



Mayor

Andy Moore

Mayor Pro-Tem

Emery Ashley

Council Members

J. Perry Harris

Marlon Lee

Travis Scott

Roger Wood

Stephen Rabil

John Dunn

Town Attorney

Robert Spence, Jr.

Town Manager

Jim Freeman, Interim Town Manager

Finance Director

Greg Siler

Town Clerk

Shannan Williams

Town Council

Agenda

Packet

Meeting Date: Tuesday, February 2, 2016

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 FEBRUARY 2, 2016
7:00 PM**

Call to Order

Invocation:

Pledge of Allegiance

Approval of Agenda

Page

Presentations:

1. **Administering Oath of Office to new Police Officer – Tyler Hayes**
(Mayor – M. Andy Moore) See attached information.....1
2. **Information concerning the buffer and fencing of the Pine Acres Subdivision and the Smithfield Crossings Project.**
(Planning Director – Paul Emblar) See attached information.....3

Public Hearing:

1. **CUP-15-06 Caliber Development, Inc.:** The applicant is requesting a conditional use permit to allow for the construction of an 80 foot high wood pole with radio antenna on property located within a B-3 (Business) zoning district. The property considered for approval is located on the southeast side of the intersection of Powell Street and Computer Drive and further identified as Johnston County Tax ID# 15J08067.
(Planning Director – Paul Emblar) See attached information.....11

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1. Keith Branch

Consent Agenda Items:

1. **Approval of Minutes:** January 5, 2016 – Regular Meeting
January 5, 2016 – Closed Session (Under Separate Cover)
January 14, 2016 – Special Meeting
January 14, 2016 – Closed Session (Under Separate Cover).....35

2. Consideration and Approval of a motion to not require a **Performance Bond in the amount of \$3300.00 in the purchase of the Firetruck** that was approved at the January Meeting.
(Interim Fire Chief – John Blanton) See attached information.....51
3. Consideration and Approval of **various FY 2015-2016 Budget Amendments**
(Finance Director – Greg Siler) See attached information.....53
4. Consideration and Approval of **Resolution # 575 (02-2016)** Authorizing the disposition of certain surplus property and auctioning of that property by the electronic auction service of GovDeals.com.
(Town Clerk – Shannan Williams) See attached information.....55
5. Consideration and Approval of **Resolution # 576 (03-2016)** Supporting the \$2 Billion Bond Campaign for Education, Agriculture, Parks, Water & Sewer. Interim Manager Jim Freeman and Interim Public Utilities Director Pete Connet support the efforts of the NCLM in endorsing this resolution as grant funding could be possible for sewer and water projects.
(Interim Manager Jim Freeman and Interim Public Utilities Director Pete Connet)
See attached information.....57
6. Consideration and Approval of an **agreement with BB&T in the amount of \$25,000 to purchase the Family Life Center.**
(Town Attorney – Bob Spence) See attached information.....59
7. Consideration and Approval to enter into a **Professional Service Agreement with Skip Greene and Associates, Inc. for the administration of the Building Reuse Grant for ARI, Inc.**
(Interim Manager – Jim Freeman) See attached information.....61
8. **Consideration and approval of a bid award** in the amount of \$14,963.00 for renovations to the Public Works Building. This was approved in the FY 2015-2016 budget.
(Public Works Director – Lenny Branch) See attached information.....69
9. **Advisory Board/ Committee Appointments**
 - a. **Anita Liverman** has submitted an application for consideration to be reappointed to serve a second term on the Appearance Commission.
 - b. **Robert Worsham** has submitted an application for consideration to be reappointed to serve a third term on the Appearance Commission.
 - c. **Regina Sanders** has submitted an application for consideration to be reappointed to serve a fourth term on the Appearance Commission.
 - d. **Paul Worley** has submitted an application for consideration to be reappointed to serve a fifth term on the Board of Adjustments.
 - e. **Sandra O’Berry** has submitted an application for consideration to be reappointed to serve a second term on the Library Board of Trustees.

Advisory Board/ Committee Appointments continued

f. Daniel Sanders has submitted an application for consideration to be reappointed to serve a third term on the Parks and Recreation Advisory Board. (Town Clerk – Shannan Williams) See attached information.....73

10. Consideration and Approval for pay increase for a SRAC Receptionist (Parks and Recreation Director – Gary Johnson) See attached information.....87

11. New Hire Report (Human Resources Director – Tim Kerigan) See attached information.....89

Business Items

1. Consideration for Approval of Water/ Sewer Rate Study with the Wooten Company (Interim Town Manager – Jim Freeman, Interim Public Utilities Director – Pete Connet and Finance Director – Greg Siler) See attached information.....91

2. Consideration of Award of bid to GE Prolec for the purchase and installation of (1) 30-MVA LTC transformer as the second transformer at the Brogden Road Substation (Interim Public Utilities Director – Pete Connet) See attached information.....99

3. Update on the Unified Development Ordinance (Planning Director – Paul Embler) See attached information.....109

4. Downtown Revitalization State Grant Application Funds (Interim Town Manager – Jim Freeman) See attached information.....129

Councilmember’s Comments

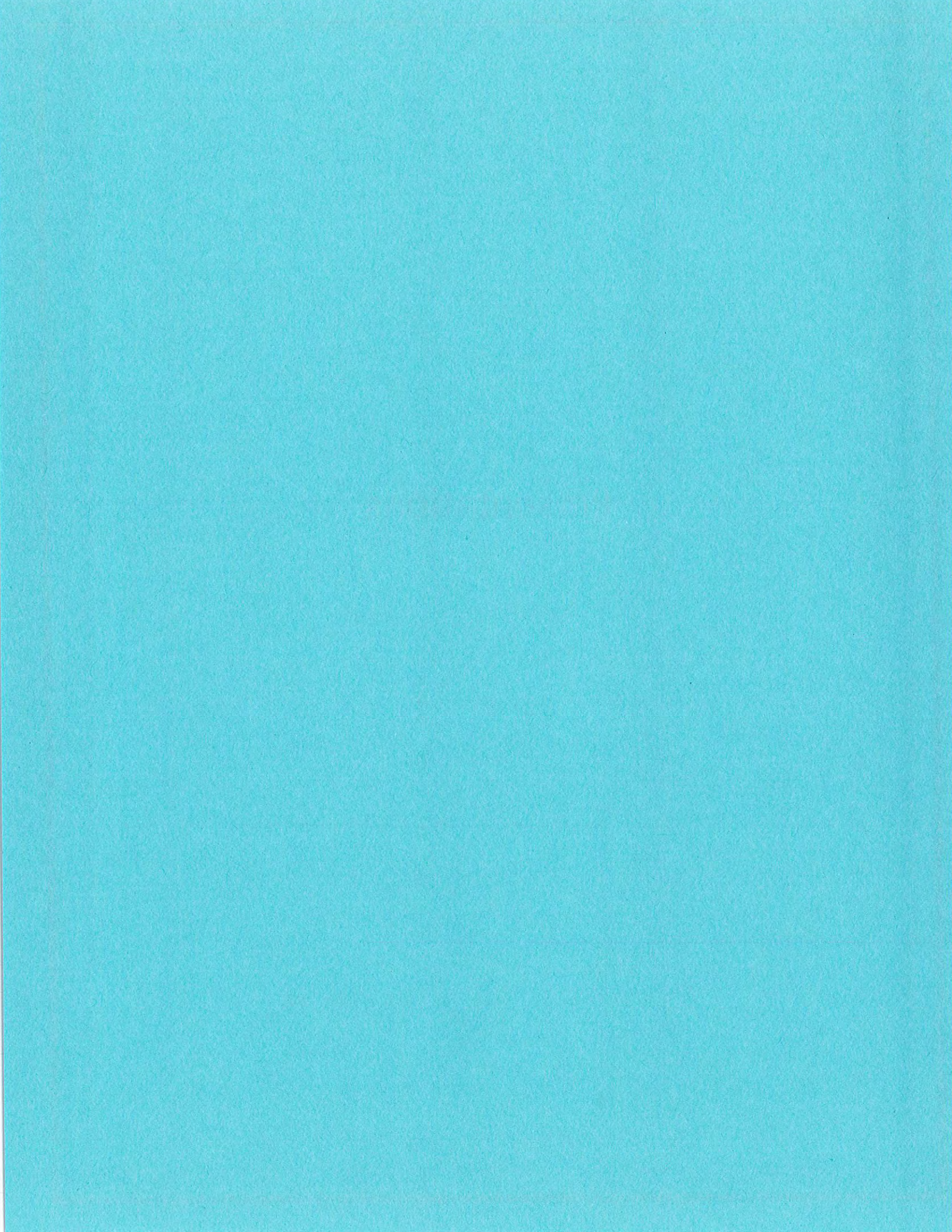
Town Manager’s Report

- Financial Report (See attached information).....141
- Department Reports (See attached information).....145
- Manager’s Report (Will be provided prior to the meeting)

Closed Session: Pursuant to NCGS 143-318.11 (a) (6) to discuss and review Town Manager applications.

Adjourn

Presentations



**Town of Smithfield
Town Council
Action Form**

Item: Police Swear In

Date of Meeting: February 2, 2016

Date Prepared: December 10, 2015

Staff Work By: Chief Michael L. Scott

Presentation: Presentation/Reports

Presentation:

The police department has hired one new officer to fill an existing vacancy within the police department. Tyler Hayes was hired to fill this position. Officer Hayes has been assigned to "B" Team Patrol. Officer Hayes was previously a police officer for North Carolina State University Campus Police.

Action Requested:

It is requested Officer Hayes be sworn in and welcomed to North Carolina law enforcement and the Smithfield Community.



OATH OF OFFICE

SMITHFIELD POLICE DEPARTMENT

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

Tyler Hayes

Date

*Oath administered this the
2nd day of February, 2016*

M. Andy Moore, Mayor



**TOWN OF SMITHFIELD
Town Council
Action Form**

The Town Planning Staff is submitting information requested by the Town Council at the January Town Council meeting concerning the fencing and buffering of Pine Acres subdivision from the Smithfield Crossings Project.

Date of Meeting: February 2, 2016

Date Prepared: January 27, 2016

Staff Work By: Paul Embler

Presentation By: Paul Embler

Presentation Description:

Per Council's January 5th meeting, the Planning Department was asked to provide background information as to Mr. Tony Nixon's expressed fencing buffer concern regarding the Pine Acres Subdivision and past Smithfield Crossings Project. In particular, Mr. Tony Nixon questioned the Town's length of time taken and adequateness of the buffer to address this matter. As reference, the fencing and landscaping is located between the rear of the lots fronting Dogwood Street and the new roadway constructed as part of the Smithfield Crossings project (**A copy of Council's last minutes addressing this matter is provided**).

Presently as part of the Crossings Project, the rear of the lots fronting Dogwood and the property boundary of Pine Acres that lies behind the Speedway Gas Station (formally Hess) and the Waffle House is to have a 6 ft. high chain-link fence with two strands of barbed wire constructed. Additionally, a landscape plant buffer that forms a solid hedge within two to three years is included (**see attached exhibit drawing and specifications for fencing**). To date plans and specs have been prepared for the fencing, the surveyor has laid out the location of the fencing and the Town's Public Works staff stands ready to remove the vegetation so that the fencing and landscaping can be removed.

In reference to Mr. Nixon's inquiry about the possibility of a brick "sound wall" being constructed. Attached is a copy of the Noise Study prepared by Ramey Kemp and Associates (**see attached exhibit**) which investigated the effectiveness of a "sound wall" and potential cost range of \$500,000 to \$2 million. Basically there is no justification of a sound wall based on the noise generated by traffic using the Crossings roadways. The noise generated by I-95 and the railroad are the controlling factors.

Considerable discussion was given to the 50 ft. buffer adjacent to Pine Acres. Attached is the plat of Partners Equity Subdivision showing the 50 ft. buffer on the movie theater lot. The 50 ft. buffer on the land owned by Lee McLamb was required by the Council as part of a rezoning but no subdivision has been recorded as of this writing so there has been no conveyance or recording of the buffer (**see attached exhibit showing the location of the McLamb buffer**). There is another 50 ft. buffer between the Etheridge Property and Pine Acres which will be conveyed and recorded when such time the owner records a subdivision plat. The alignment of the road constructed as part of the Crossings Project makes provision for the future 50 ft. buffer (**see attached exhibit**). Presently the Town has a construction easement from the owner of the Etheridge property to construct the chain-link fence and install the landscape (there is no 50 ft. buffer recorded at the present time).

Possible alternative solutions for the buffer between Pine Acres and the Crossings project:

- continue with the present proposal of chain-link fence and landscaping
- dense multi row landscape buffer
- earthen berm
- combination of earthen berm and landscaping
- combination of fence, earthen berm and landscaping
- solid wood fence
- concrete block wall
- brick wall
- sound wall(metal, concrete or brick)

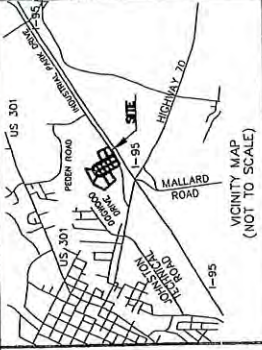
Action Requested:

The Town Council is asked to review the attached information and direct staff as to what direction Council wishes to proceed.

Excerpt from the January 5, 2016 meeting

CITIZENS' COMMENTS:

- Tony Nixon of 8 Cedar Drive expressed his concerns to the Town Council about the buffer between the Pine Acres subdivision and the Smithfield Crossing's Roadway Project. Mr. Nixon inquired as to the proposed completion date on this project because it's been approximately 91/2 years since this all began. He questioned if restrictive covenants were specifically in place between the Crossings Development area and the residences. Mayor Pro-Tem Ashley responded that he and Councilman Lee have been working with planning staff to get some things moving on this issue. Planning has provided some information to both Mayor Pro-Tem Ashley and Councilman Lee. Mayor Moore asked Planning Director Paul Embler for further clarification. Mr. Embler responded that Mr. McLamb (one of the adjacent property owners) did file with the town for a rezoning and preliminary plat subdivision. The plat was never recorded. Once the property is further developed, the Town will see that the 50 foot buffer is incorporated into the plans. As part of the Crossing project, the Town obtained permission from the owner to construct a fence and install landscaping between Pine Acres and the roadway. Mayor Moore asked staff to bring this back to the Council at next month's meeting. Councilman Harris also asked that the noise study that was



N.C. GRID (NAD 83)
 SCALE: 1" = 100'
 LEGEND:
 O IFF IRON PIPE FOUND
 O IFF IRON ROD FOUND
 O IFF IRON BAR FOUND
 O IFF CONCRETE MONUMENT FOUND
 A IFF DEED BOOK
 B IFF PLAT BOOK
 P IFF PAGE
 R/W RIGHT OF WAY

PROJECT #: 1319-0001.0R
 PROJ. SVR: SRW
 DRAWN BY: RLJ
 FIELD BK: SO220
 COMP. FILE: PLAT.DWG
 SHEET #: 2 OF 2

SUBDIVISION FOR
THE PARTNER'S EQUITY GROUP

SCALE: 1" = 100'
 DATE: SEPTEMBER 8, 1997
 JOHNSTON COUNTY
 NORTH CAROLINA

MCKIM & CREED
 ENGINEERS, SURVEYORS, AND PLANNERS
 310 EAST JOHNSTON STREET
 SMITHFIELD, N.C. 27577
 TEL: (919) 934-7154

DATE	REVISION	INITIAL

N/E
 EDGAR LLOYD HARRINGTON, Jr. & wife, LYNDA
 D.B. 1931, Pg. 668

N/E
 SUNSHINE INVESTMENT PROPERTIES, LLC
 D.B. 1540, Pg. 865

N/E
 STUART SIMON PROPERTIES, LLC
 D.B. 1285, Pg. 91
 P.B. 43, Pg. 469

N/E
 PARTNER'S EQUITY GROUP
 P.B. 43, Pg. 469

N/E
 PARTNER'S EQUITY GROUP
 P.B. 50, Pg. 184

N/E
 ARLON D. & REBECCA GUIN
 D.B. 1291, Pg. 457

N/E
 NEUSE, INC.
 NO DEED REFERENCE

N/E
 PRESTON H. GRANTHAM & wife,
 FLORA H. GRANTHAM
 D.B. 880, Pg. 290
 D.B. 42, Pg. 73

NOTE: COUNT OF THIS LOT IS SUBJECT TO
 RESTRICTIVE COVENANTS AS RECORDED IN
 DEED BOOK 1915, PAGE 123 OF THE JOHNSTON
 COUNTY REGISTER OF DEEDS.

N/E
 SOU...
 HAO
 REBECCA GUIN

November 23, 2010

Mr. Paul Embler, ASLA
Director - Town of Smithfield
350 E. Market St.
PO Box 761
Smithfield, North Carolina 27577
Tel: 919-934-2116, ext. 1114
e-mail: Paul.Embler@ci.smithfield.nc.us

Reference: Smithfield Crossing Noise Study

Dear Mr. Embler:

Ramey Kemp & Associates, Inc. has completed a Traffic Noise Analysis for the Smithfield Crossing site in Smithfield, North Carolina. This letter shall serve as a summary of our analysis and results from the noise study.

The purpose of the noise analysis is to determine existing and future (2015) noise levels at the Smithfield Crossing site and to determine whether a noise barrier will be required under future conditions.

In order to complete the noise analysis, a field visit was conducted on October 20, 2010 during which ambient noise levels were observed along Market Street and at points internal to the Smithfield Crossing site for durations of fifteen minutes per observation point. The type of noise levels recorded were measured on the "Equivalent Noise Level" dB(A) scale (often abbreviated Leq dB(A)). The equivalent noise level measurement produces a time weighted average noise level measurement that minimizes or "smooths out" the impact of very loud but instantaneous and brief noises. Over a period of fifteen minutes, the equivalent noise level is a good measure of ambient noise levels at a site.

The software used in this analysis was the Federal Highway Administration's Traffic Noise Model (TNM) version 2.5. This software models noise levels at receiver locations based on inputs for roadways and traffic volumes. The existing and proposed roadway alignments were obtained from roadway design files previously completed by Ramey Kemp & Associates, Inc.

Existing and future traffic volumes for the TNM model were obtained from traffic counts and from previous traffic forecasts completed by Ramey Kemp & Associates, Inc for this project. The PM peak hour traffic volumes were used in the TNM model to generate the worst case noise scenario that reflects the critical period for analysis purposes.

The receivers in this noise model are residential dwellings located along Dogwood Street and Old Goldsboro Road. Receiver locations were digitized and encoded from aerial images and GIS data files. Twelve noise

receivers were identified and modeled in this analysis. The receiver location for each dwelling was modeled at the point of the dwelling nearest to the proposed roadways.

Results of the future year (2015) analysis indicate that none of the 12 receivers studied are expected to receive noise level impacts above or equal to the Noise Abatement Criteria (NAC) (≥ 66.0 dB(A)) nor will any of the receivers experience a substantial increase (≥ 10.0 dB(A)) over existing conditions. The highest noise level at any of the receivers is projected to be 55.6 dB(A). All twelve receivers are expected to have increased noise levels under future conditions ranging from 0.6 dB(A) to 4.5 dB(A). However only five of the twelve receivers will experience noise level increases of 3.0 dB(A) or greater. For reference, a 3.0 dB(A) change in sound levels is considered a barely perceptible change.

As a result of the analysis, it is concluded that none of the receivers will be significantly impacted by increases in the noise levels generated by proposed roadways and the increase in traffic at the Smithfield Crossing site. Since none of the receivers are significantly impacted by noise levels, a noise barrier will not be required at the site.

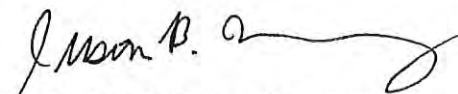
However, to determine what impacts the construction of a noise barrier would have on noise levels at the twelve receivers, a noise barrier was modeled in the Traffic Noise Model 2.5 software. The noise barrier modeled was 12 feet in height and extended roughly along the undeveloped property line parallel to Dogwood Street.

Under future conditions, the analysis results with a noise barrier in place indicate nine of the twelve receivers would experience a decrease in noise levels of 3.1 dB(A) to 6.2 dB(A). This range of noise level decreases range from barely perceptible (3.1 dB(A)) to moderately perceptible but not major (6.2 dB(A)). For reference, a decrease of 10.0 dB(A) is perceived as a halving in the noise level.

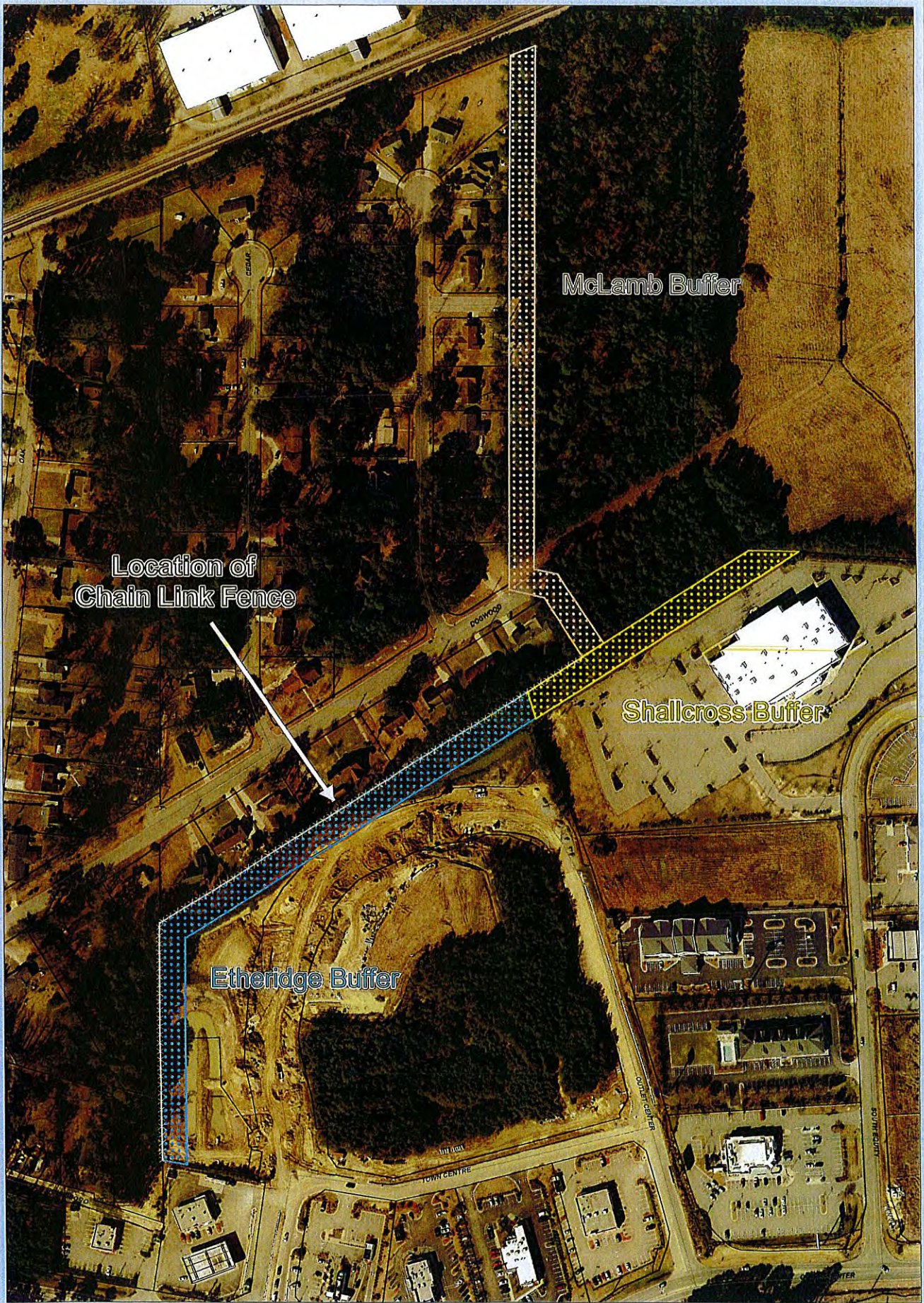
A typical noise wall installation along the undeveloped property boundaries could cost in the range of \$500,000-\$2,000,000 depending upon a number of design and constructability factors. The cost per benefited receiver would be very large given that most receivers could expect only modest to barely perceptible reductions in noise levels should a noise barrier be constructed.

In summary, noise abatement measures are not recommended for this project because standard noise abatement measures, such as noise walls, will not be reasonable or feasible considering the modest noise reduction obtainable from such measures.

Sincerely yours,
Ramey Kemp & Associates, Inc.



Justin B. McCurry, PE, PTOE
Transportation Engineer



Location of Chain Link Fence

McLamb Buffer

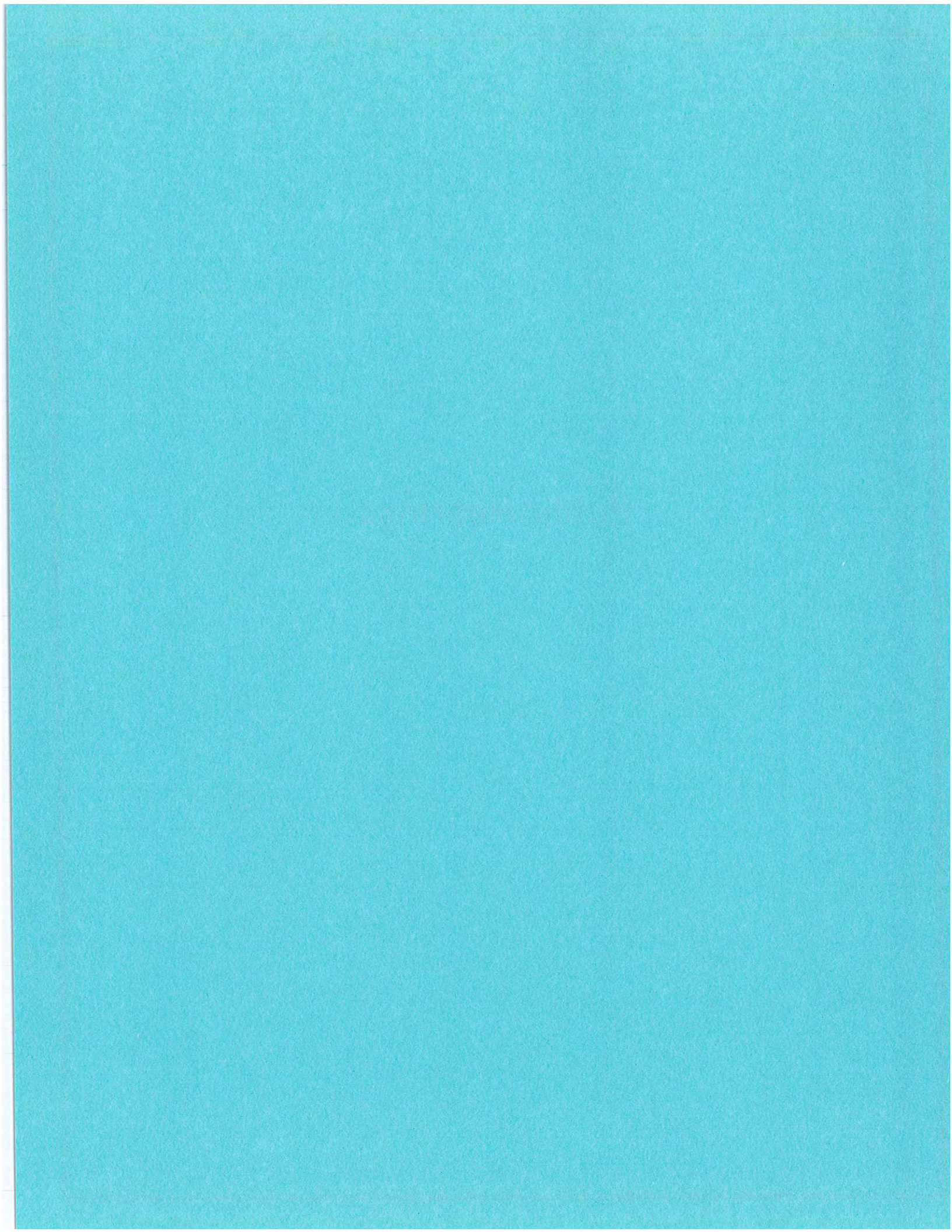
Shallcross Buffer

Etheridge Buffer

Smithfield Crossings Buffer Map



Public Hearings





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

STAFF REPORT

Application Number: CUP-15-06
Project Name: WTSB Radio Station Antenna
TAX ID number: 15J08067 and 15O99005L
Town Limits/ETJ: City
Applicant: Caliber Development Inc.
Owners: Morgan and Roberta Lucille Reed
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: Southeast side of the intersection of Computer Drive and Powell Street.

REQUEST: The applicant is seeking a conditional use permit to allow for an 80 foot high utility pole with antenna on property located within a B-3 (Business) zoning district.

SITE DATA:

Acreage: 1.5 acres
Present Zoning: B-3 (Business)
Proposed Zoning: N/A
Existing Use / Previous: Vacant / Veterinary Hospital

DEVELOPMENT DATA:

Proposed Use: 80 foot high utility pole with antenna and located within the interior of the site.

ENVIRONMENTAL: The 80 foot high utility pole with antenna does not appear to be located within the boundaries of any designated wetlands or flood plains.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	B-3 (Business)
	Existing Use:	Commercial
South:	Zoning:	B-3 (Business)
	Existing Use:	Commercial / Storage
East:	Zoning:	R-10 (Residential)
	Existing Use:	Vacant
West:	Zoning:	B-3 (Business)
	Existing Use:	Vacant & Auto Sales Lot

STAFF ANALYSIS AND COMMENTARY: Radio stations and studios are permitted uses by right within the B-3 (Business) zoning district with a valid zoning permit issued by planning staff. However, any structure that is over forty feet in height shall be permitted as a conditional use within the B-3 (Business) zoning district. WTSB Radio is requesting a conditional use permit for the construction of an 80 foot tall utility pole with antenna. The utility pole with antenna will be located on the north side of the existing office building and will be situated in such a manner that if a collapse was to occur, damage would be mostly contained within the boundaries of the subject property.

- **Consistency with the Strategic Growth Plan**

The proposed radio station with an 80 foot high utility pole and antenna is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for office and institutional uses at the southeast side of the intersection of Computer Drive and Powell Street.

- **Consistency with the Unified Development Code**

The Town of Smithfield Unified Development Ordinance allows for structure over 40 feet with a valid conditional use permit. The proposed structure will be required to meet all applicable building and electrical codes as well as FCC regulations concerning radio station transmissions.

- **Compatibility with Surrounding Land Uses**

An 80 foot tall utility pole with antenna at this location should not pose a compatibility issue with surrounding land uses providing that adequate fall zones for the utility pole is provided for the safety of adjacent properties and the public at large.

- **Signs**

The subject use can be permitted one additional ground sign on the Powell Street side of the subject property.

OTHER:

FIRE PROTECTION: Town of Smithfield

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: 190 feet of road frontage with driveway on Computer Drive and 148 feet of road frontage on Powell Street.

WATER/SEWER PROVIDER: Town of Smithfield

ELECTRIC PROVIDER: Duke Progress Energy

Planning Department Recommendations:

Planning staff recommends approval of a Conditional Use Permit request to allow for the construction of an 80 foot utility pole with antenna on property located with a B-3 (Business) zoning district.

Planning Board Actions:

The Planning Board, at its January 7, 2016 meeting, unanimously voted to recommend approval of the is request for a conditional use permit to allow for an 80 foot high utility pole with antenna on property located on within a B-3 (Business) zoning district.

Town Council Action Requested: The Smithfield Town Council is requested to review the petition and make a decision in accordance with the finding of fact for a conditional use permit to allow for an 80 foot high utility pole with antenna on property located on within a B-3 (Business) zoning district.

Town of Smithfield
Conditional Use Permit Application
Finding of Fact / Approval Criteria

Application Number: CUP-15-06 **Name:** Caliber Development Inc.

Request: Applicant seeks a CUP for an 80 foot tall utility pole with antenna.

The Smithfield Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

1. Finding One of Four:

Circle One

A. Approval:

Based on the evidence and testimony presented it is the finding of the **Town Council** hat the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.

