



**TOWN OF SMITHFIELD
TOWN COUNCIL AGENDA
REGULAR MEETING OCTOBER 6, 2015
7:00 PM**

Call to Order

Invocation

Approval of Agenda

Page

Presentation:

1. Consideration and Approval of **Resolution # 567 (17-2015)** endorsing the naming of the US Highway 70 West, Neuse River Bridge in memory of fallen Johnston County Sheriff Deputy Clendon Paul West, Sr.
(Mayor – John H. Lampe II.) See attached information.....1

Public Hearings:

1. **Rezoning Request by McFayden and Company, LLC (RZ-15-03):**

The applicant is requesting to rezone approximately .113 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the east side of the intersection of Brogden Road and South Fifth Street. The property is further identified as Johnston County Tax ID# 15052031.

(Planning Director – Paul Embler) See attached information.....3

2. **Rezoning Request by Atlantic Resources Incorporated (RZ-15-04):**

Mr. Helmer stated the applicant is requesting to rezone approximately 6.521 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district. The property considered for rezoning is located on the southeast side of South Brightleaf Boulevard approximately 185 feet north of its intersection with Huntly Drive. The property is further identified as Johnston County Tax ID# 15060031. The applicant is requesting a conditional use permit to allow for the construction of a high rise business identification sign on property located within a B-3 (Business Highway Entrance) zoning district. The property considered for

approval is located on the northeast side of the intersection of Outlet Center Drive.

(Planning Director – Paul Emblar) See attached information.....43

3. FFAH Johnson Court, LLC:

This is a continuation from the September 1, 2015 meeting.

Regarding proposed issuance for up to \$5,500,000 in Multifamily Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio) by the Public Financing Authority of Bonds on Behalf of the Foundation For Affordable Housing, Inc. and approval of Resolution #563 (13-2015). (Kristen Kirby with the Law Firm of Hunton & Williams, LLP)

See attached information.....89

4. Local Government Commission Financing of the Inflow and Infiltration and Raw Water Intake Project and approval of Resolution # 568 (18-2015):

The purpose of the public hearing is to allow citizen input on an application to the Local Government Commission for the financing of Closed Circuit TV inspection and cleaning of approximately 39,250 linear feet of sewer line and rehabilitation of approximately 10,000 linear feet of sewer lines, and replacement/ rehabilitation of approximately 36 manholes in East, South and West Smithfield; and to install a sand removal system and related equipment at the raw water intake at the Neuse River. The loan amount is approximately \$1,430,000.

(Finance Director – Greg Siler) See attached information.....101

Citizens Comments: Please limit all comments to 3 minutes each.

Consent Agenda Items:

1. Approval of Minutes:

September 1, 2015 – Regular Meeting

September 1, 2015 – Closed Session (Under Separate Cover).....107

2. Special Event – Alive after 5: The applicant, Millard Stallings is petitioning the Town Council for approval of an event to be held on October 15, 2015 from the hours of 6:00 pm – 9:00 pm at 121 North Fourth Street.

(Planning Director – Paul Emblar) See attached information.....119

3. Special Event – Ribbon Cutting: The applicant, Ida Morton, is petitioning the Town Council for approval of an event to be held on October 10, 2015 from the hours of 2pm-6pm in the Town Hall Park.

(Planning Director – Paul Emblar) See attached information.....121

4. Special Event – Smithfield Halloween House: The applicant, Christian Callaway-Shipley is petitioning the Town Council for approval of an event to be held on October 31, 2015 from the hours of 5pm – 8pm at 208 East Davis Street. This event involves closing the street.
(Planning Director – Paul Embler) See attached information.....125

5. Special Event – Praise in the Park: The applicant, On-Time Ministries Inc. is petitioning the Town Council for approval of an event to be held on October 16th – October 17th.
(Planning Director – Paul Embler) See attached information.....129

6. Consideration and Approval of Resolution #569 (19-2015) – Supporting the Johnston County Parks and Recreation Master Plan.
(Parks and Recreation Director – Gary Johnson) See attached information.....135

7. Consideration and approval to accept a grant in the amount of \$8,800 from the Johnston County Visitor’s Bureau for park improvements.
(Parks and Recreation Director – Gary Johnson) See attached information.....137

8. Consideration and approval of amendments to the James P George Street Tree Line Endowment Agreement and the James B. George Beautification Endowment Agreement. (Public Works Director – Lenny Branch /Town Clerk – Shannan Williams)
See attached information.....139

9. Consideration and Approval of Resolution # 570 (20-2015) declaring property as surplus and to be auctioned on GovDeals.com and two items to be donated to Johnston Community College (Interim Fire Chief – John Blanton, Interim Public Utilities Director – Pete Connet, Town Clerk – Shannan Williams)
See attached information.....161

10. Consideration and Approval of various Budget Amendments

- a. Request to Transfer Select Capital Expenditures to the Capital Project Fund
- b. Request to bring forward Encumbrances from the FY 14-15 Budget to the FY 15-16 Budget

(Finance Director – Greg Siler) See attached information.....169

11. North Carolina Eastern Municipal Power Agency Board of Commissioners Appointment: Consideration and approval to endorse the appointment of Interim Town Manager Jim Freeman to serve as First Alternate Commissioner representing the Town of Smithfield
(Interim Public Utilities Director – Pete Connet) See attached information.....181

12. Advisory Board/ Committee Appointments

- a. Art W. Andrews has submitted an application for consideration to be appointed to serve on the Historic Properties Commission.

- b. Sarah Edwards has submitted an application for consideration to be reappointed to serve on the Board of Adjustments as an ETJ member.

(Town Clerk – Shannan Williams) See attached information.....185

13. New Hire Report

(Human Resources Director / PIO – Tim Kerigan) See attached information.....191

14. Employee Promotion – Water Plant. The Public Utilities Department is requesting approval to promote a Water Plant Operator I to the position of Water Plant Operator II.

(Interim Public Utilities Director – Pete Connet) See attached information.....193

15. For Informational Purposes - Letter received from Mr. V.R. Phipps stating that he intends to purchase the Old Water Treatment Plant.

See attached information195

Business Items:

1. Consideration and Approval authorizing the Police Department to submit a grant application to the Governors Highway Safety Program to create a traffic safety team.

(Chief of Police – Michael Scott) See attached information.....197

2. Consideration and Approval to authorize the Police Department to solicit applications for an Accreditation Manager and authorize changes to the salary schedule.

(Chief of Police – Michael Scott) See attached information.....213

3. Consideration and approval of an amendment to the Pay and Classification Plan to add a Career Ladder Plan for the Electric Department.

(Interim Public Utilities Director – Pete Connet) See attached information.....221

4. Bid Award to Clearwater, INC. in the amount of \$125,744.91 for the Sand Removal – River Project.

(Interim Public Utilities Director – Pete Connet) See attached information.....229

5. Consideration and Approval to set the date for a public hearing per general statue NCGS 159B-16.1. Revenues – NCEMPA members for receiving final rate study recommendation and setting new rates. Final rate study information will be provided prior to the meeting.

