) was contacted for technical assistance.
<p style="text-align: center;">OR</p> <input type="checkbox"/> Compliance with the Uniform Act does not apply because the land and/or easements associated with the above-referenced project was/were acquired prior to the inception of the project. (Date land acquired: _____)

I understand that a false statement on this certification may be grounds for rejection or termination of this loan.

Applicant's Authorized Representative or Attorney (Signature) *Date*

Applicant's Authorized Representative or Attorney (Print) *Title*

Capital Project Ordinance (SAMPLE)

Be it ordained by the Governing Board of the (“Town” / “City” / “County” of insert name of local government unit), North Carolina, that pursuant to Section 13.2 of Chapter 159 of the North Carolina General Statutes, the following Capital Project Ordinance is hereby adopted:

Section 1: The capital project herein authorized (“Project”) is for the construction and/or installation of drinking water infrastructure, to be financed by (*select those which apply*: “federal Drinking Water State Revolving Fund (DWSRF) loan” / “State of North Carolina revolving loan” / State of North Carolina grants and reserves” / “the sale of general obligation bonds”).

Section 2: The officers of this unit of local government are hereby directed to proceed with the Project within the terms of the Board resolution, loan documents and the budget contained herein.

Section 3: The following amounts are appropriated for the Project:

Engineering	<u>\$XXX,XXX</u>
Land	<u>\$XXX,XXX</u>
Construction	<u>\$X,XXX,XXX</u>
TOTAL	<u>\$X,XXX,XXX</u>

Section 4: The following revenues are anticipated to be available to complete the Project:

Federal DWSRF Loan	<u>\$X,XXX,XXX</u>
Proceeds from General Obligation Bonds	<u>\$X,XXX,XXX</u>
Transfer from Drinking Water Capital Reserve	<u>\$X,XXX,XXX</u>
TOTAL	<u>\$XXX,XXX,XXX</u>

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient, specifically detailed accounting records to satisfy the requirements of the funding agency, the funding agreements, and federal regulations. The terms of the bond resolution also shall be met.

Section 6: Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the funding agency in an orderly and timely manner.

Section 7: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each Project element in Section 3 and on the total grant/loan revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on the Project in every budget submission made to this Board.

Section 9: Copies of this Capital Project Ordinance shall be furnished by the Clerk to the Governing Board, and to the Budget Officer and the Finance officer for direction in carrying out the Project.

Duly adopted this the (*insert date*) day of (*insert month*) 201_.

Signature (Owner’s Authorized Representative)

(Seal)

Attest: _____
Signature (Town / City / County Clerk)

Connect North Carolina Bonds

Federal Tax Compliance Questionnaire and Certifications Instructions

If you are receiving this information on federal tax compliance for the Connect NC bonds, your project is funded by the Connect NC bonds. As part of the bond assurances, the state has developed procedures to ensure bond funds meet all federal requirements for tax exemption. Recipients of these funds will be required to submit the documents detailed below. The following documents comprise the Department of Environmental Quality, Division of Water Infrastructure's, Federal Tax Compliance Procedures. Separate forms must be completed for each project funded with a Connect NC bond loan or grant undertaken by a local government unit.

- Exhibit A, Questionnaire for Federal Tax Compliance
- Exhibit B, Pre-Completion Annual Project Certification Form
- Exhibit C, Annual Private Business Use Certification Form

Exhibit A - Instructions

- Projects receiving funds from bond proceeds, will receive this with their grant or loan Award Offer package.
- The questionnaire is intended to elicit information that will enable the State and its bond counsels to determine if a given project raises tax concerns.
- Complete the Questionnaire by and have the Chief Elected Officer or authorized official sign it.
- Return the entire questionnaire to the address listed in the transmittal letter.
- Disbursements cannot begin for project reimbursements until the questionnaire is completed and returned to the Division.

Exhibit B – Instructions

- This certification must be completed annually for all projects that have not yet completed construction.
- Projects receiving funds from bond proceeds, should receive this in January each year until the project construction is completed.
- The Exhibit B certification must be completed and returned by March 31 and is required to maintain funding commitment. We cannot disburse any funds if the certification is past due.
- Complete the Certification and have the chief elected officer or authorized official sign it.
- Return the completed exhibit to the address listed in the transmittal letter.

Exhibit C – Instructions

- This exhibit is required each fiscal year after the project is completed for the entire term that any of the State's Connect NC Bonds that funded the project or any portion thereof are outstanding, or any obligations that refund (including through a series of refundings) the Connect NC Bonds or any portion thereof, are outstanding.
- Projects having received funds from bond proceeds will receive this the first time, attached to their final payment notification letter. NCDEQ will continue to transmit this exhibit to you for each applicable year.
- Complete the Certification and have the chief elected officer or authorized official sign it.
- Return the exhibit to the address listed in the transmittal letter.

EXHIBIT A

To: Units of Local Government requesting Loans or Grants to be funded from Connect NC Bond Proceeds

From: NC Department of Environmental Quality

Re: Questionnaire for federal tax compliance

Your Unit of Local Government is receiving this questionnaire because it has applied for a loan or grant from the North Carolina Water Infrastructure Fund pursuant to Chapter 159G of the North Carolina General Statutes, and the loan or grant would be funded from the proceeds of the State of North Carolina's Connect NC Bonds (S.L. 2015-280, Connect NC Bond Act of 2015). Attached is a Project Questionnaire each Unit of Local Government requesting such a loan or grant is required to complete and return to the Department of Environmental Quality ("DEQ"). This Project Questionnaire is intended to elicit information that will enable the State and its bond counsels to determine if a given project raises tax concerns. Specifically, this Project Questionnaire is designed to address the ability of the State to finance the Projects using federally tax-exempt obligations pursuant to the Internal Revenue Code and the regulations promulgated thereunder.

If the answers to the questionnaire indicate that there are not foreseeable tax issues, then the proposed Project will proceed to the next step in the approval process. If the answers to the questionnaire indicate that there are federal tax issues to be resolved, then DEQ will send it to the Department of State Treasurer's bond counsel for further review.

Please return the completed Project Questionnaire to DEQ at _____. A separate questionnaire should be completed for each application for a loan or grant undertaken by your Unit of Local Government.

Failure to respond to this Project Questionnaire in a timely manner may hamper the timeliness of bond proceeds being allocated to the Project.

Project/Agency contact information:

Unit of Local Government	
Contact Name and Title	
Mailing Address	
E-mail Address	
Phone Number	
Project Name	
DEQ Project No.	
Actual/Anticipated Placed in Service Date	
Date of Questionnaire	

- Will any portion of the Project be jointly owned by any third parties, businesses, nonprofit organizations, other state or local governments, or any other entity (including the federal government)?

Yes No

If "Yes," please describe the portion of the Project that will be leased under such an arrangement.

2. Will any portion of the Project be leased to any third parties, businesses, nonprofit organizations, other state or local governments, or any other entity (including the federal government)? The answer will be “No” if (i) the term of the use under the arrangement, including all renewal options (see Note below), is not longer than 50 days, (ii) the arrangement is a negotiated arm’s-length arrangement and compensation under the arrangement is at fair market value, and (iii) the Project was not financed for a principal purpose of providing it to that specific third party.

Yes No

If “Yes,” please describe the portion of the Project that will be leased under such an arrangement.

[Note—a “renewal option” means a provision under a contract, lease or similar agreement under which either party has a legally enforceable right to renew the arrangement. Thus, a provision under which a contract is automatically renewed for a given period absent cancellation by either party, but either party can cancel without penalty, is not a renewal option (even if the arrangement is expected to be renewed).]

3. Will any portion of the Project be managed or operated by any third party, business, nonprofit organization, other state or local government, or any other entity (including the federal government)?

Yes No

If “Yes,” provide a copy of the management/operation agreement. If it is anticipated that such an agreement will be entered into in the future, please provide a description of the anticipated arrangement, including the name of the manager (if known), the term of the arrangement and how compensation will be determined under the arrangement.

4. Do you anticipate that any portion of the Project will be sold to any entity (including the federal government)?

Yes No

If “Yes,” please list the portion of the Project that you anticipate selling.

5. Will any customer of your utility system have preferred rights with respect to the output or operation of the Project that are different from other customers of the utility system, such as reserved capacity, a reserved amount of output, the right to require the hours of operation of the Project, the right to purchase all or a portion of its requirements to the exclusion of other customers of the utility or preferential pricing that is not offered to all other similarly situated customers.

Yes No

If "Yes," please describe.

6. Will any portion of the Project be used for research sponsored by any entity other than a State or local government? For these purposes, include research arrangements sponsored by the federal government.

Yes No

If "Yes," please list the portion of the Project that has been, or will be, used for sponsored research.

7. Will any portion of the Project be subject to a naming rights agreement with any entity (including the federal government)?

Yes No

If "Yes," please describe the details of the naming rights agreement.

8. Will any portion of the Project be financed with funds other than the loan or grant requested?

Yes No

If "Yes," please list the anticipated source (e.g. other tax-exempt bonds, cash, grants, etc.) and amount of the funding per additional source.

9. In addition to the items listed above, will any third party business, nonprofit organization or any other entity, including the federal government, have any other contractual rights with respect to the Project, such as the right to approve charges for the use of the Project, the right to determine who may or may not use the Project, the right to restrict activities conducted at the Project or similar contractual rights with respect to the Project?

Yes

No

If "Yes," please describe the other contractual rights anticipated with respect to the Project and identify the party to whom the rights will be granted.

I understand that the information provided in response to the above questions will be relied upon by the State and its bond counsel in rendering legal opinions in connection with the issuance of tax-exempt obligations and that such opinions will be relied upon by the purchasers of such obligations. I also certify that I am familiar with the Project and am authorized to provide the information provided herein, which is true to the best of my knowledge.