The proposed request for conditional use will not endanger the public health, safety, or general welfare for the reason that the installation of a utility pole with antenna attached is on property currently zoned B-3 whose permitted use is for radio station broadcasting business. The utility pole with antenna attached is standard equipment for a radio station. The height and location of the utility pole poses no imminent danger to any other structure if it were to fall.

B. Denial: (If denied, must include facts supporting denial)

Based on the evidence and testimony presented it is the finding of the **Town Council** that the application, if approved, will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved for the following stated reasons: (Applicant fails to meet the criteria for approval.)

The proposed 80 foot tall utility pole with antenna will be detrimental to the adjacent land uses in the event of pole failure. Because of the pole height and close proximity to the public right-of-way, any collapse could cause substantial damage to persons or property if located in the fall zone.

2. Finding Two of Four

Circle One

A. Approval:

Based on the evidence and testimony presented it is the finding of the **Town Council** that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.

The proposed use will meet all required conditions and specifications in accordance with the current Unified Development Ordinance plus state and federal regulations. An engineer contracted to locate the utility pole and connect the antenna to the radio broadcasting equipment. A contractor will be hired to place the pole on the property.

B. Denial: (If denied, must include facts supporting denial)

Based on the evidence and testimony presented it is the finding of the **Town Council** that the application, fails to meet all required specifications or fails to conform to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations in the following ways or for the following reasons:

The proposed 80 foot tall utility pole with antenna as submitted appears to conform to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance and should not be used for basis of denial.

3. Finding Three of Four:

Circle One

A. **Approval:**

Based on the evidence and testimony presented it is the finding of the **Town Council** that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.

The proposed use will not adversely affect the use or any physical attribute of adjoining or abutting property. The utility pole will be in context with existing above ground utility poles in the area. The proposed use will also be in context with existing properties in the area, which includes a warehouse, auto repair shop, cleaning business and a car dealership. No structure changes are required. There are no historical or architectural properties of interest on adjoining properties.

B. **Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the **Town Council** that the application, if approved, will substantially injure the value of adjoining or abutting property and/or will be detrimental to the use or development of adjacent properties or other neighborhood uses in the following ways or for the following reasons.

It is unlikely that the proposed 80 foot utility pole with antenna will substantially injure the value of adjoining or abutting properties and/or will be detrimental to the use or development of adjacent properties and should not be used for basis of denial.

4. Finding Four of Four:

Circle One

A. **Approval:**

Based on the evidence and testimony presented it is the finding of the **Town Council** that the application, if approved, would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.

Property is currently vacant and zoned B-3 (Business). The proposed use will be in harmony with existing businesses such as an auto repair business, a warehouse, a car dealership and a cleaning business. Closest residential structure has existing tree cover and there is approximately 400 feet between the properties.

B. **Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the **Town Council** that the application, if approved, would adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties in the following ways or for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

The proposed 80 foot utility pole with antenna will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development and should not be used for basis of denial.

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

Motion to Approve: Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to recommend approval of Conditional Use Permit Application # CUP-15-06

Motion to Deny: Based upon failure to meet all of the above four stated findings and for reasons stated therein, I move to recommend denial of Conditional Use Permit Application # CUP-15-06 for the following stated reason:

5. Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Town Council Conditional Use Permit Application Number CUP-15-06 is hereby:

_____ recommended for approval upon acceptance and conformity with the following conditions; or,

_____ recommended for denial for the noted reasons.

Decision made this ____ day of _____, 20__ while in regular session.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Williams, Town Clerk

Planning Board Report for
CUP-15-06
Caliber Development Inc

Public hearing held on January 7, 2016

(Excerpt from draft minutes)

Mr. Helmer stated the applicant is requesting a conditional use permit to allow for the construction of an 80 foot high pole with a radio antenna on property located within a B-3 (Business) zoning district. The property considered for approval is located on the southeast side of the intersection of Powell Street and Computer Drive and further identified as Johnston County Tax ID# 15J08067.

Mr. Helmer stated the applicant is seeking a conditional use permit to allow for an 80 foot high utility pole with an antenna on property located within a B-3 (Business) zoning district. The 80 foot high utility pole with a radio antenna will be located within the interior of the site. The pole does not appear to be located within the boundaries of any designated wetlands or flood plains. Radio stations and studios are permitted uses by right within the B-3 (Business) zoning district with a valid zoning permit issued by planning staff. However, any structure that is over forty feet in height shall be permitted as a conditional use within the B-3 (Business) zoning district. WTSB Radio is requesting a conditional use permit for the construction of an 80 foot tall utility pole with a radio antenna. The utility pole with antenna will be located on the north side of the existing office building and will be situated in such a manner that if a collapse was to occur, damage would be contained within the boundaries of the subject property.

Mr. Helmer stated the proposed radio station with an 80 foot utility pole and antenna is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for office and institutional uses at the southeast side of the intersection of Computer Drive and Powell Street. The Town of Smithfield Unified Development Ordinance allows for structure over 40 feet with a valid conditional use permit. The proposed structure will be required to meet all applicable building and electrical codes as well as FCC regulations concerning radio station transmissions. A radio station antenna at this location should not pose a compatibility issue with surrounding land uses providing that adequate fall zones for the utility pole is provided for the safety of adjacent properties and the public in general. The subject use can be permitted one additional ground sign on the Powell Street side of the subject property.

Mr. Helmer stated the Town of Smithfield will provide water and sewer services. Duke Energy Progress will provide electric.

Mr. Helmer stated the Planning Department recommends approval of a conditional use permit request to allow for the construction of an 80 foot utility pole with an antenna on property located within a B-3 (Business) zoning district.

The Planning Board is requested to review the petition and make recommendation in accordance with the finding of fact for a conditional use permit to allow for an 80 foot high antenna on property located within the B-3 (Business) zoning district.

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

Daniel Sanders asked what the average height for a pole like this is.

Mr. Helmer stated the applicant can answer that best.

Mickey Lamm, 2191 Benson Road Clayton, is the applicant who represents Caliber Development and WTSB. He explained this is a receiving antenna and is not a transmitting antenna. He stated the radio station is located on Powhatan Road in Clayton. He explained height is needed on the antenna to be able to receive remote broadcasts. For example WTSB has a business in Smithfield that has a transmitter the size of a very small suitcase that sends a signal back to the radio station. Also, First Baptist Church located on South Fourth Street goes live every Sunday for their 12:00 Worship Service. Mr. Lamm stated there are no RF transmissions and the engineer working on this project thinks they can get by with the pole being 72 feet. However, they are asking for 80 feet in case they might need more length they will not be in violation.

Daniel Sanders asked if this proposed project would require a fence.

Mr. Helmer stated from a development regulation standard it would not require a fence.

Mr. Lamm stated the FCC would require a transmission antenna to have a perimeter fence however; there are no regulations on a receiving antenna. He stated WTSB has similar situations at their present locations with a large telephone pole with a 20ft receiving antenna on top of that.

Mr. Upton asked if the antenna Mr. Lamm was speaking of the same as their present location.

Mr. Lamm stated it is identical.

Mr. Helmer asked if there will be any other electronic equipment.

Mr. Lamm stated there will be no electronic equipment but there will be a black cable that will run down the pole into a conduit so it is secure.

Michael McLamb, Four Oaks, stated he was neither for nor against the proposed project. He stated the proposal is located in a manufacturing district and wasn't sure if this could cause hardship on him or Mr. Lamm.

Mr. McLamb read off a list of manufacturing jobs that have been going on around the proposed property.

Jack Matthews asked what this would have anything to do with the antenna.

Mr. McLamb stated he is not sure that it will have anything to do with the antenna or that it won't.

Joseph Hobbs stated his only concern is if the antenna was a transmission antenna. He stated he bought a house with an alarm that was getting set off by a key fob that wasn't his. He just wanted the Town to be aware.

Daniel Sanders asked if there was any opposition.

Mr. Helmer stated anyone that wanted to speak was here tonight.

Mr. Foy closed the public meeting for CUP-15-06.

Stephen Upton made a motion, seconded by Jack Matthews, to move to the Finding of Fact.

Article 13 Section 13-17 of the Town of Smithfield Unified Development Ordinance requires all applications for a zoning map amendment to address the following eight findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application.

The governing body has the responsibility to determine if the zoning map amendment is warranted. The Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this rezoning application by motion and vote on each of the following eight findings of fact. Any motion to find against the application must be supported by statement of specific reason or conclusions reached in support of the motion.

1. *That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved:*

The proposed request for conditional use will not endanger the public health, safety, or general welfare for the reason that the installation of a utility pole with antenna attached is on property currently zoned B-3 whose permitted use is for radio station broadcasting business. The utility pole with antenna attached is standard equipment for a radio station. The height and location of the utility pole poses no imminent danger to any other structure if it were to fall.

All members stated true.

2. *That the use meets all required conditions and specifications:*

The proposed use will meet all required conditions and specifications in accordance with the current Unified Development Ordinance plus state and federal regulations. An engineer contracted to locate the utility pole and connect the antenna to the radio broadcasting equipment. A contractor will be hired to place the pole on the property.

All members stated true.

3. ***That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and:***

The proposed use will not adversely affect the use or any physical attribute of adjoining or abutting property. The utility pole will be in context with existing above ground utility poles in the area. The proposed use will also be in context with existing properties in the area, which includes a warehouse, auto repair shop, cleaning business and a car dealership. No structure changes are required. There are no historical or architectural properties of interest on adjoining properties.

All members stated true.

4. ***That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. The conditional use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project as required by GS 160A-382(b):***

Property is currently zoned as a B-3 use and this is a continuance of that permitted land use and in harmony with existing businesses such as an auto repair business, a warehouse, a car dealership and a cleaning business. Closest residential structure has existing tree cover and there is approximately 400 feet between the properties.

All members stated true.

Based upon satisfactory compliance with the above stated four findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative;

Stephen Upton made a motion, seconded by Jack Matthews to recommend approval requesting a conditional use permit to allow for the construction of an 80 foot high pole with a radio antenna on property located within a B-3 (Business) zoning district. (Unanimous)

Duly adopted this the 7th day of January 2016.



Mr. Eddie Foy, Planning Board Chairman

ATTEST

Mark E. Helmer, AICP, CZO
Senior Planner



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

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Article 13, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Conditional Use. Conditional Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

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

SITE INFORMATION:

Name of Project: WTSB Radio Acreage of Property: 1.5
 Parcel ID Number: 15J08067/15099005L Tax ID: 4196234/4197129
 Deed Book: 04629 Deed Page(s): 0577-0578
 Address: 104 Computer Drive, Smithfield, NC 27577
 Location: Southeast corner of intersection of Powell & Computer Drive

Existing Use: Veterinary Hospital Proposed Use: Radio Broadcasting Studio
 Existing Zoning District: B-3
 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: CUP-15-06 Date Received: 12/3/2015 Amount Paid: \$ 300.00
[Signature]

OWNER INFORMATION:

Name: Morgan Reed and wife, Robeta Lucille Reed

Mailing Address: PO Box 1175, Smithfield NC 27577

Phone Number: _____ Fax: _____

Email Address: _____

APPLICANT INFORMATION:

Applicant: Caliber Development Inc.

Mailing Address: 2191 Vinson Road, Clayton, NC 27527

Phone Number: 919-805-2076 Fax: _____

Contact Person: Anita Lamm

Email Address: CaliberDevelopment@gmail.com / Anita.Lamm@gmail.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

STATEMENT OF JUSTIFICATION

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

The radio station uses remote broadcasting which requires the signal to be received via an antenna that is mounted on top of a 60-80 foot wooden pole that is placed in the ground near the radio studio. The distance from the studio has to be minimal in order to receive a radio quality signal suitable for broadcasting. WTSB currently uses remote broadcasting to air the First Baptist Church Sunday morning service weekly.

This is standard equipment for a radio station and the property is currently zoned for radio station use.

REQUIRED FINDINGS OF FACT

Article 13, Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for a Conditional Use Permit to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

1. That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;

The proposed request for conditional use will not endanger the public health, safety, or general welfare for the reason that the installation of a utility pole with antenna attached is on property currently zoned B-3 whose permitted use is for radio station broadcasting business. The utility pole with antenna attached is standard equipment for a radio station. The height and location of the utility pole poses no imminent danger to any other structure if it were to fall.

2. That the use meets all required conditions and specifications;

The proposed use will meet all required conditions and specifications in accordance with the current Unified Development Ordinance plus state and federal regulations. An engineer will be contracted to locate the utility pole and connect the antenna to the radio broadcasting equipment. A contractor will be hired to place the pole on the property.

3. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and

The proposed use will not adversely affect the use or any physical attribute of adjoining or abutting property. The utility pole will be in context with existing above ground utility poles in the area. The proposed use will also be in context with existing properties in the area, which includes a warehouse, auto repair shop, cleaning business and a car dealership. No structure changes are required. There are no historical or architectural properties of interest on adjoining properties.

4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. The conditional use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project as required by GS 160A-382(b).

Property is currently zoned B-3 use and this is a continuance of that permitted land use and in harmony with existing businesses such as an auto repair business, a warehouse, a car dealership and a cleaning business. Closest residential structure has existing tree cover and there is approximately 400 feet between the properties.

APPLICANT AFFIDAVIT

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

Anita Lamm

Print Name

Anita M. Lamm

Signature of Applicant

12/3/15

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: WTSB Radio Submittal Date: 12/3/15

OWNERS AUTHORIZATION

I hereby give CONSENT to Caliber Development Inc./Mickey Lamm and/or Wife Anita Lamm (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.

Roberta E Reed Roberta E REED 11/23/15
 Signature of Owner Print Name Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

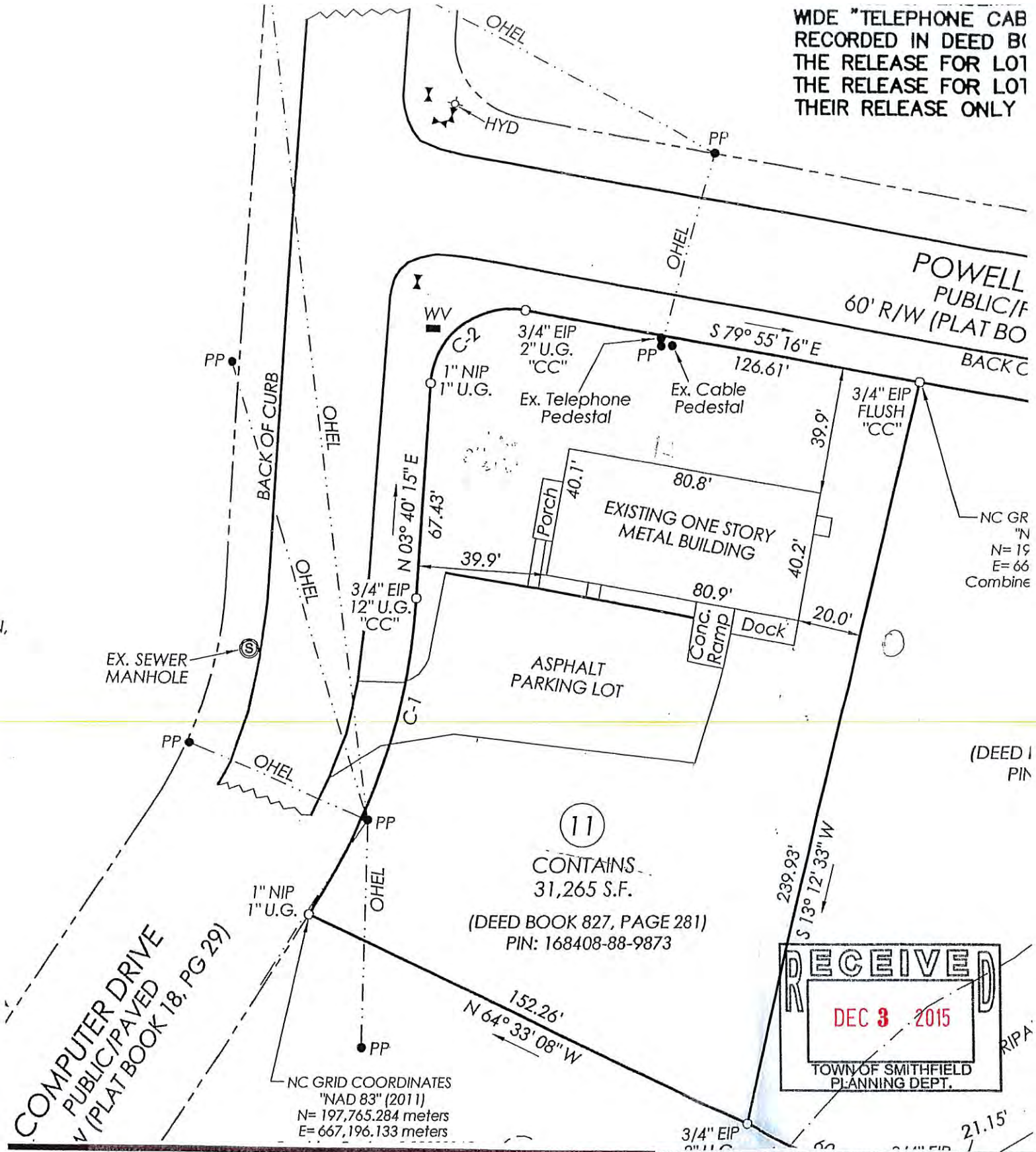
I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina,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

Anita M. Lamm Caliber Development Inc. / Anita Lamm 11/23/15
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: <u>CVF-15-06</u>	Date Received: <u>12/3/15</u>	Parcel ID Number: <u>15J08067</u>
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WIDE "TELEPHONE CAB
RECORDED IN DEED BY
THE RELEASE FOR LOT
THE RELEASE FOR LOT
THEIR RELEASE ONLY

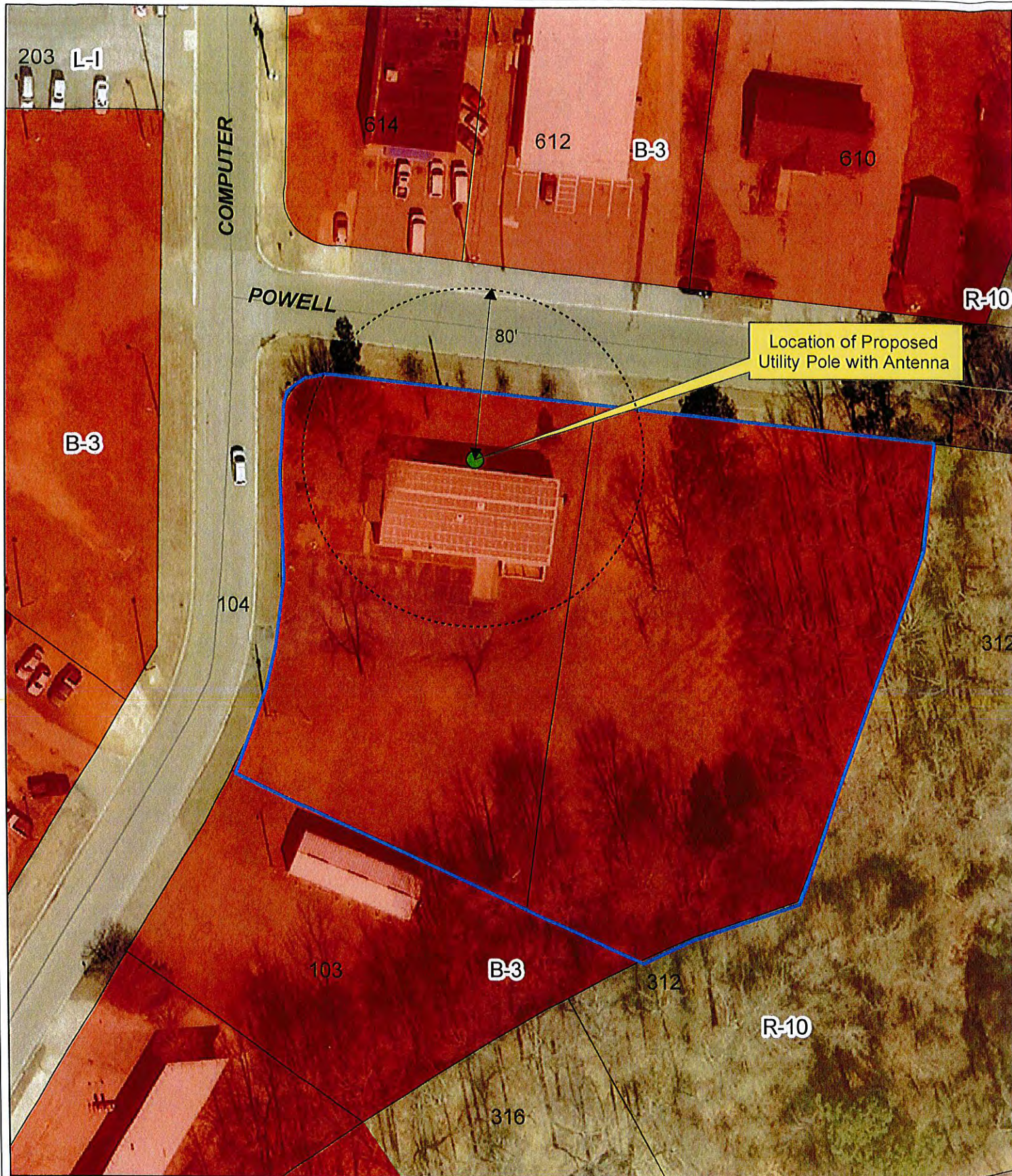


SURVEYED FOR

**MORGAN G. REED &
wife ROBERTA E. REED**

**BYRD
SURVEYING, P**
PROFESSIONAL LAND SURVEYORS

OWNSHIP: SMITHFIELD	COUNTY: JOHNSTON	DATE: 8-28-2015	SURVEYED BY: L
CITY OR TOWN: SMITHFIELD	STATE: NORTH CAROLINA	SCALE: 1" = 40'	DRAWN BY: LEE
ONE:	PIN: 168408-98-1801 & 168408-88-9873	CHECKED & CLOSURE BY: LERI	



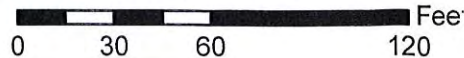
Vicinity Map for:
 CUP-15-06
 Applicant:
 Caliber Development, Inc.



Map Created by The
 Town of Smithfield
 Geographic Information Services



1 inch = 60 feet

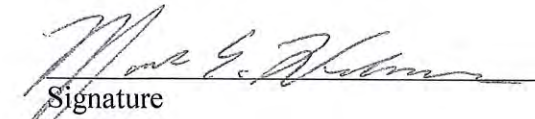




PLANNING DEPARTMENT
Paul C. Embler, Jr., Director

ADJOINING PROPERTY OWNERS CERTIFICATION

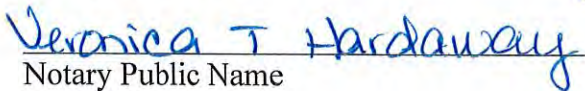
I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, CUP-15-06, were notified by First Class Mail on 1-20-16.


Signature
Johnston County, North Carolina

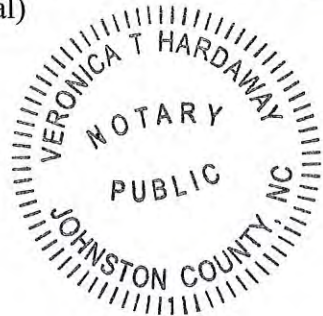
I, Veronica Hardaway, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

20th day of January, 2016


Notary Public Signature


Notary Public Name

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



Adjacent Property Owners of
CUP-15-06

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
		Caliber Development Inc	2191 Vinson road	Clayton	NC	27527
15J08065	168408-88-6810	KDS I ENTERPRISES LLC	304 FAREWAY DRIVE	SMITHFIELD	NC	27577-0000
15J08065A	168408-88-7948	KDS I ENTERPRISES LLC	304 FAREWAY DRIVE	SMITHFIELD	NC	27577-0000
15J08067	168408-88-9873	REED, MORGAN G	P O BOX 1175	SMITHFIELD	NC	27577-1175
15O99005L	168408-98-1801	REED, MORGAN G	P O BOX 1175	SMITHFIELD	NC	27577-1175
15J08068	168408-88-9637	EATMON, RAYLAND	110 MAPLE DRIVE	SMITHFIELD	NC	27577-0000
15J08071	168408-99-2106	WINSTEAD BUILDING	PO BOX 1960	SMITHFIELD	NC	27577-0000
15J08069	168408-89-9157	HOBBS, TINA SHIRLEY	616 HANCOCK STREET	SMITHFIELD	NC	27577
15J08070	168408-99-0156	WINSTEAD BUILDING	PO BOX 1960	SMITHFIELD	NC	27577-0000



PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

Notice Of Public Hearing

Notice is hereby given that a public hearing will be held before the Town Council of the Town of Smithfield, N.C., on Tuesday, February 2, 2016 at 7:00 P.M., at the Town Hall Council Chamber located at 350 East Market Street to consider the following request:

CUP-15-06 Caliber Development, Inc: The applicant is requesting a conditional use permit to allow for the construction of an 80 foot high wood pole with radio antenna on property located within a B-3 (Business) zoning district. The property considered for approval is located on the southeast side of the intersection of Powell Street and Computer Drive and further identified as Johnston County Tax ID# 15J08067.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiries regarding this matter may be directed to the Smithfield Planning Department at (919) 934-2116 or online at www.smithfield-nc.com.

Run "Legal Ad" in the Smithfield Herald on 1/20/16 and 1/27/16



PLANNING DEPARTMENT

Paul C. Emblar, Jr., Director

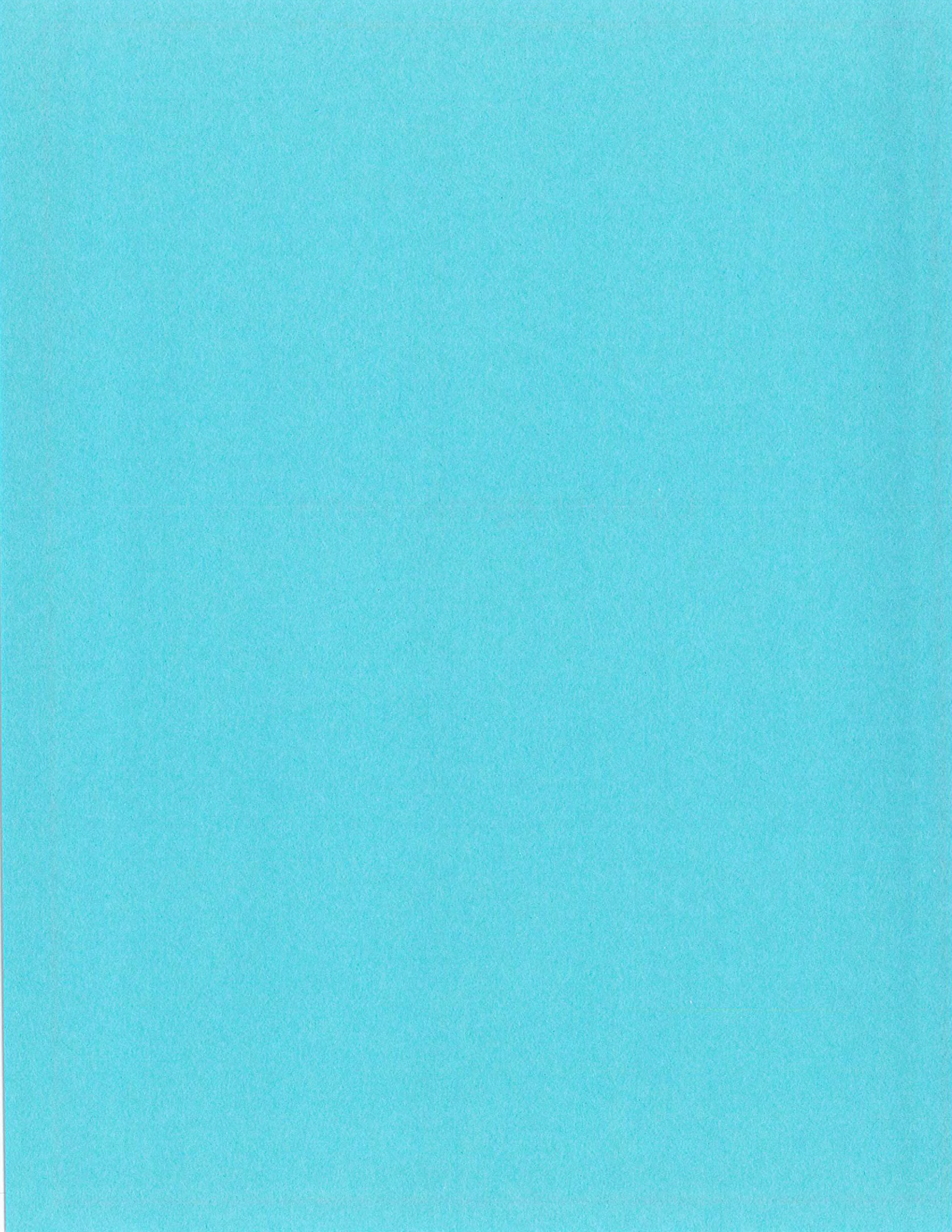
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CUP-15-06 Caliber Development, Inc: The applicant is requesting a conditional use permit to allow for the construction of an 80 foot high wood pole with radio antenna on property located within a B-3 (Business) zoning district. The property considered for approval is located on the southeast side of the intersection of Powell Street and Computer Drive and further identified as Johnston County Tax ID# 15J08067.

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

Consent Agenda Items



The Smithfield Town Council met in regular session on Tuesday, January 5, 2016 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall Mayor M. Andy Moore, presided.

Councilmen Present:

Emery D. Ashley, Mayor Pro-Tem
Marlon Lee, District 1
J. Perry Harris, District 2
Travis Scott, District 3
Roger A. Wood, District 4
John A. Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Administrative Staff Present

Jim Freeman, Interim Town Manager
John Blanton, Interim Fire Chief
Lenny Branch, Public Works Director
Pete Connet, Interim Public Utilities Director
Paul Embler, Planning Director
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources/PIO
Greg Siler, Finance Director
Shannan Williams, Town Clerk

Present:

Bob Spence, Town Attorney

Staff Absent:

Michael Scott, Chief of Police

The invocation was given by Centenary United Methodist Church Senior Pastor William Holliday followed by the Pledge of Allegiance led by members of Boy Scout Troop # 77.

APPROVAL OF AGENDA:

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, to approve the agenda as with the following amendments:

- Remove from Presentations: *Item 1: Administered Oath of Office to new Police Officer – Tyler Hayes*
- Remove from the Consent Agenda, *Item #5: Consideration and approval to authorize Parks and Recreation staff to pursue/ begin the grant application process for land acquisition and add as Business Item #6.*
- Business Item #3: *Consideration and approval of a Fund Balance Retainage Policy for the Water and Sewer Fund will be heard by the Council before Business Item #2: Approval of a request to increase the Water/Sewer Base Charge and Rates*

Unanimously approved.

PRESENTATIONS:

1. Mary Nell Ferguson – Public Schools in the Smithfield – Selma Area

Mrs. Mary Nell Ferguson addressed the Council on her thoughts and concerns on the area schools. Mayor Moore expressed his appreciation to Mrs. Ferguson for expressing her trepidations to the Council.

A copy of Mrs. Ferguson's information is on file in the Office of the Town Clerk

PUBLIC HEARINGS:

Town Clerk Shannan Williams affirmed those that wished to offer testimony in any of the Public Hearings.

1. Conditional Use Permit Request by Triangle Marketing Associates, Inc: (CUP-15-04)

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

Planning Director Paul Embler addressed the Council on a request by Triangle Marketing Associates, Inc. Mr. Embler stated that the applicant was requesting a conditional use permit to allow for the construction and operation of a 30 foot radio antenna with studio on property located within an LI (Light Industrial) zoning district. The property considered for approval is located on the east side of Airport Industrial Drive and approximately 450 feet north of its intersection with Swift Creek Road. The property is further identified as Johnston County Tax ID# 15J08017F.

Mr. Embler explained that the radio station is located within a three bay multi-tenant building located within Airport Industrial Park subdivision. Automobile parking is ample and the building is setback far enough so that if the proposed antenna was to collapse it would not land within any public right-of-way or environmentally sensitive areas. The location of the antenna is within close proximity to Johnston County Airport. Therefore, FAA (Federal Aviation Administration) approval is required. The applicant has submitted documentation from the FAA showing that a determination has been made that the antenna will not create a hazard to flight operation occurring in the area.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the January 5, 2016 agenda packet.