(Interim Public Utilities Director – Pete Connet

Councilmember's Comments

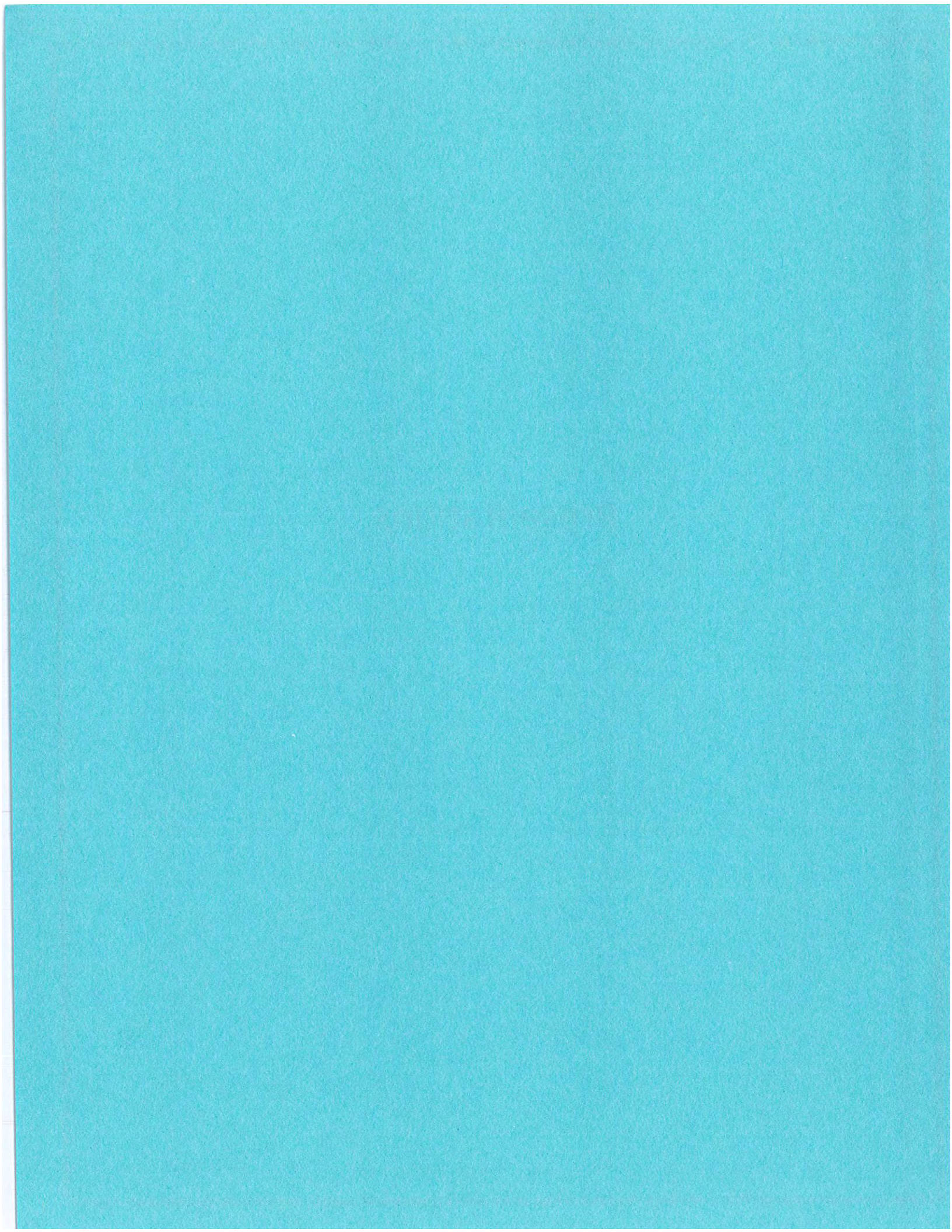
Town Manager's Report

- Financial Report (See attached information).....245
- Department Reports (See attached information).....249
- Manager's Report (Will be provided at the meeting)

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

Adjourn

Presentations



RESOLUTION #567 (17-2015)

SUPPORTING THE U.S. HIGHWAY 70 BUSINESS/ WEST MARKET STREET NEUSE RIVER BRIDGE IN SMITHFIELD, NORTH CAROLINA BE NAMED IN MEMORY OF DEPUTY CLENDON PAUL WEST, SR.

WHEREAS, Deputy Clendon Paul West, Sr. was born in Smithfield, North Carolina on February 2, 1968; and

WHEREAS, Deputy Clendon Paul West, Sr. was a Johnston County Deputy Sheriff from 1992 until September 11, 1995; and

WHEREAS, on September 11, 1995 Deputy Clendon Paul West, Sr. was killed while engaging in the performance of his official duties at the age of 27 years old; and

WHEREAS, Deputy Clendon Paul West, Sr. gave the ultimate sacrifice for his service to the Town of Smithfield and Johnston County; and

WHEREAS, the West family has requested that the U.S. Highway 70 / West Market Street Neuse River Bridge in the Town of Smithfield be named in memory of Deputy Clendon Paul West, Sr.; and

WHEREAS, the North Carolina Department of Transportation does consider bridges in the State to be named in memory of Police Officers that have been killed in the line of duty; and

WHEREAS, the Town of Smithfield's Town Council desires to show its respect for Deputy Clendon Paul West, Sr. in a lasting and meaningful way.

NOW, THEREFORE, BE IT RESOLVED that the Town of Smithfield Mayor and Town Council requests that in Smithfield, North Carolina that the U.S. Highway 70 Business/ Market Street Neuse River Bridge # 40 be named in memory of Deputy Clendon Paul West, Sr.

Adopted this the 6th day of October, 2015.

John H. Lampe II, Mayor

ATTEST:

Shannan L. Williams, Town Clerk

(seal)

Public Hearings



McFayden and Company LLC
RZ-15-03

For Properties Located at:

The property considered for rezoning is located on the east side of the intersection of Brogden Road and South Fifth Street. The property is further identified as Johnston County Tax ID# 15052031.

Property Owner:
McFayden and Company LLC

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Rezoning Request
RZ-15-03**

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Rezoning Application	Exhibit E

Exhibit A
Staff Report



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: RZ-15-03
Project Name: McFayden and Company, LLC
TAX ID number: 15052031
Town Limits/ETJ: City
Applicant: McFayden and Company, LLC
Owners: McFayden and Company, LLC
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: East side of the intersection of Brogden Road and South Fifth Street.

REQUEST: The applicant is requesting to rezone approximately .113 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district.

SITE DATA:

Acreage: .113 acres
Present Zoning: R-6(Residential)
Proposed Zoning: B-3 (Business)
Existing Use: Vacant
Proposed Use: None

DEVELOPMENT DATA:

Proposed Use: N/A

ENVIRONMENTAL: The property considered for a rezoning does not appear to contain environmentally sensitive areas such as regulated streams or designated wetlands.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	R-6 (Residential)
	Existing Use:	Residential
South:	Zoning:	B-3 (Business)
	Existing Use:	Automotive Repair Shop
East:	Zoning:	R-6 (Residential)
	Existing Use:	Vacant
West:	Zoning:	B-3 (Business)
	Existing Use:	Restaurant

STAFF ANALYSIS AND COMMENTARY:

The applicant is proposing to rezone approximately .113 acres of a 1.69 acre tract of land which is located at the intersection of Brogden Road, South Fifth Street and Crump Street. The property is currently split zoned with the largest portion being zoned B-3 (Business) and the remainder being zoned R-6 (Residential). The property contains 3 nonconforming uses on one tract of land to include Crazy Taco Restaurant, Jesus Automotive Repair and LaBamba Nightclub. The applicant is proposing to divide out a .113 portion of the R-6 (Residential) zoned area to create a buildable residential lot fronting on Crump Street. The .113 acre remainder of the R-6 (Residential) zoned area is the portion considered for rezoning and will added to a proposed .275 acre lot in which Crazy Taco Restaurant is located. The proposed rezoning in combination with the land division will create a more conforming situation in terms of multiple uses on a single lot while creating a more viable lot in terms of redevelopment.

- o **Consistency with the Strategic Growth Plan**

The proposed rezoning to the B-3 (Business) zoning district is consistent with the Future Land Use Plan which recommends the property be zoned for commercial uses.

- o **Consistency with the Unified Development Code**

The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance provided that all proposed future land uses construct the minimum required parking and meet ADA accessibility standards. Any use requiring outdoor storage will require conditional use permit approval by Town Council.

- o **Compatibility with Surrounding Land Uses**

The property considered for a rezoning is located near South Fifth Street and Brogden Road and is an existing commercial node. Rezoning this property from residential to commercial district will not create compatibility issues with the adjacent residential uses providing that buffers are installed as part of any redevelopment plan in the area.

OTHER:

FIRE PROTECTION: The Town of Smithfield Fire Department will provide fire protection.