By delivering this Project Questionnaire, the responding Unit of Local Government agrees that it will maintain or cause to be maintained, in hard copy or in electronic form capable of reproducing hard copies, all material and relevant records related to the use of the Project for the entire term that any of the State's Connect NC Bonds that financed the Project or any portion thereof are outstanding, or any obligations that refund (including through a series of refundings) the Bonds or any portion thereof, plus six years after the final maturity or prepayment date of thereof. Such records to be maintained include, but are not limited to, documentation evidencing the expenditure of the proceeds of loan or grant funded by the Bonds and other funds for the cost of the Project, records of any private business use of the Project (e.g., copies of all management contracts, leases and research agreements) and records of any change of use with respect to the Project. If requested by DEQ, the responding Unit of Local Government will provide such records to DEQ as it deems would be useful in evidencing the State's compliance with applicable federal tax or other laws.

In addition, by delivering this Project Questionnaire, the responding Unit of Local Government agrees that it will take such action, or refrain from taking any action, as the case may be, so that the answers to the questions set forth above remain true and correct at all times, unless such action (or inaction) is approved by the North Carolina Department of State Treasurer.

Name of Unit: _____

By: _____

Name: _____

Title: _____

Date: _____

**PRE-COMPLETION
ANNUAL PROJECT CERTIFICATION FORM**

Note--This certification is to be provided if the Project has not yet been completed. Once a Project has been completed, the Annual Private Business Use Certification Form set forth in Exhibit C should be used.

Local Government Providing Certification: _____

Local Government Representative Submitting Certification: _____

(1) Project: _____

Cost of Project:	
Amount Funded from Loan or Grant Proceeds	
Other Sources of Project Funding	
Have all Loan or Grant Proceeds Allocated to the Project Been Spent?	
If no, how much of the Loan or Grant proceeds allocated to the Project remain?	
Actual/Anticipated Placed In-Service Date	

(2) Please check and complete, as applicable, one of the following:

I certify that the responses set forth in the Local Government's completed Questionnaire for Federal Tax Compliance completed for the Project remains accurate and complete.

Yes

No

If the answer is No, please provide details:

Fiscal Year covered by this certification: July 1st _____ to June 30th _____

Date: _____
 Signature: _____
 Printed Name: _____
 Title: _____

ANNUAL PRIVATE BUSINESS USE CERTIFICATION FORM

Local Government Providing Certification: _____

Local Government Representative Submitting Certification: _____

Project: _____

I. Certifications to be made for the first annual filing following the Completion Date of the Project financed from Water Infrastructure Loan or Grant funds:

1. Date construction of the Project was completed: _____
2. Date the Project was placed in service (the "Completion Date"): _____
3. Total cost of the Project: _____
4. Total cost of the Project funded from Water Infrastructure Loan or Grant funds:

5. Total cost of the Project funded from other tax-exempt bonds: _____

Please specify sources: _____
6. Total cost of the Project funded from sources other than tax-exempt bonds ("Equity"):

Please specify sources: _____
7. Based on the responses in 3, 4 and 5 above, the total portion of the Project allocated to funding from Equity: _____%.
8. Are the responses set forth in the Local Government's completed Questionnaire for Federal Tax Compliance completed for the Project remains accurate and complete?

- Yes
 No

If "No" please provide information as to changes in circumstances that make the Questionnaire responses not accurate.

II. Annual certifications following the Completion Date after the first such filing:

Based on the use of the Project in the past year, do the responses set forth in the Local Government's completed Questionnaire for Federal Tax Compliance completed for the Project continue to be accurate and complete?

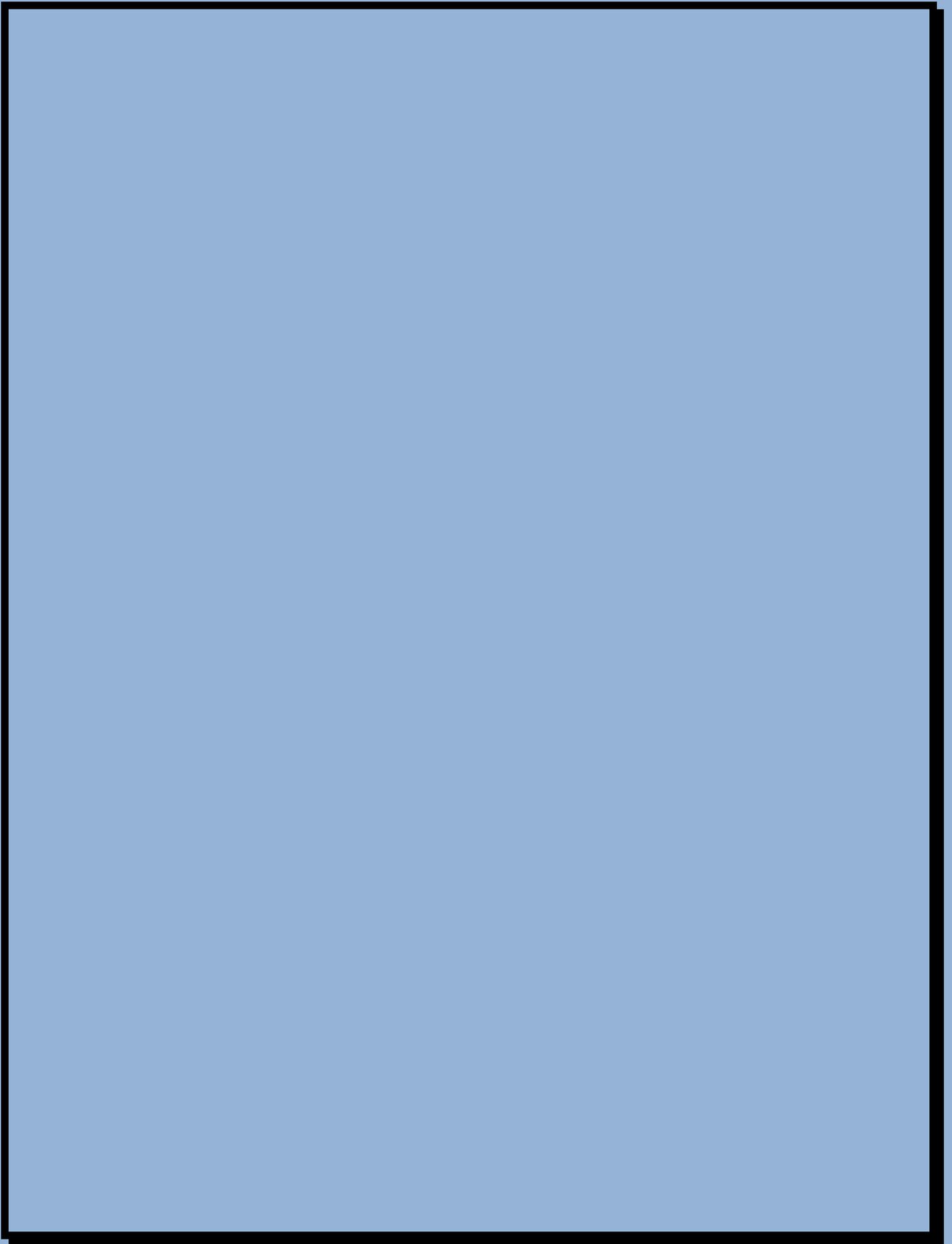
- Yes
 No

If the answer is No, please provide information as to changes in circumstances that make the Questionnaire responses not accurate. Include a modified Exhibit A.

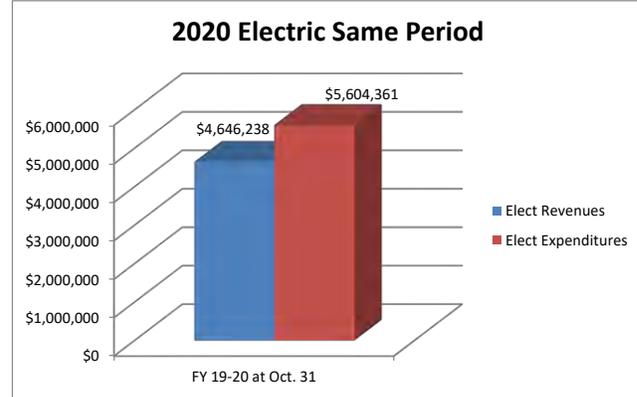
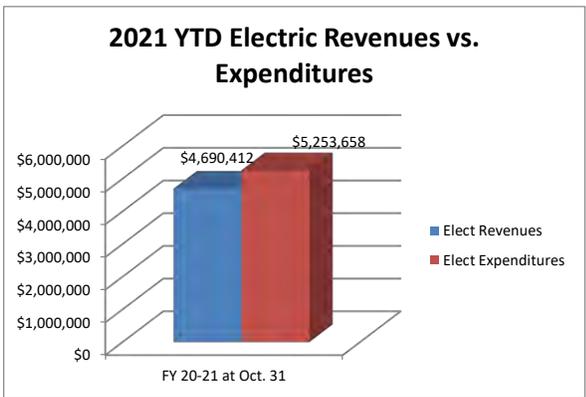
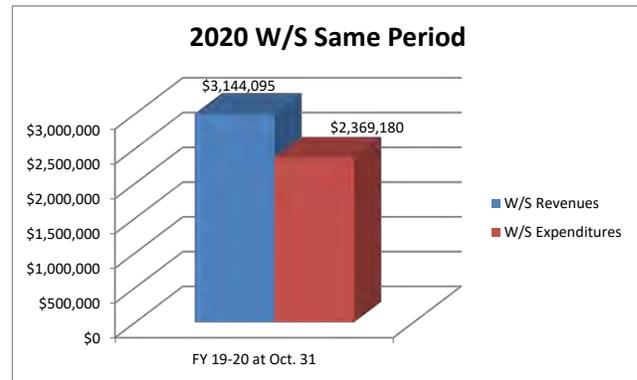
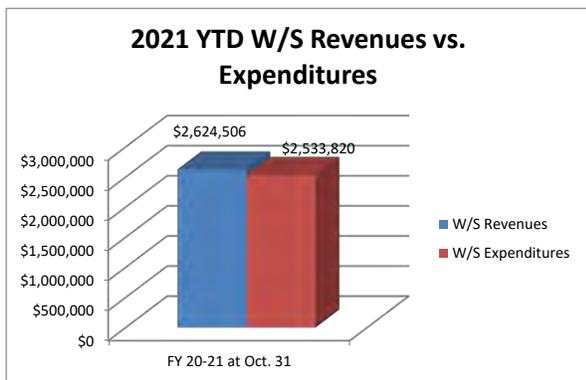
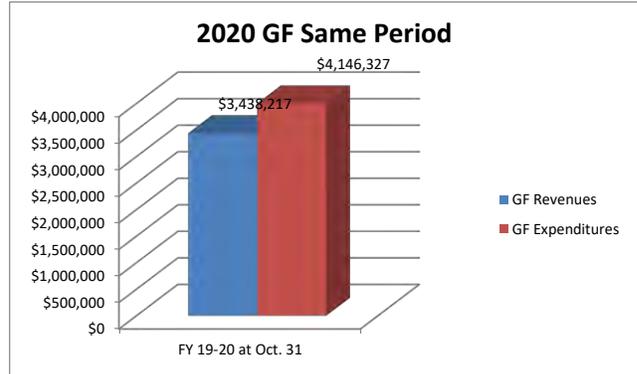
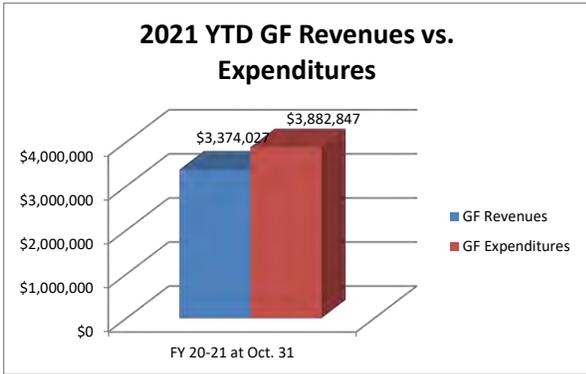
Fiscal Year covered by this certification: July 1st _____ to June 30th _____