The Planning Board, at its December 3, 2015 meeting, unanimously voted to recommend approval of conditional use permit request to allow for a radio station with a 30 foot high antenna on property located within the LI (Light Industrial) zoning district.

Planning staff recommends approval of a Conditional Use Permit request to allow for the operation of a radio station and construction of a 30 foot high antenna on property located within a LI (Light Industrial) zoning district.

Mayor Moore asked if there were any questions from Council.

Councilman Scott asked if there were any issues with it being located close to the Airport. The applicant, Richard Heilmann stated that they have completed the FAA requirements and there are no issues with the size of location of the tower.

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

The Written Finding of Facts

Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Wood, to vote in the affirmative to the below Finding of Facts. Unanimously approved

Finding One of Four: Approved

Based on the evidence and testimony presented it is the finding of the Town Council that the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.

The proposed radio station with a 30 foot antenna will not materially endanger the public health safety or general welfare because the antenna will be constructed to meet all plans and specifications as required by Johnston County Building Inspections to include engineered footings. The FAA has made a determination that the proposed tower will not create a hazard to flight operation occurring within the vicinity of Johnston County Airport.

Finding Two of Four: Approved

Based on the evidence and testimony presented it is the finding of the Town Council that the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.

The proposed radio station with a 30 foot antenna conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance and meets all zoning regulations that were in place at the time the applicant first contacted the Town of Smithfield.

Finding Three of Four: Approved

Based on the evidence and testimony presented it is the finding of the Town Council that the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.

The proposed radio station with a 30 foot antenna will not adversely affect the use or any physical attribute of adjoining or abutting properties. The radio station will blend in with all the other businesses within Airport Industrial Park.

Finding Four of Four: Approved

Based on the evidence and testimony presented it is the finding of the Town Council that the application would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.

The proposed radio station with a 30 foot antenna will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development given that it will occur within an existing multitenant development which has adequate parking, landscaping, and generally meets all other modern development standards.

Record of Decision: Approval of Conditional Use Permit Application # CUP-15-04

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, that based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to recommend approval of Conditional Use Permit Application # CUP-15-04. Unanimously approved.

2. Conditional Use Permit Request by GrayCliff Enterprises, Inc: (CUP-15-05)

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

Planning Director Paul Embler addressed the Council on a request by GrayCliff Enterprises, Inc. Mr. Embler stated that the applicant was requesting a conditional use permit to allow for one residential housing unit on property located within a B-3 (Business Highway Entrance) zoning district. The property considered for approval is located on the north side of Powell Street and approximately 240 feet east of its intersection with Computer Drive. The property is further identified as Johnston County Tax ID# 15J08071.

Mr. Embler explained that the property is home of Graycliff Enterprises LLC whose primary business is in support of the cable industry through the installation of fiber optic cable throughout the area. The property has a large storage yard in the rear and two structures with parking in the front of the site. The applicant is seeking a conditional use permit to allow for the smaller of the two office buildings to be used for housing quarters for security and staff. Residential uses are permitted within the B-3 (Business) zoning district providing that a conditional use permit is issued by Town Council.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the January 5, 2016 agenda packet.

The Planning Board, at its December 3, 2015 meeting, unanimously voted to recommend approval of conditional use permit request to allow GrayCliff Enterprises LLC to operate one residential unit for the housing of on-site security and staff use only.

The Planning Department recommends approval of this request.

Mayor Moore asked if there were any questions/from those in the audience that had been duly sworn to testify. There were none.

Mayor Moore asked if there were any questions from Council.

Mayor Pro-Tem Moore questioned if any of the conditional use would require additional landscaping. Mr. Embler responded that landscaping has been done and the property looks almost residential in nature.

Councilman Scott questioned if there would be any adverse impact on the surrounding area. Mr. Embler responded that there the property does not negatively impact the surrounding areas, but in fact is more organized than the last use.

Councilman Harris stated that he should recuse himself from voting due to his relationship with the property. Mayor Pro-Tem Ashley made a motion, seconded by Councilman Wood, to recuse Councilman Harris from voting in this matter. Unanimously approved.

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

The Written Finding of Facts

Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Wood, to vote in the affirmative to the below Finding of Facts. Unanimously approved

Finding One of Four: Approved

Based on the evidence and testimony presented it is the finding of the Town Council that the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.

The accessory residential unit will not materially endanger the public health safety or general welfare because the structure will meet all plans and specifications as required by Johnston County Building Inspections. Adequate infrastructure to include water, sewer, electric and on-site parking exists at the site.

Finding Two of Four: Approved

Based on the evidence and testimony presented it is the finding of the Town Council that the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified

Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.

The accessory residential unit conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance and meets all zoning regulations to include parking and landscaping.

Finding Three of Four: Approved

Based on the evidence and testimony presented it is the finding of the Town Council that the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.

The proposed accessory residential unit will not adversely affect the use or any physical attribute of adjoining or abutting properties. The requested accessory use is adjacent to an existing residential zoning district and compatibility issues are unlikely.

Finding Four of Four: Approved

Based on the evidence and testimony presented it is the finding of the Town Council that the application would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.

The proposed accessory residential unit will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development given that it will occur only as an accessory use to the principle use of contractor's office of GrayCliff Enterprises Inc.

Record of Decision: Approval of Conditional Use Permit Application # CUP-15-05

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Wood, that based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to recommend approval of Conditional Use Permit Application # CUP-15-05 for GrayCliff Enterprises Inc. only. Unanimously approved.

CITIZENS' COMMENTS:

- Tony Nixon of 8 Cedar Drive expressed his concerns to the Town Council about the buffer between the Pine Acres subdivision and the Smithfield Crossing's Roadway Project. Mr. Nixon inquired as to the proposed completion date on this project because it's been approximately 9 1/2 years since this all began. He questioned if restrictive covenants were specifically in place between the Crossings Development area and the residences. Mayor Pro-Tem Ashley responded that he and Councilman Lee have been working with planning staff to get some things moving on this issue. Planning has provided some information to both Mayor Pro-Tem Ashley and Councilman Lee. Mayor Moore asked Planning Director Paul Embler for further clarification. Mr. Embler responded that Mr. McLamb (one of the adjacent property owners) did file with the town for a rezoning and preliminary plat subdivision. The plat was never recorded. Once the property is further developed, the Town will see that the 50 foot buffer is incorporated into the plans. As part of the Crossing project, the Town obtained permission from the owner to construct a fence and install landscaping between Pine Acres and the roadway. Mayor Moore asked staff to bring this back to the Council at next month's meeting. Councilman Harris also asked that the noise study that was conducted to also be provided.

CONSENT AGENDA:

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

1. Approval of Minutes:

December 1, 2015 – Regular Meeting
December 8, 2015– Special Meeting

2. Bid Award to Capital Ford (North Carolina State Bid Contract) and Purchase approval of two SUV's in the amount of \$61,482.00 to replace existing K-9 Patrol vehicles in the Police Department. The purchase of these vehicles was approved in the FY 2015 – 2016 Budget.
3. Purchase approval of a 2017 Smeal Fire Engine in the amount of \$491,799.00 by utilizing the National Joint Powers Alliance (NJPA) cooperative buying group which the Town of Smithfield is a member. The purchase of this was fire engine was approved in the FY 2015 – 2016 Budget.

Bids were solicited from the following vendors using Department Specifications:

- Atlantic Coast Fire Trucks - Smeal - \$490,000.00 that includes Performance Bond, Trip, and Contract Fees
 - Atlantic Emergency Solutions - Pierce - \$494,996.00 with a 3% increase - \$14,849.88 after November 27, 2015; for an estimated total of \$509,845.88
 - First Choice Fire & Safety – Spartan ERV - \$491,158.00 did not include Performance Bond, Trip, and Contract Fees that will increase an additional- \$11, 350.00 for a total price of \$502,508.00
4. Approval to allow the Fire Department to apply for Assistance to Firefighter's Grant (AFG). The grant funding would be used to replace aging Air Packs and an aging Air Compressor. This grant is a 95/5 match. The amount for the grant application would be \$445,827.00 with the Town's responsibility being \$21,229.00. The process is approximately 8-12 months before grants are awarded; therefore, funds would be budgeted in the 2016-2017 fiscal year.
 5. Approval of the physical relocation of the Town of Smithfield PEG Chanel in the amount of \$10,656.00 to be paid from the PEG Chanel line item. This is due to Johnston Community College withdrawing its involvement with the PEG channel. This decision on the part of JCC will require the relocation of the broadcasting equipment from the JCC campus to Smithfield Town Hall. Relocating the equipment will require an infrastructure update to be performed by Time Warner Cable.

Unanimously approved.

BUSINESS ITEMS:

1. Approval of a Contract Agreement for grant Number 2016-018-3201-2538 – Project "Atlantic Resources, Inc. (ARI) – Brightleaf Blvd Building Renovation Project"

Interim Town Manager Jim Freeman addressed the Council on consideration of a contract agreement for the ARI Grant Project. Mr. Freeman explained that at the September 1st meeting, the Council approved filing the grant application for a Building Reuse Grant through the Rural Economic Development Division of the Department of Commerce for funding assistance for Atlantic Resources, Inc. to renovate the abandon Jerold Manufacturing Facility. Mr. Freeman explained that the Council was now asked to approve the Town's part of the agreement and authorizing the Mayor to execute the agreement on behalf of the Town. He further explained that Mr. Barefoot of Atlantic Resources, Inc. would be responsible for completing some of the exhibits and Skip Green would be administering the grant. The grant itself would not be of any cost to the Town. Any matching funds would be paid by ARI.

Councilman Harris made a motion, seconded by Mayor Pro-Tem Ashley, to approve the contract agreement required finalizing the grant award from the North Carolina Infrastructure Authority ("Rural Authority") to allow Atlantic Resources, Inc. to renovate the abandon Jerold Manufacturing Facility and authorize the Mayor to execute the agreement. Unanimously approved.

2. Approval of a Fund Balance Retainage Policy for the Water and Sewer Fund and Resolution # 574 (01-2016)

Finance Director Greg Siler addressed the Council on consideration to adopt a fund balance policy for the Water/Sewer Fund. Mr. Siler explained that the purpose of the policy was to improve and maintain fiscal responsibility as recommended by the Local Government Commission (LGC). By establishing a fund balance policy for the Water and Sewer Fund any future rate increases needed to balance the water and sewer fund, can likely be phased in depending on the balance of the fund. As a result of the audit, the LGC had some concerns about the W/S Fund balance. Mr. Siler further explained that the Town is in the process of securing a \$1.4 million loan to do improvements at the Water Plant and to water and sewer lines. For the past several years, the water/sewer fund has had a revenue shortfall, this has been in part to the amount that the Town has been paying to Johnston County for sewage treatment. A lot of these costs are due to high rainfall totals and aging infrastructure that is in dire need of repair. The LGC stated that the first step in the process of addressing some of their concerns is to establish a fund balance policy. In this fund balance policy essentially an undesignated available fund balance of 30% is reasonable.

Councilman Scott stated that at a June budget meeting it was determined that the water rates adopted were not what the customers were actually being billed. This was corrected and an estimated \$50,000 - \$ 70,000 of revenue should have been generated. He questioned if this was information was relayed to the LGC. Mr. Siler stated that he had not responded to the LGC's letter.

Councilman Scott stated that it was important that the enterprise funds support themselves. Since the water/sewer fund is so unhealthy, then it should be a part of this fund balance policy that the water/sewer fund does not make transfers to the general fund. He further stated that the Town needed to control its spending and staff should review everything before it considered a rate increase.

Councilman Harris suggested that all utility bills be printed with the rates on them. He stated this would make it much easier for the customer to know what they are being charged.

In response to Councilman Scott's statements, Mr. Siler informed the Council that the LGC did not address operational expenses. The LGC's concern was that revenues were exceeding expenditures and most of these expenditures were to cover the cost of sewage treatment. Mr. Siler stated that since the beginning of the Inflow and Infiltration study, the contractor hasn't found any large areas of concern. Mr. Siler explained that the \$1.4 million loan is necessary to correct the I & I issues.

Mayor Moore stated that at this time, the LGC has not approved the \$1.4 loan needed for the water/sewer and water plant improvements. He expressed his concerns because the Town currently has contractors working on the I & I project and they will have to be paid.

Mr. Freeman explained that the LGC wants to make sure that the Town is trying to protect its future. It was his opinion that they would be willing to support the Town's efforts if the Town set the policy, if Town implemented some type of rate increase and inform them that the Town is trying to obtain a 3rd party vendor to conduct a rate analysis. Reassess the policy, the rate increase and the recommendation from the rate study at the end of the fiscal year to see what actions needed to be taken to ensure a healthy fund balance.

Mayor Pro-Tem Ashley stated that the only issue he has was in section 4 of the policy. He stated that the policy should read: "The Town Manager and Council shall reassess this policy at June 30, 2016 and every FY thereafter.

Mayor Pro-Tem Ashley Emery addressed the issues of the transfers from the proprietary funds to the general fund. He explained that the enterprise/ proprietary funds do have to stand alone as a

business, but they don't have their own Council, Attorney and various other personnel. The Council should be diligent in making sure that the general fund is not subsidizing the and proprietary funds and the proprietary funds are not subsidizing the general fund

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris to adopt the policy with an amendment to Section 4.

Section 4 will now read as follows: *The Town Council and Manager shall reassess this policy at the end of each Fiscal Year thereafter following an in-depth third party review of the Town's water and sewer rates.* Mayor Pro-Tem Ashley, Councilman Harris, Councilman Lee, Councilman Wood, Councilman Dunn and Councilman Rabil voted in favor of the motion. Councilman Scott voted against the motion. Motion passed 6- 1.

This decision is memorialized in Resolution # 574 (01-2016)

Councilman Scott stated for the record that he just received the policy tonight and felt that he did not have enough time to make a decision.

Mayor Pro-Tem Ashley stated that motion was made without currently being in violation of the policy, Mr. Siler responded that the fund balance is currently in compliance with the new policy.

RESOLUTION NO. 574 (01-2016)

A RESOLUTION ESTABLISHING A FUND BALANCE POLICY FOR THE TOWN OF SMITHFIELD WATER AND SEWER FUND

WHEREAS, for the purpose of improving and maintaining fiscal responsibility as recommended under the Local Government Commission it is prudent to establish a clear policy defining the level of fund balance to be held in reserve by the Town; and

WHEREAS, the NC Local Government Commission is charged with overseeing the fiscal health of cities and counties and recommends a fund balance reserve policy to provide guidance on consumer charges; and

WHEREAS, it is necessary to maintain undesignated available fund balance reserves to provided appropriate cash flow for operation of city services, to address emergencies and unexpected opportunities, to increase the potential for investment outcome, and to enhance the city's credit rating to provide the city the ability to borrow at the lowest possible interest rate; and

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

Section 1. All revenue in excess of expenditures realized at the end of any given fiscal year be credited to undesignated available fund balance until a minimum goal of thirty percent (30%) is realized. IT is further resolved that the Town will adjust this minimum as appropriate based upon recommendations from the NC Local Government Commission and the changing financial outlook.

Section 2. Once thirty percent (30%) goal is realized, all revenue in excess of expenditures realized at the end of any given fiscal year may be credited to capital reserve funds heretofore recommended by the Town Manager and established by formal resolution of the Town Council.

Section 3. The Town Manager is charged to annually monitor and report to the Town Council during the preparation of the annual operating budget regarding the status of available fund balance and compliance with the stated thirty percent (30%) goal.

Section 4. The Town Council and Manager shall reassess this policy at the end of each Fiscal Year thereafter following an in-depth third party review of the Town's water and sewer rates.

A copy of the Water/Sewer Fund Balance Policy is on file in the Office of the Town Clerk

3. Request to increase the Water/Sewer Base Charge and Rates

Interim Public Utilities Director Pete Connet informed the Council that Finance Director Greg Siler had asked him to do a cost analysis of proposed water and proposed sewer rate increases. Mr. Siler explained that in response to the Local Government Commission (LGC) letter dated December 11, 2015, addressing the financial stability in the Water and Sewer Fund, management is recommending an immediate increase of 5% to the Water and Sewer rates, and an increase in the base charges to \$9 and \$15 (up from \$6.02 and \$7.98 respectively). The rate increase will generate some \$500,000 additional revenue, just enough to offset the fund balance appropriation adopted in this Fiscal Year's budget. In other words, the increase in rates will reduce the dependency or drain on water fund balance to balance the Water and Sewer fund budget.

Mr. Connet explained that the water base rate for in-town customers would increase from \$6.02 to \$9.00. The water base rate for out of town customers would increase from \$12.00 to \$15.00. The sewer base rate for in town customers would increase from \$7.98 to \$10.00 and the sewer base rate for out of town customers would remain \$15.00. Mr. Connet also provided to the Council a comparison should the Council also elect to raise the usage rate 3% and 5%. Mr. Connet explained that the revenue generated from the increase would be used for capital cost that have been neglected for so long.

Mayor Moore asked Mr. Connet for his recommendation on the minimum amount the rates should be increased. Mr. Connet responded that it was his suggestion that the base rates be increased and the usage rate be increased by 3%. He stated that when the Council reevaluate the fund balance policy they just adopted on June 30th, they could also reevaluate the rate increases.

Councilman Harris stated that no one wanted to raise rates and asked if it was possible to go back to the LGC and inform them that rates were actually increased last June when a billing error was discovered.

Councilman Wood questioned if the Council chose not to raise the rates, would the LGC not approve the \$1.4 million loan. Mr. Connet explained that it was his opinion that it would make a big impression on the LGC if the rates were increased. If nothing more, increase the base rates to address some of the capital costs.

Councilman Harris suggested that staff report the following to the LGC:

The Town no longer is transferring funds from the W/S to the General Fund

July 1st of this year, staff corrected an error whereby the adopted rates were the actually charged rates. Estimated revenue of 70,000 (per Councilman Scott) was generated due to this correction.

Work is being completed on the WTP and on the I & I project to control expenditures.

The Town feels it has this under control and we are willing to further address it during the new budget session

The Town will conduct a cost of services assessment.

Mayor Moore stated that the Town has started making repairs and we are going to start paying contractors. If the Town doesn't get the loan then we are going to have to pay these contractors. Mr. Freeman stated that some contracts will be cancelled.

Mayor Pro-Tem Ashley recalled that during the last budget, staff recommended a rate increase in water rates. Councilman Harris responded that it is the same increase staff is proposing now.

Mayor Pro-Tem Ashley made a motion to approve the request as recommended to increase the water and sewer rates by 5% and base rate increase of \$9 and \$15. The motion died for lack of a second.

Councilman Dunn stated that at the last meeting the Council approved treatment on the sludge with the estimated savings of \$230,000 a year. Mr. Freeman explained that the Town won't know the effect of that until next fall and won't realize any of those savings until the equipment is operational.

Councilman Scott made a motion, seconded by Councilman Harris, to deny the request of the rate increase and table this discussion. Revisit it when a recommendation to discuss it again is made by the Mayor. Ask staff to go back to the LGC with the changes that have been made and brought up tonight. In the interim, locate a company that will conduct a cost of services assessment. Councilman Scott, Councilman Harris, Councilman Lee, Councilman Wood, Councilman Dunn and Councilman Rabil voted in favor of the motion. Mayor Pro-Tem Ashley voted against the motion. Motion passed 6 -1.

Mayor Pro-Tem Ashley questioned the cost of the rate study. Mr. Connet responded that although he was unsure of an exact figure, he estimated the cost could be less than \$20,000.

4. Triangle J. Council of Governments Delegate And Alternate Appointment

Councilman Harris explained that members of Council serve as alternates and ex-officio members on various Town Boards and other committees. Currently, there is a vacant delegate position and a vacant alternate position on the Triangle J. Council of Governments Board of Delegates.

Councilman Harris made a motion, seconded by Mayor Pro-Tem Ashley, to appoint Councilman Wood to serve as the Delegate and Councilman Scott to serve as the Alternate. Unanimously approved.

5. Discussion regarding the State Health Plan for Employee Health Care Coverage

Human Resources Director Tim Kerigan gave the Council an update on consideration to continuing to pursue the State Health Plan for the Town of Smithfield employees. Mr. Kerigan explained that the legislature allowed 10,000 lives to be added to the State Health Plan. At the last meeting, the Council approved a resolution of intent which allowed the Town to get in que in the event that the 10,000 lives had not been exceeded. Mr. Kerigan stated it was the opinion of the Town's insurance broker, Mark III, that the Town was in good standing with its current health care plan and did not expect to see major increases in the premiums this year. The Town of Smithfield would not see the health insurance savings as some of the neighboring Towns because Smithfield has been able to control premium costs. Mr. Kerigan informed the Council that there are positives and negatives to the State Health Plan, but the Town's current 80/20 plan is very comparable to the State Health Plan. One of the downfalls of the State Health Plan is that once a municipality enrolls in it, it can never exit the plan. Mr. Kerigan's biggest concern was for the thirty-two retirees currently covered on the Town's medical insurance plan and the sixty-two current employees that were hired prior to July 1, 2007. The State Health Plan will not insure the Town's thirty-two current retirees and the only option would be to find them coverage on the health care exchange. No one knows what that cost would be but Mr. Kerigan estimated that premiums would be much higher than the Town's current premium. Another concern was the sixty-two current employees that would eventually receive the retiree health care benefit. The Town's current health care provider or no other provider would just insure one group of people. A health care provider will only insure the entire group.

Town Attorney Bob Spence stated that the cost of the retirees and the potential retirees that were eligible for the health care benefit would likely cost the Town more by switching to the State Health Plan.

Perry made a motion, seconded by Mayor Pro-Tem Ashley to table a decision on transitioning to the State Health Plan unless the Town was informed that they were eligible for enrollment into the plan. Should that occur, staff would bring that information back to Council for consideration. Unanimously approved.

6. Authorization to allow Parks and Recreation staff to pursue/ begin the grant application process for land acquisition around Community Park.

Parks and Recreation Director Gary Johnson asked direction from Council concerning the filing of a grant application for land acquisition for parks. Mr. Johnson explained that the legislature approved \$5 million more this year for land acquisition for parks. He stated that the Parks and Recreation Master Plan does address purchasing the Hamilton property near Community Park, but staff needs direction if this is something that the Council wishes to pursue.

Mayor Pro-Tem Ashley questioned if the request was obligating the Council to do anything. Mr. Johnson responded that he was seeking direction as to whether the Council wanted to pursue the grant funding and land acquisition at this time.

Councilman Wood suggested that a subcommittee be formed which would include Mr. Johnson. This subcommittee would discuss and review the master plan and devise a strategy for the parks. Mr. Johnson stated that he did have reservations about purchasing more land, but the additional land could be used for much needed parking, open space and access to open space.

Councilman Harris stated that the Council and staff needed to have some serious conversation about the direction of the Town's parks. He questioned if the Town should be adding additional land when there were other parks that needed maintenance.

Mayor Moore suggested that the subcommittee review the master plan and discuss the idea of pursuing the grant funding. He further suggested that the Parks and Recreation Advisory Committee be asked to offer their input on the matter. Councilman Wood and Councilman Lee volunteered to serve on the subcommittee.

Councilmembers Comments:

- Mayor Pro-Tem Ashley stated that the annual Christmas parade was fantastic and asked that staff send a thank you letter to all the County staff that participated.
- Councilman Scott suggested that the Town consider offering free Wi-Fi in the Downtown area. He stated that Lexington does this and they have a very vibrant downtown. He also expressed his appreciation to Interim Fire Chief John Blanton and staff for bringing a recommendation to the Council for the purchase of a fire truck that was under budget.

Town Manager's Report:

- **Department Reports**

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

- **Manager's Updates**

Interim Town Manager Jim Freeman gave a brief update on the following subjects:

- The FY 2016-2017 budget process and the proposed budget meeting with a facilitator
- Potential Economic Development Grant Pre-application
- Completed Memorandum of Understanding with Johnston County and the Library Brogden Road Substation Power Transformer Project

Closed Session: Pursuant to NCGS 143-318.11 (a) (6) and (3)

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Dunn, to go into closed session pursuant to NCGS 143-318.11 (a) (6) to discuss Town Manager applications and (a) (3) to discuss a potential litigation matter. Unanimously approved at 9:35 pm.

Reconvene in Open Session:

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Dunn, to reconvene in open session. Unanimously approved at 10:32pm.

Recess until Thursday, January 14, 2016 at 6:00 pm

There being no further business, Councilman Dunn made a motion, seconded by Mayor Pro-Tem Ashley to recess the meeting until Thursday, January 14th at 6:00 pm. Unanimously approved.

ATTEST:

M. Andy Moore, Mayor

Shannan L. Williams, Town Clerk

The Smithfield Town Council continued the January 5, 2016 recessed meeting on Thursday, January 14, 2016 at 6:00 pm. in the Council Chambers of the Smithfield Town Hall. Mayor M. Andy Moore presided.

Councilmen Present:

Emery D. Ashley, Mayor Pro-Tem
Marlon Lee, District 1
Travis Scott, District 3
Roger A. Wood, District 4
John A. Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Perry Harris, District 2

Administrative Staff Present

Jim Freeman, Interim Town Manager
Pete Connet, Interim Public Utilities Director
Greg Siler, Finance Director
Shannan Williams, Town Clerk

I. Call to Order

II. Agenda Approval

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

III. Called Session Agenda Items

1. Local Government Commission (LGC) Matters

Interim Town Manager addressed the Council on some of the recent developments with the LGC. Mr. Freeman explained that since the January 5th meeting, staff did have a January 7th phone conference with LGC Director Sharon Edmundson to discuss and relay Council's questions, especially if a possible water/sewer rate schedule increase could be delayed until completion of a rate study.

a. Water and Sewer Rate Increases

Mayor Moore stated that no one wanted to raise the water rates or sewer rates, but if the LGC denied the loan, the Town needed to have a contingency plan on how to pay for the projects that were currently underway.

Councilman Wood questioned the proposed increase of the base rate. Interim Public Utilities Director Pete Connet responded that water base rate for in town customers would increase from \$6.02 to \$9.00. The water base rate for out of town customers would increase from \$12.00 to \$15.00. The sewer base rate for in town customers would increase from \$7.98 to \$10.00 and the sewer base rate for out of town customers would remain \$15.00. Mr. Connet stated this would generate approximately \$324,073.68 in revenue that could go strictly towards paying the debt service. He further explained that the base rate is a fixed cost that should be used for infrastructure and not operational costs.

Councilman Scott questioned if the Town should only raise sewer rates since that is such a big part of the problem. Mr. Connet responded that both should be increased because they are contingent on water usage.

Councilman Dunn stated that if the Town implements all these cost savings infrastructure improvements then the rates can always be reduced later.

Councilman Wood questioned if staff explored all option. Mr. Connet responded that staff has and still is continuing to explore every option.

Mayor Pro-Tem Ashley stated that during the last budget session there was discussion concerning water and water/sewer rates. It was recommended at that time that the base rate be increased to cover rising costs. He explained that the base rate charge should pay for infrastructure costs and usage should pay for operational costs.

Councilman Wood stated that the Council has taken into consideration every possible option in order not to raise rates and at this time, based on the infrastructure needs, the Council really doesn't have a choice.

Mayor Pro-Tem Ashley stated that if the Council chose to raise the rates, he would like to work with Public Information Officer Time Kerigan to craft a letter to the customers explaining the rate increase.

Councilman Wood made a motion, seconded by Councilman Dunn, to at this time, increase the water base rate for in town customers from \$6.02 to \$9.00; increase the water base rate for out of town customers from \$12.00 to \$15.00; increase the sewer base rate for in town customers from \$7.98 to \$10.00. The sewer base rate for out of town customers would remain \$15.00. This would be effective in the March billing. Councilman Wood, Councilman Dunn, Mayor Pro-Tem Ashley and Councilman Rabil voted in favor of the motion. Councilman Lee and Councilman Scott voted against the motion. Motion passed 4-2.

Interim Town Manager Jim Freeman asked for direction in the event that the LGC does not approve the \$1.43 million loan needed for the I & I project in the amount of \$900,000 that has already begun and the Raw Water and Sand Removal System Project in the amount of \$ 530,000 that has already been awarded and will begin soon.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Wood, to proceed with the contracts and to pay for the above mentioned projects out of the water/sewer fund balance in the event that the LGC does not approve the \$1.43 million loan. Unanimously approved.

b. Water/ Sewer Rate Study Proposals

Interim Manager Jim Freeman informed the Council that staff informally contacted four consultants to inquire about their interest in providing a cost of service study. Two companies expressed their interest in conducting the study. Raffelis estimated that the study could cost approximately \$25,000 - \$30,000. The Wooten Company estimated that the study could cost approximately \$18,500 with an additional cost of \$ 3,500 should the Town wish to have the Wooten Company assist with billing threshold changes.

Interim Public Utilities Director Pete Connet informed the Council that the Town has never had a formal rate study on water or water/ sewer rates. He explained that with these models, the Town would actually receive the customized rate model and those models would be turned over to the Town for future use.

Councilman Scott questioned if a rate study would look at alternative rate methods. Mr. Connet responded that the rate study would look at all possible scenarios.

Mayor Pro-Tem Ashley questioned the high cost of the rate study and suggested that staff contact former Johnston County Public Utilities Director Tim Broom to inquire if he would be able to assist the Town with a cost of service study.

Mayor Moore suggested that staff review all the cost of service proposals as well as speak with Mr. Broom.

It was the consensus of Council that staff compile all the water/ sewer cost of service proposals for the Council to make a decision at the February 2, 2016 regular meeting.

2. Briefly

a. ARI Grant Project

Staff met with all the involved parties. A project administration agreement with Skip Green will be brought before the Council at the February meeting for consideration and approval.

b. County Town Staff Meeting

Staff has had informal discussions on conducting a water/sewer topic meeting.

c. NCDOT Hwy 70 Landscaping Project

NCDOT recently awarded this project to Charles Hughes Construction. The total amount of the contract was \$349,918.

d. Downtown State grant

Please submit projects to the Manager as soon as possible. This item will be brought before the Council at the February meeting for consideration and approval.

e. Brogden Road Substation

Bids for this project were opened at 2:00pm on January 14th. The apparent lower bid amount was \$725,180 from GE. This project will be brought before the Council at the February meeting for consideration and approval.

f. Council Work session

Load Management work session is scheduled for January 26th at 6:00 pm in the Council Chambers

g. Planning Budget Work session

Mayor Moore asked staff to contact the facilitator as to her schedule for the next several weeks to determine a suitable date for everyone.

IV. Close Session pursuant to NCGS 143-318.11 (a) (6) to consider the negotiated employee hire and Town Manager candidate applications.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Wood, to go into closed session pursuant to NCGS 143-318.11 (a) (6) to consider the negotiated employee hire and Town Manager candidate applications. Unanimously approved at 7:15 pm.

V. Reconvene in Open Session

Councilman Scott made a motion, seconded by Councilman Wood, to reconvene in open session. Unanimously approved at 8:30pm.

VI. Adjourn

There being no further business, Councilman Scott made a motion, seconded by Councilman Rabil, to adjourn the meeting. Unanimously approved at 8:31pm.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Williams, Town Clerk

**TOWN OF SMITHFIELD
TOWN COUNCIL ACTION FORM**

Item Title: Consideration of a motion not to require a Performance Bond in the purchase of Firetruck in the amount of \$3300.00

Date of Meeting: February 2, 2016 **Date Prepared:** January 22, 2016

Staff Work By:
John Blanton, Interim Fire Chief

Presentation By:
Consent agenda

Presentation Description:

As part of the bid specifications, it was noted that a performance bond cost is to be included. Due to the lowest bid coming in over budget, the department negotiated to bring the firetruck within budget; as part of such negotiations, the performance bond came in at \$3300.00. Council may waive this bond requirement. To not require the need for the Performance Bond the Town is not paying in advance for the truck. The truck purchase will be made after it has been completed and delivered therefore not requiring the performance bond. The approved purchase price of the truck with bond is \$491,799.00 not requiring the bond would reduce the purchase price to \$488,499.00.

Action Requested:

It is requested that the Council not require the performance bond which is a further savings to the Town.

**Town of Smithfield
Town Council
Action Form**

Item: Various budget amendments. See the description under each amendment.