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: If approved, Crazy Taco Restaurant will have approximately 124 feet of road frontage on Crump Street and 96.7 feet of road frontage on South Fifth Street

WATER/SEWER PROVIDER: Town of Smithfield

ELECTRIC PROVIDER: Town of Smithfield

FINDINGS:

In connection with a legislative decision for a rezoning request, the Town council may consider certain approval criteria. Please refer to attached "Approval Criteria". Planning Staff generally accepts these findings as fact as part of a complete application submitted by the petitioner.

Planning Department Recommendation: The Planning Department recommends approval of the request to rezone approximately .113 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district.

Planning Board Recommendation: The Planning Board, at its September 3, 2015 meeting, voted to recommend approval of the petition to rezone a .133 acre portion of a 1.69 acre tract of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district. **Opposed; Teresa Daughtry, Daniel Sanders. Abstained; Ashley Spain, Mark Lane. Motion passed 4-2-2.**

Town Council Action Requested: The Smithfield Town Council is requested to review the petition and make a decision in accordance with the approval criteria for the rezoning of approximately .133 acre portion of a 1.69 acre tract of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district.

Exhibit B
Approval Criteria

Town of Smithfield

Rezoning Permit Application

Approval Criteria

Application No. RZ-15-03 Name: McFayden and Company, LLC

Request: Zoning reclassification from R-6 (Residential) to B-3 (Business)

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 Council has the responsibility to determine if the zoning map amendment is warranted. 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. Finding One of Eight:

...The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield....

Circle One

A. Agree

The rezoning request from the Residential to the Business zoning district meets all the Town's plans and policies and will blend in well with the adjacent land uses. The Comprehensive Land Use Plan directly indicates the subject property is best suited for commercial land uses. The rezoning will create a more conforming situation by not creating a split zoned lot.

B. Disagree

The rezoning request from the Residential to the Business zoning district does not necessarily meet all of the Town's plans and policies because the remainder of the property considered for rezoning is

nonconforming by virtue of have two uses on a single lot. (La Bamba Club and former Jesus Auto Repair).

2. Finding Two of Eight

...The rezoning petition is compatible with established neighborhood patterns of the surrounding area....

Circle One

A. Agree

The rezoning request is compatible with established neighborhood patterns which includes an existing commercial zoning district immediately west and south of the subject property. The rezoning will allow for the creation of a conforming lot that will not be split zoned.

Disagree

Although no known compatibility issues with adjacent land uses have occurred in the past, rezoning the property to the B-3 (Business) zoning district will create a more intensive commercial environment adjacent to existing single family dwellings to the west and a housing complex to the north.

3. Finding Three of Eight

...The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning....

Circle One

A. Agree

The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning because the rezoning will allow for the creation of a conforming lot with a single zoning classification. Redevelopment or expansion of the exiting use of the property will be much easier with a single zoning classification.

B. Disagree

The rezoning petition is NOT compatible with the changing neighborhood conditions that might warrant a rezoning because the rezoning request will contribute to intensification of the existing use and create addition traffic and congestion at the intersection of South Fifth Street and Brogden Road.

4. Finding Four of Eight

...The rezoning request is in the community interest....

2 of 5

RZ-15-03

A. Agree

The rezoning request is in the community interest because a nonconformity will be eliminated and the rezoning will allow for redevelopment opportunities that currently do not exist.

B. Disagree

The denial of the rezoning will be in the best interest of Smithfield because rezoning the property will open the door for future land use intensification of the area.

5. Finding Five of Eight

...The request does not constitute "Spot Zoning"....

A. Agree

Since adjacent nearby properties are presently zoned B-3 (Business) then it is unlikely an argument could be made for "spot zoning" or "small scale" zoning.

B. Disagree

Since the rezoning does not meet the definition of spot zoning then there is no valid basis for denial.

6. Finding Six of Eight

...Present regulations deny or restrict the economic use of the property....

A. Agree

The property is currently zoned R-6 (Residential). Redevelopment of the property or improvements to the existing use cannot occur unless the property is rezoned.

B. Disagree

There are limited considerations for residential development in the B-3 (Business) zoning district. Rezoning the property to a zoning district that allows for addition residential uses while limiting commercial uses should be pursued in more depth prior to rezoning to B-3 (Business).

7. Finding Seven of Eight

...the availability of public services allows consideration of this rezoning request....

A. Agree

In addition to public water and sewer being available to the site, the property is served by the Town of Smithfield with electricity. CenturyLink and Time Warner also serve the area with phone and cable respectively.

B Disagree

Since all the above utilities serve the area then there can be no justification to deny the petition.

8. Finding Eight of Eight

...Physical characteristics of the site prohibit development under present regulations....

A. Agree

The property is not affected by physical restraints such as wetlands, stream buffers, potential flood hazard areas and storm water. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc.

B. Disagree

Since there are no physical features such as rock out crops that would render the rezoned *area undevelopable and given the fact that proper permits more than likely be obtained then there is no basis for denial based on physical characteristics.*

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

Motion to Approve: Based upon satisfactory compliance with the above stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative I move to approve the Rezoning Petition RZ-15-03.

Motion to Deny: Based upon the failure to adequately address all of the above stated eight findings and for the reasons stated therein, I move to deny the Rezoning Petition RZ-15-03.

10. Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Town Council, Rezoning Petition RZ-15-03 is hereby:

Check one

_____ **Approved for the following reasons:**

_____ **Denied for the following reasons:**

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

John H. Lampe II, Mayor

Attest:

Shannan L. Williams, Town Clerk

Exhibit C
Planning Board Minutes/Actions

Planning Board Report for
RZ-15-03
McFayden and Company, LLC

Public hearing held on September 3, 2015

(Excerpt from draft minutes)

After all persons giving testimony were duly sworn, Mr. Foy opened the public hearing.

RZ-15-03 McFayden and Company, LLC:

Mr. Helmer stated the applicant is requesting to rezone approximately .113 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the east side of the intersection of Brogden Road and South Fifth Street. The property is further identified as Johnston County Tax ID# 15052031.

Mr. Helmer stated the property considered for a rezoning does not appear to contain environmentally sensitive areas such as regulated streams or designated wetlands. The applicant is proposing to rezone approximately .113 acres of a 1.69 acre tract of land which is located at the intersection of Brogden Road, South Fifth Street and Crump Street. The property is currently split zoned with the largest portion being zoned B-3 (Business) and the remainder being zoned R-6 (Residential). The property contains 3 nonconforming uses on one tract of land to include Crazy Taco Restaurant, Jesus Automotive Repair and La Bamba Nightclub. The applicant is proposing to divide out a .113 portion of the R-6 (Residential) zoned area to create a buildable residential lot fronting on Crump Street. The .113 acre remainder of the R-6 (Residential) zoned area is the portion considered for rezoning and will add to a proposed .275 acre lot in which Crazy Taco Restaurant is located. The proposed rezoning in combination with the land division will create a more conforming situation in terms of multiple uses on a single lot while creating a more viable lot in terms of redevelopment.

Mr. Helmer stated the proposed rezoning to the B-3 (Business) zoning district is consistent with the Future Land Use Plan which recommends the property be zoned for commercial uses. The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance (UDO) provided that all proposed future land uses construct the minimum required parking and meet ADA accessibility standards. Any use requiring outdoor storage will require conditional use permit approval by Town Council.

Mr. Helmer stated the property considered for rezoning is located near South Fifth Street and Brogden Road and is an existing commercial node. Rezoning this property from residential to commercial district will not create compatibility issues with the adjacent residential uses providing that buffers are installed as part of any redevelopment plan in the area. The Town of Smithfield will provide fire protection, water/sewer, and electric.

Mr. Helmer stated the Planning Department recommends approval of the request to rezone approximately .113 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district.

The Planning Board is requested to review the petition to rezone a .113 acre portion of a 1.69 acre tract of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district and make a recommendation to Town Council in accordance with the approval criteria for a rezoning.

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

Mr. Foy asked if this proposed rezoning would get that portion of land closer to conformity.

Mr. Helmer stated that is correct.

Mr. Upton asked if anyone will be able to park in the back.