Date: _____
Signature: _____
Printed Name: _____
Title: _____

Financial Report



Town of Smithfield Revenues vs. Expenditures



TOWN OF SMITHFIELD
MAJOR FUNDS FINANCIAL SUMMARY REPORT
October 31, 2020
Gauge: 4/12 or 33.33 Percent

GENERAL FUND

Revenues	Frequency	Actual to Date	Budget	Actual to Date
		FY '19-20	FY '20-21	FY '20-21
Current & Prior Year Property Taxes	Monthly	\$ 1,175,461	\$ 6,450,000	\$ 1,146,888
Motor Vehicle Taxes	Monthly	222,939	575,000	229,000
Utility Franchise Taxes	Quarterly	228,119	975,000	205,618
Local Option Sales Taxes	Monthly	455,581	2,147,000	496,064
Aquatic and Other Recreation	Monthly	259,022	585,000	23,702
Sanitation (Includes Penalties)	Monthly	370,714	1,351,300	368,457
Grants		90,348	204,852	452,520
All Other Revenues		636,033	1,358,308	451,778
Loan Proceeds		-	-	-
Transfers (Electric and Fire Dist.)		-	261,614	-
Fund Balance Appropriated		-	1,697,508	-
Total		\$ 3,438,217	\$ 15,605,582	\$ 3,374,028

Expenditures	Actual to Date	Budget	Actual to Date
	FY '19-20	FY '20-21	FY '20-21
General Gov.-Governing Body	\$ 177,067	\$ 478,048	\$ 139,020
Non Departmental	348,128	932,054	310,732
Debt Service	268,495	920,953	365,328
Finance	27,393	133,015	30,193
Planning	112,358	366,642	94,463
Police	1,083,906	4,289,712	1,157,148
Fire	513,940	2,791,203	611,716
EMS	-	-	-
General Services/Public Works	174,967	582,141	198,730
Streets	130,834	863,111	140,094
Motor Pool/Garage	26,733	95,215	29,545
Powell Bill	21,097	274,315	9,261
Sanitation	337,731	1,410,260	363,252
Parks and Rec	573,046	908,280	220,982
SRAC	340,328	1,115,890	206,432
Sarah Yard Center	10,304	76,610	5,951
Contingency	-	368,133	-
Appropriations/Contributions	-	-	-
Total	\$ 4,146,327	\$ 15,605,582	\$ 3,882,847

YTD Fund Balance Increase (Decrease) - -

WATER AND SEWER FUND

Revenues	Actual to Date	Budget	Actual to Date
	FY '19-20	FY '20-21	FY '20-21
Water Charges	\$ 801,113	\$ 2,872,930	\$ 819,028
Water Sales (Wholesale)	521,916	1,800,000	378,015
Sewer Charges	1,265,387	4,370,000	1,330,931
Penalties	-	50,000	13,669
Tap Fees	4,450	4,500	11,855
Other Revenues (Includes Penalties for FY18-19)	51,229	39,400	71,007
Grants	500,000	-	-
Loan Proceeds	-	-	-
Fund Balance Appropriated	-	213,812	-
Total	\$ 3,144,095	\$ 9,350,642	\$ 2,624,506

Expenditures	Actual to Date	Budget	Actual to Date
	FY '19-20	FY '20-21	FY '20-21
Water Plant (Less Transfers)	\$ 629,152	\$ 2,059,102	\$ 701,350
Water Distribution/Sewer Coll (Less Transfers)	1,391,879	4,820,402	1,526,904
Transfer to General Fund	-	-	-
Transfer to W/S Capital Proj. Fund	-	1,500,000	-
Debt Service	348,149	611,133	305,566
Contingency	-	360,005	-
Total	\$ 2,369,180	\$ 9,350,642	\$ 2,533,820

ELECTRIC FUND

Revenues	Actual to Date	Budget	Actual to Date
	FY '19-20	FY '20-21	FY '20-21
Electric Sales	\$ 4,535,961	\$ 16,300,000	\$ 4,592,938
Penalties	40,285	100,000	23,187
All Other Revenues	69,992	164,000	74,288
Grants	-	-	-
Loan Proceeds	-	-	-
Fund Balance Appropriated	-	233,862	-
Total	\$ 4,646,238	\$ 16,797,862	\$ 4,690,413

Expenditures	Actual to Date	Budget	Actual to Date
	FY '19-20	FY '20-21	FY '20-21
Administration/Operations	\$ 661,921	\$ 2,689,692	\$ 822,947
Purchased Power - Non Demand	1,709,626	12,615,420	1,272,864

Purchased Power - Demand	2,463,368	-	2,429,871
Purchased Power - Debt	385,392	-	385,392
Debt Service	351,307	342,586	342,585
Capital Outlay	32,747	35,000	-
Contingency	-	331,664	-
Transfers to Electric Capital Proj Fund	-	695,000	-
Transfer to Electric Capital Reserve	-	-	-
Transfers to General Fund	-	88,500	-
Total	<u>\$ 5,604,361</u>	<u>\$ 16,797,862</u>	<u>\$ 5,253,659</u>