Date of Meeting: February 2, 2016

Date Prepared: January 19, 2016

Staff Work By: Greg Siler, Finance Director

Presentation: Consent Agenda

Background: Budget amendments to adjust departmental salary lines for council approved merit increases. Merit increases were placed in each Fund's contingency line, therefore the Finance Director is moving dollars budgeted for merit increases from contingency to each departmental salary line.

Financial Impacts: As indicated by each budget amendment

Action Requested: Consider Approving Budget Amendments as Presented

BUDGET AMENDMENTS
February, 2016

GENERAL FUND	BEFORE	ADJ.	AFTER
1. Expenditures			
10-4100-0200 Gen Gov - Salaries	\$ 67,424	\$ 1,348	\$ 68,772
10-4200-0200 Finance - Salaries	67,718	1,354	69,072
10-4900-0200 Planning - Salaries	221,702	4,434	226,136
10-5100-0200 Police - Salaries	1,967,451	39,349	2,006,800
10-5100-0500 Police - FICA	158,115	3,001	161,116
10-5300-0200 Fire - Salaries	711,692	14,234	725,926
10-5300-0500 Fire - FICA	61,051	10,116	71,167
10-5500-0200 PW General - Salaries	174,516	3,490	178,006
10-5600-0200 PW Streets - Salaries	175,890	3,518	179,408
10-5650-0200 PW Garage - Salaries	36,687	734	37,421
10-5800-0200 PW Sanitation - Salaries	463,492	9,270	472,762
10-6200-0200 Recreation - Salaries	252,011	5,040	257,051
10-6200-0210 Recreation Part Time - Salaries	44,000	880	44,880
10-6220-0200 Aquatics - Salaries	207,095	4,142	211,237
10-6220-0210 Aquatics PT General - Salaries	125,000	2,500	127,500
10-6220-0220 Aquatics PT Aquatics - Salaries	91,000	1,820	92,820
10-6220-0230 Aquatics PT Insructors - Salaries	85,000	1,700	86,700
10-9990-5300 General Fund Contingency	<u>329,350</u>	<u>(106,931)</u>	<u>222,419</u>
	<u>\$ 5,239,194</u>	<u>\$ (0)</u>	<u>\$ 5,239,194</u>

To Adj Salary lines for merit increase. Merit increases were combined with contingency budget

2. Expenditures			
30-7200-0200 Water Plant - Salaries	\$ 321,760	\$ 6,435	\$ 328,195
30-7220-0200 Water/Sewer - Salaries	432,426	8,649	441,075
30-9990-5300 Water/Sewer Fund Contingency	<u>198,409</u>	<u>(15,084)</u>	<u>183,325</u>
	<u>\$ 952,595</u>	<u>\$ (0)</u>	<u>\$ 952,595</u>

To Adj Salary lines for merit increase. Merit increases were combined with contingency budget

3. Expenditures			
31-7230-0200 Electric - Salaries	\$ 833,645	\$ 16,673	\$ 850,318
31-7230-0500 Electric - FICA	65,534	1,428	66,962
31-9990-5300 Electric Fund Contingency	<u>636,846</u>	<u>(18,101)</u>	<u>618,745</u>
	<u>\$ 1,536,025</u>	<u>\$ (0)</u>	<u>\$ 1,536,025</u>

To Adj Salary lines for merit increase. Merit increases were combined with contingency budget

Approved by the Smithfield Town Council this the ____ day of January, 2016

M. Andy Moore

ATTEST:

Shannan Williams, Town Clerk

**TOWN OF SMITHFIELD RESOLUTION # 575 (02-2016)
AUTHORIZING THE SALE OF CERTAIN
PERSONAL PROPERTY AT PUBLIC AUCTION**

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

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

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

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

Dept.	Vin/Ser.#	Description
Police	2G1WS553481263668	2008 Chevrolet Impala
Police	2G1WS553881266802	2008 Chevrolet Impala
Police	2G1WS553X81265148	2008 Chevrolet Impala
PW		6' Bushhog
PW	T-972-LT	6' Bushhog
PW	SHD88	7 ½ Flail Mower
Planning	SG33B4203M	HP Design Jet 800 large format 42" Printer

2. The Interim Town Manager or his designee is authorized to receive, on behalf of the Town Council, bids via public electronic auction for the purchase of the described property.
3. The public electronic auction will be held beginning no earlier than February 15, 2016.
4. The Town Council further authorizes the disposal of Town surplus property by use of a public electronic auction system provided by GovDeals Inc. The property for sale can be viewed at www.govdeals.com. Citizens wanting to bid on property may do so at www.govdeals.com. The terms of the sale shall be: All items are sold as is, where is, with no express or implied warranties; All items will be sold for cash or certified check only; Payment must be received for all items sold before they may be removed from the premises; All items sold must be paid for and removed from the site of the sale within 5 business days of the sale, or they will be subject to resale.

5. The Town Clerk shall cause a notice of the public auction for surplus property to be noticed by electronic means in accordance with G.S. 160A-270(c), available on the Town of Smithfield website www.smithfield-nc.com
6. The highest bid, if it complies with the terms of the sale, may be accepted by the Finance Director or his designee and the sale consummated.

Adopted this 2nd day of February, 2016.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Williams, Town Clerk

**RESOLUTION # 576 (03-2016) IN SUPPORT OF THE
\$2 BILLION BOND CAMPAIGN FOR EDUCATION, AGRICULTURE, PARKS
WATER & SEWER**

WHEREAS, North Carolina has seen its population grow by 2 million people since 2000, and there is a need to expand and repair existing infrastructure so we can continue to meet our growing population and continue to create new jobs and grow our economy and

WHEREAS, a primary driver of job creation is our higher education system of community colleges and universities and \$1.3 billion dollars will be invested across the state in capital construction and repair and renovation and

WHEREAS, 13 colleges and universities will be beneficiaries and all of the community colleges will have new construction, repairs and renovations and

WHEREAS, \$300 million in loans and grants will be invested in sewer and water projects and

WHEREAS, \$100 million will go to 48 state parks and the NC Zoo to repair and renovate as well as updating some park facilities to make them more accessible to children with disabilities and Veterans with disabilities and

WHEREAS, \$70 million will be spent to modernize National Guard facilities which will also make the guard eligible for additional federal funding as North Carolina moves towards more centralized facilities and

NOW THEREFORE BE IT RESOLVED, that the Town of Smithfield supports the \$2 Billion Connect NC Bond that invests in North Carolina's future.

ADOPTED THIS THE 2ND DAY OF FEBRUARY, 2016

M. Andy Moore, Mayor

ATTEST:

Shanna L. Williams, Town Clerk

RESOLUTION IN SUPPORT OF THE \$2 Billion Bond Campaign for Education, Agriculture, Parks, Water & Sewer

WHEREAS, North Carolina has seen its population grow by 2 million people since 2000, and there is a need to expand and repair existing infrastructure so we can continue to meet our growing population and continue to create new jobs and grow our economy and

WHEREAS, a primary driver of job creation is our higher education system of community colleges and universities and \$1.3 billion dollars will be invested across the state in capital construction and repair and renovation and

WHEREAS, 13 colleges and universities will be beneficiaries and all of the community colleges will have new construction, repairs and renovations and

WHEREAS, \$300 million in loans and grants will be invested in sewer and water projects and

WHEREAS, \$100 million will go to 48 state parks and the NC Zoo to repair and renovate as well as updating some park facilities to make them more accessible to children with disabilities and Veterans with disabilities and

WHEREAS, \$180 million will be invested in agriculture which contributes \$78 billion to the state's economy and accounts for 17 percent of the state's income and

WHEREAS, \$70 million will be spent to modernize National Guard facilities which will also make the guard eligible for additional federal funding as North Carolina moves towards more centralized facilities and

NOW THEREFORE BE IT RESOLVED, that the Executive Committee of the NC League of Municipalities supports the \$2 Billion Connect NC Bond that invests in North Carolina's future.

Approved this *18th* day of December 2015.

Lestine Hutchens, President of NCLM, Mayor of Elkin, NC

Bob Matheny, First Vice President, NCLM, Mayor of Zebulon

Michael Lazzara, Second Vice President of NCLM, Mayor Pro Tem of Jacksonville

Jennifer Robinson, NCLM Executive Board, Council Member, Cary

Jody McLeod, NCLM Executive Board, Mayor of Clayton

Paul Meyer, Executive Director, NCLM

**TOWN OF SMITHFIELD
Town Council
Action Form**

Consent Item: Consideration and approval of an agreement with BB&T to purchase the Family Life Center Building

Date of Meeting: January 5, 2016

Date Prepared: January 26, 2016

Presentation Description:

The Family Life Center is located on the property owned by the Town of Smithfield. Recently the Town was notified that the owners can no longer operate the center and the bank has foreclosed on the building.

Prior to the election, former Mayor John Lampe worked with the bank to negotiate a settlement in the event that the Town became interested in owning the building. Mr. Lampe informed the members of the Council that the bank has agreed to sell the building to the Town if the Town is in fact interested in purchasing it. The bank is willing to settle and sell the building for \$25,000.

Action Requested: The Council is requested to approve this request and authorize the Town attorney to work with the bank to draft the necessary documents and authorize the Mayor to execute the documents on behalf of the Town.

TOWN OF SMITHFIELD
Town Council
Action Form

Consent Item: Consideration and approval of a professional service agreement agreement with Skip Green and Associates

Date of Meeting: January 5, 2016 **Date Prepared:** January 22, 2016

Presentation Description:

At the January meeting, The Council approved the contract agreement required to finalizing the grant award from the North Carolina Infrastructure Authority ("Rural Authority") to allow Atlantic Resources, Inc. to renovate the abandon Jerold Manufacturing Facility. Skip Green and Associates, Inc. will be working with the Town and the ARI for the administration of this grant.

Action Requested: The Council is requested to consider and approve the professional services agreement with Skip Green and Associates, Inc. for administration of "Atlantic Resources – Brightleaf Boulevard Building Renovation Project Grant Number 2016-018-3201-2538.

**SKIP GREEN AND ASSOCIATES, INC.
PROFESSIONAL SERVICES AGREEMENT**

AGREEMENT

This Agreement made and entered into this ___ day of _____, 2016 by and between Skip Green and Associates, Inc. hereinafter referred to as "Contractor" and the Town of Smithfield, hereinafter referred to as the "Client" to provide services as related to the Client's Rural Economic Development Division, North Carolina Department of Commerce Building Reuse Program - Existing Business Category grant.

WITNESSETH:

THAT WHEREAS, the Contractor is engaged in the principal business of providing administrative, planning and grant services to Private entities, individuals and special purpose units of government; and

WHEREAS, the Client has received a Rural Economic Development Division (REDD), Building Reuse Program - Existing Business Category grant to assist Atlantic Resources Incorporated in its renovation project.

WHEREAS, the Client desires to utilize the Contractor to provide administrative services in connection with this grant; and

NOW, THEREFORE in consideration of the mutual promises and agreement to each other hereinafter set forth, Contractor and Client agree as follows:

**SECTION ONE:
SCOPE AND TERM OF EMPLOYMENT**

The Contractor will provide services to the Client as contained in "Exhibit A" which is attached to this agreement and made a part hereof.

**SECTION TWO:
COMPENSATION OF CONTRACTOR**

For and in consideration of the services, which may be provided under this Agreement, the Client hereby agrees to compensate the Contractor a lump sum fee of \$3,500 for the preparation of the Grant and \$10,000 for REDD Building Reuse – Existing Building grant administrative services. Administration payments will be due and payable as outlined in "Exhibit B" which is attached to this agreement and made a part hereof.

**SECTION THREE:
MODIFICATION OF CONTRACT**

No waiver or modification of this Agreement or of any covenant, condition, or limitation herein contained shall be valid unless in writing and duly executed by Contractor and Client and no evidence of any waiver or modification shall be offered or received in evidence of any proceeding, arbitration, or litigation between the parties hereto arising out of or affecting this Agreement or the rights or obligations of the parties hereunder, unless such waiver or modification is in writing, duly executed as aforesaid, and the parties further agree that the provisions of this section may not be waived except as herein set forth.

**SECTION FOUR:
LEGAL REMEDIES/TERMINATION**

If through any cause, Contractor or Client fails to fulfill in a timely and proper manner the obligations under this contract, Contractor and Client shall thereupon have the right to terminate this contract by giving fifteen (15) days written notice to the other party of such termination and by specifying the cause of termination and the effective date thereof. In any event, all finished or unfinished deliverable items prepared by the Contractor under this contract shall entitle the Contractor to receive just and equitable compensation for work completed and deliverable. Payment shall be for accrued fees for services and expenses incurred remaining unpaid at the time of termination. It is further agreed that any breach or evasion of any of the terms of this contract by either party will authorize recourse to injunction and/or specific performance as well as to all other legal or equitable remedies to which such injured party may be entitled hereunder.

**SECTION FIVE:
IMPOSSIBILITY OF PERFORMANCE**

Neither the Contractor or Client shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by an act of war, hostile foreign action, nuclear explosion, riot, strikes, boycott, civil insurrection, earthquake, hurricane, tornado or other catastrophic natural event or act of God.

**SECTION SIX:
SEVERABILITY**

All agreements and covenants contained herein are severable, and in the event any of them, with the exception of those contained in Section One and Three hereof, shall be held to be invalid by any competent court of law, this contract shall be interpreted as if such invalid agreements or covenants were not contained herein.

**SECTION SEVEN:
CHOICE OF LAW**

It is the intention of the Contractor and Client that this Agreement and the performance hereunder and all suits and special proceedings hereunder be construed in accordance with and under and pursuant to the federal laws and to the laws of North Carolina and that in any action, special proceeding or other proceeding that may be brought arising out of, in connection with, or by reason of this Agreement, the federal laws or the laws of the State of North Carolina shall be applicable and shall govern to the exclusion of any other forum, without regard to the jurisdiction in which any action or special proceeding may be instituted.

**SECTION EIGHT:
CONFLICT OF INTEREST**

No member, officer, or employee of the recipient, or its agents, no members of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his/her tenure or for one year thereafter, shall have any financial interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. Immediate family members of said members, officers, employees, and officials are similarly barred from having any financial interest in the program. The recipient shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this section.

**SECTION NINE:
ADDITIONAL SERVICES**

This contract may be modified as set forth in "SECTION THREE" to enable additional services to be performed. Additional services are those resulting from (1) the Contractor being asked to perform duties beyond those contained in the original scope of work and (2) the Contractor having to spend additional time to complete activities due to circumstances beyond the Contractor's control. The Contractor's lump sum does not include compensation for providing additional services.

a. The Contractor shall provide additional services, as requested in writing by the Client and accepted by the Contractor, at an hourly rate of \$90.00.

b. In the event that the project completion is anticipated to fall behind schedule due to circumstances beyond the control of the Contractor, the Contractor shall request additional compensation from the Client at hourly and per diem rates contained in the Contractor's proposal to provide administrative services, which by attachment is a part of this Agreement.

This Agreement now therefore executed as each party hereunto sets their hand and seal as of the date first mentioned above.

CONTRACTOR:

Skip Green and Associates, Inc.

Jesse W. Green, Jr., President

_____ Date

CLIENT:

Town of Smithfield

_____ Date

EXHIBIT - A

APPLICATION DEVELOPMENT AND PROJECT MANAGEMENT SERVICES

**RURAL ECONOMIC DEVELOPMENT DIVISION, BUILDING REUSE PROGRAM -
EXISTING BUSINESS CATEGORY SCOPE OF SERVICES**

Scope of Services

I. APPLICATION PREPARATION

- a. Prepare preapplication.
- b. Set-up and participate in preapplication conference.
- c. Prepare and submit application.
- d. Attend company on-site visit.

I. GENERAL PROJECT ADMINISTRATION

- a. REDD file maintenance.
- b. Review, recommend and prepare payment requisitions.
- c. Prepare progress and final project reports for submittal to the REDD.
- d. Tracking/maintaining company employment documentation.

EXHIBIT B

COMPENSATION

**RURAL ECONOMIC DEVELOPMENT DIVISION, BUILDING REUSE
PROGRAM - EXISTING BUSINESS CATEGORY PROJECT ADMINISTRATION**

Application Preparation

Subject to the application being approved, a \$3,500 lump sum payment billable upon the receipt, execution and submittal of the REDD Grant Agreement.

Project Administration

Lump sum payment of \$10,000.

Project schedule: Project begins: 02/01/2016
Project ends: 02/01/2018

15% of the lump sum payment will be paid as 24 equal payments for general project administration.

80% of the lump sum payment will be paid toward the total contracted cost for project construction activities based on the percent of the amount of work completed to date on the most recent construction invoice(s) received and approved by the Town.

5% of the lump sum payment will be paid after the submittal and acceptance of the Rural Economic Development Division's Final Report.

Any unpaid amounts (general project administration) up to the lump sum will be paid when the Town submits project close-out documentation and receives REDD acknowledgment the project has been closed-out..



**Town of Smithfield
Town Council
Action Form**

Item Title: Public Works Facility Renovations

Date of Meeting: February 2, 2016 Date Prepared: January 28, 2016

Staff Work By: Lenny Branch, Public Works Director, Russell Renfrow Public Works Supervisor

Presentation By: Lenny Branch

Presentation Description:

In this year's (FY 15-16) budget, the Public Works Appearance Division was approved \$15,000 to renovate the Public Works facility. The renovations consist of constructing an ADA compliance entrance ramp coming into the building, replacing old doors and installing commercial grade ADA compliance ones; replacing old leaking windows with new double insulate versions. Bids were solicited from the following vendors:

- | | | |
|--------------------|---|----------------------|
| ➤ SOHN Inc. | - | \$14,963.00 |
| ➤ Lane Contracting | - | \$15,250.94 |
| ➤ Huskey Builders | - | \$15,500.00 (verbal) |
| ➤ Steven Post | - | Did not turn in bid |

Action Requested: Council is requested to award the renovation project to the lowest bidder (SOHN Inc.) in the amount of \$14,963.00

SOHN, INC.
1615 Fire Dept. Rd.
Clayton, NC 27527
919-612-5789

PROPOSAL

Date: December 28, 2015

To: Town of Smithfield

Re: Renovations

Attn: Lenny Branch

Window replacement

1. Remove 4 existing windows.
2. Replace with new vinyl sliders with locks, Low E with argon gas, tinted. Caulk and seal.

Cabinet

1. Build solid wood cabinet to enclose communication devices.

Hallway

1. Reframe hallway area to accommodate 2 new doors and eliminate one existing door.
2. Doors to be hollow metal frames and solid wood with hardware.
3. Interior finishes to match existing walls, trim and paint.

Front Entry

1. Remove existing front door and install commercial style door with hardware and closure.
2. Remove area of existing concrete at front entry and re pour to provide one parking place and entry to make it handicap and ADA qualified.
3. Provide all striping and signage as required.

New Window

1. Cut a hole in existing masonry.
2. Frame new hole to accept new vinyl window.
3. Install new vinyl slider with locks, Low E with argon gas, tinted. Caulk and seal.

Total Bid.....\$14,963.00

Sohn, Inc.

Ted Sohn

Lane's Contracting, Inc.

104 E. Riverside Drive

Smithfield, NC 27577

Phone: 919-631-6112

Fax: 919-934-8414

Estimate

Date
1/26/2016

Customer Address	Job Address	
Lane's Contracting, Inc. 104 E Riverside Drive Smithfield, NC 27577	Town of Smithfield Smithfield, NC 27577	
Description		Total
Window Replacement 1. Remove 3 existing windows 2. Replace with new vinyl sliders with locks, low E with argon glass, tinted, caulk and seal Cabinet Build solid wood cabinet to enclose communication devices Hallway 1. Reframe hallway area to accommodate 3 new doors and eliminate one existing door 2. Doors to be hollow metal frames and solid wood with hardware 3. Interior finishes to match existing walls, trim and paint. Front Entry 1. Remove existing front door and install commercial style door with hardware and closure. 2. Remove area of existing concrete at front entry and repour to make entry handicapped and ADA qualified New Window 1. Cut a hole in existing masonry. 2. Frame new hole to accept new vinyl window. 3. Install new vinyl slider with locks, low E with argon gas, tinted, caulk and seal.		15,250.00
		Total \$15,250.00

Payment to be made in full upon the completion of work. Material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Alterations or deviations from the above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. Warrantee can not be transferred to someone else. There are no guarantees on repair work.

ACCEPTANCE OF PROPOSAL:

The above process, specifications, and conditions are satisfactory and are hereby accepted. Lane's Contracting, Inc. is authorized to do the above work as specified. Any warranties on roof are not valid until balance has paid in full. NOTE: All proposals may be withdrawn by us if not accepted within 30 days.

Signature: _____

Date: _____

**Town of Smithfield
Town Council
Action Form**

Item: Board Appointments

Date of Meeting: February 2, 2016

Date Prepared: January 22, 2016

Staff Work By: Shannan Williams

Presentation: Consent Agenda

Presentation:

Current Board vacancies are as follows:

Appearance Commission – 4 positions

Parks and Recreation Advisory Commission – 2 Position
and 2 High School student positions (2 year term)

Planning Board – 1 ETJ Alternate Position

Board Appointment Considerations

1. Anita Liverman has submitted an application for consideration to be reappointed to serve a second term on the **Appearance Commission**
2. Robert Worsham has submitted an application for consideration to be reappointed to serve a third term on the **Appearance Commission**.
3. Regina Sanders has submitted an application for consideration to be reappointed to serve a fourth term on the **Appearance Commission**.
4. Paul Worley has submitted an application for consideration to be reappointed to serve a fifth term on the **Board of Adjustments**.
5. Sandra O'Berry has submitted an application for consideration to be reappointed to serve a second term on the **Library Board of Trustees**.
6. Daniel Sanders has submitted an application for consideration to be reappointed to serve a third term on the **Parks and Recreation Advisory Board**.

There have been no other inquiries at this time.



Town of Smithfield
Board, Commission, or Committee
Application

Name: Liverman Anita L

Home Address: 803 Baker Street, Smithfield, NC 27577

Business Name & Address:

Telephone Numbers: (Home) (Mobile) aniyvliv@gmail.com (Email)

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

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

Interests & Skills: gardening, enjoy art, paints, dress NLT theatre sets

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

Recent Job Experiences: Jo Co Health Dept Sys admin. until 2004

Civic or Service Organization Experience: appearance Commission 2013-2016, Hospice House volunteer, Neuse little theatre Board, Friends of Library Board, Jo Co Arts Council Board, Ava Gardner museum B

Town Boards previously served on and year(s) served: Smithfield appearance Commission 2013-2016

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

Why are you interested in serving on this Board/Commission/Committee? Follow through projects
currently involved with on commission

Affirmation of Eligibility:

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

Yes No If yes, please explain disposition: _____

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

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

Printed Name: Anita L. Liverman

Signature: Anita L. Liverman

Date: Jan 22, 2016

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

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



Town of Smithfield
Board, Commission, or Committee
Application

Name: Worsham Robert L
Home Address: 1113 S. Vermont Street, Smithfield, NC 27577
Business Name & Address: Self-Employed
Telephone Numbers: (Home) (Mobile) bworsham1@nc.rr.com (Email)

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

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

Interests & Skills: To continue to determine beautification projects to improve Smithfield appearance.
Skills: Management, leadership, team-building

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

Recent Job Experiences: self-employed independent Manufacturers representative for 4 furniture manufacturers

Civic or Service Organization Experience: Appearance Commission - Chair (3 years), Vice-Chair (2 years), First Presbyterian Church Elder, Property and Finance Committees

Town Boards previously served on and year(s) served: Appearance Commission - 5 years

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

Why are you interested in serving on this Board/Commission/Committee? Improving Appearance of Smithfield through projects agreed upon with Commission and Town Council

Affirmation of Eligibility:

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

Yes No If yes, please explain disposition: _____

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

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

Printed Name: Robert L. Worsham

Signature: Robert L. Worsham

Date: 1/25/2016

Return completed for to:

Shannan Williams

Town Clerk

P. O. Box 761

Smithfield, North Carolina 27577

Phone: (919) 934-2116 Fax: (919) 989-8937 E-Mail: shannan.williams@smithfield-nc.com

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



Town of Smithfield
Board, Commission, or Committee
Application

Name: Sanders Regina P.

Home Address: 215 E. Heath Ave., Smithfield, NC 27577

Business Name & Address:

Telephone Numbers: (Home) (Mobile) rpsanders215@yahoo.com (Email)

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

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

Interests & Skills: Computer literate, working crossword puzzles, sudoku

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

Recent Job Experiences: Retired

Civic or Service Organization Experience: Johnston Co Citizens Assoc.

Town Boards previously served on and year(s) served: NONE

Please list any other Boards/Commissions/Committees on which you currently serve: NONE

Why are you interested in serving on this Board/Commission/Committee? A Love of the town I live in and making it best for our future generation.

Affirmation of Eligibility:

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

Yes No If yes, please explain disposition: _____

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

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

Printed Name: Regina P. Sanders

Signature: Regina P. Sanders Date: 2-21-16

Return completed for to:

Shannan Williams

Town Clerk

P. O. Box 761

Smithfield, North Carolina 27577

Phone: (919) 934-2116 Fax: (919) 989-8937 E-Mail: shannan.williams@smithfield-nc.com

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



Town of Smithfield
Board, Commission, or Committee
Application

Name: D'Berry Sandra L
(Last) (First) (MI)

Home Address:

Business Name & Address: 1005 Chestnut Drive, Smithfield

Telephone Numbers: (Home) (Business) (Mobile)

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

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

Interests & Skills: Art, writing, Giving Back, Books & Reading

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

Recent Job Experiences: 37 years teaching in Johnston County

Civic or Service Organization Experience: President Junior Woman's Club, President North Carolina Basket Maker's Assoc, Salvation Army Volunteer - Friends of the Library Chair Person, Board Johnston County Arts Council

Town Boards previously served on and year(s) served: NONE

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

I have worked on more civic and service activities than I can remember since starting as a child selling Poddies. Some 8/10-15 min, some short.

Why are you interested in serving on this Board/Commission/Committee? To help reach local goals, to help figure out how to do more with less - I spend a lot of time at the library working in the stacks and working on Friends of the Library projects. I would like Affirmation of Eligibility to take a larger role

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

9 Yes 9 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? 9 Yes 9 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 msintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the City Clerk and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee. Further, I have received a copy of the Policy adopted 03-04-2008 and understand its contents.

Printed Name: Sandra O'Berry
Signature: Sandra O'Berry Date: / /

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

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



Town of Smithfield
Board, Commission, or Committee
Application

Name: Worley Paul C
Home Address: 18 Eden Dr Smithfield NC 27577
Business Name & Address: NCDOT 1 S. Wilmington St., Raleigh NC 27601
Telephone Numbers: pworley366@gmail.com

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

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

Interests & Skills: Transportation, public involvement & relations

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

Recent Job Experiences: Rail Director, NCDOT 2013-present
Assr Rail Director, NCDOT 1996-2013

Civic or Service Organization Experience: Fellowship Lodge 84, AF+AM

Town Boards previously served on and year(s) served: Planning Board - approx - 1992-2001

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

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


Affirmation of Eligibility:

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

Yes No If yes, please explain disposition: _____

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

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

Printed Name: Paul C. Worley
Signature:  Date: 1/20/16

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

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



Town of Smithfield
Board, Commission, or Committee
Application

Name: Sanders Daniel
Home Address: 215 Heath ave Smithfield NC 27577
Business Name & Address:
Telephone Numbers: (Home) (Mobile) R.P. Sanders 215 Dyerh... (Email) com

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

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

Interests & Skills: Fishing

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

Recent Job Experiences: (Retired)

Civic or Service Organization Experience: NAACP

Town Boards previously served on and year(s) served: Parks + Recreation Planning Board

Please list any other Boards/Commissions/Committees on which you currently serve: None

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

For the Better of Town of 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: _____

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: _____

NO

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

Printed Name: DANIEL D SANDERS

Signature: Daniel d Sanders

Date: 1-21-16

Return completed for to:

Shannan Williams

Town Clerk

P. O. Box 761

Smithfield, North Carolina 27577

Phone: (919) 934-2116 Fax: (919) 989-8937 E-Mail: shannan.williams@smithfield-nc.com

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

**Town of Smithfield
Town Council
Action form**

Item: Pay Increase for Morning SRAC Receptionist

Date of meeting: February 2, 2016

Date prepared: January 25, 2016

Staff work by: Gary Johnson / Dale Ham **Presentation:** Gary Johnson / Dale Ham

Presentation: The Smithfield Recreation and Aquatics Center would like to ask for a pay raise for an employee who has currently served as the SRAC Morning Receptionist since it's opening in May of 2009. This employee has been a dedicated employee and is a valued asset to the SRAC as she is a "key holder" (the only part-time employee that maintains a key), she opens the facility every weekday morning (at 5:30 a.m.) and manages the facility until full-time personnel arrive at 8:00 a.m. She has consistently exceeded expectations and goals and always goes beyond the call of duty to make sure the SRAC operates as designed and as policy calls. She has never been late or absent over the past 6 years and again, has the sole responsibility of assuring the SRAC in open to our members and guests by 5:30 a.m. every Monday through Friday operating hours.

As per request, the SRAC Operational Budget or the current line item (10.6220.0210) **would not** see an increase or need an amendment as this could be absorbed into the current budget (FY 15-16).

Action Requested: The Smithfield Recreation and Aquatics Center requests a pay rate increase for this employee from a rate of \$11.00 / hour to \$12.00 / hour.

Town of Smithfield Town Council Information Form

Item: Filled Vacancies

Date of Meeting: February 02, 2016 **Date Prepared:** January 27, 2016

Staff Work By: Tim Kerigan, HR Director

Background

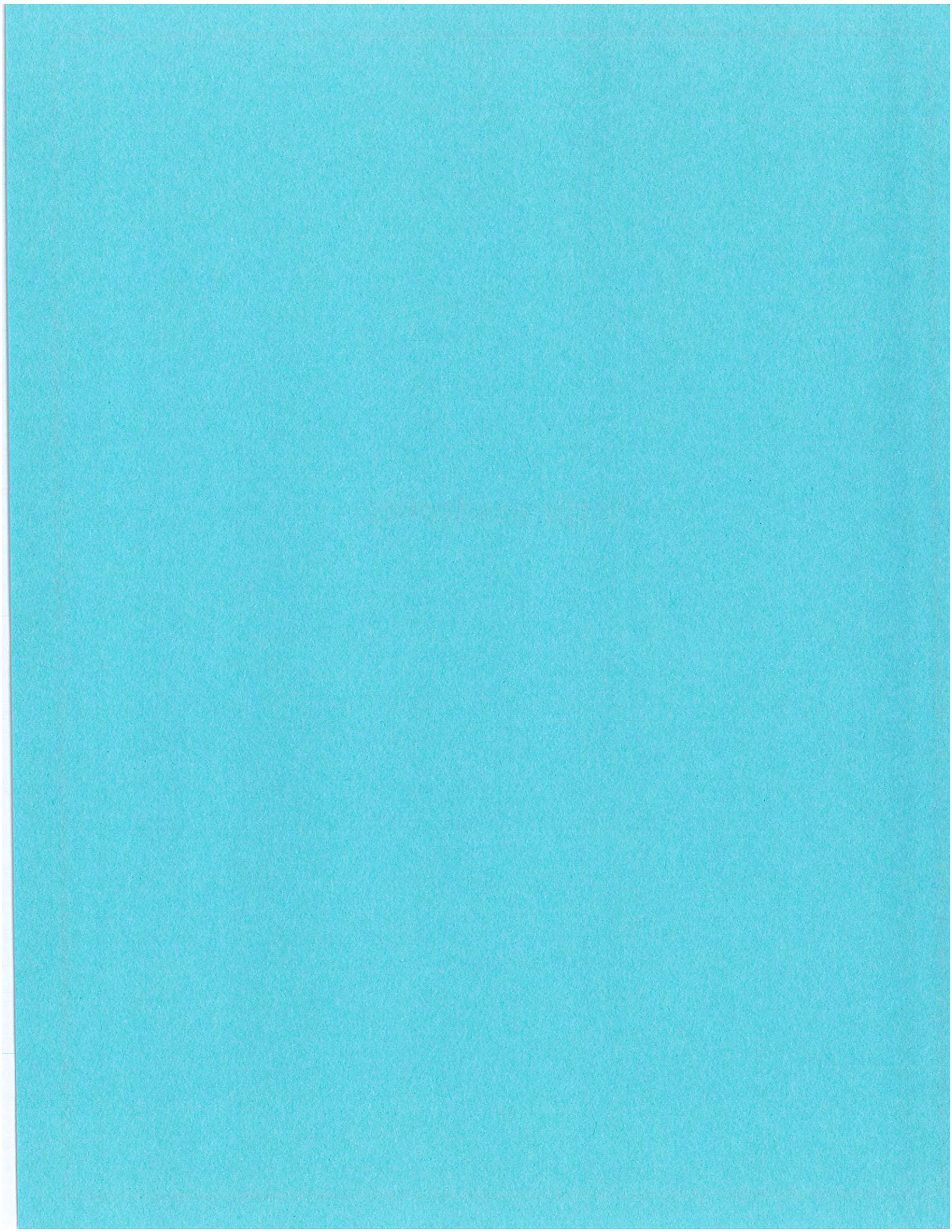
Per Policy, upon the hiring of a new or replacement employee, the Town Manger or Department Head shall report the new/replacement hire to the Council on the Consent Agenda at the next scheduled monthly Town Council meeting.