Mr. Helmer stated there is not a parking lot there right now however, if in the future that is what the landowner wanted they would have to come back and submit plans showing a parking lot.

Teresa Daughtry asked how the smaller portion shown on the map would affect the rest of the lot.

Mr. Helmer stated the property line is shown on the map not the zoning line and the smaller portion shown is part of the lower lot.

Daniel Sanders asked if this proposed location came to the board before.

Mr. Helmer stated that part of the McFayden property was brought to the board previously.

Teresa Daughtry asked what the neighbor's responses have been.

Mr. Helmer stated letters have been sent to adjacent properties but haven't received any responses.

Daniel Sanders stated he received a phone call that someone did not receive notification.

Mr. Helmer stated letters went out to property owners not tenants. The GIS system along with tax records were used to contact adjacent property owners.

Ashley Spain asked if the proposed lot remained the same, would there be enough room to build in the future if something were to happen like a fire.

Mr. Helmer stated there is enough room to build a modest building.

Teresa Daughtry asked why the owner didn't want the whole lot.

Mr. Helmer stated the applicant has chosen to do it this way so Crazy Taco has their own lot.

Daniel Sanders asked if there would be enough space for housing.

Mr. Helmer stated there would be plenty of room considering the lot size.

Mr. Foy closed the public meeting for RZ-15-03.

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. *The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:*

The rezoning request from the Residential to the Business zoning district meets all the Town's plans and policies and will blend in well with the adjacent land uses. The Comprehensive Land Use Plan directly indicates the subject property is best suited for commercial land uses. The rezoning will create a more conforming situation by not creating a split zoned lot. ***All members stated true.***

2. *The zoning petition is compatible with established neighborhood patterns of the surrounding areas:*

The rezoning request is compatible with established neighborhood patterns which includes an existing commercial zoning district immediately west and south of the subject property. The rezoning will allow for the creation of a conforming lot that will NOT be split zoned. ***Mark Lane, Jack Matthews, Ashley Spain, Gerald Joyner, Teresa Daughtry, Stephen Upton, and Eddie Foy all stated true. Daniel Sanders disagreed.***

3. ***The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:*** The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning because the rezoning will allow for the creation of a conforming lot with a single zoning classification. Redevelopment or expansion of the exiting use of the property will be much easier with a single zoning classification. *N/A*

4. ***The rezoning request is in the community interest:***

The rezoning request is in the community interest because a nonconformity will be eliminated and the rezoning will allow for redevelopment opportunities that currently do not exist. ***All members stated true.***

5. ***The request does not constitute "Spot Zoning":***

Since adjacent nearby properties are presently zoned B-3 (Business) then it is unlikely an argument could be made for "spot zoning" or "small scale" zoning. ***All members stated true.***

6. ***Present regulations deny or restrict the economic use of the property:***

The property is currently zoned R-6 (Residential). Redevelopment of the property or improvements to the existing use cannot occur unless the property is rezoned. ***All members stated true.***

7. ***The availability of public services allows consideration of this rezoning request:***

In addition to public water and sewer being available to the site, the property is served by the Town of Smithfield with electricity. CenturyLink and Time Warner also serve the area with phone and cable respectively. ***All members stated true.***

8. ***Physical characteristics of the site prohibit development under present regulations:***

The property is not affected by physical restraints such as wetlands, stream buffers, potential flood hazard areas and storm water. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc. ***All members stated true.***

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

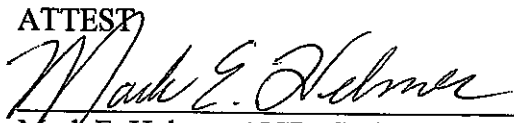
Stephen Upton made a motion, seconded by Jack Matthews to recommend approval requesting to rezone approximately .113 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district. Opposed; Teresa Daughtry, Daniel Sanders. Abstained; Ashley Spain, Mark Lane. Motion passed 4-2-2.

Duly adopted this the 3rd day of September 2015.



Eddie Foy, Planning Board Chairman

ATTEST



Mark E. Helmer, AICP, CZO
Senior Planner

Exhibit D
Adjoining Property Owner Certification



PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

Notice Of Public Hearings

Notice is hereby given that public hearings will be held before the Town Council of the Town of Smithfield, N.C., on Tuesday, October 6, 2015 at 7:00 P.M., at the Town Hall Council Chamber located at 350 East Market Street to consider the following requests:

RZ-15-03 McFayden and Company, LLC: The applicant is requesting to rezone approximately .150 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the east side of the intersection of Brogden Road and South Fifth Street. The property is further identified as Johnston County Tax ID# 15052031.

RZ-15-04 Atlantic Resources Incorporated: The applicant is requesting to rezone approximately 6.521 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district. The property considered for rezoning is located on the southeast side of South Brightleaf Boulevard approximately 185 feet north of its intersection with Huntley Drive. The property is further identified as Johnston County Tax ID# 15060031.

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 9/23/15 and 9/30/15

Adjacent Property Owners of

RZ-15-03

PAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15052033	169310-46-0746	MASSENGILL, GRACE S	C/O MASSENGILL, W C	FOUR OAKS	NC	27524-0000
15052038	169310-36-5887	SMITHFIELD HOUSING AUTHORITY	801 S 5TH ST	SMITHFIELD	NC	27577-0000
15052037	169310-36-7814	SMITHFIELD HOUSING AUTHORITY	801 S 5TH ST	SMITHFIELD	NC	27577-0000
15062035	169310-46-1586	SAPP, ZEDDIE JR	COLONIAL PARK STATION	NEW YORK	NY	10039-0932
15064066	169310-46-2610	SANDERS, OSCAR	321 BAIN BRIDGE CIRCLE	GARNER	NC	27529-0000
15052031A	169310-36-6688	MCFADYEN AND COMPANY LLC	225 HILLCREST ROAD	RALEIGH	NC	27502-0000
15052031B	169310-36-7647	MCFADYEN AND COMPANY LLC	225 HILLCREST ROAD	RALEIGH	NC	27502-0000
15052031C	169310-36-8617	MCFADYEN AND COMPANY LLC	225 HILLCREST ROAD	RALEIGH	NC	27502-0000
15052031D	169310-36-8686	MCFADYEN AND COMPANY LLC	225 HILLCREST ROAD	RALEIGH	NC	27502-0000
15052031E	169310-36-9645	MCFADYEN AND COMPANY LLC	225 HILLCREST ROAD	RALEIGH	NC	27502-0000
15052020	169310-36-2662	WILLIAMS, JERRY G & SON INC	P O BOX 2430	SMITHFIELD	NC	27577-2430
15052029	169310-36-6427	GEORGE C MCLAMB PROPERTIES LLC	5494 WILSONS MILLS RD	CLAYTON	NC	27520-0000
15052028	169310-36-6377	GEORGE C MCLAMB PROPERTIES LLC	5494 WILSONS MILLS RD	CLAYTON	NC	27520-0000
15052041	169310-36-4958	LMR RENTALS	5	SMITHFIELD	NC	27577-0000
15052021	169310-36-3500	JERRY G WILLIAMS & SONS INC	P O BOX 2430	SMITHFIELD	NC	27577-2430
15062038	169310-36-9392	RAMSEY, CHRISTOPHER A	924 RAND ST	SMITHFIELD	NC	27577-5346
15062036	169310-46-1419	JOHNSON, MICHAEL E	1004 SOUTH CRESCENT DRIVE	SMITHFIELD	NC	27577-0000
15062035A	169310-46-1552	COX, GERALDINE RUSS	6638 SPANISH OAK DR	RURAL HALL	NC	27045-9794
15052031	169310-36-5653	MCFADYEN AND COMPANY LLC	225 HILLCREST ROAD	RALEIGH	NC	27502-0000
15062037	169310-46-0473	RAMSEY, MABELEAN J	924 RAND ST	SMITHFIELD	NC	27577-0000
		McFayden and Company, LLC	225 Hillcrest Road	Raleigh	NC	27520



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, **RZ-15-03**, were notified by First Class Mail on **9-22-15**.