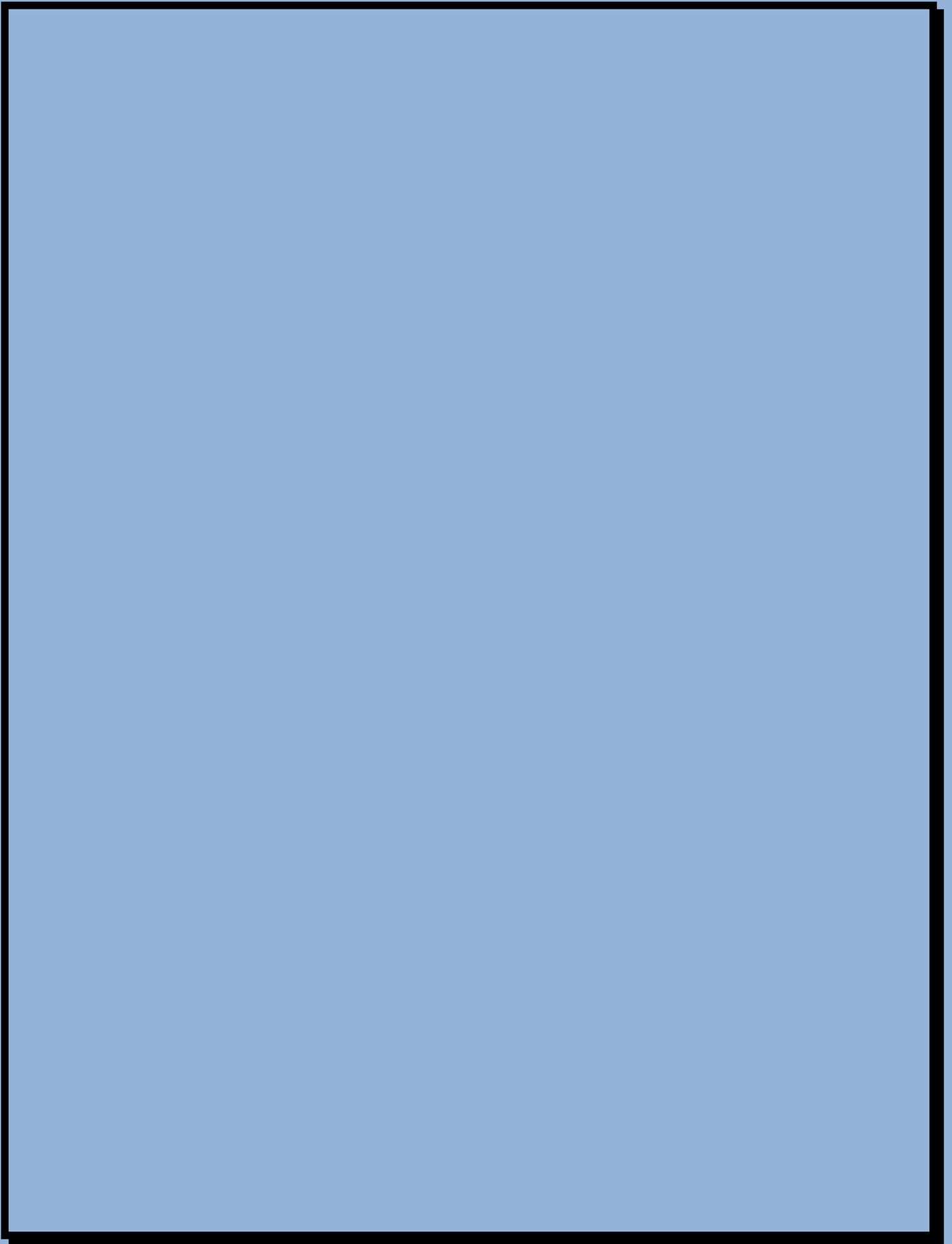
CASH AND INVESTMENTS FOR APRIL

General Fund (Includes P. Bill)	12,538,552		
Water and Sewer Fund	8,606,042		
Electric Fund*	9,942,588		
JB George Endowment (40)	134,664		
Water Plant Expansion (43)	2,518,366		
Booker Dairy Road Fund (44)	457,895		
Capital Project Fund: Wtr/Sewer (45)	789,963		
Capital Project Fund: General (46)	1,104,461		
Capital Project Fund: Electric (47)	508,589		
FEMA Acquisitions and Elevations (48)	550		
CDBG Neighborhood Revitalization (49)	(3,945)	1st CITIZENS	29,446,375
Firemen Relief Fund (50)	105,169	NCCMT	2,386,083
Fire District Fund (51)	117,322	KS BANK	3,703,632
General Capital Reserve Fund (72)	6,009	UNITED COMM	1,290,135
Total	<u>\$ 36,826,225</u>		<u>\$ 36,826,225</u>

*Plug

Account Balances Confirmed By Finance Director on 11/23/2020

Department Reports





Staff Report

Department Report: Annual Economic Development Update

Update

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

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

Attached is a list of mentionable activities for October/November 2020.

Action Requested

No action requested.

Smithfield Economic Development Implementation Activities OCT/NOV20

1. Internal/External Marketing – Rocky and Brian Eaves discussed the status of the promotional booklet. A draft version of the booklet has been reviewed by the town and several changes were suggested, that included verbiage and other content. These changes have been made by the publishers and the next draft returned to the town for final approval. As soon as the final check-off has been received the booklet will go to print.

Tim and Rocky discussed the promotional booklet and called Shanna Capps, the publisher to get a status update from her. Shanna confirmed that all changes and updates had been made from the previous draft and returned to the town for final approval. It was noted that the project had gone on so long that some of the information was in danger of being dated. Shanna stated that every effort had been made to ensure that the majority of the verbiage and photos would be “evergreen,” that is, they would not date the publication and, therefore, minimize changes needed from edition to edition. Shanna agreed to compile a list of those items that would need to be updated for each edition and forward it to Tim for review. It may be necessary to update some of these items before the booklet goes to initial print if final approval is not received in the near future.

2. Product Development/New Company Recruitment – Tim, Stephen, Mike, and Rocky met with Chris Johnson and a confidential Corporation. They are a very large construction and development company that is in the process of acquiring the parcels of the West Smithfield Industrial Park (WSIP). The meeting had a twofold purpose: the first was to discuss the acquisition of the WSIP properties and the company’s plans for development, and secondly, to discuss a prospective end user.

Staff and team were given plans for the WSIP property. The various aspects of park development were discussed including, infrastructure: availability, capacities, providers, and extension; zoning: appropriate classification, rezoning process and timeline, requirements such as landscaping, paving, height restrictions; noise ordinances; etc. The tone of the discussion was very positive and it is believed that the development of the WSIP will be of great benefit to the town and county.

The second purpose of the meeting was to discuss a prospective end user of a portion of the WSIP. The project is confidential and before details as to capital investment, jobs to be created, etc. could be discussed everyone must sign a Nondisclosure Agreement (NDA). A follow-up meeting is planned.



FINANCE DEPARTMENTAL REPORT FOR OCTOBER, 2020

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

Daily Collections/Property Taxes/Other.....	\$ 2,979,955
Franchise Tax.....	205,618
Sales & Use Tax.....	0
Powel Bill.....	<u>0</u>
Total Revenue	\$ 3,185,573

Expenditures: General, Water, and Electric.....\$ 3,024,621

FINANCE:

- Compiled and submitted monthly retirement report on 10/30/2020
- Issued 59 purchase orders
- Processed 820 vendor invoices for payment and issued 439 accounts payable checks
- Prepared and processed 3 regular payrolls and remitted federal and state payroll taxes on 10/2, 10/13 and 10/30/2020
- Issued 0 renewal privilege licenses for beer and wine sales.
- Sent 0 past due notices for delinquent privilege license
- Issued 0 peddler license
- Sent 0 notices for grass cutting
- Collected \$0 in grass cutting invoices. Total collected to date is \$8,436
- Processed 7 NSF Checks/Fraudulent Cards (Utility and SRAC)
- Bad debt calendar year-to-date collections total \$30,237.22 (EMS = \$6,733.77; SRAC = \$5,600.67; Utility= \$17,902.78; and Other = \$0).
- Invoiced 5 grave opening for a total of \$3,500.00
- Invoiced Johnston Community College for Police Security
- Earned \$1,265.98 in interest from FCB and paid 0 in fees on the central depository account
- Paid \$9,011.01 in credit/debit/Tyler card fees, but earned \$7,845.26 (31-72-3550-3520-0002) in convenience fees (Reporting month charged/earned, not month paid)

FINANCE DIRECTOR

- Attended Town Council Meeting on October 6, 2020
- Attended LGC Meeting on Water Plant Expansion Loan on October 6, 2020
- Solicited three local banks on loan rates for water plant expansion on Oct 7, 2020
- Met with Petway, Mills and Pearson Partner, Phyllis Pearson, on reconciling utility receivables on Oct 6, 2020
- Attended Department Head Meetings on October 5, 22 and 27, 2020
- Completed and Filed the Fire Department Relief Funding Report with NC Firefighters Assoc. on October 14, 2020
- Notified Approximately 32 Utility Credit Card Draft Customers by mail of coming credit card changes.
- Assisted Police Department with Lien Release on Lost Title
- Renewed J.B. George Certificate of Deposit on \$105,000 for 12 months at .35 Percent



Planning Department Development Report

Monday, November 23, 2020

Project Name: Keener Lumber Stormwater Pond
 Request: Stormwater Pond
 Location 1209 West Market Street
 Tax ID#: 15077022A PIN#: 168412-96-2134
 Project Status First Review Complete
 Notes:

Site Plan 2020-10	
Submittal Date:	10/6/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: Capital Hydraulic Components
 Request: Contractor Office with Outdoor Storage Yard
 Location 228 Airport Industri Drive
 Tax ID#: 15J08017J PIN#: 168509-05-3202
 Project Status Second Review Complete
 Notes:

Site Plan 2020-11	
Submittal Date:	10/6/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: East River PUD
 Request: PUD Revisions and Preliminary Plat Approval
 Location Buffalo Road
 Tax ID#: 14075013 PIN#: 169520-80-3415
 Project Status Scheduled for Public Hearing
 Notes: P.B. Reccomended Approval / Construction drawings in review

Map Amendment 2020-07	
Submittal Date:	10/2/2020
Planning Board Review:	11/5/2020
Board of Adjustment Review:	
Town Council Hearing Date:	12/1/2020
Approval Date:	

Project Name: Schultz Agency
 Request: 2' foot variance to 10' sign setback
 Location 1638 Booker Dairy Road
 Tax ID#: 14057197D PIN#: 260410-35-4633
 Project Status Approved
 Notes: variance approved

BOA 2020-05	
Submittal Date:	10/1/2020
Planning Board Review:	
Board of Adjustment Review:	11/18/2020
Town Council Hearing Date:	
Approval Date:	

Project Name: **Brightleaf Plaza**
 Request: Rezone from R-8 to B-2
 Location 40 Waddell Drive
 Tax ID#: 15005042 PIN#: 260413-03-5482
 Project Status **In First Review**
 Notes: Planning Board Recommended Approval

Map Amendment 2020-06	
Submittal Date:	10/1/2020
Planning Board Review:	11/5/2020
Board of Adjustment Review:	
Town Council Hearing Date:	12/1/2020
Approval Date:	

Project Name: **JoCo Detension Facility**
 Request: Variance from sidewalk requirements
 Location 1071 Yelverton Grov Road
 Tax ID#: 15L11011 PIN#: 260300-67-5886
 Project Status **In First Review**
 Notes: BOA hearing continued untill 12/17/20

BOA 2020-07	
Submittal Date:	10/1/2020
Planning Board Review:	
Board of Adjustment Review:	11/18/2020
Town Council Hearing Date:	
Approval Date:	

Project Name: **Town of Smithfield**
 Request: Amends Articles 3, 4, 5, 6 and 7
 Location
 Tax ID#: PIN#:
 Project Status **In First Review**
 Notes: PB recommended approval with conditions for public hearings

Text Amendment 2020-03	
Submittal Date:	9/4/2020
Planning Board Review:	10/1/2020
Board of Adjustment Review:	
Town Council Hearing Date:	11/10/2020
Approval Date:	

Project Name: **Town of Smithfield**
 Request: Adds Culumbarium to Table of Permitted Uses
 Location
 Tax ID#: PIN#:
 Project Status **In First Review**
 Notes: PB recommended approval

Text Amendment 2020-04	
Submittal Date:	9/4/2020
Planning Board Review:	10/1/2020
Board of Adjustment Review:	
Town Council Hearing Date:	11/10/2020
Approval Date:	