Action Requested

The Town Council is asked to acknowledge that the Town has successfully filled the following vacancies in accordance with the Adopted FY 15-16 Budget.

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Water Plant Operator II	PU – Water Plant	30-7200-0200	\$14.173/hr (\$29,473.60/yr)
Police Officer I	Police	10-5100-0200	\$16.033/hr (\$35,851.92/yr)
P/T SRAC Staff	P&R – Aquatics	10-6220-0210	\$9.00/hr
P/T SRAC Staff	P&R – Aquatics	10-6220-0210	\$7.25/hr
Water/Sewer Superintendent	PU – Water/Sewer	30-7220-0200	\$24.038/hr (\$50,000/yr)

Business Items



**Town of Smithfield
Town Council
Action Form**

Item: Consideration for Approval of Water/Sewer Rate Study with Wooten and Company

Date of Meeting: February 2, 2016

Date Prepared: January 26, 2016

**Staff Work By: Jim Freeman, Interim Town Manager
Pete Connet, Interim Utility Director
Greg Siler, Finance Director**

Presentation: Regular Agenda

Background: Responding to the NC Local Government's (LGC) December correspondence concern that Smithfield's water/sewer rates may not generate sufficient revenues to take on future capital project loan debt servicing, Council's directed staff at its January 5th meeting to solicit consultant firms that undertake said study. At Council's January 14th called meeting, staff reported receiving two water/sewer study cost proposals out of four firms contacted. These were from the Wooten Company at \$18,500-\$22,000 (Exhibit A) and Raftelis Financial Consultants at \$25,000-\$30,000 (Exhibit B). Resulting was some Council concern that these costs could be high, staff was asked to contact a local, Tim Broome, who was familiar with Smithfield's water/sewer system about a proposal. The local contact was made and unfortunately the individual declined due to potential conflict of interest being he works part-time for Johnston County (Exhibit C).

As aware, the Local Government Commission strongly recommends that the Town undertake a water/sewer study and consider said study's resulting rate schedule recommendation in its FY2016-2017 Budget. This was referenced in the Town's January 21st correspondence to the Local Government Commission (Exhibit D). Therefore, the two earlier water/sewer cost study proposals (Exhibit A and B) are presented for Council's review and consideration. It is staff's recommendation that The Wooten Company be awarded the water/sewer rate study at a maximum \$22,000 cost. The Wooten Company's proposal is the lowest cost proposal, and said company is familiar with the Town and our capital project needs.

In a related matter, please note that the cost of a water/sewer rate study is not budgeted in this current year's budget, thereby after award, a budget amendment would be forthcoming from the Water/Sewer Retained Earnings (Fund Balance).

**Attachment(s): Wooten Company Proposal (Exhibit A)
Raftelis Financial Consultants Proposal (Exhibit B)
Tim Broome Response (Exhibit C)
Town of Smithfield Response Letter to LGC (Exhibit D)**

Action Requested: Award the Town's water/sewer rate study to The Wooten Company at a maximum cost of \$22,000.



**THE
WOOTEN
COMPANY**

ENGINEERING

PLANNING

ARCHITECTURE

January 13, 2016

Mr. Pete Connet, Interim Director of Public Utilities
Town of Smithfield
PO Box 761
Smithfield, NC 27577

RE: Proposal for Water and Sewer Rate Study
Town of Smithfield, NC

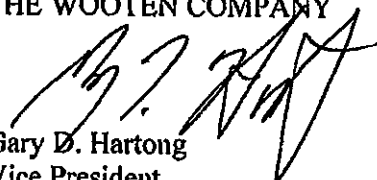
Dear Mr. Connet:

Brian Johnson and I appreciated the opportunity to sit down with Greg Siler and you to discuss the objectives of a water and sewer rate study for the Town. We understand that no recent water and sewer rate study has been recently completed and that the NC Local Government Commission is concerned with the Town's declining water and sewer enterprise fund balance based on forthcoming capital improvements projects. Likewise, the Town has other planned capital improvements projects identified for the next 1-5 years and 6-10 years for which the Town would like to adequately budget funds.

An outline of our project approach, estimated costs and information required from the Town to complete the study is attached to this letter. A base study fee of \$18,500 is proposed with an option for the Town to contract for additional services based on our discussions. We propose to provide a draft copy of the study by April 15, 2016 for review by the Town's staff prior to the Town Council meeting/presentation in May. Any desired modifications to the study could then be completed thereafter by the May 31, 2016 deadline.

If this proposal is satisfactory, kindly indicate the Town's acceptance below and return one (1) copy to our office. The other copy is for the Town's records. Please don't hesitate to contact Brian or me should you have any questions.

Best Regards,
THE WOOTEN COMPANY


Gary D. Hartong
Vice President

Acceptance by:
TOWN OF SMITHFIELD

Pete Connet
Interim Director of Public Utilities

120 North Boylan Avenue
Raleigh NC 27603-1423

919.828.0531
fax 919.834.3589

<u>A. Scope of Services and Anticipated Report Expenditures:</u>	
1. Introduction	\$1,000
a. Objective of study	
b. Discussion of billing rate types	
c. Summary of Smithfield's financial condition	
d. Executive summary of study	
2. Billing Data Collection and Analysis	\$2,500
a. Analyze 12 months of Town's water production and Johnston County's sewer billing data	
b. Analyze 12 months of Town's customer water and sewer billing data	
c. Quantify average yearly water loss and sewer inflow/infiltration to estimate revenue loss	
3. Projection of Annual Operations Revenues and Expenses	\$4,500
a. Itemize most recent 3 annual water and sewer operations budgets	
b. Distribute line item costs between water/sewer budgets and fixed/variable costs	
c. Normalize budgets using cost for rate-making adjustments	
d. Distribute debt for existing and projected 1-5 year water and sewer capital improvements	
e. Generate 5- and 10-year water and sewer budgets	
4. Adjustment of Water and Sewer Billing Rates	\$4,500
a. Review annual revenue generation from existing rate structures and, based on scope item 3 above, determine necessary annual rate adjustments to cover:	
i. Desired operation and maintenance levels	
ii. Known and pending debt service	
iii. Town -specified capital reserves requirements and/or depreciation of assets	
5. Final Report and Presentation to Council	\$6,000
a. Prepare and deliver written report and MS Excel model	
b. Identify key conclusions reached during course of study	
c. Recommend adjustments for billing rates and/or fee structures to cover anticipated expenditures	
d. Powerpoint presentation to Council and make necessary revisions	
TOTAL ANTICIPATED BASE RATE STUDY COST	\$18,500

ADDITIONAL SERVICES:

We offer the following additional services in addition to the Base Rate Study:

1. Assistance with Preparation of 6- to 10-year Capital Improvements Plan	\$TBD
a. Identify 6- to 10-year water and sewer capital improvements	

B. Information to be provided by the Town of Smithfield:

1. Copies of water and sewer enterprise fund budgets and annual audits covering FY 2013-14, 2014-15 and 2015-16.
2. Copy of draft budget for FY 2016-2017, when available.
3. Copies of existing and anticipated debt repayment schedules for all outstanding water and sewer related bonds, lease purchase agreements and other debt instruments, and statements identifying specific water and sewer related facilities built, facilities purchased, and/or equipment purchased with proceeds from each bond issue, lease purchase agreement or other debt instrument. Schedules should indicate debt expiration.
4. Depreciation schedules for water- and sewer-related assets clearly identifying those assets, if such schedules exist.
5. Water and Sewer Capital Improvements Plan or list of planned capital improvements projects and associated costs.
6. Statement of present capital reserve fund assets and of annual revenue available for capital reserves from sources other than water and sewer charges.
7. Copy of the interlocal agreement with Johnston County, and any other local units of government, for purchase/sale of water and sewer services.
8. List of water, sewer, and administrative-related employee positions noting job descriptions, salaries and fringe benefits for each employee and the budget(s) under which the salaries and fringe benefits are covered.
9. Existing water and sewer billing rate schedules.
10. Copies of monthly water treatment plant production figures for the most recent 12 months.
11. Copies of monthly water and sewer service purchases/sales from/to Johnston County, and any other local units of government, for the most recent 12 months.
12. All readily available water and sewer usage data on large commercial and industrial customers for the most recent 12 months.
13. Computerized summaries of monthly water and sewer consumption for the most recent 12 months segregated by billing class (i.e. residential, non-residential, inside customers, outside customers) Customer use data should be provided in sufficient detail and with sufficient accuracy to allow existing rate structures to be applied to the consumption data to generate the reported water and sewer revenues. Data should be in electronic (MS Excel, tab delimited, comma delimited, etc.) format for import into MS Excel software.

Greg Siler

From: Elaine Vastis <evastis@raftelis.com>
Sent: Friday, January 08, 2016 9:56 AM
To: Greg Siler
Subject: quote for water/sewer rate study

Greg,

We appreciate the opportunity to provide you with an estimate of what it would cost for our firm to perform a water/sewer rate study for the Town of Smithfield (Town). Based on our discussions, we anticipate the cost of the study to range between \$25,000 to \$30,000. If you can provide us with summarized billing data in the format that we need, then the cost will be closer to \$25,000. If we have to obtain a "data dump" from your billing system, it will require further analysis on our end, and the cost will be closer to \$30,000. Regardless, the deliverable to the Town will be a rate and financial planning model (rate model) for the water/sewer systems that projects both operating and capital costs over a ten-year period and the necessary water and sewer rates to meet each year's cash needs. The rate model will allocate costs between the water/sewer fund (unless the Town already accounts for these funds separately) and between the fixed and volumetric components of the water/sewer rate structures. The rate model will also incorporate data on fund balances and any other financial policies (such as debt service coverage ratios, etc.) to ensure the entire financial picture is considered. The rate model will calculate the impacts on various types of customers and at various usage levels so that the Town can understand the impact of the projected water/sewer rates on low and high water users. The rate model will be customized for the Town and will be turned over to the Town to use in future years. Our rate models are built using Microsoft Excel and are not proprietary. We want our clients to be able to use them in the future as a financial planning and management tool. We will also present the findings of the water/sewer study to the Town Council.

We have performed similar engagements for numerous utilities throughout the state and the country. We have even built these models to include the electric utility (and other utilities such as gas, cable, etc.). Specifically, we have built such models for the City of Wilson, NC; the City of Rocky Mount, NC; and the City of Richmond, VA.

If we can provide any additional information, please let us know. Again, we appreciate the opportunity to potentially work with the Town on this important engagement.

Best regards,
-Elaine Conti

Elaine Conti, Manager

227 W. Trade Street, Suite 1400 Charlotte, NC 28202
direct 704.936.4436 / office 704.373.1199 / mobile 336.918.2636

Raftelis Financial Consultants, Inc. www.raftelis.com

NOTE OUR NEW ADDRESS

Greg Siler

From: Pete Connet
Sent: Friday, January 15, 2016 9:32 AM
To: Jim Freeman
Cc: Shannan Williams; Greg Siler
Subject: Tim Broome contacted - W/S Rate Study

Jim,

I spoke with Tim Broome this morning about getting us a proposal to do the W/S Rate Study. He stated that he would not be able to since he was working parttime with Johnston County. He didn't feel comfortable doing this for us since there is such a close tie to Smithfield and Johnston County with water sales and sewer treatment. Too much of a conflict of interest. Bottom line is he declined to submit proposal.

Do I need to try and track down other consultants to get proposals from? Just let me know.

Shannan,

Would you please forward to the Mayor and Council- I don't have all their email addresses.

Thanks,

Pete Connet
Interim Utilities Director
Town of Smithfield, NC
919-934-2116 ext 1162
Pete.connet@smithfield-nc.com

Jim Freeman, Interim Town Manager
Greg Siler, Finance Director
Tim Kerigan, Human Resources/PIO
Shannan Williams, Town Clerk



350 East Market Street
Post Office Box 761
Smithfield, NC 27577

Veronica Hardaway, Administrative Assistant

Telephone: 919.934.2116

Fax: 919.989.8937

January 21, 2016

Ms. Sharon G. Edmundson, CPA
Director, Fiscal Management Section
State and Local Government Finance Division
and Local Government Commission
Department of State Treasurer
3200 Atlantic Avenue
Raleigh, North Carolina 27604

Dear Ms. Edmundson:

In response to your December 11, 2015 and December 30, 2015 letters to the Town of Smithfield Mayor and Council, regarding signs of financial weaknesses in the Town's Water and Sewer Fund, I offer the following reply:

Funding of the 34.6 Percent Operational Increase in FY16 Budget — The increase in this year's budget (\$2,239,998) over last year's budget is solely due to capital improvements. Many of these projects (\$2,035,000) have since been moved to a separate Capital Project Fund which will be funded with loan proceeds. The actual increase in operational cost is 3.2%, as opposed to 34.6%.

Signs of Financial Weakness — The Water/Sewer Fund has sufficient fund balance to cover operational and debt service cost until an in-depth water/sewer rate study can be performed. The Water and Sewer Fund had a healthy fund balance (82.6%) at the onset of FY15. It was the intent of the Town to use fund balance to cover escalating sewer treatment costs resulting from Inflow and Infiltration (I & I) issues until an I & I study could be performed. An I & I study is underway in FY16 with correction work to start in the early part of calendar year 2016 and continuing through FY18. The I & I remediation work is being done to help us address the increased cost of sewer treatment by Johnston County Utilities, with the goal of reducing our operational cost over the next three years. The corrective work, \$900,000 this year, is to be financed with loan proceeds. The application has been submitted to the LGC and is awaiting their approval. Debt service on all loans obtained in FY16 won't begin until FY17.

At its January 5, 2016 meeting, Council authorized staff to secure water/sewer rate study proposals to be presented for award consideration at its February 2, 2016 meeting. To date, the Town has received two (2) proposals and anticipates another before the February 2nd Council meeting. The water/sewer rate study proposals are from The Wooten Company at \$18,300 and Raftells Financial Consultants at \$25,000. It is

important to note that once awarded, the water/sewer rate study is to be completed by May 31, 2016. Thereby said study's recommendation for rate adjustments could be implemented in the upcoming FY17 Budget.

At the direction of Council the Town has ceased transferring payment-in-lieu of taxes to the General Fund. In addition, the MD&A inadvertently stated that there was no water/sewer rate increase for FY16, when sewer rates were increased by \$1.00 per 1000 gallons. This combined with identifying and correcting a base charge error will increase revenue in the Water/Sewer Fund some \$179,000 annually.

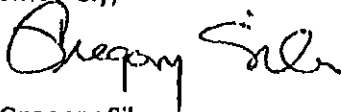
In recognition of needing a water/sewer adjustment to ensure proper cash flow and fund balance retainage, on January 14, 2016, Council approved of implementing a base rate increase. This base rate increase is to begin with the March, 2016 customer billings and increases customer billings by \$5.00 a month. The amount of the base revenue generated is estimated at \$324,000 annually. Also, please note that after completion of the consultant W/S rate study, Council is to consider further recommended rate adjustments in its FY17 Budget.

A Water and Sewer Fund Balance Policy has been adopted (copy attached). The policy was set at 30% and the Town is expected to be at this level by June 30, 2016. Again, prior to June 30, 2016, the Town will have an in-depth water and sewer rate study performed to determine where rates should be to cover operational costs and debt service with implementation on or before July 1.

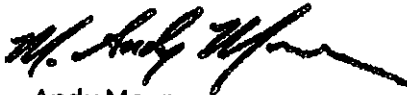
Council is committed to covering cost, but wants to do so in an intentional manner and is relying on the rate study for direction.

Please feel free to call me if you have other concerns or questions.

Sincerely,



Gregory Siler
Finance Officer
Town of Smithfield



Andy Moore
Mayor
Town of Smithfield

cc: Jim Freeman, Interim Manager
Petway Mills and Pearson, CPA, P.A.
Smithfield Town Council

**Town of Smithfield
Town Council Action Form**

Business Item: Consideration of Award of bids to GE Prolec for the purchase and installation of (1) 30-MVA LTC transformer as the second transformer at the Brogden Road Substation.

Date of Meeting: February 2, 2016

Date prepared: January 19, 2016

Staff Work by: Pete Connet, Rodney Johnson **Presentation:** Pete Connet, Interim Utilities Director
Rodney Johnson

Item:

This is the project that we have been talking about since last summer, to install a second transformer at the Brogden Road Substation/delivery point. The transformer will not only act as a back-up for the current transformer, but will allow us to add additional circuits to the north end of town, where potential growth will occur at or before the completion of the Booker Dairy Road Extension. It will also provide us with the option to provide a dedicate circuit to any future industrial client at the Hill property on Brogden Road.

Bids were opened at 2:00 p.m. on January 14, 2016 and the results are attached for your review, along with the Engineer's letter of recommendation. There were five bidders in all, with all bids coming in under the engineer's estimate for this phase of the project. **The low bid by GE Prolec is recommended in the amount of \$725,180. This price includes the manufacture of the transformer, shipping it to the site, and assembly and testing on-site by the manufacturer. The delivery is 189 days from the date of the order, which we anticipate being around March 1, 2016 when all the contracts are signed.**

Action Requested:

Receive the bids taken on January 14, 2016 and award the purchase and installation of (1) 30-MVA LTC transformer as the second transformer at the Brogden Road Substation, per the Engineer's letter of recommendation, which is attached.

Booth & Associates, LLC

CONSULTING ENGINEERS

engineering for the future since 1960

May 15, 2015

Mr. Pete Connet
Town of Smithfield
P.O. Box 761
Smithfield, NC 27577-0761

Subject: Proposal for Brogden Road Substation Expansion

Dear Mr. Connet,

Thank you for the opportunity to submit our proposal for engineering services for the Brogden Road Substation expansion. We have prepared our proposal in accordance with your request as discussed. Our proposal provides the estimated engineering and material costs associated with the additional transformer bank at Brogden Road Substation. Attached is a Cost Estimate Summary which includes labor charges and equipment, mileage, printing/reproduction, and postage/delivery expenses.

Once you have reviewed our proposed pricing, please contact me with any questions or clarification you require. Again, we greatly appreciate the opportunity to provide our proposal for quality engineering services to Town of Smithfield, North Carolina. We are confident that we will provide the City with the quality services you expect.

Sincerely,

BOOTH & ASSOCIATES, LLC



Alan R. Beith, PE

arb/spc

Enclosure

cc: James C. Turley, PE
Michael L. Clements, PE

15-0005-0053

BOOTH & ASSOCIATES, LLC.

SUBSTATION COST ESTIMATE SUMMARY

Owner: Town of Smithfield	
Substation Name: Brogden Rd Substation	Date: May 15, 2015
Voltage/Transformer Size: 230 to 24 kV, 1050 BIL	By: JEH
Project No.: 15-0005-0053	

	Item	Quantity	Unit of Measure	Labor	Material	Labor & Materials	Extended Cost					
1	Foundations	45	Cu. Yds.	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 45,000.00					
2	Structures and Equipment	1	Lot	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00					
3	Transformer 3ø, 30.0 MVA, 230 kV	1	Each	\$ 5,000.00	\$ 1,050,000.00	\$ 1,055,000.00	\$ 1,055,000.00					
4	230 kV Circuit Switcher	1	Each	\$ 2,000.00	\$ 70,000.00	\$ 72,000.00	\$ 72,000.00					
5	Relaying Panel	1	Each	\$ 3,000.00	\$ 26,000.00	\$ 29,000.00	\$ 29,000.00					
6	Grounding	1	Lot	\$ 2,000.00	\$ 5,000.00	\$ 7,000.00	\$ 7,000.00					
7	Gravel Cover (3" C/R; 3" W/S)	1,400	Sq. Feet	\$ 0.49	\$ 0.55	\$ 1.04	\$ 1,456.00					
8	Oil Containment	1	Lot	\$ 50,000.00	\$ 25,000.00	\$ 75,000.00	\$ 75,000.00					
9	Conduit/Control Wiring	1	Lot	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00					
Project Sub-Total				\$ 77,500.49	\$ 1,191,500.55		\$ 1,314,456.00					
Disclaimer: The amounts shown on this estimate are for planning purposes only and may vary at time of purchase. These values are valid only for the calendar year of 2015, and should be re-evaluated for more accuracy at time of purchase.						7.5 % Contingencies	\$ 98,584.20					
						Project Sub-Total						\$ 1,413,040.20
						Engineering						\$ 85,000.00
						PROJECT TOTAL						\$ 1,498,040.20

Task Descriptions - Substation

Task 8001 – Site Information / Project Administration – Not Required

Task 8002 – Fencing Specifications – Not Required

Task 8003 – Grading Plan / Erosion Control Plan – Not Required

Task 8004 – Oil Containment Systems Specifications

- Create oil containment plan and detail drawings for new transformer
- Generate bill of material

Task 8005 – Foundation Plan

- Review of soil data
- Perform foundation calculations
- Prepare foundation plan and detail drawings for new transformer and circuit switcher
- Generate bill of material to include concrete, rebar and anchor bolts

Task 8006 – Grounding Design / Resistivity Tests

- Modify grounding plan for new equipment as necessary

Task 8007 – Power Transformer Specifications

- Create transformer specification
- Prepare bid documents
- Open bids and recommend winner to Owner
- Approval drawing review
- Field installation coordination assistance

Task 8008 – Fault Interrupter Specifications – Not Required

Task 8009 – Voltage Regulator Specifications – Not Required

Task 8010 – Circuit Switcher Specifications

- Create circuit switcher specification
- Prepare bid documents
- Open bids and recommend winner to Owner
- Approval drawing review
- Field installation coordination assistance

TOWN OF SMITHFIELD

Brogden Road Substation Expansion

Task 8011 – Relay Design and Specifications

- Create a full set of drawings, including single and three-line diagrams, electrical diagrams, line interconnection diagrams and transformer interconnection diagrams, cable and conduit schedule
- Modify existing / create new relay drawings as necessary for interconnections to new equipment
- Create a relay panel specification
- Prepare bid documents
- Open bids and recommend winner to Owner
- Approval Drawing review

Task 8012 – Substation Structures and Equipment Design and Specifications

- Update existing plan view and sections for new equipment
- Generate Bill of Material

Task 8013 – Control Building Design and Specifications – Not Required

Task 8014 – Miscellaneous Owner-Furnished Materials – Not Required

Task 8015 – Labor Contract Preparation / Bidding & Award

- Prepare RUS Labor Contract for Owner review
- Bid and Award Labor Contract

Task 8016 – Construction Observation and Administration

- Telephone consultation for all contractor / construction questions
- Invoice approvals / Change order review

Task 8017 – Circuit Exit Plan – Not Required

Task 8018 – Record Drawings

- Submit final drawings

Task 8019 – Substation Relay Settings

- Preparation of relay settings for all substation equipment

Task 8020 – Substation Commissioning

- Onsite relay commissioning for two (2) engineers

Task 8022 – SCADA Design and Settings

- Update RTAC programming for second transformer, circuit switcher and outgoing feeders
- Create HMI screen for above listed equipment
- Points list for all relays

January 18, 2016

Mr. Peter T. Connet
Town of Smithfield
350 E. Market Street
P.O. Box 761
Smithfield, North Carolina 27577

Subject: Brogden Road Substation Expansion
Bid Evaluation and Recommendation

Dear Peter:

On Thursday, January 14, 2016, beginning at 2:00 p.m., five (5) quotations were opened for the furnishing of one (1) 230kV - 30 MVA LTC power transformer for the Brogden Road Substation Expansion. Each quotation was reviewed for accuracy, completeness and manufacturing capabilities. Based on our review, we feel all of the bid quotations received should be considered valid offerings. Enclosed is a bid tabulation for your review.

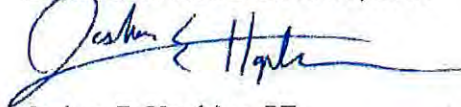
Based on a 20-year evaluation of the bids, the low evaluated bidder is GE Prolec. The quotation from GE Prolec meets the requirements of our specifications. We have worked with GE Prolec many times in the past and have found them to be a very reputable and professional manufacturer.

We recommend that the Town of Smithfield purchase the transformer from GE Prolec for the purchase of one (1) 30-MVA LTC transformer, as per Bid Schedule No. 1, for the total purchase price of \$725,180.00. With your approval, we will prepare contracts for execution and distribution.

Enclosed are the original bids received for your permanent records. If you should have any questions or require clarification, please contact me.

Sincerely,

BOOTH & ASSOCIATES, LLC



Joshua E. Hopkins, PE

jeh/spc

Enclosures

15-8046-8007

CLIENT: TOWN OF SMITHFIELD, NORTH CAROLINA
 PROJECT: BROGDEN ROAD SUBSTATION EXPANSION
 PROJ. NO.: 15-8046-8007
 DATE: January 14, 2016

BID TAB

DESCRIPTION	Qty	1					2					3					4					5				
		ABB Kuhlman PowerTech	Delta Star Robert W. Chapman & Co.	GE/Protec (1) GE Energy	Waukesha W.R. Daniel & Associates	WEG Lekson Associates	ABB Kuhlman PowerTech	Delta Star Robert W. Chapman & Co.	GE/Protec (1) GE Energy	Waukesha W.R. Daniel & Associates	WEG Lekson Associates	ABB Kuhlman PowerTech	Delta Star Robert W. Chapman & Co.	GE/Protec (1) GE Energy	Waukesha W.R. Daniel & Associates	WEG Lekson Associates	ABB Kuhlman PowerTech	Delta Star Robert W. Chapman & Co.	GE/Protec (1) GE Energy	Waukesha W.R. Daniel & Associates	WEG Lekson Associates					
BID SECURITY		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					
Bid Schedule No. 1 - Base Bid	1	\$926,590.00	\$892,775.00	\$612,125.00	\$818,076.00	\$771,500.00																				
Transformer, triple rated, 30/40/50/66 MVA, LTC, 230 kV to 24.0/13.9 kV, all in accordance with the Specifications, delivered to Brogden Road Substation																										
Delivery to Pad, Rigging/Off-Loading Costs	1	\$11,935.00	\$66,651.00	\$55,160.00	\$13,749.00	\$16,500.00																				
Assembly and Field Testing	1	\$68,985.00	\$52,015.00	\$57,895.00	\$37,300.00	\$15,000.00																				
Oil-Filling (if needed)	1	Included	Included	Included	Included	\$15,000.00																				
BASE BID:		\$1,007,510.00	\$1,011,441.00	\$725,180.00	\$869,125.00	\$818,000.00																				
Bid Schedule No. 1 - Manufacturer's Field Engineering Services (Daily Rate, including expenses)		\$2,830.00	\$1,600.00 ⁽²⁾	\$1,400.00 ⁽²⁾	\$1,425.00 ⁽²⁾	\$1,650.00																				
Delivery Schedule (Days)		168	392	189	322	238																				
No-Load Losses (kW) - 1R / 16R		29.4 / 25.9	27 / 26.5	30.7 / 30.3	24.1 / 29.6	32.5 / 29.75																				
Load Losses (kW) - 1R / 16R		103.0 / 99.0	86.5 / 92	93.7 / 88.8	97.5 / 91.5	79.02 / 77.0																				

This is to certify that at 2:00 pm on Thursday, January 14, 2016 the bids tabulated herein were publicly opened, read, checked, and the above totals are correct. All recognized bids were accompanied by an acceptable check or bid bond. Any irregularities are noted under "Remarks."