Mark E. Helmer, AICP
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

22nd day of September, 2015

Veronica T Hardaway
Notary Public Signature

Veronica T Hardaway
Notary Public Name

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

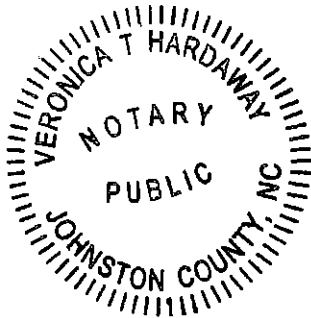


Exhibit E
Rezoning Application



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

REZONING APPLICATION

Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00 for a rezoning to a Standard District.

Name of Project: McFayden & Company, LLC Acreage of Property: 12,000 SF
 Parcel ID Number: 169310-36-5653 Tax ID: 15052031
 Deed Book: 2681 Deed Page(s): 34
 Address: 911 S Fifth Street, Smithfield, NC
 Location: intersection of Fifth Street and Crump Street

Existing Use: Food Vendor Proposed Use: Food Vendor
 Existing Zoning District: B-3 and R-6
 Requested Zoning District B-3
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): _____
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): _____

FOR OFFICE USE ONLY

File Number: RZ-15-03 Date Received: 8/7/15 Amount Paid: \$300.00

OWNER INFORMATION

Name: McFayden and Company, LLC

Mailing Address: 225 Hillcrest Road, Raleigh, NC 27502

Phone Number: 919-561-4099

Fax: _____

Email Address: _____

APPLICANT INFORMATION

Applicant: Jimmy Barbour Surveying, PA

Mailing Address: 213 S Second Street, Smithfield, NC 27577

Phone Number: 919-989-6642

Fax: 919-989-6643

Contact Person: Jimmy Barbour or Cinda Stephenson-Moore

Email Address: Jimmy@jbsurveying.com OR Cinda@jbsurveying.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:

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

STATEMENT OF JUSTIFICATION

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

property is mixed zoning at present. Business and residential. with this rezoning the property would be zone business only.

REQUIRED FINDINGS OF FACT

Article 13, Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for zoning map amendment 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. *The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:*

This lot meet the zoning requirements for B-3 zoning

2. *The zoning petition is compatible with established neighborhood patterns of the surrounding area:*

This lot is in compliance with the zoning regulations for B-3 at this time. It is an existing business.

3. *The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:*

4. *The rezoning request is in the community interest:*

This tract had mixed zoning located on it. With this rezoning this tract will have only one zoning.

5. *The request does not constitute "Spot Zoning":*

6. *Present regulations deny or restrict the economic use of the property:*

7. *The availability of public services allows consideration of this rezoning request:*

Everything is already in existence. Just trying to bring it under one Zoning.

8. *Physical characteristics of the site prohibit development under present regulations:*

This tract has mixed zoning at present. With this rezoning it will be under one Zone, B-3. which allows for the use already in existence.

APPLICANT AFFIDAVIT

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

Jimmy C. Barbour, PLS
Print Name

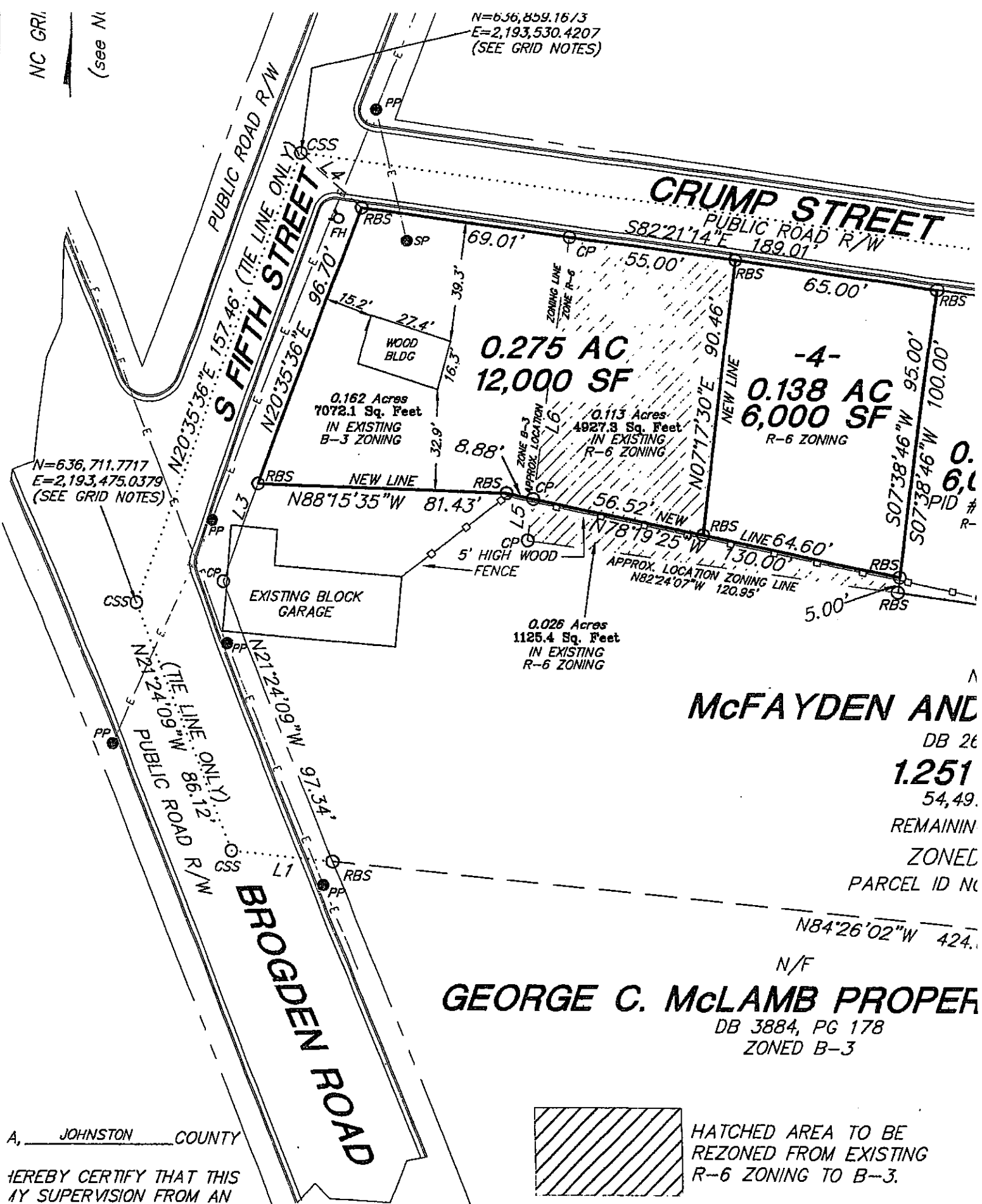

Signature of Applicant

8-7-2015
Date

NC GRID
(see N)

N=636,859.1673
E=2,193,530.4207
(SEE GRID NOTES)

N=636,711.7717
E=2,193,475.0379
(SEE GRID NOTES)



0.275 AC
12,000 SF

-4-
0.138 AC
6,000 SF
R-6 ZONING

0.162 Acres
7072.1 Sq. Feet
IN EXISTING
B-3 ZONING

0.113 Acres
4927.3 Sq. Feet
IN EXISTING
R-6 ZONING

0.026 Acres
1125.4 Sq. Feet
IN EXISTING
R-6 ZONING

McFAYDEN AND

DB 26

1.251

54,49.

REMAININ

ZONED

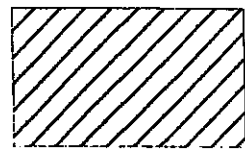
PARCEL ID NO

N84°26'02"W 424.