Project Name: **Lee Street Single Family Dwelling**
 Request: Single Family Dwelling of Property in a B-2 zoning district
 Location 602 East Lee Street
 Tax ID#: 15036038 PIN#: 169306-48-8706
 Project Status In First Review
 Notes: SUP signed for recordation. Applicant has yet to make application for SFD zoning permit

Special Use 2020-09	
Submittal Date:	9/4/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	10/6/2020
Approval Date:	10/23/2020

Project Name: **Historic Smithfield Foundation**
 Request: Variance to front building setback for Freedman House
 Location 308 North Fourth Street
 Tax ID#: 15013053 PIN#: 169419-52-6462
 Project Status Approved
 Notes: Approved

BOA 2020-06	
Submittal Date:	8/27/2020
Planning Board Review:	
Board of Adjustment Review:	9/24/2020
Town Council Hearing Date:	
Approval Date:	9/24/2020

Project Name: **Johnston Health Services**
 Request: 5,370 Sq ft addition to Hospital Complex
 Location 512 North Brightleaf Boulevard
 Tax ID#: 15010058 PIN#: 169416-82-0969
 Project Status
 Notes:

Site Plan 0202-09	
Submittal Date:	8/24/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	9/4/2020

Project Name: **Ambit Plumbing**
 Request: Contractor with outdoor storage
 Location 100 Rock Pillar Road
 Tax ID#: 5J08017E PIN#: 167500-94-9799
 Project Status Approved
 Notes: Pre-Constuction Meeting set for 11/9/20

Site Plan 2020-08	
Submittal Date:	8/11/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	10/16/2020

Project Name: **Daycare Center**
 Request: Daycare Center @ existing place of worship
 Location 720 Second Avenue
 Tax ID#: 15066010 PIN#: 169311-57-2189
 Project Status First Review Complete
 Notes:

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

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

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

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

Site Plan 2020-07	
Submittal Date:	6/5/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	9/10/2020

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

Site Plan 2020-06	
Submittal Date:	5/19/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/24/2020

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

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

Project Name: **Tru Hotel**
 Request: 4 Story Hotel
 Location 167 South Equity Drive
 Tax ID#: 15008046c PIN#: 260417-10-4438
 Project Status **Approved**
 Notes: Under Construction

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

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

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

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

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

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

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

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

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

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

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

Project Name: **Kamdon Ranch**
Request: 110 Lot Division
Location Swift Creek Road
Tax ID#: 15108020 PIN#: 167400-55-9495
Project Status **Approved**
Notes: Under Construction

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

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

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

Project Name: **East River Phase 1**
Request: 40 lot division
Location 1899 Buffalo Road
Tax ID#: 14075013 PIN#: 169520-80-0490
Project Status **Approved**
Notes: Built Out

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

Project Name: **Tires and Wheels**
Request: Auto Repair
Location 2134 South Brightleaf Boulevard
Tax ID#: 15A61047D PIN#: 168320-91-1779
Project Status **Approved**
Notes: Under Construction

Site Plan 2017-09	
Submittal Date:	8/8/2017
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	3/8/2018



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

Permit Issued for October 2020

			Permit Fees	Permits Issued
Zoning	Land Use		1,400.00	15
Site Plan	Major Site Plan		\$225.00	3
Site Plan	Minor Site Plan		\$250.00	7
Zoning	Sign		\$300.00	6
Report Period Total:			\$2,175.00	31
Fiscal YTD Total:			\$6,525.00	95

Z20-000156	Zoning	Land Use	One Stop Deli & Cafe	1547 E. Market St.
Z20-000157	Zoning	Sign	One Stop Deli & Cafe	1547 E. Market St.
Z20-000158	Zoning	Sign	On Stop Deli Wall Sign	1547 E. Market St.
SP20-000073	Site Plan	Minor Site Plan	10' x 12' accessory structure	609 River Birch Court
Z20-000041	Zoning	Land Use	Convenience Store	600 S Brightleaf Blvd
Z20-000160	Zoning	Land Use	Rays Garage	2317 S Brightleaf Blvd
Z20-000153	Zoning	Land Use	Tarheel paper	1685 S Brightleaf Blvd
Z20-000151	Zoning	Sign	Burger King sign package	1932 E. Market St
Z20-000154	Zoning	Sign	Home Instead	6 Noble St. Ste A & B
SP20-000071	Site Plan	Minor Site Plan	Sewer Pump Station	211 Tyler Dr
Z20-000143	Zoning	Land Use	Fit 24 Gym	909 W Market St.
Z20-000144	Zoning	Sign	Fit 24 Gym	909 W Market St.
Z20-000145	Zoning	Land Use	Driveway Apron	510 East Johnston St.
Z20-000146	Zoning	Land Use	Krab Kingz Food Truck	484 West Market S.
Z20-000147	Zoning	Land Use	South Atlantic Hearing, LLC	210 Brightleaf Blvd Ste B
Z20-000148	Zoning	Land Use	Under the Oak Restaurant &	135 South Third St.
Z20-000149	Zoning	Sign	Dept of Social Services	714 North St.
Z20-000150	Zoning	Land Use	Jackson Hewitt	823 N Brightleaf Blvd
SP20-000072	Site Plan	Major Site Plan	Abmit Plumbing	100 Rock Pillar Rd
Z20-000152	Zoning	Land Use	Driveway Apron	607 S Fourth St

SP20-000074	Site Plan	Minor Site Plan	Accessory Structure	403 McCullers St
SP20-000075	Site Plan	Minor Site Plan	Attached deck	567 Rock Pillar Rd
SP20-000076	Site Plan	Minor Site Plan	Single Family Dwelling	556 Ogburn Road
Z20-000155	Zoning	Land Use	Go Calendars Games	1025 Outlet Center Dr.
SP20-000077	Site Plan	Major Site Plan	Ambit Plumbing	100 Rock Pillar Rd
SP20-000078	Site Plan	Minor Site Plan	SFD Addition	1950 Firetower R.d
Z20-000159	Zoning	Land Use	El Taconazo	836 S. Third St.
Z20-000161	Zoning	Land Use	Bombay Food Truck	484 W Market St.
SP20-000079	Site Plan	Major Site Plan	Stromwater Pond	1209 W Market St.
SP20-000080	Site Plan	Minor Site Plan	Driveway Resurface	218 W. Wellons St
Z20-000162	Zoning	Land Use	Discount Mobile	721 N. Brightleaf Blvd



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

I. STATISTICAL SECTION

Month Ending Oct. 31, 2020	Oct-20	Oct-19	Oct-2020	Total 2019	YTD Difference
Calls for Service	1646	1701	15,167	16,492	-1325
Incident Reports Completed	132	151	1204	1396	-372
Cases Closed	83	101	862	984	-122
Accident Reports	70	81	598	736	-138
Arrest Reports	66	81	770	924	-154
Burglaries Reported	8	7	51	55	-4
Drug Charges	12	13	274	300	-26
DWI Charges	6	6	58	69	-11
Citations Issued	132	120	1340	1505	-165
Speeding	54	29	365	285	80
No Operator License	30	29	258	351	-93
Registration Violations	16	13	144	168	-24

II. PERSONNEL UPDATE

The police department is currently short 4 positions with the addition of (2) positions for the Traffic Safety team. The department currently has three background investigations under way.

III. MISCELLANEOUS

Mandatory in-service training was continued in October. The department has completed annual firearms training for the year. The department has participated in several birthday parades during the month due to the on going COVID restrictions. Community policing events continue to be limited due to the COVID-19 restrictions.

REPORTED UCR OFFENSES FOR THE MONTH OF OCTOBER 2020

PART I CRIMES	October	October	+/-	Percent Changed	Year-To-Date		+/-	Percent Changed
	2019	2020			2019	2020		
MURDER	1	0	-1	-100%	2	0	-2	-100%
RAPE	0	0	0	N.C.	2	1	-1	-50%
ROBBERY	0	0	0	N.C.	7	10	3	43%
Commercial	0	0	0	N.C.	2	2	0	0%
Individual	0	0	0	N.C.	5	8	3	60%
ASSAULT	2	3	1	50%	41	40	-1	-2%
* VIOLENT *	3	3	0	0%	52	51	-1	-2%
BURGLARY	6	8	2	33%	50	49	-1	-2%
Residential	3	0	-3	-100%	33	26	-7	-21%
Non-Resident.	3	8	5	167%	17	23	6	35%
LARCENY	43	43	0	0%	295	337	42	14%
AUTO THEFT	0	1	1	N.C.	11	12	1	9%
ARSON	0	0	0	N.C.	0	5	5	N.C.
* PROPERTY *	49	52	3	6%	356	403	47	13%
PART I TOTAL:	52	55	3	6%	408	454	46	11%
PART II CRIMES								
Drug	25	13	-12	-48%	243	204	-39	-16%
Assault Simple	5	11	6	120%	61	63	2	3%
Forgery/Counterfeit	1	2	1	100%	26	28	2	8%
Fraud	5	4	-1	-20%	70	60	-10	-14%
Embezzlement	0	1	1	N.C.	1	10	9	900%
Stolen Property	2	1	-1	-50%	9	6	-3	-33%
Vandalism	5	11	6	120%	56	54	-2	-4%
Weapons	1	1	0	0%	4	8	4	100%
Prostitution	0	0	0	N.C.	0	0	0	N.C.
All Other Sex Offens	0	1	1	N.C.	1	6	5	500%
Gambling	0	0	0	N.C.	0	0	0	N.C.
Offn Agnst Faml/Chld	0	0	0	N.C.	5	7	2	40%
D. W. I.	7	6	-1	-14%	74	59	-15	-20%
Liquor Law Violation	0	0	0	N.C.	7	8	1	14%
Disorderly Conduct	1	1	0	0%	17	1	-16	-94%
Obscenity	0	0	0	N.C.	1	0	-1	-100%
Kidnap	1	0	-1	-100%	4	0	-4	-100%
Human Trafficking	0	0	0	N.C.	0	0	0	N.C.
All Other Offenses	31	21	-10	-32%	308	217	-91	-30%
PART II TOTAL:	84	73	-11	-13%	887	731	-156	-18%
GRAND TOTAL:	136	128	-8	-6%	1295	1185	-110	-8%