Remarks:

- 1) Bid valid for 30 Days
- 2) Expenses not included

Notes: No bid received from Siemens and Virginia Transformer

*** Recommended low evaluated bid


 Joshua E. Hopkins, PE

**TRANSFORMER LOSS EVALUATION
SCHEDULE NO. 1**

CLIENT: TOWN OF SMITHFIELD, NORTH CAROLINA
 PROJECT: BROGDEN ROAD SUBSTATION EXPANSION
 PROJECT NO.: 15-8046-8007
 DATE:

30/40/50/56 MVA - 230 kV to 24.0/13.9 kV - LTC 1R

Manufacturer	Base Bid	Per Unit No-Load Losses (kW)	Per Unit Load Losses (kW)	No Load Loss Adjustment*	Load Loss Adjustment**	Total Cost of Ownership***
ABB	\$ 1,007,510.00	29.40	103.00	\$ 113,484.00	\$ 57,680.00	\$ 1,178,674.00
Delta Star	\$ 1,011,441.00	27.00	86.50	\$ 104,220.00	\$ 48,440.00	\$ 1,164,101.00
GE	\$ 725,180.00	30.70	93.70	\$ 118,502.00	\$ 52,472.00	\$ 896,154.00
Waukesha	\$ 869,125.00	24.10	97.50	\$ 93,026.00	\$ 54,600.00	\$ 1,016,751.00
WEG	\$ 818,000.00	32.50	79.02	\$ 125,450.00	\$ 44,251.20	\$ 987,701.20

*No-Load Loss Adjustment =

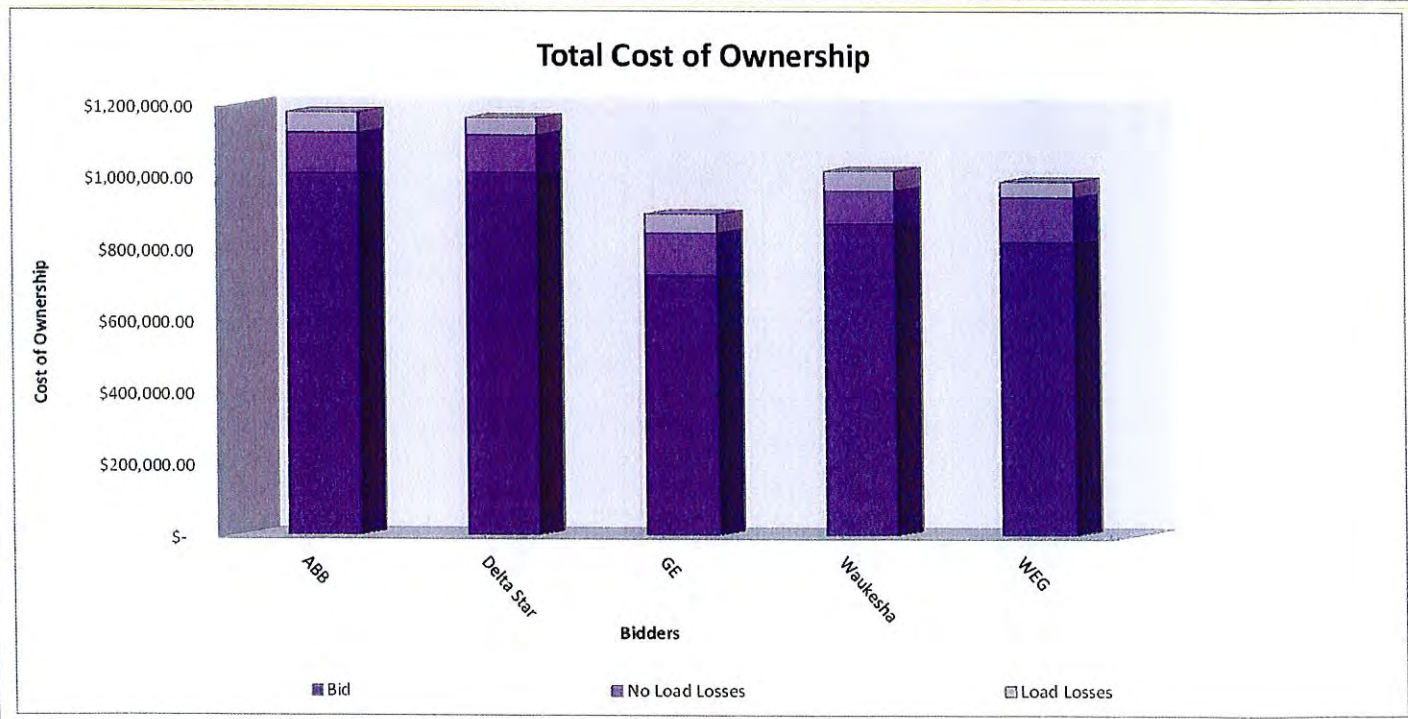
\$3,860 /kW

**Recommended Bidder for
Schedule No. 1**

**Load-Loss Adjustment =

\$560 /kW

***Total Cost of Ownership = Base Bid Price + Noted Price Adjustment + No-Load Loss Adjustment + Load Loss Adjustment



TRANSFORMER LOSS EVALUATION SCHEDULE NO. 1

CLIENT: TOWN OF SMITHFIELD, NORTH CAROLINA
 PROJECT: BROGDEN ROAD SUBSTATION EXPANSION
 PROJECT NO.: 15-8046-8007
 DATE:

30/40/50/56 MVA - 230 kV to 24.0/13.9 kV - LTC 16R

Manufacturer	Base Bid	Per Unit No-Load Losses (kW)	Per Unit Load Losses (kW)	No Load Loss Adjustment*	Load Loss Adjustment**	Total Cost of Ownership***
ABB	\$ 1,007,510.00	25.90	99.00	\$ 99,974.00	\$ 55,440.00	\$ 1,162,924.00
Delta Star	\$ 1,011,441.00	26.50	92.00	\$ 102,290.00	\$ 51,520.00	\$ 1,165,251.00
GE	\$ 725,180.00	30.30	88.80	\$ 116,958.00	\$ 49,728.00	\$ 891,866.00
Waukesha	\$ 869,125.00	29.60	91.50	\$ 114,256.00	\$ 51,240.00	\$ 1,034,621.00
WEG	\$ 818,000.00	29.75	77.00	\$ 114,835.00	\$ 43,120.00	\$ 975,955.00

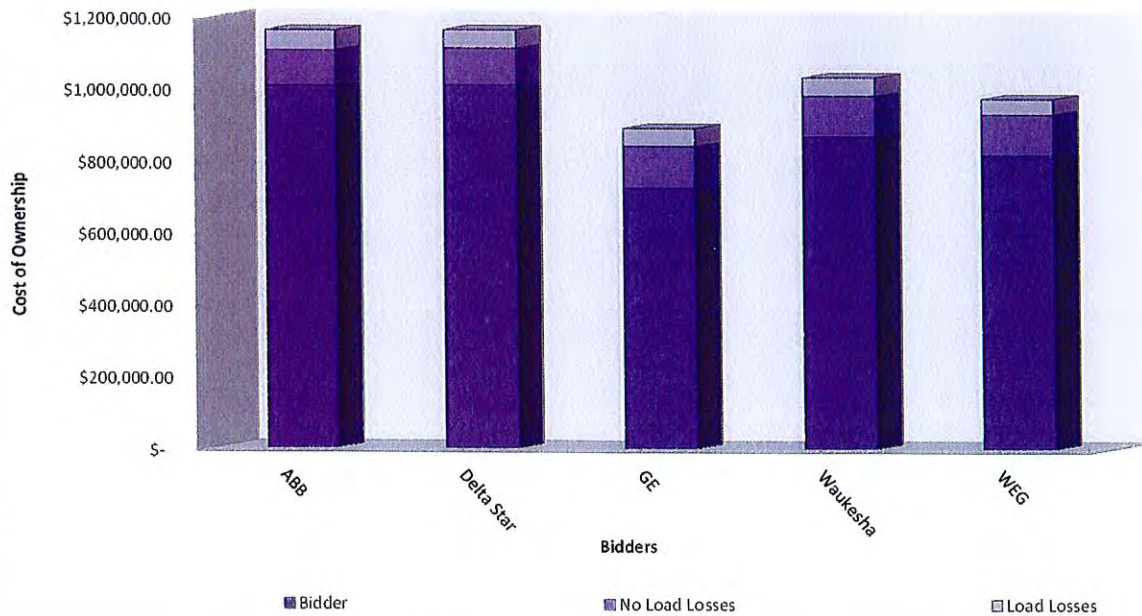
*No-Load Loss Adjustment = **\$3,860 /kW**

**Recommended Bidder for
Schedule No. 1**

Load-Loss Adjustment = **\$560 /kW

***Total Cost of Ownership = Base Bid Price + Noted Price Adjustment + No-Load Loss Adjustment + Load Loss Adjustment

Total Cost of Ownership



**TOWN OF SMITHFIELD
Town Council
Action Form**

The Town of Smithfield Planning Department is petitioning the Town Council to seek assistance in preparing a major UDO revision.

Date of Meeting: February 2, 2016

Date Prepared: January 27, 2016

Staff Work By: Paul Embler

Presentation By: Paul Embler

Presentation Description:

As aware, the Planning Department has undertaken the task of redrafting the Town's Unified Development Ordinance (UDO). Unfortunately, due to a number of concerns such as but not limited to increased activities, staffing, and legislative changes, the internal process has been slow. Therefore, realizing a community need to move forward with this project, the Planning Department seeks Council consent to secure the services of a Unified Development Ordinance (UDO) planning consultant. .

Since 2015, Planning Department staff worked with the Planning Board at their regular monthly meetings, by extending meeting times, in order to begin a functionality UDO review. There are a total of 27 Articles in the UDO plus three Appendices. To date staff and the Planning Board have reviewed eleven of the Articles and have prepared draft amendments for Council's consideration (see attachment).

Also, please note that the General Assembly, the courts and even the US Supreme Court have passed laws and made rulings in the past 24 months that have in effect outdated the Town's UDO and in some cases unenforceable. In addition there are sections of the UDO needing revisions to accommodate additional extraterritorial zoning jurisdiction (ETJ) released by Johnston County to the Town of Smithfield. These changes required by new legislation and court rulings necessitate amendments to be prepared by an individual or company who has legal expertise of such regulatory environment. Staff working with the Town Attorney could research the laws and court rulings, but this activity would take additional months. By hiring a consultant who already has knowledge and who can quickly incorporate the information into the UDO, will speed up the process tremendously.

In addition there are several new Articles that need to be prepared for the UDO that address the development of solar farms, conservation districts and historic districts among others. There are many new trends in land development that will need to be accommodated to make the UDO truly functional. Also a consultant who works for other towns and cities will also have knowledge of trends in ordinances specific to landscape, signage, storm water, etc., will be able to advise Town Council on ways to modernize the UDO into a more user friendly mode.

To assist the Council, planning staff solicited a proposal (see attachment) from DHC, Inc. As may be aware, DHC assisted Smithfield in the past to develop its UDO and prepared the Town's Comprehensive Plan. The firm through its past work has knowledge of the community and has assembled data from previous work in Town that which will represent a significant monetary and time savings to the Town. Normally a consultant's fee for preparing a UDO would be somewhere in the range of \$75,000.00 to \$150,000.00 depending on the level of detail. The normal time frame for the revision of a UDO is between one and two years. The proposal from DHC is significantly less, at \$55,000.00 with the UDO revision being completed in less than a year.

Staff proposes that the \$55,000.00 fee be funding in part from the existing Planning Department's budget by transferring \$30,000.00 from the condemnation line item, this will leave \$20,000.00 in the budget for condemnation. The remainder of \$25,000.00 is asked to be funded by Council in the upcoming FY 16/17 budget. Staff is proposing the split funding in order to speed-up the process of revising the UDO by being able to start immediately instead of waiting until July 2016. Also as information, staff did confer with the Interim Manager regarding this matter and he concurs.

Action Requested:

The Town Council is asked to review attached information and consider approval of entering into the presented DHC Inc. contract for preparation of a major UDO revisions.

UDO Steering Committee Meeting

- 1. The following amendment reflects changes brought on by the recent ETJ expansion.**

Section 1-4: Jurisdiction

(A) This Ordinance shall be effective throughout the Town's planning jurisdiction. The Town's planning jurisdiction comprises the area within the corporate boundaries of the Town as well as the ~~one~~ **two** mile extraterritorial area as shown on the "Official Zoning Map" for the Town of Smithfield. Such planning jurisdiction may be modified from time to time in accordance with NCGS 160A-360.

- 2. This amendment adds the effective date to the ordinance.**

Section 1-5: Effective Date

The provisions in this Ordinance were originally adopted on December 2, 2008 became effective on February 1, 2009.

- 3. The proposed amendment will add language to allow for newly created lots on easements within the ETJ or R-20A zoning districts.**

Section 1-16: Street Access

No building shall be erected on a lot which does not abut a street or have access to a street, provided that in a business district or in a planned project in a residential district, a building may be erected adjoining a parking area or dedicated open space which has access to a street used in common with other lots.

- 4. This amendment renames Article 3, Part 1.**

ARTICLE 3. ADMINISTRATIVE MECHANISMS
PART I. PLANNING AND ZONING BOARD

- 5. This amendment makes minor adjustments by removing the word zoning from the Planning Board's title.**

Section 3-3: Meetings

(A) Meetings of the Planning ~~and Zoning~~ Board will normally occur on the first Thursday of the month at a time and place designated by the Board and shall be open to the public. A quorum shall consist of four (4) members of the Board.

6. This amendment reflects the City Managers proper title.

Section 3-10: Public Facilities

The Planning Board shall review with the ~~Town~~ City Manager and other town officials and report as recommendations to the Town Council upon the extent, location, and design of all public structures and facilities, on the acquisition and disposal of public properties, and on the establishment of building lines, mapped street lines, and proposals to change existing street lines. However, in the absence of a recommendation from the Planning Board, the Town Council may, if it deems wise, after the expiration of thirty (30) days from the date on which the questions has been submitted in writing to the Planning Board for review and recommendation, take final action.

7. This amendment shows exactly how the Planning Board works.

Section 3-14: Creating the Zoning Board of Adjustment

~~A Zoning Board of Adjustment is hereby established and continued. The Board of Adjustment of Smithfield shall consist of _____ (____) regular members. _____ (____) members are to be in town residents who are appointed by the Smithfield Town Council. _____ (____) regular members are to be residents from the area of extraterritorial jurisdiction surrounding the Town of Smithfield who is appointed by the Board of Commissioners of Johnston County. _____ (____) alternate members shall also serve on the Board of Adjustment and the members of the Planning Board shall be additional alternate members of the Board of Adjustment to serve in the unavailability of needed other alternates on a specific date. _____ (____) alternate members shall be in town residents appointed by the Town Council. The remaining alternate members shall be residents from the area of extraterritorial jurisdiction surrounding the Town of Smithfield and shall be appointed by the Board of Commissioners of Johnston County.~~

The Board of Adjustment is hereby established and continued. The Board of Adjustment shall consist of seven (7) members and two (2) alternate members. Five (5) members and one (1) alternate member shall be citizens and residents of the town and shall be appointed by the Town Council. Two (2) members and (1) alternate member shall be citizens and residents of the extraterritorial jurisdiction of the town as described pursuant to GS 160A-362 et seq. and shall be appointed by the County Board of Commissioners. Alternate members shall not be entitled to vote on matters before the Board of Adjustment except when a regular Board of Adjustment member is absent from a duly called meeting. In that situation, the alternate shall have the same privileges as the regular members and may count for quorum purposes and vote if a regular member is absent.

8. **The following change will create a regularly scheduled BOA meeting day.**

Section 3-15: Meetings

The Board shall elect one of its members as Chairman and another as Vice-Chairman who shall serve for one (1) year. The Administrator shall serve as secretary to the Board of Adjustment. The Board shall draw up and adopt the rules of procedures under which it will operate. ~~Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.~~ **Meetings of the Board of Adjustment will normally occur on the last Thursday of the month at a time and place designated by the Board and shall be open to the public. A quorum shall consist of four (4) members of the Board.** The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action.

9. **This amendment reflects a recent prohibition on moratoria of residential uses.**

Section 3-20: Powers and Duties

Town Council may ~~be~~ adopt temporary moratoria on any Town development approval required by law **except for the purpose of developing and adopting new or amended plans or ordinances as to residential uses.** The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the Town Council shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, is subject to the notice and hearing requirements of G.S 160A-364. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 160A-417 is outstanding, to any project for which a conditional use permit application or special use permit application has been accepted, to development set forth in a site specific or phased development plan approved pursuant to G.S. 160A-385.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the Town prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for

review by the Town prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

10. The following proposed amendment will adjust the application deadlines to reflect current policy and to allow adequate time to meet North Carolina State law concerning adjacent property notification and local newspaper publication requirements for public meetings and hearings.

Section 4-1: Amending this Ordinance

(A) Application. An application for any amendment shall contain a description of the proposed zoning regulation or district boundary to be applied. Such application shall be filed with the Administrator ~~not later than ten (10) working days prior to the Planning Board meeting at which the application is to be considered.~~ no later than the first Friday of the month proceeding the month which the application is to be considered.

11. This amendment to the UDO will increase the amount of time before a denied map amendment or text amendment can be resubmitted when no substantial change is made to the proposal.

Section 4-5: Resubmission of a Denial Petition

No resubmission of a denial petition may be resubmitted within ~~one hundred eighty seven hundred thirty (180) (730)~~ calendar days of its previous denial.

12. The following proposed amendment will adjust the application deadlines to reflect current policy and to allow adequate time to meet North Carolina State law concerning adjacent property notification and local newspaper publication requirements for public meetings and hearings.

Section 6-2: Notice of Hearing

(A) Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice ~~not later than 10 days before the hearing.~~ no sooner than 25 days and no later than 10 days from the date of public hearing.

13. The following amendment will place a requirement on staff to record the Board of Adjustment decisions with the Johnston County Board Register of Deeds within 30 days.

Section 6-6: Written Decision

In addition to a statement of the Board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board's findings and conclusion, as well as supporting reasons or facts, whenever this Ordinance requires the same as prerequisite to taking action. **All variances from the Smithfield UDO granted by the Board of Adjustments shall be filled with the Johnston County Register of Deeds within 30 days of the Board's action.**

14. **This amendment will reduce the burden on staff for notifying complainants in writing.**

Section 7-1: Complaints Regarding Violations

Whenever the Administrator receives a ~~written, signed~~ complaint alleging a violation of this Ordinance, he shall investigate the complaint, take whatever action is warranted, ~~and inform the complainant in writing what actions have been or will be taken.~~

15. **The Planning Board is requested to send written violations**

Section 7-3: Procedures Upon Discovery of Violations

(A) If the Administrator finds that any provision of this Ordinance is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Administrator's discretion.

16. **The Planning Board is requested to have open discussions with staff regarding the need for certified/registered mail. This proposed amendment will allow notice of violation by first class mail.**

Section 7-4: Remedies and Penalties for Violations

(B) **Civil Penalty.** Violation of this Ordinance subjects the violator to a civil penalty in the amount of one hundred dollars (\$100.00). The Administrator may impose a civil penalty by giving the violator a written citation, either in person or by certified or registered mail, return receipt requested **or first class delivery by US Postal Service.** The citation shall describe the nature of the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the Town within ten (10) days of the date the citation is received. If the violator fails to either pay the civil penalty or correct the violation within this time limit, the Administrator may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.

For purposes of assessing the amount of a civil penalty, each day the violation remains uncorrected after receipt of the correction order (or the receipt of the

citation itself in the case of emergency enforcement) shall constitute a separate violation that subjects the violator to additional civil penalty penalties per violation per day.

17. **The Planning Board is requested to discuss with staff the following ordinance which sets the clock running for the thirty day window in which an aggrieved party has to file for an appeal to superior court for a review of a Board of Adjustment decisions. The question is whether recorded actions should be included in this list.**

Section 7-6: Judicial Review

(A) Every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Johnston County by proceedings in the nature of certiorari.

(B) The petition for the writ of certiorari must be filed with the Johnston County Clerk of Court within 30 days after the later of the following occurrences:

(1) A written copy of the board's decision (see Section 6-6) has been filed in the office of the Planning Department, and

(2) A written copy of the board's decision (see Section 6-6) has been delivered by personal service or certified mail, return receipt requested or first class delivery by US Postal Service, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

(C) A copy of the writ of certiorari shall be served upon the Town of Smithfield.

18. **This paragraph appears to empower the Board of Adjustment to issue a use permit for nonconforming uses. However, at its core, it is really authorizing the Board of Adjustment to grant a variance from the permitted use chart in violation of North Carolina State law which explicitly forbids use variances.**

Section 8-4: Change in Kind of Nonconforming Use

~~(C) A nonconforming use may be changed to another nonconforming use only in accordance with a use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use or combination of uses in operation at the time the application is made for the permit.~~

19. **This amendment reflects the City Managers proper title.**

Section 9-4: Maintenance of the Official Zoning Map

Upon notification by the Town Council that a zoning change has been made, the ~~Town~~ **City** Manager shall cause to be made the necessary changes on the official zoning map within fourteen (14) calendar days of notification. The Planning Director shall be responsible for the maintenance and revision of the official zoning map after being notified by the ~~Town~~ **City** Manager.

20. **This amendment reflects existing State law and Town Policy by requiring an additional 25% to bond amounts to cover contingencies and inflation.**

Section ~~19~~⁹-8: Improvements Bond

No final certificate of occupancy/compliance for a commercial, residential, or manufactured home park or planned building group will be issued until all required site improvements have been completed. In lieu of completion of required site improvements, the developer of the planned group may enter into a contract with the Town of Smithfield providing for the installation of required improvements within a designated period of time. Performance of said contract shall be secured by a cash or surety bond which will cover the total estimated cost of the improvements **plus 25%** as determined by the Town of Smithfield; provided, however, that said bond may be waived by the Town Council within its discretion.

21. **This proposed amendment clarifies and makes distinctions between building setbacks yards, landscape yards, and open space.**

Section 9-6: Minimum **building setbacks yards, landscape yards** or other open spaces required by this Ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements or the intensity of use provisions for any other building.

22. **The following ordinance will increase the side yard building setbacks for accessory structures from 8 feet to 10 feet.**

Article 10-Table of Permitted Uses

Note 5. Accessory Uses or Structures.

...No accessory building or use shall be erected in any required front or side yard or within ten (10) feet of the rear lot line (unless the rear line abuts navigable waters), or within **ten (10)** feet of any side lot line, and no separate accessory building or use shall be erected within ten (10) feet of any other accessory building unless on same property. No accessory building or use may be erected or installed on any lot where a principal building does not exist. No lot shall have in excess of one accessory building. Accessory

building numbers limitation on property are exempt if the property is identified as having farm tax identification number. The side and rear setbacks for farm property shall be the same as other accessory buildings.

23. This amendment will call for a variance when varying from the published standard requiring manufactured homes to be placed with the longest side of the home parallel to the front property line.

Note 13: Manufactured Home on Individual Lots

(A) (7) Manufactured homes, Class A shall be placed so that the longest side of the home is parallel to the front property line of the lot. The Board of Adjustment shall be authorized to consider, as a ~~conditional use~~ variance request, a modification to this parallel orientation standard.

24. This amendment eliminates the incorrect paragraph that was inserted by mistake.

~~(B) Existing manufactured homes, Class B, which are located within the R-6 district on the effective date of this Ordinance may be continued and maintained as a nonconforming use provided that any such existing home shall only be replaced by a manufactured home, Class A, which complies with all applicable requirements of this Ordinance. Other manufactured homes existing on the effective date of this Ordinance which are nonconforming uses within the zoning districts in which they are located, may be continued and maintained provided that upon their removal, they shall only be replaced with a use permitted within that district.~~

~~(C)~~ **(B)** Existing manufactured homes, Class A and Class B, which are located within the R-6 district on the effective date of this Ordinance may be continued and maintained as a nonconforming use provided that any such existing home upon their removal, shall only be replaced with a use permitted within the R-6 district. Other manufactured homes existing on the effective date of this ordinance which are nonconforming uses within the zoning districts in which they are located, may be continued and maintained provided that upon their removal, they shall only be replaced with a use permitted within that district.

~~(D)~~ **(C)** Existing manufactured homes, Class A and Class B, which are located within the R-6 district on the effective date of this Ordinance which are damaged or destroyed by fire or an act of God may be replaced and shall comply with the yard, height, parking, loading, access, lot width, lot area, and lot coverage provisions of this Ordinance for the district in which such structure is located unless the structure is situated on a substandard lot of record, in which case the provisions concerning substandard lots of record shall apply, or unless the incomplete nature of the damage would make it more feasible to rebuild in the previous location, in which case the Board of Adjustment is authorized to consider a variance to allow the reconstruction or replacement. In

considering the variance, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of the Ordinance.

25. This amendment reflects the intent of the above paragraph (B).

Section 8-3: Extension or Enlargement of Nonconformities

~~(G)~~ (F) Notwithstanding paragraph (E), any structure **(except manufactured homes)** used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. ~~In particular, a manufactured home may be replaced with a larger manufactured home, and a "single wide" manufactured home may be replaced with a "double wide". This paragraph is subject to the limitations stated in Section 8-5 on abandonment and discontinuance of nonconformities.~~

26. This amendment will permit class B manufactured homes in the R-20A zoning district as a use by right.

Article 10 Table of permitted uses.

ARTICLE 10. TABLE OF PERMITTED / CONDITIONAL USE DISTRICTS																	
PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LI****	HI****	AD	OS
MANUFACTURED HOME, CLASS B on individual lot (see Note 13)					C P	P											

27. This amendment will permit class B manufactured homes in the R-20A zoning district as a use by right.

Article 13-18 Table of Regulations for Conditional Uses

Manufactured Home, Class B ——— R-20A

28. The following amendment will reflect existing standards that limit the use of manufactured homes for residential purposes only. There is no such thing as a manufactured home office unit.

Use – ~~Manufactured and Modular Office Units~~
 Conditional Use in these Districts: [B-1, B-2, B-3]
 Minimum Lot Area: None.

Parking: One space for each person employed in the office at any given time during a 24-hour period.

Requirements: A temporary certificate of occupancy/compliance, allowing ~~manufactured homes~~ modular office units used solely as offices or for purposes of exhibition to be temporarily parked, maintained, and/or occupied on a designated lot or land location, may be issued by the supervisor of inspection services or his authorized agents where the Town Council finds as a fact that the use of such ~~manufactured home~~ modular office unit does not violate the town or state building, electrical, or plumbing codes, or health regulations. All such certificates of occupancy/compliance shall be valid for a period of 12 months, after which they may be renewed upon similar evidence of use of such ~~manufactured home~~ modular office unit.

Notwithstanding the foregoing, a certificate of occupancy/compliance may be issued for a ~~manufactured home~~ modular office unit for use as a temporary field office for contractors by the Administrator or his authorized agents without approval of the Town Council, if the ~~manufactured home~~ modular office unit: (1) And the structure under construction are located on the same property; (2) Is not moved to the site more than 30 days prior to construction and is not removed later than 30 days after construction has been completed;

(3) Is not used for any other purpose other than that connected with on-site construction;

(4) Is justified by the size and nature of the construction project;

(5) Is to be used for a period not to exceed 18 months;

(6) Is utilized only incidental to on-site construction during daylight hours and not for residential living quarters;

(7) Is parked in a location approved in advance by the supervision of inspection service or his authorized agents;

(8) Sanitary facilities are connected with an approved sewer system;

(9) Electrical facilities are connected in compliance with regulations as set forth in the Town of Smithfield Building Code.

Also notwithstanding the foregoing, a certificate of occupancy/compliance may be issued for a ~~manufactured home~~ modular office unit for use as a ~~manufactured~~ modular classroom by a public or private school, for a school administrative

~~manufactured~~ modular office, and for a manufactured home sales office without approval of the Town Council, if the ~~manufactured home~~ **modular office unit**:

- (1) Sanitary facilities are connected with an approved sewer system;
- (2) Electrical facilities are connected in compliance with regulations as set forth in the Town of Smithfield Building Code;
- ~~(3) Provisions pertaining to a manufactured home foundation and anchorage of the manufactured home to the foundation, as contained in the State of North Carolina Regulations for Manufactured Homes, 1972 edition, are adhered to.~~

29. **The following amendment will mandate that dumpster screen be constructed from robust material.**

Section 17-3: Bufferyards/Screening

(E) Screening for Dumpsters, Junkyards and Outside Storage Areas.

The following uses shall be screened from the view of any public right-of-way or adjacent property. Screening shall be at least 8 feet in height and may consist of living and nonliving material as specified in this Article.

- (1) The rear side of a building where that side abuts a street right-of-way, or any dumpster or trash receptacle storage area used in connection with any business establishment. **Dumpster enclosures shall be constructed of solid masonry construction such as concrete block or brick and shall be of material compatible with the principal building in composition and color.**

30. **This ordinance amendment will further define the minor subdivision and will fill the "acreage gap" between exempt lots and minor lots.**

Article 2, Basic Definitions and Interpretations

(273) Subdivision, Minor. A minor subdivision is a tract to be subdivided which **each new tract** is ~~five (5)~~ **ten (10)** acres or less in size and three or fewer lots result after subdivision:

- (a) all of which front on an existing approved public street;
- (b) not involving any new public streets or public street improvements, right-of-way dedication, or prospectively requiring any new street for access to interior property;

(c) not requiring drainage improvements or easements to serve the applicant's property or interior properties;

(d) not involving any utility extensions; and

(e) not requiring any easements, other than rear and side lot line easements.

(f) not creating any new or residual parcels which do not satisfy the requirements of this Ordinance.

(g) not adversely affecting the development of the remainder of the parcel or of adjoining property.

ARTICLE 19. REGULATIONS FOR SIGNS

31. This amendment proposes various possible changes that could be made to the sign regulation.

Article 19-4 On-Premise Signs (B) On-Premise Signs: Single Tenant Development,

(2) O-1, B-1, B-2, and B-3. Signs allowed within the zoning district may be either:

Freestanding:

Ground

Changeable Copy

Menu Board

Attached:

Projecting

Window

Wall

Awning/Canopy

Menu Board

Changeable Copy

~~(A) Two business or product identification signs are allowed per lot, only one of which shall be a freestanding ground sign. Corner lots and double frontage lots are allowed one additional attached sign on a separate street frontage and one additional ground sign on separate street frontage. Additional ground sign shall not exceed 40 square feet in area and no lot shall exceed a total of four separate signs. For freestanding or attached signs, the total allowable area per face of selected sign(s) shall not exceed 75 square feet per face, with two faces per sign allowed. In the event the freestanding sign is less than the 75 square feet per face allowed, the difference between the 75 feet per face allowed and the size of sign erected may be used to increase the size of the attached sign by that difference. Signs may be internally or externally illuminated.~~

Wall signs shall be permitted at a rate of one (1) square foot of sign area per one (1) linear foot of wall area. One (1) wall sign shall be allowed on each wall fronting on a public street.

Ground signs shall be permitted at a rate of ¼ square foot of sign area per linear foot of street frontage. Lots with less than 200 linear feet in width shall be permitted a maximum of 50 square feet in ground sign area. Lots with between 200 linear feet and 400 linear feet shall have a maximum sign area of 70 square feet. One (1) ground sign shall be allowed on each side fronting on a public street.

Additionally, the following requirements must be met based on the type of sign selected. If freestanding ground: The sign shall be a maximum of six feet in height with a minimum setback of ten feet.

If projecting: Signs (excluding awning/canopy signs) shall not project more than three feet from the facade of the building. Clearance over sidewalks shall be at a minimum of nine feet and clearance over streets, alleys, or driveways shall be a minimum of 14 feet. Signs shall not project above the third story of the building or above the building soffit, eave line, or building parapet.

If window: Only permanent identification signs are allowed as window signs; provided, however, temporary signs which are placed in or on windows shall be allowed when complying with Section 19-4(A)(8) hereinbefore. Window signs are not allowed above the third story of building. Window signs shall be no greater than 25% of the window area in which the sign is located on.

If wall: Maximum projection from a wall shall be 12 inches.

If menu board: One external menu board with one face is allowed per restaurant. The total sign area shall not exceed 36 square feet per face. The sign shall not be located so that the copy is designed to be visible to vehicular traffic from the roadway. The minimum setback shall be ten feet.

(3)(a) LI and HI Districts. Signs allowed within the zoning district may be either:

Freestanding:
Ground
Changeable Copy
Menu Board

Attached:
Projecting
Window
Wall
Awning/Canopy
Menu Board
Changeable Copy

~~(A) Two business or product identification signs are allowed per lot, only one of which shall be a freestanding ground sign. Corner lots and double frontage lots are allowed one additional attached sign and one additional ground sign on separate street frontage. Additional ground sign shall not exceed 40 square feet in area and no lot shall exceed a total of four separate signs. For freestanding or attached signs, the total allowable area per face of selected sign(s) shall not exceed 125 square feet per face, with two faces per sign allowed. Signs may be internally or externally illuminated.~~

(a) Wall signs shall be permitted at a rate of one (1) square foot of sign area per one (1) linear foot of wall area. One (1) wall sign shall be allowed on each wall fronting on a public street.

Ground signs shall be permitted at a rate of 1 square foot of sign area per linear foot of street frontage. Maximum size shall not exceed 200 Square Feet. One (1) ground sign shall be allowed on each side fronting on a public street. Maximum ground sign height shall not exceed 6 feet in total overall height.

(b) In the event the freestanding sign is less than the ~~125~~ **200** square feet per face allowed, the difference between the ~~125~~ **200** square feet per face allowed and the size of sign erected may be used to increase the size of the attached sign by that difference.

(c) In the event that a lot has an off-premise sign which has the total maximum square footage allowed for both sides of the sign structure under Section 19-5(B) hereinafter, no on premise freestanding sign shall be allowed on that lot. Where the off-premise sign is less than the total square footage allowed, the total square footage for both sides of the on premise freestanding sign for that lot shall be not greater than the difference between the maximum square footage allowed for both sides of the off-premise sign and the size of the off-premise sign erected, but in no event shall the on premise freestanding sign be greater than the maximum 125 square feet allowed per face. When the provisions of this subsection (c) apply, they shall in no way be interpreted to allow on premise attached signs to be further increased in size under the formula set forth in subsection (b) hereinabove. Provided, however, on premise freestanding signs with off-premise signs on the same lot which were both erected prior to the effective date of this Section, shall be allowed to remain when conforming with the other provisions of this Section.

(d) Additionally, the following requirements must be met based on the type of sign selected.

If freestanding ground: The sign shall be a maximum of six feet in height with a minimum setback of ten feet.

If projecting: Signs (excluding awning/canopy and marquee signs) shall not project more than three feet from the facade of the building. Clearance over sidewalks shall be at a minimum of nine feet and clearance over streets, alleys or driveways shall be a minimum of 14 feet. Signs shall not project above third story of the building or above the building soffit, eave line, or building parapet.

If window: Only permanent identification signs are allowed as window signs; provided, however, temporary signs which are placed in or on windows shall be allowed when complying with Section 19-4(A)(8) hereinbefore. Window signs are not allowed above the third story of building.

If wall: Maximum projection from a wall shall be 12 inches.

If menu board: ~~One~~ **Two** external menu board with one face is allowed per restaurant. The total sign area shall not exceed 36 square feet per face. The sign shall not be located so that the copy is designed to be visible to vehicular traffic from the roadway. The minimum setback shall be ten feet.

(4) On-Premise Signs: Multiple Tenant Development. The following sign regulations shall be applicable within the zoning districts indicated for multiple tenant development. Any sign not specifically allowed is prohibited. Multiple tenant developments may erect either a development identification or joint identification sign. In addition, tenant identification signs for individual businesses within a development are allowed. For a multiple tenant development, the development itself is allowed one identification sign for each property boundary with street frontage with a maximum of two signs allowed per development, only one of which may be freestanding. These identification signs may be either a development identification or a joint identification sign. The choice of sign affects the tenant identification regulations within the development. If there is no development identification or joint identification sign erected or maintained, individual tenants shall be allowed signs as permitted for individual tenants where a development identification sign is used. Where one type of sign has been selected and an additional identification sign is allowed due to a second street frontage, the additional sign must be of the same type (i.e., two development identification signs or two joint identification signs). If a joint identification sign is selected, said sign shall be limited to one sign component per tenant.