N/F

GEORGE C. McLAMB PROPER

DB 3884, PG 178
ZONED B-3



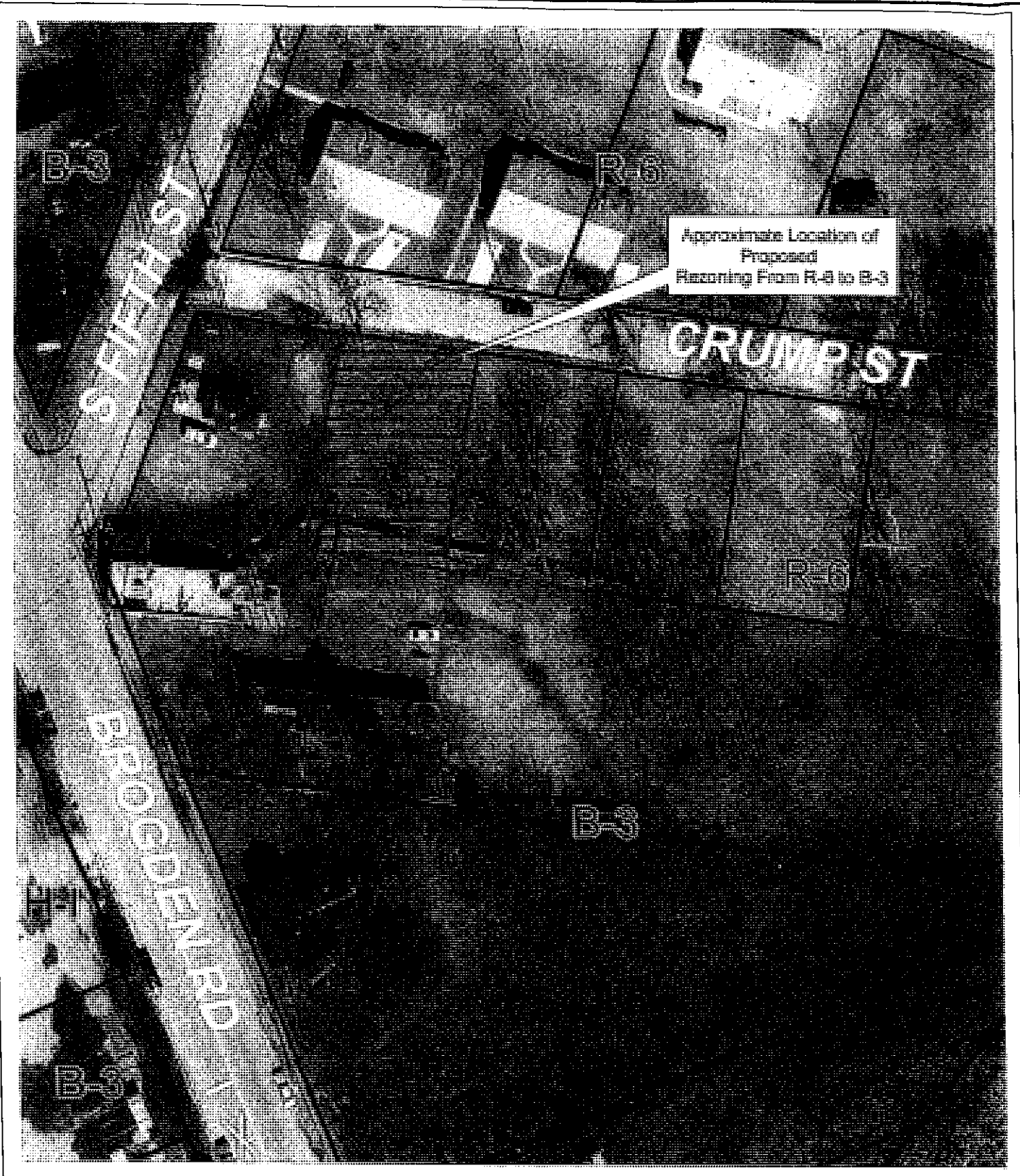
HATCHED AREA TO BE
REZONED FROM EXISTING
R-6 ZONING TO B-3.

GRID NOTE:

NC GRID NORTH
NCGS VRS - NAD 1983 (2011)
GEOID 12a
COMBINED FACTOR - 0.99987884

A, JOHNSTON COUNTY

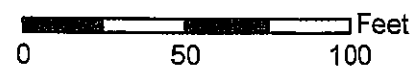
HEREBY CERTIFY THAT THIS
MY SUPERVISION FROM AN
DER MY SUPERVISION (DEED
BOOK 2681, PAGE 34,
IES NOT SURVEYED ARE CLEARLY
1 INFORMATION FOUND IN
; THAT THE RATIO OF
IS 1: 10,000+; THAT THE



Vicinity Map for:
RZ-15-03
Applicant:
McFayden &
Company, LLC



Map Created by Town of Smithfield
Geographic Information Services



Atlantic Resources Incorporated
RZ-15-04

For Properties Located at:

The property considered for rezoning is located on the east side of the intersection of Brogden Road and South Fifth Street. The property is further identified as Johnston County Tax ID# 15052031.

Property Owner:
Barefoot Property Group

Table of Contents
Rezoning Request
RZ-15-04

Staff Report

Exhibit A

Approval Criteria

Exhibit B

Planning Board Report / Actions

Exhibit C

Adjoining Property Owners Certification

Exhibit D

Rezoning Application

Exhibit E

Exhibit A
Staff Report



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: RZ-15-04
Project Name: Atlantic Resources Incorporated
TAX ID number: 15052031
Town Limits/ETJ: City
Applicant: Atlantic Resources Incorporated
Owners: Barefoot Property Group
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: Southeast side of South Brightleaf Boulevard approximately 185 feet north of its intersection with Huntley Drive

REQUEST: The applicant is requesting to rezone approximately 6.52 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district

SITE DATA:

Acreage: 6.52 acres
Present Zoning: B-3(Business)
Proposed Zoning: HI (Heavy Industrial)
Existing Use: Warehouse / Flea Market
Proposed Use: Heavy Manufacturing

DEVELOPMENT DATA:

Proposed Use: Atlantic Resources Incorporated is an industrial systems supplier specializing in mechanical systems, PLC (programmable logic controllers), thermal imaging and material handling in many facets of manufacturing and industrial applications.

ENVIRONMENTAL: The property considered for a rezoning does not appear to contain environmentally sensitive areas such as regulated streams or designated wetlands.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	B-3 (Business Highway Entrance)
	Existing Use:	Residential / Forbes Manor
South:	Zoning:	B-3 (Business Highway Entrance)
	Existing Use:	Warehousing / Hines Heating and Air Conditioning
East:	Zoning:	HI (Heavy Industrial)
	Existing Use:	Thompson Gas and vacant warehouse
West:	Zoning:	B-3 (Business Highway Entrance)
	Existing Use:	Clegg's Termite and Pest Control, Inc. and Caterpillar Logistic, Inc.

STAFF ANALYSIS AND COMMENTARY:

The property considered for rezoning is 6.52 acre facility containing a 75,000 square foot building that was the original home of the Jerold Manufacture Company. The most recent use of the property was for retail purposes and occupied by 301 Flea Market. Some of the permitted uses that can be considered for future approval if the property is rezoned to the HI (Heavy Industrial) zoning district would include:

- Building Materials Sales And Storage
- Clothing And Finished Fabric Products, Manufacture Of
- Contractors, Building (With Storage)
- Contractors, Equipment
- Contractors, Heavy Construction
- Contractors, Special Trades (No Storage)
- Clothing And Finished Fabric Products, Manufacture Of
- Electric Motor Repair
- Fuel And Ice Dealers
- Gas Companies With Propane/Bulk Storage
- Industrial Uses Not Having An Injurious Effect On The Town And Not Otherwise Listed / Identified
- Light Manufacturing Uses Involving Fewer Than 35 Employees And Not Otherwise Listed/Identified
- Industrial Research Offices And Laboratories

○ **Consistency with the Strategic Growth Plan**

The proposed rezoning to the HI (Heavy Industrial) zoning district is not consistent with the Future Land Use Plan which recommends the property be zoned for commercial uses. However, limited availability of existing large scale facilities that can accommodate manufacturing may justify the rezoning.