N.C. = Not Calculable



**Town of Smithfield
Fire Department
October 2020**

I. Statistical Section

Responded to	2020 Oct	Oct IN	Oct OUT	2019 Oct	2020 IN	2020 OUT	2020 YTD	2019 YTD
Total Structure Fires Dispatched	10	3	7	13	33	54	87	101
Confirmed Structure Fires (Our District)	2	2	0	3	17	0	17	27
Confirmed Structure Fires (Other Districts)	2	0	2	7	0	26	26	34
EMS/Rescue Calls	129	123	6	127	852	67	919	1237
Vehicle Fires	2	2	0	1	7	5	12	9
Motor Vehicle Accidents	13	11	2	14	130	21	151	183
Fire Alarms (Actual)	3	3	0	9	48	3	51	87
Fire Alarms (False)	11	11	0	13	121	4	125	141
Misc./Other Calls	25	22	3	28	217	47	264	291
Mutual Aid (Received)	3	0	0	5	0	0	36	39
Mutual Aid (Given)	7	0	0	9	0	0	100	75
Overlapping Calls (Calls at the same time)	26	0	0	41	0	0	293	434
TOTAL EMERGENCY RESPONSES	187	174	13	202	1392	173	1565	2006

* 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**).

	Oct	YTD
Fire Inspections/Compliance Inspections	23	220
Public Fire Education Programs	0	1
Children in Attendance	0	2
Adults in Attendance	0	2
Plans Review Construction/Renovation Projects	5	62
Fire Code Citations	0	0
Fire Lane Citations	0	0
Consultation/Walk Through	3	56
Re-Inspections	7	84

II. Major Revenues

	Oct	YTD
Inspections	\$900.00	\$7,275.00
False Alarms	\$0.00	\$1,700.00
Fire Recovery USA	\$0.00	\$1,388.00
EMS Debt Setoff	\$0.00	\$5,833.09

Major Expenses for the Month:

III. Personnel Update:

IV. Narrative of monthly departmental activities:

- Due to COVID-19 all special events were cancelled.
- We held several Birthday ride-by celebrations for members of the community.

**Town of Smithfield
Public Works Department
Oct. 31, 2020**



174 Total Work Orders completed by the Public Works Department

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

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

\$3,000.00 Sunset Cemetery Lot Sales

\$0.00 Riverside Extension Cemetery Lot Sales

484.22 tons of household waste collected

106 tons of yard waste collected

3.8 tons of recycling collected

290 gallons of used motor oil were recycled

160 scrap tires were recycled

Appearance Commission October 2020 Monthly Report:

Market St.

- Remove lights from the downtown trees on Market St.
- No colored lights are to be used in the Downtown.

Next Appearance Commission meeting will be on November 17, 2020 at 5:00pm in Town Hall.

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



I. Statistical Section

- 6 _____ Burials
- 7 _____ Works Orders – Buildings & Facilities Division
- 12 _____ Work Orders – Grounds Division
- 14 _____ Work Orders – Sign Division

II. Major Revenues

Sunset Cemetery Lot Sales:	\$3,000.00
Riverside Ext Cemetery Lot Sales:	\$0.00
Grave Opening Fees:	\$4,200.00
Total Revenue:	\$7,200.00

III. Major Expenses for the Month:

\$1,314.00 to Mosca Design for replacement Christmas bulbs and sockets.

IV. Personnel Update:

None for the month.

V. Narrative of monthly departmental activities:

The overall duties include daily maintenance on cemeteries, landscapes, right-of-way's, buildings and facilities. The Public Works Department safety meeting was with Trooper Bridges with the NC State Highway Patrol Division of Public Safety for CDL Drivers with Class A and B Licenses as well as Class C drivers.

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



I. Statistical Section

- a. All catch basins in problem areas were cleaned on a weekly basis.
- b. 2 Work Orders – 6.95 Tons of Asphalt was placed in 3 root damaged areas of asphalt.
- c. 17 Work Orders - 810 lbs. of Cold Patch was used for 27 Potholes.

II. Major Revenues

None for the month

III. Major Expenses for the Month:

Gregory Poole Equip. Co. was paid \$1,098.38 for 500 Hr. PM Service on Backhoe. Triangle J. Council of Governments was paid \$2,469 for Clean Water Education Partnership FY 2021 Cost Shares. Black's Tire & Auto Service was paid \$518.00 for tires for the Street Sweeper.

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The Public Works Department safety meeting was with Trooper Bridges with the NC State Highway Patrol Division of Public Safety for CDL Drivers with Class A and B Licenses as well as Class C drivers. Assisted with traffic control for nine Third StrEATery events on Fri. and Sat. nights for the month of Oct. Provided traffic control for Three Rivers, Three Towns Documentary and Cista Lueezeze's Brunch House Theatre, Inc. Employees participants in the Annual Flu Sot Clinic held at SRAC.

**Town of Smithfield
Public Works Department
Oct. 2020 Drainage Report**

Location: 4th St. and North St., 7th St. and Caswell St., Coats St. and Powell St. 3rd St. and Johnston St., Massey St. between Collier St. and Futrell St., Hospital Rd. and Berkshire Rd., 35-47-59 Towbridge Dr., SBL and Crestview Dr., Holding St. and Crescent Dr., 205 W Holding St., MLK and Harris St., 1118 MLK, 810 A Third Ave, East and Third Ave, 700 Blk of East St.

Starting Date: 10/1/2020
Completion Date: 10/30/2020
Description: Repaired 27 potholes with 13.5 bags of Perma Patch
Man-hours: 3.92hrs.
Equipment: 402, 905 plus hand tools
Materials: 13.5 bags of Perma Patch asphalt

Location: 104 W Langdon Ave.
Starting Date: 10/1/2020
Completion Date: 10/1/2020
Description: Repaired collapsed storm drain near parking lot.
Man-hours: 1hr.
Equipment: 402 plus hand tools
Materials: Two 80lbs. bags of concrete and four 5gallon buckets of topsoil.

Location: 708 S Crescent Dr
Starting Date: 10/2/2020
Completion Date: 10/2/2020
Description: Repaired sinkhole beside manhole.
Man-hours: 4.5hrs.
Equipment: 420 Cat backhoe, 412 plus hand tools.
Materials: 10lbs bucket of hydraulic cement.

Location: 100 Block of S Third St.
Starting Date: 10/5/2020
Completion Date: 10/31/2020
Description: Dropped of barricades, cones, and event containers for Streatery event. Staff assisted downtown development with event 5 times this month. Dumped garbage each event.

Man-hours: 12.67hrs.
Equipment: 402, 305 plus trailer and trash truck.
Materials: 12 cones, 4 barricades and 4 event containers.

Location: College Rd. and MLK Jr. Dr., 808 Martin St., 721 2nd Ave, Rand St. and Brogden Rd., Blount St., Riverside Dr., S 2nd St. at Spring Branch, S Third St. beside Travel Odyssey, 5th St. and Church St., 5th St. beside Police Dept, Woodall St. and SBL, Downtown District, Dead End of West St., Stephenson Dr., Eden Dr. and Bookerdairy Rd., N 4th St. and Hospital Rd., Baker St. dead end, Broadway St. , S 4th St. and Church St., S Crescent Dr. and Underwood Ave.

Starting Date: 10/6/2020
Completion Date: 10/30/2020
Description: Cut FEMA lots and Right of Ways.
Man-hours: 21 hrs.
Equipment: 905,402, scag mowers plus hand tools.
Materials: NA

Location: 719 S 2nd St.
Starting Date: 10/7/2020
Completion Date: 10/7/2020
Description: Repaired hole drainage line.
Man-hours: 1.5hrs.
Equipment: 420 Cat backhoe, 402 plus hand tools.
Materials: Two 80lbs. bags of concrete, one yard of topsoil.

Location: Twisters Night Club
Starting Date: 10/8/2020
Completion Date: 10/8/2020
Description: Removed a pile of trash that was dumped in parking lot/right of way.
Man-hours: .5hrs.
Equipment: 304 Knuckleboom.
Materials: NA

Location: Cedar Dr.
Starting Date: 10/8/2020
Completion Date: 10/8/2020
Description: Cleaned 440LF of storm drain line with jet truck.
Man-hours: 1.5hrs.
Equipment: 900, 412 and demo jet truck.
Materials: NA

Location: 210 N 2nd St.
Starting Date: 10/9/2020
Completion Date: 10/9/2020
Description: Large limb was hit by truck hanging in the roadway. Crew cut back the limb and hauled away debris.
Man-hours: 1.5hrs.
Equipment: 905, 903 flatbed plus hand tools.
Materials: NA

Location: S Crescent Dr. and Underwood Ave.
Starting Date: 10/9/2020
Completion Date: 10/9/2020
Description: Replaced faded stop sign.
Man-hours: .5hrs.
Equipment: 412 plus hand tools.
Materials: New 30x30 stop sign plus hardware.

Location: 9th St. and Market St.
Starting Date: 10/12/2020
Completion Date: 10/12/2020
Description: Repaired damaged drain line.
Man-hours: 2hrs.
Equipment: 402 plus hand tools.
Materials: Four 80lbs. bags of concrete.

Location: 712 Wilkins St. near 8th St.
Starting Date: 10/12/2020
Completion Date: 10/12/2020
Description: Catch basin was reset with concrete and perma patch asphalt.
Man-hours: 5.5hrs.
Equipment: 402 plus hand tools.
Materials: Five 80lbs. bags of concrete and two bags of perma patch asphalt.