(5) On-Premise Development Identification Signs. Where a development identification sign is selected, such a sign or signs may be of the following types:

Freestanding:

Ground

High Rise Business

Identification

Attached:

Wall

Projecting

The sign(s) shall meet the following requirements based on the zoning district in which it is located.

Zoning District	Maximum Height	Maximum Square Footage
	Allowed	Per Face
Ground	R-20A, R-10, R-8, R-6, R-MH, PUD (Residential)	6 ft. 25 sq. ft.
	O/I, B-2, B-2, and B-3	8 ft. 50 sq. ft.
	LI and HI	25 ft. 187.5 sq. ft.
High Rise Business	Conditional use in all districts when property is adjacent the to I-95 right-of-way and the sign is within six hundred sixty (660) feet of the edge of the I-95	100 ft. 400 sq. ft.

Setback for freestanding development identification signs in all zoning districts shall be 15 feet. A movie theater will be allowed one additional freestanding or attached marquee sign with the maximum square footage, height and setback in accordance with applicable regulations for single tenant developments in Section 19-4(B) hereinbefore. The following is required for all free standing high rise signs: landscaping is required equal to area of the sign; the sign must be on property owned by applicant on a fee simple basis and an establishment may not have another ground or freestanding sign. Where a development identification sign is selected, the individual tenant identification within the development shall meet the following regulations. Tenant identification signs shall be of the following types:

Attached: Awning Projecting Wall Window

One attached sign is allowed for each exterior public business entrance. The total allowable sign area for the building frontage having the primary business entrance shall be 25 square feet or one square foot per one linear foot of said building frontage, whichever is greater, but in no event shall the area be greater than the maximum square footage per face allowed for a development identification sign in the zoning district where the business is located. Each secondary business entrance shall be allowed a total sign area of one square foot per three linear feet of building frontage where the secondary business entrance is located. A maximum of two secondary business entrance signs is allowed. Where an exterior entrance does not exist, the tenant will be allowed one window sign. Signs may be illuminated internally or externally. Also, one suspended or transom sign may be incorporated per business, which sign shall not exceed six square feet per face per sign. Where an exterior entrance does not exist, the tenant will be allowed one window sign. Signs may be illuminated internally or externally. If wall: Maximum projection from a wall shall be 12 inches. If projecting: Signs (excluding awning/canopy and marquee signs) shall not project more than three feet from the facade of the building. Clearance over sidewalks shall be a minimum of nine feet and clearance over streets, alleys, or driveways shall be a minimum of 14 feet. Signs shall not project above third

story of building or above the building soffit, eave line, or building parapet. If window: Only permanent identification signs are allowed as window signs; provided, however, temporary signs which are placed in or on windows shall be allowed when complying with Section 19-4(A)(8) hereinbefore. Window signs are not allowed above the third story of the building. Neon window signs are limited to ground floor windows.

(6) Joint Identification Signs. Where a joint identification sign is selected, such sign or signs may be of the following types:

Freestanding:	Attached:
Ground	Wall
	Projecting

The sign(s) shall meet the following requirements based on the zoning district in which it is located.

Zoning District	Maximum Height Allowed	Maximum Square Footage Per Face
R-20A, R-10, R-8, R-6, R-MH, PUD (Residential)	6 ft.	25 sq. ft.
O/I, B-2, B-2, and B-3	8 ft.	50 sq. ft.
LI and HI	25 ft.	187.5 sq. ft.

Setback for freestanding joint identification signs in all zoning districts shall be 15 feet. In addition, a movie theater will be allowed one additional freestanding or attached marquee sign with the maximum square footage, height, and setback in accordance with applicable regulations for single-tenant developments in Section 19-4(B) hereinbefore. Where a joint identification sign is selected, the individual tenant identification within the development shall meet the following regulations. Tenant identification signs shall be of the following types:

Attached:	Awning
	Wall
	Projecting
	Window

One attached sign is allowed for each exterior public business entrance. The total allowable sign area for the building frontage having the primary business entrance shall be 20 square feet or one square foot per two linear feet of said building frontage, whichever is greater, but in no event shall the area be greater than 60% of the maximum square footage allowed for a joint identification sign in the zoning district where the business is located. Each secondary business entrance shall be allowed a total sign area of one square foot per three linear feet of building frontage where the secondary business entrance is located. A maximum of two secondary business entrance signs is allowed. Where an exterior entrance does not exist, the tenant will be allowed one window sign. Signs may be illuminated internally or externally. If wall: Maximum projection from a wall shall be 12 inches. If projecting: Signs (excluding awning/canopy and marquee signs) shall not project more than three feet from the facade of the building. Clearance over sidewalks shall be a minimum of nine feet and clearance over streets, alleys, or driveways shall be a minimum of 14 feet. Signs shall not project above third story of building or above the building soffit, eave line, or building parapet. If window: Only permanent identification signs are allowed as window signs; provided, however, temporary signs which are placed in or on windows shall be allowed when complying with Section 19-4(A)(8) hereinbefore. Window signs are not allowed above the third story of the building.

**TOWN OF SMITHFIELD
Town Council
Action Form**

Business Item # 4: Downtown State Grant Application Funds (\$96,107)

Date of Meeting: February 2, 2016 **Date Prepared:** January 27, 2016

Staff Work By: Interim Manager James Freeman

Presentation Description:

Please reference the January 8th received State Office and Budget & Management Memorandum along with attached application form and grant agreement in the agenda packet (**See attached exhibit**). The Interim Manager did have a January 26th telephone call with State Budget Office representative Arnetha Dickerson regarding the application. Submittal of said completed application and executed grant agreement shortly after Council's February 2nd meeting approval would be acceptable.

After Council's January 5th Called Meeting discussion regarding a project selection for the \$96,107 Downtown State Grant Application, staff did solicit for downtown project concepts for Council's consideration. A copy of received Downtown Development Corporation (**See attached exhibit**) and Appearance Commission (**See attached exhibit**) downtown application project suggestions are agenda packet provided in more detail for review. In summary such are bulleted as follows:

- 1st Dwn't Development Corp. Priority – *WayFinding System, incl. monumental gateways*
- 2nd Dwn't Development Corp. Priority – *Urban Design Firm Development Plans*
- 3rd Dwn't Development Corp. Priority – *Appearance Enhancement, architectural lighting along the Market and Third corridors.*
- Dwn't Development Corp. Alternates – *Bingham House Purchase & Dwn't Wi-Fi Network*
- Appearance Committee – *Market Street Scape Lighting*
- Appearance Committee -*Parking Lot Improvements: Town Hall, Wells Fargo Area Library Area*

When deciding upon a project, it was generally understood (Budget Office Telephone Conversation) that the grant agreement scope of work should identify a downtown project concept, benefit and completion within a short timeline....*possible end of 2016*. Also, have proper documentation on file if the project should be audited by State sometime after completion.

Board Action Request: The Council is being requested to consider/approve of a downtown project activity for submission in the State's \$96,107 grant application and grant agreement.

Interim Manager's Opinion: Being the grant agreement is in the Town of Smithfield's name, it is the Council who ultimately decides which project concept would be in the Town's best interest. Granted there are a few worthwhile received suggestions, however Council is not bound by such and may consider others. It is the interim manager's suggestion that Council decide on a downtown project concept and direct staff to work out the administration, responsibilities, timeline and accounting details...*unless desired, not necessary to get bogged down in details this evening.* However as a "check and balance", Council may want staff to present worked out details for record prior to actual implementation....*in case any questions/concerns.*



**STATE OF NORTH CAROLINA
OFFICE OF STATE BUDGET AND MANAGEMENT**

PAT MCCRORY
GOVERNOR

LEE HARRISS ROBERTS
STATE BUDGET DIRECTOR

January 6, 2016

MEMORANDUM:

TO: Jim Freeman, Town Manager
Town of Smithfield

FROM: Lee Harriss Roberts
State Budget Director 

SUBJECT: Allocation of State Funds – Session Law 2015-241, Joint Conference Committee Report on the Continuation, Expansion, and Capital Budgets

The 2015-17 state budget enacted by the General Assembly and signed into law by Governor McCrory provided the Town of Smithfield with \$96,107 for downtown revitalization efforts. Our office will be overseeing this grant, and we look forward to working with you on this endeavor.

There are two forms that must be filled out in order to receive the funds. Attached to this memo, you will find:

1. Request for Payment of Appropriation Form – please complete and sign.
2. Contract Agreement – Please be sure to provide your taxpayer ID number, fill out the scope of work section with a description of how you plan to use the funds, and sign and date the contract.

Please return the signed forms to the attention of Arnetha Dickerson. Once we have received these documents and reviewed them, we will provide you with a final signed copy of the contract and more information on how the funds will be disbursed.

If we can be of assistance, please do not hesitate to call Arnetha Dickerson or Erin Matteson at (919) 807-4700.

Thank you.

LHR/ad

Attachments

RECEIVED JAN 08 2016

Mailing address:
20320 Mail Service Center
Raleigh, NC 27699-0320

www.osbm.state.nc.us
919-807-4700 ** FAX: 919-733-0640
An EEO/AA Employer

Office location:
5200 Administration Building
116 West Jones Street

REQUEST FOR PAYMENT OF APPROPRIATION(S) FROM NORTH CAROLINA GENERAL FUND

(SEE LETTER ENCLOSED)

Jim Freeman, Town Manager
350 E. Market Street (PO Box 761)
Smithfield, N.C 27577

2015-16 Allocation: \$96,107

Purpose: Appropriate funding to the Town of Smithfield for downtown revitalization efforts.

Part A. TO BE COMPLETED BY ALL RECIPIENTS

1. Contact's Name: Jim Freeman Telephone: 919-934-2116
2. Contact's Position in Organization: Interim Town Manager
3. Federal Identification Number 56-6001335
4. Kind of Organization: Corporation Trust Partnership Government
Unincorporated Association Other
5. Match Required (Circle One): Yes/No On a to basis.
If matching is required, is cash match in hand? Yes No
If the required match is not in hand, by what date and from what source does the organization expect to have the cash match?
6. Fiscal Year of Non-State Entity (e.g. year ending June 30, December 31, other) N/A

Part B. TO BE COMPLETED BY ALL RECIPIENTS. FORM MUST BE NOTARIZED

Signature of individual making request

Notary Public (official seal)

Date Notarized

STATE OF NORTH CAROLINA

56-6001335 ✓
TAXPAYER I.D. NUMBER

TOWN OF SMITHFIELD, NC

AGREEMENT

THIS AGREEMENT is hereby made between the State of North Carolina, Office of State Budget and Management and the Town of Smithfield, with an address at 350 E. Market Street (PO Box 761) Smithfield, North Carolina 27577 "Grantee".

ARTICLE I

A. Effective date: July 1, 2015

B. Scope of work: The Town of Smithfield hereby intends to support the following downtown revitalization efforts with a \$96,107 grant-in-aid as provided for in S.L. 2015-241 (H.B.97), Page J 24 of the Joint Conference Committee Report:

(Insert Project Concept)

ARTICLE II
TERMINATION

A. The term of this Agreement shall begin on the effective date described in Article I and shall terminate upon the earlier of (1) completion of all required services, or (2) an earlier termination as provided for in paragraph B below.

B. The Office of State Budget and Management may, upon thirty (30) days prior written notice to Grantee, terminate all or any portion of this Agreement or the services required to be performed herein without cause.

C. The Office of State Budget and Management may, by written notice, immediately terminate all or any portion of this Agreement or the Services for cause in any of the following circumstances:

- (1) Grantee breaches any obligation hereunder, or fails to make progress sufficient to assure performance of this Agreement or any of the Services;
- (2) Grantee is adjudged insolvent or bankrupt; Contractor makes an assignment for the benefit of creditors; or the appointment of a receiver, liquidator or trustee of any of Contractor's property or assets.

D. Neither party shall be liable, or deemed to be in default, for any delay, interruption or failure in performance under this Agreement resulting directly or indirectly from acts of God, acts of civil or military authority; fires, floods; accidents, explosions, earthquakes, strikes or labor disputes, loss or interruption of electrical power or other public utility, or delays in transportation or any cause beyond its reasonable control.

ARTICLE III
GENERAL PROVISIONS

A. The failure of either party to insist in any one or more instances upon strict performance of any of the terms or provisions of this Agreement, or to exercise any option or election herein, shall not be construed as a waiver of such terms, provisions, option or election in the future. No waiver by any party of any one or more of its rights or remedies under this Agreement shall be deemed to be a waiver of any prior or subsequent rights or remedy hereunder or at law. All remedies afforded in this Agreement are cumulative and in addition to the various remedies available in law or in equity.

B. Choice of Law. The validity of this Agreement and any of its terms or provisions, as well as the rights and duties of the parties to this Agreement, are governed by the laws of North Carolina. The Grantee, by signing this Agreement, agrees and submits, solely for matters related to this Agreement, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Wake County, North Carolina.

- C. All notices permitted or required to be given by one Party to the other and all questions about the contract from one Party to the other shall be addressed and delivered to the other Party's Contract Administrator.
- Arnetha Dickerson 919-807-4708 arnetha.dickerson@osbm.nc.gov is hereby designated as the contract administrator for the Office of State Budget and Management.
 - Jim Freeman, Town Manager, (jim.freeman@smithfield-nc.com) is hereby designated as the contract administrator for the Town of Smithfield.

D. Availability of Funds. The parties to this contract agree and understand that the payment of the sums specified in this contract is contingent upon and subject to the availability of funds for this purpose.

E. Payment Provisions. Upon execution of this contract, the Grantee may request and, upon approval by the Agency, receive a single payment for amounts up to one hundred thousand dollars (\$100,000). For grants-in-aid of more than one hundred thousand dollars (\$100,000) payments will be paid in quarterly installments, consistent with G. S. 143C-6-21.

F. Effective Period: This contract shall be effective on July 1, 2015 and shall terminate on June 30, 2016.

G. The Grantee shall maintain its accounting records relating to the performance of the Services and this Agreement in accordance with generally accepted accounting procedures. Upon reasonable prior notice to Grantee, the Office of State Budget and Management may, during the term of this Agreement and for a period of up to six years following the expiration or termination for any reason of this Agreement, audit and copy such records.

H. Antitrust Laws. This Agreement is entered into in compliance with all State and Federal Antitrust laws.

I. Assignment. This Agreement or any interest therein shall not be assigned or transferred by the Contractor.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed.

Office of State Budget and Management:

By: _____

(Date)

Lee Harriss Roberts, State Budget Director

Town of Smithfield:

By: _____

(Date)

Jim Freeman, Town Manager



January 26, 2016

Jim Freeman, Interim Town Manager
Town of Smithfield
PO Box 761
Smithfield, NC 27577

Re: Downtown Revitalization Grant

Dear Mr. Freeman:

After much consideration, the DSDC Executive Committee was able to develop some recommendations for the downtown revitalization grant that the Town will receive. To maximize the impact of this grant, the committee decided to recommend the funding of three projects, which I have detailed below.

First priority:

Fabrication and installation of the downtown components of the wayfinding system, to include two downtown monumental gateway signs and seven small trailblazer signs

Cost: Approximately \$37,250

Timeline: Approximately six months if pursued aggressively

Benefit: Increase visibility for Downtown Smithfield attractions and economic drivers, including the Neuse Riverwalk and Buffalo Creek Greenway, boat ramp, tourist information, Hastings House, Johnston County Heritage Center, Courthouse, Town Hall, Library and Ava Gardner Museum.

Second priority:

Hire urban design firm to develop plans to improve public spaces, including Town Commons and the northeast corner of Third and Market streets

Cost: Approximately \$50,000

Timeline: Approximately 12 months

Benefit: Improvements to both of these areas are needed to make them more aesthetically appealing and more functional. Having a plan for improvements in place would allow us to seek funding opportunities.

Third priority:

200 South Front Street • Smithfield, North Carolina 27577 • (919) 934-0887

Develop a plan to enhance the appearance of Downtown Smithfield with architectural lighting along the Market and Third street corridors

Cost: Approximately \$10,000

Timeline: Approximately six months

Benefit: Increased lighting would improve the appearance of Downtown Smithfield, as well as making downtown appear safer to patrons.

The committee also considered the purchase of the Bingham House, and would like to present that as an alternate recommendation. With the Bingham and Hastings House being the two oldest houses in Smithfield and serving as bookends on Johnston Street, a historic corridor could be developed to link our past and present. The Town's purchase of the Bingham House could serve as office space for the DSDC and another organization should the Hastings House Association find itself able to interpret the Hastings House as a historic house.

Finally, we also considered the installation of a downtown wi-fi network that would be free to the public, and believe it to be a good idea, but that it may be utilized more once improvements to some of our public spaces are made. In addition, based on staff research, there may be an opportunity to install such a network at a significant cost savings for the town by learning from the successes of other Main Street communities such as Newton and Eden. Staff will continue to research those and other successful examples.

The DSDC is excited about the potential impact that this downtown revitalization grant can have, and looks forward to continuing to work with the Town to make Smithfield a better place for our citizens and visitors. Should you have any questions regarding these recommendations or other possible projects, please let me know.

Sincerely,

Sarah Edwards
Executive Director

200 South Front Street • Smithfield, North Carolina 27577 • (919) 934-0887

Downtown Revitalization Grant Ideas Submitted by the Appearance Commission

Market St. Scape lighting project.

1. Boring of 3 section is \$22400. Does not include test holes or replacement of any asphalt or concrete. Also note any damaged utilities due to miss locates will be at owners expense.
2. Lights are \$10400.
3. The towns part will be \$23764.84.
4. Total approximate cost is \$56564.84.

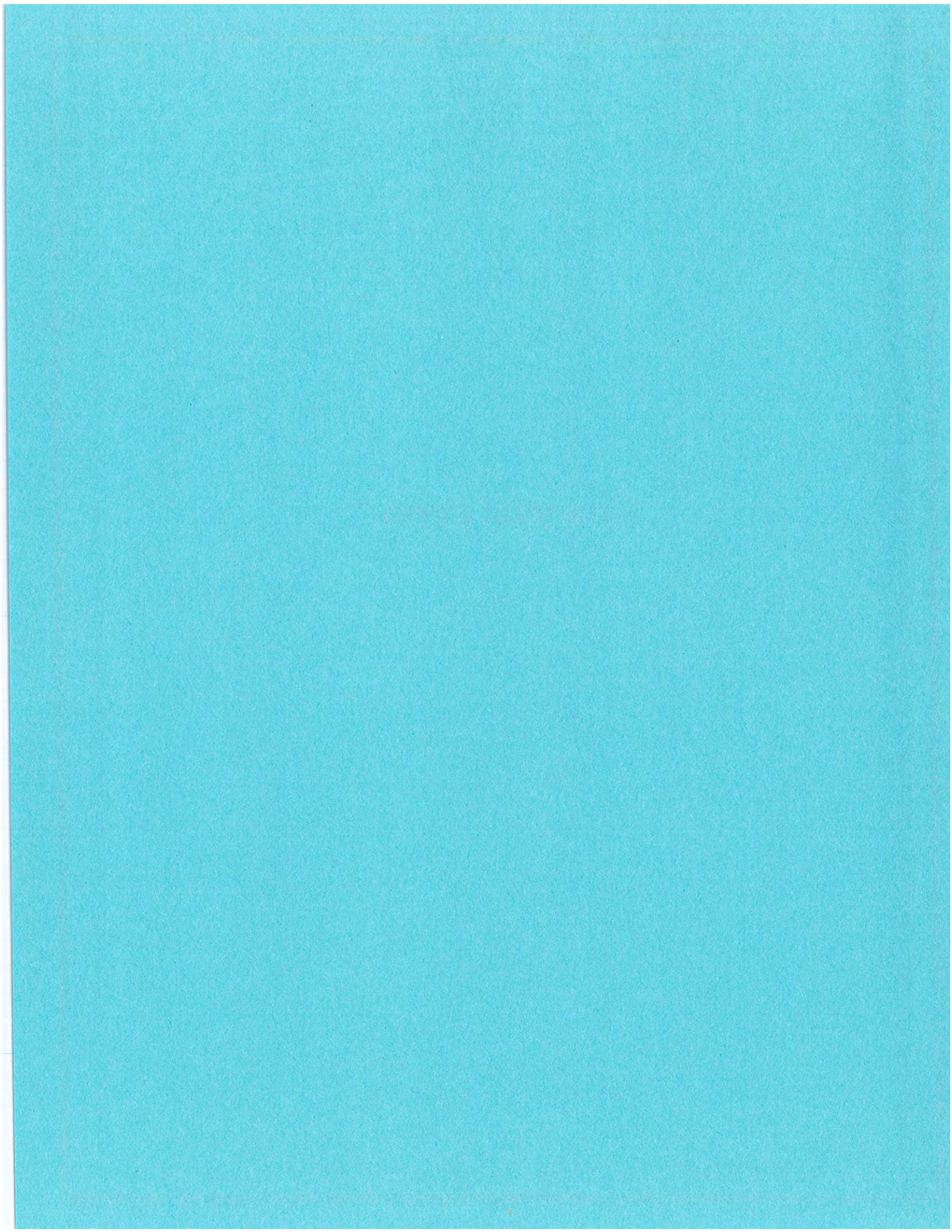
Parking Lot Resurfacing

1. Town Hall Parking Lot \$16, 500
2. Parking Lot behind Wells Fargo \$35,000
3. Library Parking Lot \$34,000 – Note this particular lot could be crack sealed, seal coated and restriped for \$10,000.

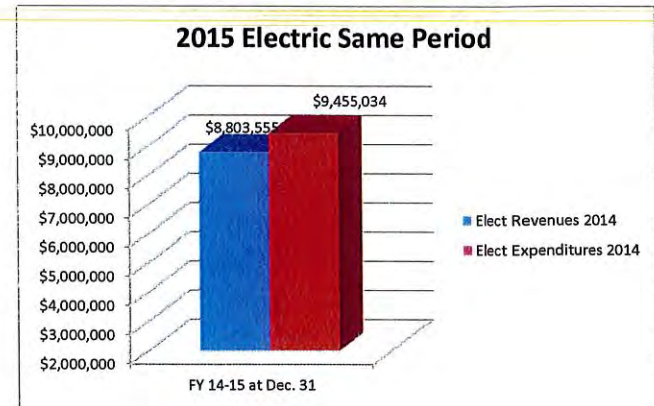
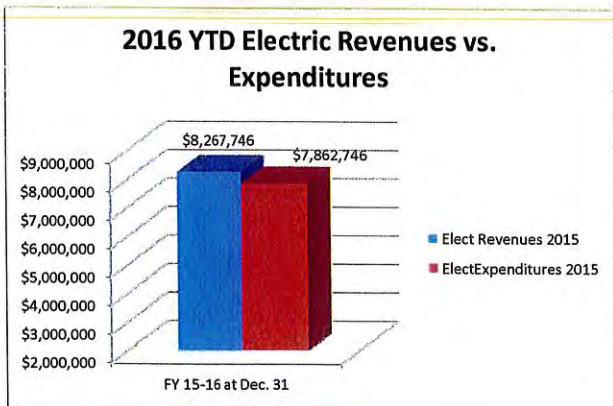
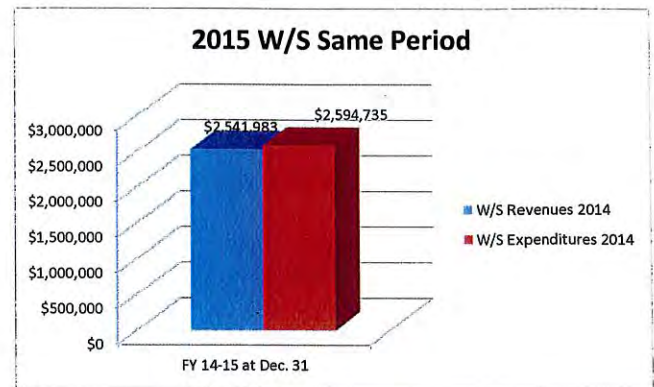
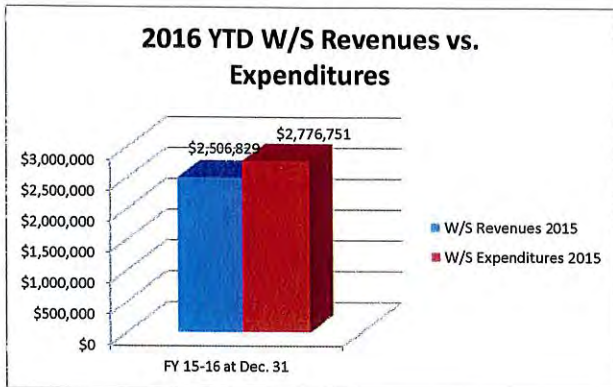
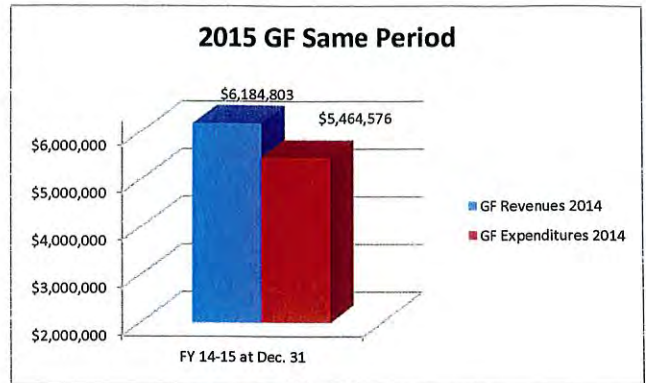
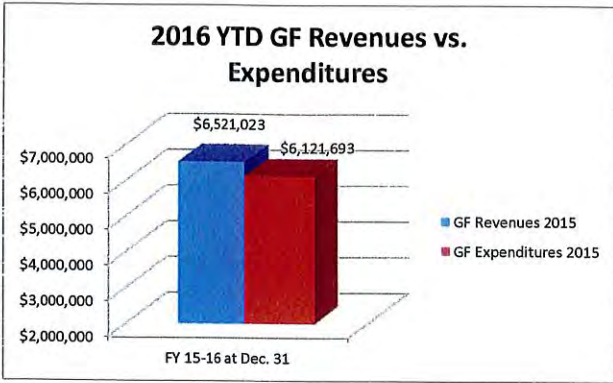
Other ideas included

1. Wayfinding Signage in the Downtown Area
2. Repairs to the Clock at the Library

Financial Report



Town of Smithfield Revenues vs. Expenditures



TOWN OF SMITHFIELD
MAJOR FUNDS FINANCIAL SUMMARY REPORT
December 31, 2015
Gauge:6/12 or 50 Percent

50.00%

GENERAL FUND

Revenues	Frequency	Actual	Budget	Actual to Date	YTD %
		FY '14-5	FY '15-16	FY '15-16	Collected
Current & Prior Year Property Taxes	Monthly	\$ 5,609,217	\$ 5,499,200	\$ 3,209,081	58.36%
Motor Vehicle Taxes	Monthly	552,153	425,000	279,662	65.80%
Utility Franchise Taxes	Quarterly	1,018,994	810,000	531,247	65.59%
Local Option Sales Taxes	Monthly	2,131,536	1,990,000	738,056	37.09%
Aquatic and Other Recreation	Monthly	827,203	829,400	386,890	46.65%
Sanitation	Monthly	1,303,621	1,326,200	571,675	43.11%
All Other Revenues		1,571,522	1,281,581	804,412	62.77%
Loan Proceeds		140,000	182,000	-	0.00%
Transfers (Electric and Fire Dist.)		373,542	397,542	-	
Fund Balance Appropriated		-	240,300	-	0.00%
Total		\$ 13,527,788	\$ 12,981,223	\$ 6,521,023	50.23%

Expenditures	Actual	Budget	Actual to Date	YTD %
	FY '14-5	FY '15-16	FY '15-16	Spent
General Gov.-Governing Body	\$ 316,851	\$ 277,435	\$ 180,035	64.89%
Non Departmental	1,121,506	1,253,919	385,585	30.75%
Debt Service	1,212,677	1,404,646	1,390,122	98.97%
Finance	159,910	134,458	70,637	52.53%
Planning	305,466	407,786	160,804	39.43%
Police	3,232,824	3,533,624	1,529,512	43.28%
Fire	1,410,974	1,354,571	693,414	51.19%
EMS	932	-	-	#DIV/0!
General Services/Public Works	497,970	491,479	209,655	42.66%
Streets	818,543	544,457	215,261	39.54%
Motor Pool/Garage	84,380	93,220	38,062	40.83%
Powell Bill	-	300,700	32,978	10.97%
Sanitation	992,876	1,086,145	475,587	43.79%
Parks and Rec	762,054	807,097	309,373	38.33%
SRAC	890,791	962,336	430,668	44.75%
Contingency (Previously Part Of Gen Gov)	-	329,350	-	0.00%
Appropriations/Contributions	-	-	-	0.00%
Total	\$ 11,807,754	\$ 12,981,223	\$ 6,121,693	47.16%

YTD Fund Balance Increase (Decrease)

- -

50.00%

WATER AND SEWER FUND

Revenues	Actual	Budget	Actual to Date	YTD %
	FY '14-5	FY '15-16	FY '15-16	Collected
Water Charges	\$ 2,044,310	\$ 2,144,580	\$ 915,618	42.69%
Water Sales (Wholesale)	\$ 702,966	\$ 670,000	\$ 362,592	54.12%
Sewer Charges	2,700,929	2,811,738	1,207,699	42.95%
Tap Fees	15,312	16,000	7,675	47.97%
All Other Revenues	40,485	10,500	13,245	126.14%
Loan Proceeds	415,735	510,000	-	0.00%
Fund Balance Appropriated	-	541,951	-	0.00%
Total	\$ 5,919,737	\$ 6,704,769	\$ 2,506,829	37.39%

Expenditures	Actual	Budget	Actual to Date	YTD %
	FY '14-5	FY '15-16	FY '15-16	Spent
Water Plant	\$ 2,013,752	\$ 2,226,082	\$ 1,037,660	46.61%
Water Distribution/Sewer Coll (Less Transfers)	4,833,120	4,058,512	1,736,866	42.80%
Transfer to General Fund	110,404	-	-	#DIV/0!
Transfer to W/S Capital Proj. Fund	-	-	-	#DIV/0!
Debt Service	174,443	149,466	2,225	1.49%
Contingency	-	270,709	-	0.00%
Total	\$ 7,131,719	\$ 6,704,769	\$ 2,776,751	41.41%

ELECTRIC FUND

Revenues	Actual	Budget	Actual to Date	YTD %
	FY '14-5	FY '15-16	FY '15-16	Collected
Electric Sales	\$ 19,144,269	\$ 17,244,400	\$ 8,026,968	46.55%
Penalties	440,314	375,000	216,064	57.62%
All Other Revenues	249,365	41,000	24,714	60.28%
Loan Proceeds	75,600	-	-	
Fund Balance Appropriated	-	452,152	-	
Total	\$ 19,909,548	\$ 18,112,552	\$ 8,267,746	45.65%

Expenditures	Actual	Budget	Actual to Date	YTD %
	FY '14-5	FY '15-16	FY '15-16	Spent
Administration/Operations	\$ 1,935,179	\$ 2,199,924	\$ 1,159,530	52.71%
Purchased Power	15,914,155	14,200,000	6,308,113	44.42%
Debt Service	377,579	366,240	350,491	95.70%
Capital Outlay	283,015	466,000	44,612	
Contingency	-	636,846	-	
Transfers to General Fund	243,542	243,542	-	0.00%
Total	\$ 18,753,470	\$ 18,112,552	\$ 7,862,746	43.41%

CASH AND INVESTMENTS

General Fund (Includes P. Bill)	7,190,719			
Water and Sewer Fund	3,692,495			Interest Rate
Electric Fund*	7,308,806			
Capital Project Fund: Wtr/Sewer (45)	(84,278)	1st CITIZENS	11,474,656	0.20%
Capital Project Fund: General (46)	277,367	NCCMT	2,238,856	0.080%
Capital Project Fund: Electric (47)	73,948	STIFEL	26,261	Market
Firemen Relief Fund (50)	178,929	KS BANK	4,911,504	.2, .65, &.8
Fire District Fund (51)	90,152	BB&T	-	0.12%
JB George Endowment (40)	124,677	PNC BANK	201,538	0.10%
Total	\$ 18,852,815		\$ 18,852,815	