○ **Consistency with the Unified Development Code**

The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance providing that any proposed land uses makes the necessary site improvements to include landscaped buffer yards adjacent to the neighboring residential development to the north.

o **Compatibility with Surrounding Land Uses**

The property considered for a rezoning is located in an area along South Brightleaf Boulevard where manufacturing, warehousing and service related business have a strong presence. The adjacent residential use to the north should not be negatively impacted providing that any future use does not generate excess dust, noise or vibration and does not contain bulk storage of flammable material.

OTHER:

FIRE PROTECTION: The Town of Smithfield Fire Department will provide fire protection.

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: The property has approximately 310 feet of road frontage on South Brightleaf Boulevard

WATER/SEWER PROVIDER: Town of Smithfield

ELECTRIC PROVIDER: Town of Smithfield

FINDINGS:

In connection with a legislative decision for a rezoning request, the Town council may consider certain approval criteria. Please refer to attached "Approval Criteria". Planning Staff generally accepts these findings as fact as part of a complete application submitted by the petitioner.

Planning Department Recommendation: The Planning Department recommends approval of the request to rezone approximately 6.52 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district.

Planning Board Recommendation: The Planning Board, at its September 3, 2015 meeting, voted to recommend approval of the petition to rezone a 6.52 acre tract of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district. **Unanimous**

Town Council Action Requested: The Smithfield Town Council is requested to review the petition and make a decision in accordance with the approval criteria for the rezoning of approximately 6.52 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district.

Exhibit B
Approval Criteria

Town of Smithfield
Rezoning Permit Application
Approval Criteria

Application No. RZ-15-04 Name: Atlantic Resources Inc.

Request: Zoning reclassification from B-3 (Business) to LI (Light Industrial)

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 Council has the responsibility to determine if the zoning map amendment is warranted. 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. Finding One of Eight:

...The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield....

Circle One

A. Agree

The rezoning request from the B-3 (Highway Entrance Business) to the LI (light Industrial) zoning district generally meets all the Town's plans and policies and will blend in well with the adjacent land uses provided that required buffering is installed on the north side of property adjacent to the residential project.

B. Disagree

The rezoning request from the B-3 (Highway Entrance Business) to the LI (light Industrial) zoning district does not necessarily meet all the Town's plans and policies because the Comprehensive Land Use Plan recommends the property be used for commercial endeavors. The property is best served with the existing B-3 (Highway Entrance Business) zoning classification.

1 of 5
RZ-15-04

2. Finding Two of Eight

...The rezoning petition is compatible with established neighborhood patterns of the surrounding area....

Circle One

A. Agree

The rezoning request is compatible with established neighborhood patterns which includes a commercial zoning district to the south and to the west of the subject property. An existing light industrial zoning district is directly to the east of the subject property.

Disagree

Although no known compatibility issues with adjacent land uses have occurred in the past, rezoning the property to the LI (Light Industrial) is incompatible with the existing residential property to the north

Finding Three of Eight

...The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning....

Circle One

A. Agree

The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning because a demand for manufacturing facilities is creating a need for additional zoning districts that can support such uses.

B. Disagree

The rezoning petition is NOT compatible with the changing neighborhood conditions that might warrant a rezoning because the existing conditions along this corridor are predominantly commercial in nature.

4. Finding Four of Eight

...The rezoning request is in the community interest....

A. Agree

The rezoning will allow for an additional industrial zoning district that can support manufacturing jobs while rehabilitating and underdeveloped and underutilized property located on a major commercial corridor. The redevelopment that will occur from the rezoning will increase the tax base as an additional benefit.

B. Disagree

2 of 5

RZ-15-04

The denial of the rezoning will be in the best interest of Smithfield because rezoning the property to light industrial could introduce uses that can generate excessive noise, dust, and odor along major commercial corridor.

5. Finding Five of Eight

....The request does not constitute "Spot Zoning"....

A. Agree

Since adjacent nearby properties are presently zoned light Industrial (Light Industrial) then it is unlikely an argument could be made for "spot zoning" or "small scale" zoning.

B. Disagree

Since the rezoning does not meet the definition of spot zoning then there is no valid basis for denial.

6. Finding Six of Eight

....Present regulations deny or restrict the economic use of the property....

A. Agree

The property is currently zoned B-3 (Highway Entrance Business). Manufacturing uses and the jobs they may bring cannot occur unless the property is rezoned to the LI (Light Industrial) zoning district.

B. Disagree

There are limited considerations for commercial developments in the LI (Light Industrial) zoning district. Rezoning the property to a zoning district that allows for a wider range of commercial uses while limiting harmful industrial uses along a major corridor should be pursued in more depth.

7. Finding Seven of Eight

....the availability of public services allows consideration of this rezoning request....

A. Agree

In addition to public water and sewer being available to the site, the property is served by Duke Progress with electricity. CenturyLink and Time Warner also serve the area with phone and cable respectively.

B Disagree

Since all the above utilities serve the area then there can be no justification to deny the petition.

8. Finding Eight of Eight

...Physical characteristics of the site prohibit development under present regulations...

A. Agree

Much of the property is not affected by physical restraints such as wetlands, stream buffers, potential flood hazard areas and storm water. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc.).

B. Disagree

Since there are no physical features such as rock out crops that would render the rezoned area undevelopable and given the fact that proper permits more than likely be obtained then there is no basis for denial based on physical characteristics.

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

Motion to Approve: Based upon satisfactory compliance with the above stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative I move to approve the Rezoning Petition RZ-15-04.

Motion to Deny: Based upon the failure to adequately address all of the above stated eight findings and for the reasons stated therein, I move to deny the Rezoning Petition RZ-15-04.

10. Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Town Council, Rezoning Petition RZ-15-04 is hereby:

Check one

Approved for the following reasons:

Denied for the following reasons:

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

John H. Lampe II, Mayor

Attest:

Shannan L. Williams, Town Clerk

Exhibit C
Planning Board Minutes/Actions

Planning Board Report for
RZ-15-04
Atlantic Resources Inc.

Public hearing held on September 3, 2015

(Excerpt from draft minutes)

After all persons giving testimony were duly sworn, Mr. Foy opened the public hearing.

RZ-15-04 Atlantic Resources Inc:

Mr. Helmer stated the applicant is requesting to rezone approximately 6.521 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district. The property considered for rezoning is located on the southeast side of South Brightleaf Boulevard approximately 185 feet north of its intersection with Huntly Drive. The property is further identified as Johnston County Tax ID# 15060031.

Mr. Helmer stated Atlantic Resources Incorporated is an industrial systems supplier specializing in mechanical systems, PLC (programmable logic controllers), thermal imaging and material handling in many facets of manufacturing and industrial applications. The property considered for a rezoning does not appear to contain environmentally sensitive areas such as regulated streams or designated wetlands.

Mr. Helmer stated the property considered for rezoning is a 6.52 facility containing a 75,000 square foot building that was the original home of the Jerold Manufacture Company. The most recent use of the property was for retail purposes and occupied by 301 Flea Market. Some of the permitted uses that can be considered for future approval if the property is rezoned to the HI (Heavy Industrial) zoning district would include:

- Building Materials Sales and Storage
- Clothing and Finished Fabric Products, Manufacture of
- Contractors, Building (with Storage)
- Contractors, Equipment
- Contractors, Heavy Construction
- Contactors, Special Trades (No Storage)
- Clothing and Finished Fabric Products, Manufacture of
- Electric Motor Repair
- Fuel and Ice Dealers
- Gas Companies with Propane/Bulk Storage
- Industrial Uses not having an injurious effect on the Town and not otherwise listed/identified

- Light Manufacturing uses involving fewer than 35 employees and not otherwise listed/identified
- Industrial Research offices and laboratories

Mr. Helmer stated the proposed rezoning to the HI (Heavy Industrial) zoning district is not consistent with the Future Land Use Plan which recommends the property be zoned for commercial uses. However, limited availability of existing large scale facilities that can accommodate manufacturing may justify rezoning. The rezoning will be consistent with the Town of Smithfield UDO providing that any proposed land uses makes the necessary site improvements to include landscaped buffer yards adjacent to the neighboring residential development to the north.