Location: 103 E Langdon Ave.
Starting Date: 10/13/2020
Completion Date: 10/13/2020
Description: Cut back vegetation in ditch bank for positive drainage.
Man-hours: 6hrs.
Equipment: 420 Cat backhoe, 408 flatbed, 402 plus hand tools.
Materials: NA

Location: S 1st St. and S Crescent Dr. dirt roads
Starting Date: 10/13/2020
Completion Date: 10/13/2020
Description: Scraped dirt roads with backhoe.
Man-hours: 2hrs.
Equipment: 420 Cat backhoe, 402 plus hand tools.
Materials: NA

Location: S 2nd and Church St.
Starting Date: 10/16/2020
Completion Date: 10/16/2020
Description: Cath basin was stopped up with debris. Cleaned catch basin with jet truck for positive drainage.
Man-hours: 2hrs.
Equipment: Jet truck, 412, 900 plus hand tools.
Materials: NA

Location: 800 Blount St.
Starting Date: 10/21/2020
Completion Date: 10/21/2020
Description: Cut back low hanging limb from roadway.
Man-hours: 2hrs.
Equipment: 905, dump trailer plus hand tools.
Materials: NA

Location: 110 Riverside Dr. and intersection of Davis St. and S 1st St.
Starting Date: 10/21/2020
Completion Date: 10/21/2020
Description: Cut 3 root damaged areas in roadway (5'x20', 5'x12', 4'x30') and repaired with 9.5 B asphalt mix.
Man-hours: 15hrs.
Equipment: 420 Cat backhoe, 405 dump truck, 412 plus hand tools.
Materials: 6.92 tons of 9.5B asphalt mix.

Location: 1105 Fuller St.
Starting Date: 10/22/2020
Completion Date: 10/22/2020
Description: Cut down and removed large hazardous oak tree from right of way.
Man-hours: Contractor removed.
Equipment: Contractor.
Materials: Contractor.

Location: Neuse Amphitheater (Front St.)
Starting Date: 10/23/2020
Completion Date: 10/26/2020
Description: Dropped off barricades, cones, and event containers for special events over weekend. Containers were dumped on Saturday morning for afternoon showings.
Man-hours: 3.5hrs.
Equipment: 900, 402 and trash truck.
Materials: 12 cones three barricades and 4 event containers.

Location: Wilson Mills Rd. and Durwood Stephenson Rd.
Starting Date: 10/27/2020
Completion Date: 10/27/2020
Description: Smithfield Rotary Club removed litter from right of ways. Removed 14 bags of litter that were placed at roadside.
Man-hours: 1hrs.
Equipment: 900
Materials: 14 Litter sweep bags.

Location: 14 Edgecombe Ct.
Starting Date: 10/28/2020
Completion Date: 10/28/2020
Description: Repaired sinkhole beside catch basin.
Man-hours: 1hrs.
Equipment: 402 plus hand tools.
Materials: Two 50lbs. bags of concrete, one 5-gallon bucket of topsoil.

Location: MLK from Furlong Dr. to curve, Harris St. between MLK and Collier St., Old Goldsboro Road from Ash to Pine St.
Starting Date: 10/30/2020
Completion Date: 10/30/2020
Description: Due to high winds streets were littered with debris. Crew removed debris and pine straw from roadways with blowers. Debris was loaded and hauled away
Man-hours: 9hrs.
Equipment: 905, dump trailer plus hand tools.
Materials: NA

Concrete Repairs - Oct. 2020

W.O. #	LOCATION	SIZE	CONTRACTOR / REPAIR DATE
# 19408 (3/19)	305 E. Market St. behind the Jo Co Library at the back of the bldg. at the parking lot	4' x 8' sidewalk repair	David Hinton Construction Co. 10/30/2020
# 22322 (12/05 & 3/06)	Sidewalk Corner of S. 2nd St. & Davis St. on both sides of the road	50' LF of sidewalk	David Hinton Construction Co. 10/30/2020
#21856 (8/20)	208 Woodcrest Ave.	Replaced 50' of curb & gutter	David Hinton Construction Co. 10/30/2020
# 22320 (10/20)	415 S. 2nd St.	Driveway Apron	David Hinton Construction Co. 10/30/2020
# 22321 (10/20)	214 W. Meadowbrook Dr.	65' of curb & gutter	David Hinton Construction Co. 10/30/2020
Water & Sewer Utility Cut (7/23/20)	Corner of S. 2nd St. & Parker St. (616 S. 2nd St. & 109 E. Parker St.)	Replaced 20' of curb & gutter Public Utilities cut	David Hinton Construction Co. 10/30/2020
Water & Sewer Utility Cut (9/15/20)	Northeast corner of Wellons & Crescent Dr.	Replaced 10' of curb & gutter Public Utilities cut	David Hinton Construction Co. 10/30/2020

Water/Sewer Street Cut List

Date:	Address:	Size:	Emailed to PW on:	Repair Date
09/09/20	N. 5th St. / near intersection of Caswell St.	4x6	09/15/20	10/13/2020
03/16/20	213 S. 5th St.	3x4	09/15/20	10/13/2020
08/18/20	507 S. Vermont St.	5x8	09/18/20	10/13/2020
09/15/20	407 S. 7th St.	5x5	09/18/20	10/13/2020
09/18/20	1112 E. Parker St.	13x8	09/25/20	10/13/2020
09/22/20	Corner of Pine St. & Old Goldsboro Rd.	5x5	09/25/20	10/13/2020
09/23/20	16 British Ct.	5x8	09/25/20	10/13/2020

Cuts repaired by Poole Paving

Town of Smithfield
Public Works Fleet Maintenance Division
Monthly Report
Oct. 31, 2020



I. Statistical Section

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

II. Major Revenues

None for the month

III. Major Expenses for the Month:

Paid Mid Atlantic Crane \$540.20 for the annual OSHA inspection of the Crane/Hoist.

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The Public Works Department safety meeting was with Trooper Bridges with the NC State Highway Patrol Division of Public Safety for CDL Drivers with Class A and B Licenses as well as Class C drivers.

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



I. Statistical Section

The Division collected from approximately 4,155 homes, 4 times during the month

- a. Sanitation forces completed 50 work orders
- b. Sanitation forces collected tons 484.22 of household waste
- c. Sanitation forces disposed of 53 loads of yard waste and debris at Spain Farms Nursery
- d. Recycled 0 tons of clean wood waste (pallets) at Convenient Site Center
- e. Town's forces collected 0 tons of construction debris (C&D)
- f. Town disposed of 160 scrap tires that was collected at Convenient Site Center
- g. Recycling forces collected 3.80 tons of recyclable plastic
- h. Recycled 1860 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 2840 lbs. of plastics & glass (co-mingle) from the Convenient Site Center

II. Major Revenues

- a. Received \$ 0 from Sonoco Products for cardboard material
- b. Sold 0 lbs. of aluminum cans for \$0
- c. Sold 4,920 lbs. of shredder steel for \$258.30 to Omni Source
- d. Disposed of 290 gal of used oil at Noble Oil Service.

III. Major Expenses for the Month:

Spain Farms Nursery was paid \$2,475.00 for disposal of yard waste and debris. Paid \$1,850.00 to Diamondback Products for 1 tipper for truck 310. Paid \$ 700.00 to Old Dominion for Impeller for Green Leaf box. Paid \$694.98 to Southern Vac for condenser, air hose and compressor.

IV. Personnel Update:

Chandler Stephenson was hired as Sanitation Worker.

V. Narrative of monthly departmental activities:

The department worked closely with Sarah Edwards providing traffic control devices and event containers for special events held Downtown Smithfield. The Public Works Department safety meeting was with Trooper Bridges with the NC State Highway Patrol Division of Public Safety for CDL Drivers with Class A and B Licenses as well as Class C drivers.

Community Service Workers worked 0 hrs.



MONTHLY REPORT FOR OCTOBER, 2020

PROGRAMS STATISTICS	OCTOBER, 2020		OCTOBER, 2019	
NUMBER OF PROGRAMS	8		13	
TOTAL ATHLETICS PARTICIPANTS	132		354	
TOTAL NON/ATHLETIC PARTICIPANTS	103		1601	
NUMBER OF GAMES PLAYED	76		84	
TOTAL NUMBER OF PLAYERS (GAMES)	1370		2584	
NUMBER OF PRACTICES	2		42	
TOTAL NUMBER OF PLAYER(S) PRACTICES	20		228	
SARAH YARD COMMUNITY CTR. VISITS	278		237	
	OCTOBER, 2020	20/21 FY YTD	OCTOBER, 2019	19/20 FY YTD
PARKS RENTALS	33	97	20	124
USERS (PARKS RENTALS)	811	1863	418	7034
TOTAL UNIQUE CONTACTS	2,582		5,068	
	OCTOBER, 2020	20/21 FY YTD	OCTOBER, 2019	19/20 FY YTD
FINANCIAL STATISTICS				
PARKS AND RECREATION REVENUES	\$ 1,860.00	\$ 5,318.00	\$ 7,494.79	\$ 34,037.90
PARKS AND RECREATION EXPENDITURES (OPERATIONS)	\$ 73,315.00	\$ 220,982.00	\$ 68,186.64	\$ 236,082.09
PARKS AND RECREATION EXPENDITURES (CAPITAL OUTLAY EQUIP)	\$ -	\$ -	\$ 4,907.56	\$ 90,752.91
SARAH YARD EXPENDITURES	\$ 2,578.00	\$ 5,951.00	\$ 3,632.66	\$ 10,304.07
PROGRAMS	Fun and Fellowship Softball League Tennis Ladder Youth Soccer Clinic Virtual Halloween Programs (Candy Corn Count, Costume Contest, Pumpkin Carving)			