*Plug

Account Balances Confirmed By Finance Director on 01/25/2016

Department Reports





FINANCE DEPARTMENTAL REPORT FOR DECEMBER, 2015

SUMMARY OF ACTIVITIES:

Daily Collections.....	\$3,639,857
Tax & Vehicle License.....	28,918
Franchise Tax.....	322,812
Sales & Use Tax.....	182,817
Powel Bill.....	161,890
Total Revenue	\$4,336,294

Expenditures: General, Water, Electric and Firemen's Fund..... \$3,597,818

FINANCE:

- Compiled and submitted monthly retirement report on 12/31/2015
- Issued 59 purchase orders
- Processed 698 vendor invoices for payment and issued 423 accounts payable checks
- Prepared and processed 3 regular payrolls and 2 special payroll for Interim Fire Chief and the volunteer fire dept. Remitted federal and state payroll taxes on 12/03/2015, 12/04/2015, 12/18/2015, 12/22/2015, and 12/31/2015
- Issued 1 new privilege licenses (new law change in effect 7/1/2015)
- Collected \$242.50 on past due privilege license fees. **NOTE:** This brings the total collected to \$8,631. The past due collections are the result of mailing some 284 past due notices to local businesses
- Processed 10 NSF Checks (Utility and SRAC)
- Bad debt calendar year-to-date collections total \$32,463 (EMS = \$9,966; SRAC = \$10,137; and Utility = \$12,360). **NOTE:** Due to tax rate changes at the state level in 2014, debt collections are down some \$40,000 when compared to the same period last year... fewer North Carolina tax payers received tax refunds this filing year
- Other month end data report attached

FINANCE DIRECTOR

- Attended Town Council regular meeting on December 1, 2015
- Presented financial PowerPoint presentation at December 1, 2015 Council meeting
- Prepared and presented budget workbook to department heads on Dec. 15th
- **Paid off two USDA loans 21 years ahead of schedule with General Fund fund balance as approved by council**
- Invoiced Smithfield Housing Authority and JCC for resource officers
- Invoiced 2 grave openings
- **Implementing a 5% average electric rate reduction to take effect with the January 2016 bills.**

Finance Department Totals for December 2015

Meter Reading

Actual Meters Read	9,998	
Meters Loaded to Hand Held	10,220	
Meter Tech Service Hours	0	\$0.00

Billing/Collections

Bills Mailed	6,091	\$2,029,479.05
Area Lights Billed	925	\$34,842.69
JoCo Wholesale water	41,600,000	\$62,406.02
Load Mgmt AC credit	0	\$0.00
Load Mgmt water heater credit	614	-\$3,750.00
Adjustments	69	-\$3,102.27
Delinquent Accts/Late Fees	1,364	\$14,738.98
NSF - Utility Only	9	\$2,024.30
Refund Checks Issued	18	\$2,347.60
Door Hangers	311	
Disconnect for non-pay	30	
Reconnect for payment received	17	
Bank Drafts	723	\$384,169.68
Lockbox	1,067	\$363,006.37
ECO Payment Totals		
	IVR-phone	195
	On-Line (website)	479
Cash Window Transactions/Payments	4,417	\$2,764,778.75
Accts collected from Debt setoff	1	\$60.07 EMS
	0	\$0.00 SRAC
	0	\$0.00 Utility
Accts submitted to Debt Setoff	25	\$9,513.88 Utility
	0	\$0.00 SRAC
Service Orders		
Requested Orders	235	
Completed Orders	232	
	Terminated Accounts	93
	Meters Rechecked	16
	New Turn on Accounts	88
Meter Tamper / Meter Missing	1	\$300.00

Phone Call Usage

		Duration
CSR - Elaine		
Inbound	233	4:04:03
Outbound	42	1:07:05

CSR/Collections - Audrey

Inbound	131	3:03:45
Outbound	60	1:01:20
Collections - Cash Window#2		
Inbound	42	0:51:05
Outbound	5	0:04:46
Switch Board Operator x1101		
Inbound	178	1:07:57
Outbound	31	1:11:20
Total Town (Trunk Lines)		
Inbound	1,754	48:59:46
Outbound	646	21:39:18



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

BOARD ACTIONS REPORT - 2015

	December	Calendar Year to date
Town Council		
Rezoning	1	5
Conditional Use	0	3
Ordinance Amendment	0	3
Major Subdivisions	0	0
Annexations	0	0
Special Events	0	17
Planning Board		
Rezoning	0	5
Condition Use	2	5
Ordinance Amendment	0	3
Subdivisions	0	0
Annexations	0	0
Board of Adjustment		
Variance	0	1
Admin Appeal	0	0
Historic Properties Commission		
Certificate of Appropriateness	0	0
Historic Landmarks	0	0



Town of Smithfield
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 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
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Permit Issued for December 2015

	Permit Fees	Permits Issued
Site Plan Minor Site Plan	300	3
Zoning Land Use	400.00	4
Zoning Sign	300	6
Total:	1,000.00	13
YTD Total:	8,575.00	109

Permit#	Type	Sub Type	Business Name	Project Address
SP15-000056	Site Plan	Minor Site Plan	Neuse Charter School Gym Addition	909 BOOKER DAIRY Road
Z15-000157	Zoning	Land Use	Riverside Resources	105 South THIRD Street
Z15-000158	Zoning	Sign	Jackson Hewitt	823 North BRIGHTLEAF Boulevard
Z15-000159	Zoning	Land Use	Encore Automotive	816 South THIRD Street
Z15-000069	Zoning	Sign	Zack's Char Grill	618 East MARKET Street
Z15-000160	Zoning	Land Use	Verizon	2317 South BRIGHTLEAF Boulevard
Z15-000161	Zoning	Sign	Applebees	1260 North Brightleaf Boulevard
Z15-000162	Zoning	Sign	Clark's Outlet Encore Automotive Repair wall sign	1025 Outlet Center Drive 816 South THIRD Street
SP15-000058	Site Plan	Minor Site Plan	Dumpster Enclosure	1691 South BRIGHTLEAF Boulevard
SP15-000059	Site Plan	Minor Site Plan	Single Family Dwelling	47 HUNTINGTON Place
Z15-000165	Zoning	Land Use	None	821 North BRIGHTLEAF Boulevard
Z15-000166	Zoning	Sign	Triangle East Surgery	131 East MARKET Street



Town of Smithfield
Planning Department
350 E. Market St Smithfield, NC 27577
P.O. Box 761, Smithfield, NC 27577
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CODE COMPLIANCE MONTHLY REPORT 2015

	Dec-15	Calendar Year To date
Written Violations	62	1389
Resolved Violations	60	1384
On Site Meetings	49	1533
Temporary Signs Violations	51	1143
Temporary Signs Removed	51	1143
Comdemned Structures Removed	0	13
Community Volunteers	0	280
Families Helped By Helping Hand Volunteers	0	95
ADA Compliant Ramps Built By Volunteers		16



**TOWN OF SMITHFIELD
POLICE DEPARTMENT
MONTHLY REPORT
MONTH ENDING December 31, 2015**

I. STATISTICAL SECTION

Month Ending Dec. 31, 2015	Dec-15	Dec-14	Total 2015	Total 2014	YTD Difference
Calls For Service	1643	2236	21,821	27,056	-5235
Incident Reports Completed	184	168	2129	2114	15
Cases Closed	167	159	2176	1957	219
Accident Reports	72	86	847	854	-07
Arrest Reports	140	127	1549	1485	64
Burglaries Reported	10	12	110	112	-02
Drug Charges	18	20	378	349	29
DWI Charges	13	15	107	122	-15
Citations Issued	171	344	2927	3980	-1053
Speeding	24	124	614	1487	-873
No Operator License	42	68	720	917	-197
Registration Violations	09	54	374	635	-261

II. PERSONNEL UPDATE

One officer remains in field training. The Accreditation Manager Position was filled. One sworn position police officer position was filled. One civilian position remains open for a Records Clerk position. One sworn police officer vacancy also exists.

III. MISCELLANEOUS

The police department provided security and traffic control for the Christmas Parade on Market Street. The police department maintained security operations at the Outlet Center and the Cross Roads Project throughout the month with only minor incidents being reported. This report is also a year-end report for calendar year 2015.

- Calls for service continue to decrease due to a change in the manner in which calls are logged. This record keeping change began in January 2015.

REPORTED UCR OFFENSES FOR THE MONTH OF DECEMBER 2015

PART I CRIMES	December 2014	December 2015	+/-	Percent Changed	Year-To-Date 2014	Year-To-Date 2015	+/-	Percent Changed
MURDER	0	0	0	N.C.	0	1	1	N.C.
RAPE	1	0	-1	-100%	3	4	1	33%
ROBBERY	1	3	2	200%	26	23	-3	-12%
Commercial	1	1	0	0%	8	9	1	13%
Individual	0	2	2	N.C.	18	14	-4	-22%
ASSAULT	4	8	4	100%	57	66	9	16%
* VIOLENT *	6	11	5	83%	86	94	8	9%
BURGLARY	11	9	-2	-18%	105	107	2	2%
Residential	4	8	4	100%	62	71	9	15%
Non-Resident.	4	1	-3	-75%	15	18	3	20%
Commercial	3	0	-3	-100%	28	18	-10	-36%
LARCENY	52	62	10	19%	557	578	21	4%
AUTO THEFT	2	3	1	50%	16	19	3	19%
ARSON	0	1	1	N.C.	4	3	-1	-25%
* PROPERTY *	65	75	10	15%	682	707	25	4%
PART I TOTAL:	71	86	15	21%	768	801	33	4%
PART II CRIMES								
Drug	36	28	-8	-22%	458	376	-82	-18%
Assault Simple	5	13	8	160%	135	187	52	39%
Forgery/Counterfeit	4	1	-3	-75%	21	37	16	76%
Fraud	5	8	3	60%	96	115	19	20%
Embezzlement	0	1	1	N.C.	5	16	11	220%
Stolen Property	2	1	-1	-50%	18	19	1	6%
Vandalism	8	2	-6	-75%	106	81	-25	-24%
Weapons	2	3	1	50%	24	43	19	79%
Prostitution	0	0	0	N.C.	0	0	0	N.C.
All Other Sex Offens	0	1	1	N.C.	6	13	7	117%
Gambling	0	0	0	N.C.	0	0	0	N.C.
Offn Agnst Faml/Chld	1	1	0	0%	5	8	3	60%
D. W. I.	15	11	-4	-27%	121	103	-18	-15%
Liquor Law Violation	1	1	0	0%	14	14	0	0%
Disorderly Conduct	0	1	1	N.C.	12	12	0	0%
Obscenity	0	0	0	N.C.	0	2	2	N.C.
Kidnap	0	0	0	N.C.	3	0	-3	-100%
All Other Offenses	3	10	7	233%	72	76	4	6%
PART II TOTAL:	82	82	0	0%	1096	1102	6	1%
GRAND TOTAL:	153	168	15	10%	1864	1903	39	2%

N.C. = Not Calculable

(x_month1)

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Town of Smithfield
Fire Department
 Month Ending: December, 2015

I. Statistical Section

Responded to:	YTD:
<u>9</u> Total Structure Fires Dispatched	95
<u>2</u> Confirmed Structure Fires (Our District)	19
<u>1</u> Confirmed Structure Fires (Other Districts)	13
<u>134</u> EMS/Rescue Calls	1378
<u>3</u> Vehicle Fires	20
<u>17</u> Motor Vehicle Accidents	169
<u>10</u> Fire Alarms (Actual)	72
<u>12</u> Fire Alarms (False)	141
<u>17</u> Misc./Other Calls	202
<u>3</u> Mutual Aid (Received)	92
<u>9</u> Mutual Aid (Given)	61
 <u>202</u> TOTAL EMERGENCY RESPONSES	 2077

Conducted <u>10</u> Fire Inspections/Compliance Inspections	567
Conducted <u>1</u> Public Fire Education Programs	32
15 Adults in Attendance	509
80 Children in Attendance	1274
Conducted <u>0</u> Plans Review Construction/Renovation Projects	5
Issued <u>0</u> Fire Code Citations	0
Issued <u>0</u> Fire Lane Citations	0
Completed <u>4</u> Consultation/Walk Through	94
Completed <u>18</u> Re-Inspections	240
Completed <u>0</u> Fire Investigations	0

II. Major Revenues

Inspections:	\$1550.00	\$20,750.00
False Alarms:	\$125.00	\$875.00
Fire recovery USA:	\$792.00	\$1488.00
(Motor vehicle accidents)		

Major Expenses for the Month:

III. Personnel Update:

- Firefighter Tony McLeod promoted to Engineer effective 12-14-15.
- Volunteer Firefighter Daniel Wilson submitted his letter of resignation from the department effective 1-1-16. He remains in good standing with the department.

IV. Narrative of monthly departmental activities:

- The training room continues to be utilized and booked by numerous agencies almost daily.

**Town of Smithfield
Public Works Department
December 31, 2015**



199 Total Work Orders completed by the Public Works Department

2 Burials, at \$700.00 each = \$1,400

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

\$1,000 Sunset Cemetery Lot Sales

\$0 Riverside Extension Cemetery Lot Sales

440.18 tons of household waste collected

206 tons of yard waste collected

14.18 tons of recycling collected

40 Animal Control work orders completed

9 Cats transported to Animal Shelter

16 Dogs transported to Animal Shelter

Town of Smithfield
Public Works Appearance Division
Cemetery, Landscapes, and Grounds Maintenance
Buildings, Facilities, and Sign Division
Monthly Report
December 31, 2015



I. Statistical Section

- 2 _____ Burials
- 9 _____ Works Orders – Buildings & Facilities Division
- 6 _____ Work Orders – Grounds Division
- 33 _____ Work Orders – Sign Division

II. Major Revenues

Sunset Cemetery Lot Sales:	\$1,000.00
Riverside Ext Cemetery Lot Sales:	\$0.00
Grave Opening Fees:	\$1,400.00
Total Revenue:	\$2,400.00

III. Major Expenses for the Month:

None for the month

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The overall duties include daily maintenance on cemeteries, landscapes, right-of-ways, buildings and facilities. The Public Works safety meeting was on "Winter Storms – Plan, Equip., and Train".

**Town of Smithfield
Public Works Drainage/Street Division
Monthly Report
December 31, 2015**



I. Statistical Section

- a. All catch basins in problem areas were cleaned on a weekly basis
- b. 4 - Work Orders – 7.14 Tons of Asphalt was placed in 2 utility cuts, 1 gator area and 1 root damaged area.
- c. 1 - Work Order – 8 Linear Feet Drainage Pipe installed.
- d. 2 - Work Orders - 675 Linear Feet of ditches were cleaned
- e. 21 - Work Orders – 1,475lbs. of Cold Patch was used for 35 Potholes.
- f. 40 Work Orders were completed regarding Animal Control related issues. 9 Cats and 16 Dogs were transported to the Animal Control Shelter.

II. Major Revenues

None for the month

III. Major Expenses for the Month:

\$1,018.53 to T & W Welding to mount snow plows.

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The Public Works Department safety meeting was on "Winter Storms – Plan, Equip., and Train".

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

Location: N 4th and Bridge Street.
Starting Date: 12/1/2015
Completion Date: 12/2/2015
Description: Repaired sinkhole in roadway due to drain line failure.
Man-hours: 10hrs.
Equipment: 420 Cat backhoe, 405 dump truck.
Materials: 2yards of 3000psi concrete, 2 yards of ABC stone.

Location: 103 Pace Street.
Starting Date: 12/3/2015
Completion Date: 12/3/2015
Description: Installed a 15" RCP drain line in driveway for positive drainage.
Man-hours: 4.5hrs.
Equipment: 420 Cat backhoe, 405 dump truck.
Materials: One 8ft section of 15" RCP, 10 yards of ABC stone.

Location: Downtown district.
Starting Date: 12/3/2015
Completion Date: 12/10/2015
Description: Worked on Christmas lights for tree lighting ceremony event, assisted police department with Christmas parade.
Man-hours: 42.5hrs.
Equipment: 402 pickup plus lift rental.
Materials: One case of clear C7 light bulbs.

Location: Market and 9th, 406 S 2nd Street, 116-120 Henley, 410 Canterbury, 412-516 S 2nd, S 7th and Johnston, Equity Drive, 633,388,101,447, 721, 809, 250 Venture Drive, Venture and Outlet Center Drive, Venture and Magnolia, 703, 711, 806 North Street, Buffalo and North Street.
Starting Date: 12/10/20015
Completion Date: 12/28/2015
Description: Repaired 35 potholes with Perma Patch Asphalt.
Man-hours: 12hrs.
Equipment: 402 pickup plus hand tools.
Materials: 29.5 bags of Perma Patch.

Location: 508 S 4th Street, Brogden Road and SBL, 613 S 3rd Street, Bridge and S 4th Street.
Starting Date: 12/11/2015
Completion Date: 12/11/2015
Description: Repaired 2 utility cuts, 1 root damaged area and 1 sunken asphalt area with 12 asphalt.
Man-hours: 15.75hrs.
Equipment: 420 Cat backhoe, 405 dump truck, 402 pickup plus hand tools.
Materials: 7.14tons of 12 asphalt.

Location: 103 Stevens Street.
Starting Date: 12/14/2015
Completion Date: 12/14/2015
Description: Cut nuisance lot for planning department.
Man-hours: 1hr.
Equipment: 2 scag mowers plus hand tools.
Materials: N/A

Location: Outlet Center Drive.
Starting Date: 12/16/2015
Completion Date: Still working on project.
Description: Crews are clearing vegetation from right of way to open up view to businesses.
Man-hours: 70.75hrs.
Equipment: Tractor bushhog, mowers weed eaters plus hand tools.
Materials: N/A

Location: West and Midway Street, Dead End of Nottingham Place
Starting Date: 12/30/2015
Completion Date: 12/30/2015
Description: Cleaned 675LF of storm drain line for positive drainage.
Man-hours: 6hrs.
Equipment: Jet Truck plus hand tools.
Materials: N/A

Location: 7 West Edgerton Street.
Starting Date: 12/31/2015
Completion Date: 12/31/2015
Description: Repaired damaged drain line for positive drainage.
Man-hours: 3hrs.
Equipment: 402 pickup plus hand tools.
Materials: Three 80lbs. bags of concrete.

**Town of Smithfield
Public Works Fleet Maintenance Division
Monthly Report
December 31, 2015**



I. Statistical Section

5 Preventive Maintenances

0 North Carolina Inspections

40 Work Orders

II. Major Revenues

None for the month

III. Major Expenses for the Month:

None for the month

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The shop employee performed preventive maintenances on all Town owned generators. The Public Works Department safety meeting was on "Winter Storms – Plan, Equip., and Train".

**Town of Smithfield
Public Works Sanitation Division
Monthly Report
December 31, 2015**



I. Statistical Section

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

- a. Sanitation forces completed 43 work orders
- b. Sanitation forces collected 440.18 tons of household waste
- c. Sanitation forces disposed of 103 loads of yard waste and debris at Spain Farms Nursery
- d. Recycling forces collected 0 tons of clean wood waste (pallets)
- e. Town's forces collected 5.55 tons of construction debris (C&D)
- f. Town's forces disposed of 0 scrap tires
- g. Recycling forces collected 2.68 tons of recyclable plastic
- h. Town's forces collected 2,300 lbs. of cardboard
- i. A total of 0 gallons of cooking oil was collected at the convenience site
- j. Disposed of 8,760 lbs. of plastics & glass
- k. Disposed of (4) 55-gal. drums of latex paint.
- l. Disposed of (2) 55-gal. drums of oil base paint.

II. Major Revenues

- a. Received \$26.24 from Sonoco Products for cardboard material
- b. Sold 0 lbs. of aluminum cans for \$0.00
- c. Sold 0 lbs. of shredder steel for \$0.00 to Omni Source

III. Major Expenses for the Month:

Spain Farms Nursery was paid \$3,648.00 for disposal of yard waste and debris. American Road Machinery was paid \$1,732.37 for fan assembly and housing for vehicle repairs. Amick Equip., Co. was paid \$3,085.00 for a cylinder part for the garbage truck and \$1,212.26 for a hydraulic pump. PQ Controls was paid \$572.00 for a joy stick replacement on the Hook Lift Truck.

IV. Personnel Update:

Due to the lack of man power a temporary employee was hired to help out the sanitation crew. Cedric Raynor was transferred to the Parks & Recreation Department.

V. Narrative of monthly departmental activities:

The department worked closely with Parks & Recreation and Downtown Development on providing traffic control devices and event containers for the Grinch Run, Tree Lighting Ceremony, Smithfield Christmas Parade and Downtown Carriage rides. The Public Works Departments Safety Training was on "Winter Storms – Plan, Equip., and Train".



PARKS & RECREATION SMITHFIELD RECREATION AND AQUATICS CENTER MONTHLY REPORT DECEMBER, 2015

I. Parks and Recreation and SRAC Programs/Events

Programs/Events in progress or recently completed: **40**
Total Programs/Events participants: **3431** *(does not include spectators)
SRAC member visits > **4438***(does not include spectators, meeting attendees, etc.)
SRAC paid day pass visitors > **471**
SRAC complimentary day pass visitors > **44**
SRAC Facility Rentals (Banquet Room, Gym, M-P Room, Pool,) > **59 Rentals**
P&R Athletic games, practices and tournaments > **195** (participants included in "Total" above)
P&R Facility Rentals (fields, shelters, etc.) > **325** (6 Rentals)
TOTAL DIRECT CONTACTS > 11886

II. Budget Information

Through 12/31/15 & YTD:
Parks and Recreation Expenditures > approximately 40.5%
SRAC Expenditures > approximately 45.6%
SRAC Revenues collected > approximately 46%

III. Highlights

Hosted Town Christmas Tree Lighting with DSDC with approximately 200+ in attendance

Hosted the Town of Smithfield Christmas Parade with over 75 entries

Hosted swimming with Santa with over 60 participants

Hosted the 3rd Annual Grinch Run 5k with over 200 participants and toys donated to DSS and Harbor House.



**Utilities Department
Monthly Report
December 2015**

- **Statistical Section**

- Electric CP Demand 17,511 Kw relative to November's demand of was 20,700 Kw.
- Electric System Reliability for was 100% relative to November's 99.9976%
- Raw water treated on a daily average was 2.988 MG relative to 3.235 MG for November; with maximum demand of 3.772 MG relative to November's 3.960 MG.
- Total finished water to the system was 86.621 MG relative to November's 81.136 MG. Average daily for the month was 2.794 MG relative to November's 2.617 MG. Daily maximum was 3.399 MG (December 17th) relative to November's 3.150 MG. Daily minimum was 2.094 MG (December 26th), relative to November's 2.282MG.

- **Miscellaneous Revenues**

- Electrical sales were \$1,322,249 relative to November's sales of \$1,287,090
- Water sales were \$157,350 relative to November's \$164,239
- Sewer sales were \$215,288 relative to November's \$223,333
- Johnston County Water purchase were \$63,573 for 42.382 MG relative to November's \$62,339 for 41.600 MG
- **Major Expenses for the Month**
- Electricity purchases were \$909,668 relative to November's \$934,082
- Johnston County sewer charge was \$268,569 for 88.162 MG relative to November's \$226,111 for 75.417 MG.

- **Personnel Changes**

Pat Butler was hired as the new W/S Superintendent , replacing Steve Lane who has moved to the Water Plant. The change is effective January 4, 2016.



**Town Of Smithfield
WATER AND SEWER
Monthly Report
December 2015**

I. Statistical Section

- REPLACED 11 WATER METERS
- SET 0 METERS FOR NEW ACCOUNTS
- REPAIRED 7 LEAKS
- REPAIRED 5 SEWERS
- WASHED 6524 FEET SEWER LINES
- MADE 0 WATER TAPS, AND 0 SEWER TAP

II. Major Revenues

- NA
-

III. Major Expenses for the Month:

IV. Personnel Update

- Jerry McDonald resigned

V. Miscellaneous Activities:

- RODDED 21 SEWER SERVICES
- REPAIRED 3 FIRE HYDRANTS
- SERVICE CALLS 111
- LOCATES 80
- CHECK 18 LIFT STATIONS DAILY
- FLUSHED DEAD ENDS 1 TIME



MONTHLY WATER LOSS REPORT

DECEMBER 2015

3/4" LINE – 1/8" HOLE – 1 DAY

3/4" LINE - 1/8" HOLE - 1 DAY

3/4" LINE – 1/8" HOLE – 3 DAYS

1" LINE- 1/8" HOLE – 5 DAYS

2" LINE -1/16" HOLE- 5 DAYS

8" LINE – BROKE - 2 HOURS

2" LINE - BROKE – 1 HOUR

HYDRANT FLUSHING

SMITHFIELD WATER PLANT DISTRIBUTION SAMPLING SITE PLAN

STREET NAME	DATE	CHLORINE	TIME	GALLONS	PSI	STREET NAME	DATE	CHLORINE	TIME	GALLONS	PSI
Castle Drive	12/7/2015	3.4	30	10620	10	White Oak Drive	12/4/2015	0.4	30	10620	10
Stephson Drive	12/7/2015	3.4	30	10620	10	Brookwood Drive	12/7/2015	0.4	30	11310	5
Garner Drive	12/4/2015	0.4	30	15930		Runnymede Place	12/4/2015	1.4	30	10620	10
Computer Drive	12/7/2015	3.4	30	10620	10	Nottingham Place	12/4/2015	1.4	30	10620	10
Elm Drive	12/7/2015	3.4	30	10620	10	Heritage Drive	12/7/2015	0.4	30	10620	10
Hillcrest Drive	12/10/2015	5	15	5310	10	Regency Drive	12/1/2015	0.1	75	97500	60
Skyland Drive	12/1/2015	3.4	30	10620	10	Randers Court	12/1/2015	0.1	75	79650	40
Eason Street	12/10/2015	0.1	15	15930	40	Noble Street	12/1/2015	0.1	30	15840	
Holland Drive	12/7/2015	1	15	9750	15	Fieldale Dr#1(L)	12/10/2015	0.2	30	31860	40
Parway Drive	12/4/2015	1	30	31860	40	Fieldale Dr#2(R)	12/10/2015	0.2	30	31860	40
Bradford Street	12/2/2015	0.4	30	15930		Noble Plaza #1	12/10/2015	0.2	30	10620	10
Kellie Drive	12/4/2015	0.6	30	15930		Noble Plaza #2	12/7/2015	0.2	30	10620	10
Edgewater	12/2/2015	0.4	30	15930		Pinecrest Street	12/7/2015	0.6	30	10620	10
Edgewcombe	12/2/2015	0.4	30	318960	40	Ava Gardner	12/4/2015	0.3	120	191160	
Magnolia circle	12/2/2015	2.5	15	7965		Waddell Drive	12/7/2015	1.1	15	5310	10
Valley Wood	12/3/2015	0.4	30	31860	40	Heather Court	12/7/2015	0.1	75	79650	40
Creek Wood	12/3/2015	0.4	30	31860		Reeding Place	12/1/2015	0.1	75	79650	40
Kay Drive	12/10/2015	1.8	15	9750	15	S. Sussex Drive	12/7/2015	1.6	30	15930	
Huntington Place	12/10/2015	1.6	15	10095	1	Henly Place	12/7/2015	1	15	8715	12
N. Lakeside Drive	12/10/2015	1.6	15	9435	14	Furlonge Street	12/7/2015	3.5	15	8715	12
Cypress Point	12/10/2015	1.3	15	8715	12	Aspen Drive	12/7/2015	2.1	15	8715	12
Quail Run	12/10/2015	1.6	15	10095	1	Cedar Drive	12/7/2015	2	15	5310	10
British Court	12/10/2015	1.7	15	11550	2	Oak Drive	12/7/2015	2	15	9430	14
Tyler Street	12/10/2015	2.6	15	19500	60	Pine Street	12/7/2015	3.5	15	9750	15
Rainbow Drive	12/1/2015	2.5	15	19500	60	Birch Street	12/7/2015	3.5	15	8715	12
Rainbow Circle	12/1/2015	2.5	15	19500	60	East Street	12/10/2015	5	15	15930	40
Moonbeam Circle	12/7/2015	2.8	15	19500	60	West Street	12/10/2015	4	15	17620	50
Yeiverton Road	12/7/2015	3.5	15	15930	40	Ward Street	12/10/2015	5	15	15930	40
Ray Drive	12/1/2015	0.3	30	31860	40	Rvans	12/7/2015	0.3	120	127440	
Will Drive	12/1/2015	0.4	30	31860	40	Water Samples	5 TIMES			309750	40
Golden Corral	12/7/2015	3.5	15	10080	16	Davis Street	12/7/2015	3.5	15	8715	12
Shelterway						Wellons Street	12/1/2015	3.8	15	15930	40
THM Samples						Caroline Ave.	12/7/2015	3.5	15	5310	10
Michael Lane	12/10/2015	5	30	15930	40	Johnston Street	12/7/2015	3.5	15	9750	15
Crestview Drive						HWY 210 LIFT ST.	12/1/2015	3.4	30	15930	
Cool Farm Supply	12/30/2015	3.4	60	20320		Old Goldsboro Rd.	12/7/2015	3.4	60	42480	

**Town of Smithfield
Water Treatment Plant**

All figures are in MGD.

**Dec '15
Monthly Totals**

Date	Rate of Flow	Hrs. Operated	Raw Treated	Finish Metered	Plant Useage	Finish to Dist. System	% of RAW TREATED TO SYSTEM
1	3.80	19.0	3.014	2.710	0.0910	2.620	88.93
2	3.80	16.5	3.006	2.965	0.0480	2.916	97.01
3	3.80	19.5	2.647	2.845	0.0090	2.836	107.14
4	3.80	16.0	2.420	2.316	0.0825	2.293	94.76
5	3.80	22.5	3.417	3.180	0.0940	3.086	90.31
6	3.80	17.0	2.802	2.775	0.0881	2.687	95.90
7	3.80	17.0	2.593	2.521	0.0090	2.512	96.88
8	3.80	18.5	3.014	2.752	0.0090	2.743	91.01
9	3.80	17.5	2.866	2.876	0.0931	2.783	97.10
10	3.80	21.5	3.424	2.883	0.0975	2.873	83.91
11	3.80	20.0	3.180	2.898	0.0955	2.803	88.14
12	3.80	19.0	3.141	2.855	0.0920	2.764	88.00
13	3.80	16.5	3.182	2.723	0.0867	2.634	82.78
14	3.80	12.0	2.079	2.160	0.0080	2.152	103.51
15	3.80	14.0	2.800	2.537	0.0961	2.527	90.25
16	3.80	21.0	3.348	2.901	0.0110	2.890	86.37
17	3.80	18.0	2.738	3.496	0.0988	3.399	124.14
18	3.80	22.5	3.772	3.113	0.1080	3.005	79.67
19	3.80	17.5	2.805	2.780	0.1020	2.678	95.47
20	3.80	17.5	2.867	2.778	0.1010	2.678	93.41
21	3.80	19.5	3.170	3.009	0.0120	2.997	94.54
22	3.80	21.0	2.691	2.834	0.0100	2.824	104.94
23	3.80	20.0	3.160	3.035	0.0906	3.026	95.76
24	3.80	19.5	3.090	3.046	0.0910	2.955	95.63
25	3.80	19.5	3.109	2.969	0.0912	2.878	92.57
26	3.80	15.5	2.371	2.173	0.0790	2.094	88.32
27	3.80	20.0	3.179	3.090	0.0920	2.998	94.31
28	3.80	18.0	2.850	2.744	0.0090	2.735	95.96
29	3.80	21.0	3.440	3.280	0.0940	3.188	92.62
30	3.80	18.5	3.150	3.090	0.0090	3.081	97.81
31	3.80	21.0	3.320	2.977	0.0090	2.968	89.40
Total	117.80	574.5	92.643	88.309	2.010	86.621	93.50
Avg	3.80	18.5	2.988	2.849	0.065	2.794	
Max	3.80	22.5	3.772	3.496	0.108	3.399	
Min	3.80	12.0	2.079	2.160	0.008	2.094	



**Town of Smithfield
Electric Department
Monthly Report
December, 2015**

I. Statistical Section

- Street Lights repaired -34
- Area Lights repaired -20
- Service calls - 27
- Underground Electric Locates -45
- Poles changed out or installed -4
- Underground Services Installed -2

II. Major Revenues

- N/A

III. Major Expenses for the Month:

- N/A

IV. Personnel Update:

N/A

V. Miscellaneous Activities:

- None