MONTHLY REPORT FOR OCTOBER, 2020

PROGRAMS SATISTICS	OCTOBER, 2020		OCTOBER, 2019	
NUMBER OF PROGRAMS	5		25	
TOTAL CONTACT WITH PROGRAM PARTICIPANTS	3054		3532	
	OCTOBER, 2020	20/21 FY YTD	OCTOBER, 2019	19/20 FY YTD
SRAC MEMBER VISITS	1787	15450	3181	15450
DAY PASSES	0	4455	308	4455
RENTALS (SRAC)	0	182	51	182
USERS (SRAC RENTALS)	0	10325	1935	10325
TOTAL UNIQUE CONTACTS	4,841		8,956	
	OCTOBER, 2020	20/21 FY YTD	OCTOBER, 2019	19/20 FY YTD
FINANCIAL STATISTICS				
SRAC REVENUES	\$ 1,579.00	\$ 20,057.00	\$ 43,877.76	\$ 227,451.62
SRAC EXPENDITURES (OPERATIONS)	\$ 68,492.00	\$ 206,432.00	\$ 88,306.37	\$ 340,323.22
SRAC EXPENDITURES (CAPITAL)	\$ 107,505.00	\$ 107,505.00	-	-
SRAC MEMBERSHIPS	2034		2186	
PROGRAMS	Alligator Steps Swim Lessons Group Fitness Classes			



- **Statistical Section**

- Electric CP Demand 18,948 Kw relative to September's demand of 28,024 Kw.
- Electric System Reliability for was 99.999, with zero (0) recorded outages; relative to September's 99.125%.
- Raw water treated on a daily average was 3.616 MG relative to 3.753 MG for September; with maximum demand of 4.505 MG relative to September's 4.844 MG.
- Total finished water to the system was 103.552 MG relative to September's 103.842 MG. Average daily for the month was 3.340 MG relative to September's 3.461 MG. Daily maximum was 4.097 MG (October 1st) relative to September's 4.068 MG. Daily minimum was 2.736 (October 25th), relative to September's 2.979 MG.

- **Miscellaneous Revenues**

- Water sales* were \$80,088 relative to September's \$245,525
- Sewer sales* were \$132,173 relative to September's \$393,106
- Electrical sales* were \$790,148 relative to September's sales of \$1,379,025
- Johnston County Water purchases were \$173,879 for 73.991 MG relative to September's \$143,117 for 60.901 MG.

- **Major Expenses for the Month**

- Electricity purchases were \$842,992 relative to September's \$884,189.
- Johnston County sewer charge was \$165,698 for 59.399 MG relative to September's \$318,135 for 88.588 MG.

- **Personnel Changes –**

- Malik Ricks was separated as a Utility Line Mechanic on October 2, 2020.
- Richard Krueger was hired as Water Plant Operator on October 19, 2020.

***These numbers are taken from Tyler Technologies standard monthly reports. Due to the extended "due dates" initiated by Council to ease the burden during COVID, a portion of October's sales are believed to be entered in November.**



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

I. Statistical Section

- Street Lights repaired –18
- Area Lights repaired -17
- Service calls – 39
- Underground Electric Locates –185
- Poles changed out or installed -3
- Underground Services Installed -2

II. Major Revenues

- N/A

III. Major Expenses for the Month:

- N/A

IV. Personnel Update:

- The Utility Dept. Safety meeting was rescheduled for Nov.

V. Miscellaneous Activities:

- Overhead Contractors are continuing to work on the North Circuit. Approximately 90+% complete.
- The Electrical Dept. is working on conversion/upgrade to the electrical system in the area of Baker St. & River Birch.
- The Electrical Dept. has started installing conduit & transformers for Phase 2 at East River Subdivision.



WATER & SEWER OCTOBER 2020 MONTHLY REPORT

● DISCONNECT WATER	3
● RECONNECT WATER	0
● TEST METER	2
● TEMPORARY METER SET	0
● DISCOLORED WATER CALLS	6
● LOW PRESSURE CALLS	3
● NEW/RENEW SERVICE INSTALLS	3
● LEAK DETECTION	16
● METER CHECKS	13
● METER REPAIRS	3
● WATER MAIN/SERVICE REPAIRS	11
● STREET CUTS	7
● REPLACE EXISTING METERS	4
● INSTALL NEW METERS	0
● FIRE HYDRANTS REPAIRED	0
● FIRE HYDRANTS REPLACED	2
● SEWER REPAIRS	2
● CLEANOUTS INSTALLED	5

- INSPECTIONS 2
- CAMERA SEWER 2
- SEWER MAIN CLEANED 795LF
- SERVICE LATERALS CLEANED 1320LF
- SERVICE CALLS 95
- LOCATES 76

- SERVICE AND MAINTAINED ALL 18 LIFT STATIONS 2 TIMES PER WEEK
- INSPECTED ALL AERIAL SEWERS ONE TIME
- INSPECTED HIGH PRIORITY MANHOLES WEEKLY
- HELP PUBLIC WORKS CLEAN STORM DRAIN ISSUES DURING EVERY RAIN FALL EVENT.

MAJOR EXPENSES FOR THE MONTH OF SEPTEMBER

-

PERSONNEL UPDATES

- MALIK WENT OUT OF WORK SICK AND DID NOT SHOW BACK UP, THEREFORE HE WAS TERMINATED.
- JOSH WILLIS WAS HIRED PERMANENTLY

UPCOMING PROJECTS FOR THE MONTH OF NOVEMBER

Smithfield Water Plant
Distribution Sampling Site Plan

May 2020

Hydrant Flushing

Street Name	Date	Chlorine	Time	Gallons	Psi	Street Name	Date	Chlorine	Time	Gallons	PSI
Stephson Drive	10/29/20	3.4	15	7965	10	North Street	10/29/20	3	15	17820	40
Computer Drive	10/29/20	3	15	31860	10	West Street	10/29/20	3	15	78030	50
Castle Drive	10/29/20	3	15	7965	10	Regency Drive	10/29/20	1.5	15	63720	60
Parkway Drive	10/29/20	3.2	15	63720	40	Randers Court	10/29/20	2	15	15930	40
Garner Drive	10/29/20	3.2	15	63723	40	Noble Street	10/29/20	3	15	15930	40
Hwy 210 LIFT ST.	10/29/20	3	15	15930	40	Fieldale Dr#1(L)	10/29/20	2	15	63720	40
Skyland Drive	10/29/20	3.2	15	7965	10	Fieldale Dr#2(R)	10/29/20	2	15	63720	40
Bradford Street	10/29/20	3	15	15930	10	Heather Court	10/29/20	2	15	15930	40
Kellie Drive	10/29/20	3.2	15	7965	10	Reeding Place	10/29/20	2	15	15930	40
Edgewater	10/29/20	2.8	15	7965	10	East Street	10/29/20	3	15	63720	40
Edgecombe	10/29/20	2.6	15	15930	40	Smith Street	10/29/20	1	15	63720	40
Valley Wood	10/29/20	3	15	63720	40	Wellons Street	10/29/20	1.5	15	63720	40
Creek Wood	10/28/20	3	15	63720	40	Kay Drive	10/28/20	1.5	15	38985	15
White Oak Drive	10/28/20	3.2	15	7965	10	Huntington Place	10/28/20	1.5	15	38985	15
Brookwood Drive	10/28/20	3.4	15	22515	5	N. Lakeside Drive	10/28/20	1.5	15	9750	15
Runnymede Place	10/28/20	2.5	15	31860	10	Cypress Point	10/28/20	1.2	15	34890	12
Nottingham Place	10/28/20	3	15	38985	10	Quail Run	10/28/20	1.5	15	8715	12
Heritage Drive	10/28/20	3.2	15	38985	10	British Court	10/28/20	1	15	8715	12
Noble Plaza #1	10/28/20	2.6	15	9750	10	Tyler Street	10/28/20	1.2	15	78030	60
Noble Plaza #2	10/28/20	2.6	15	9750	10	Yelverton Road	10/28/20	3.5	15	63720	40
Pinecrest Street	10/29/20	3.2	15	19500	10	Ava Gardner	10/29/20	3	15	63720	40
S. Sussex Drive	10/29/20	3	15	31860	10	Waddell Drive	10/29/20	3	15	7965	10
Elm Drive	10/29/20	3	15	9750	10	Henly Place	10/29/20	3.5	15	8715	12
		3				Birch Street	10/29/20	3.5	15	34890	12
		2	15	7965	10	Pine Street	10/29/20	1	15	38985	15
Coor Farm Supply	10/29/20	3	15	7965	10	Oak Drive	10/29/20	1	15	37695	14
Old Goldsboro Rd.	10/29/20	3	15	31860	10	Cedar Drive	10/29/20	1.5	15	31860	10
Hillcrest Drive	10/29/20	3	15	38985	40	Aspen Drive	10/29/20	3.5	15	34890	12
Eason Street	10/29/20	2	15	78030	40	Furlonge Street	10/29/20	3.5	15	40290	12
Magnolia circle	10/29/20	2	15	19500	60	Golden Corral	10/29/20	3.5	15	9750	15
Rainbow Drive	10/29/20	2	15	19500	60	Holland Drive	10/29/20	3.5	15	34890	12
Rainbow Circle	10/29/20	2	15	19500	60	Davis Street	10/29/20	2.5	15	31860	10
Moonbeam Circle	10/29/20	2	15	15930	60	Caroline Ave.	10/29/20	2.5	15	38985	15
Ray Drive	10/29/20	1.5	15	63720	40	Johnston Street	10/29/20	2.5	15	9750	15
Will Drive	10/29/20	3	15	63720	40	Ryans	10/29/20	2.5	90		
Michael Lane	10/29/20	3	15	15930	40						
Ward Street	10/29/20	3	15	977883	40						

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MONTHLY WATER LOSS REPORT

OCTOBER 2020

(3) - Meters with slow washer leaks

(7) 3/4" Line, 1/8" hole – 1 Day

2" Line, 1/8" hole – 2 Days

1 1/2" Line, 1/8" hole – 1 Day

6" Line, 1/4" hole – 3 Days