Mr. Helmer stated the property considered for a rezoning is located in an area along South Brightleaf Boulevard where manufacturing, warehousing and service related business have a strong presence. The adjacent residential use to the north should not be negatively impacted providing that any future use does not guarantee excess dust, noise or vibration and does not contain bulk storage of flammable material. The Town will provide fire protection, water/sewer, and electric.

Mr. Helmer stated the Planning Department recommends approval of the request to rezone approximately 6.52 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district.

The Planning Board is requested to review the petition to rezone a 6.52 acre tract of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district and make a recommendation to Town Council in accordance with the approval criteria for a rezoning.

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

Mark Lane asked if this is the same property that went before the Council September 1st.

Mr. Helmer stated that was correct because the Town is helping the applicant secure grants.

Brian Barefoot, 8154 Elevation Road, Benson, is the owner of Atlantic Resources Incorporated. He stated the company has been in Smithfield going on three years but have run out of space and prior to that they were located in Four Oaks. Mr. Barefoot stated his business has grown greatly in the last few years starting from four employees to now having forty-five employees.

Mr. Upton asked if Mr. Barefoot could give a description of what he plans on doing with the building.

Mr. Barefoot stated the rear portion of the building has a higher ceiling area where machine fabrication, graphic design, and engineering design will be stationed. The front of the building has a low ceiling and that portion of the building will be brought down to concrete due to it not

being repairable. Mr. Barefoot stated he is in the process now of submitting plans to the Town so show the front of the building will utilized as office space. There will not be any noise or emissions coming from the building.

Mr. Foy asked how many jobs will be created.

Mr. Barefoot stated right now they have forty-five employees and they will probably employ a total of sixty.

Daniel Sanders asked if there are parking lots for trucks.

Mr. Barefoot stated all parking will be behind the building.

Stephen Upton asked if the parking lot has to be included in the site plan.

Mr. Helmer stated yes.

Mr. Foy closed the public meeting for RZ-15-04.

In connection with a legislative decision for a rezoning request, the Planning Board may consider certain approval criteria. Planning staff generally accepts these findings as fact as part of the complete application submitted by the petitioner.

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 Planning Board shall recommend and the Town Council has the responsibility to determine if the zoning map amendment is warranted. 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. *The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:*

The rezoning request from the B-3 (Highway Entrance Business) to the LI (light Industrial) zoning district generally meets all the Town's plans and policies and will blend in well with the adjacent land uses provided that required buffering is installed on the north side of property adjacent to the residential project. ***All members stated true.***

2. *The rezoning petition is compatible with established neighborhood patterns of the surrounding area:*

The rezoning request is compatible with established neighborhood patterns which includes a commercial zoning district to the south and to the west of the subject property. An existing light industrial zoning district is directly to the east of the subject property.. *All members stated true.*

3. *The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:*

The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning because a demand for manufacturing facilities is creating a need for additional zoning districts that can support such uses. *All members stated true.*

4. *The rezoning request is in the community interest:*

The rezoning will allow for an additional industrial zoning district that can support manufacturing jobs while rehabilitating and underdeveloped and underutilized property located on a major commercial corridor. The redevelopment that will occur from the rezoning will increase the tax base as an additional benefit.. *All members stated true.*

5. *The request does not constitute "Spot Zoning":*

Since adjacent nearby properties are presently zoned light Industrial (Light Industrial) then it is unlikely an argument could be made for "spot zoning" or "small scale" zoning. *All members stated true.*

6. *Present regulations deny or restrict the economic use of the property:*

The property is currently zoned B-3 (Highway Entrance Business). Manufacturing uses and the jobs they may bring cannot occur unless the property is rezoned to the LI (Light Industrial) zoning district.. *All members stated true.*

7. *The availability of public services allows consideration of this rezoning request:*

In addition to public water and sewer being available to the site, the property is served by Duke Power with electricity CenturyLink and Time Warner also serve the area with phone and cable respectively. *All members stated true.*

8. *Physical characteristics of the site prohibit development under present regulations:*

Much of the property is not affected by physical restraints such as wetlands, stream buffers, potential flood hazard areas and storm water. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc.).

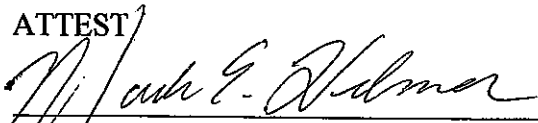
Based upon satisfactory compliance with the above stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative;

Stephen Upton made a motion, seconded by Jack Matthews to recommend approval requesting to rezone approximately 6.52 acres of land from a B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district.

Duly adopted this the 3rd day of September 2015.



Eddie Foy, Planning Board Chairman

ATTEST


Mark E. Helmer, AICP, CZO
Senior Planner

Exhibit D
Adjoining Property Owner Certification



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, RZ-15-04, were notified by First Class Mail on 9-22-15.

Mark E. Helmer, AICP
Signature
Johnston County, North Carolina

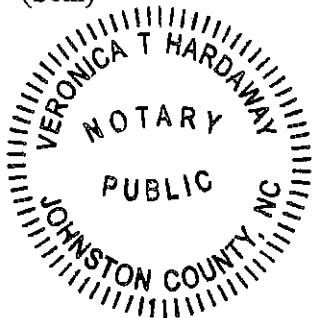
I, Veronica Hardaway, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

22nd day of September, 2015

Veronica T Hardaway
Notary Public Signature

Veronica T Hardaway
Notary Public Name

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





PLANNING DEPARTMENT
Paul C. Embler, Jr., Director

Notice Of Public Hearings

Notice is hereby given that public hearings will be held before the Town Council of the Town of Smithfield, N.C., on Tuesday, October 6, 2015 at 7:00 P.M., at the Town Hall Council Chamber located at 350 East Market Street to consider the following requests:

RZ-15-03 McFayden and Company, LLC: The applicant is requesting to rezone approximately .150 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the east side of the intersection of Brogden Road and South Fifth Street. The property is further identified as Johnston County Tax ID# 15052031.

RZ-15-04 Atlantic Resources Incorporated: The applicant is requesting to rezone approximately 6.521 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district. The property considered for rezoning is located on the southeast side of South Brightleaf Boulevard approximately 185 feet north of its intersection with Huntley Drive. The property is further identified as Johnston County Tax ID# 15060031.

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 9/23/15 and 9/30/15

Adjacent Property Owners of
CUP-15-04

PAC	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15A61052A	169313-23-4804	IQ14 CLARKTON SMITHFIELD NC LLC	C/O C 111 ASSET MANAGEMENT LLC	IRVING	TX	75039-4414
15060042	169313-14-5334	SMITHFIELD HOUSING AUTHORITY	801 S 5TH ST	SMITHFIELD	NC	27577-0000
15060023	169313-04-7509	WILSON, J E JR	PO BOX 910	SMITHFIELD	NC	27577-0000
15060023D	169313-04-7319	CLEGG'S LIMITED LIABILITY CO	PO BOX 3089	DURHAM	NC	27715-3089
15060052	169313-13-1859	WAREHOUSE PROPERTIES INC	PO BOX 2398	SMITHFIELD	NC	27577-0000
15A61052B	169313-13-8267	WAL-PAT LLC	303 BREMENTON DRIVE	GREENVILLE	NC	27858-0000
15060031	169313-14-3141	MARSHALL, JULIAN F	837 S BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-0000
15060024D	169313-04-4320	IRISH GETAWAY LLC	PO BOX 148	SMITHFIELD	NC	27577-0148
		BAREFOOT PROPERTY GROUP	PO BOX 508	SMITHFIELD	NC	27577

Exhibit E
Rezoning Application



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

REZONING APPLICATION

Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00 for a rezoning to a Standard District.

Name of Project: Atlantic Resources Incorporated Acreage of Property: 6.5
 Parcel ID Number: 164313-14-3141 Tax ID: 15060031
 Deed Book: _____ Deed Page(s): _____
 Address: 1515S Brightleaf Blvd Smithfield NC, 27577
 Location: _____

Existing Use: Warehouse/Flea Market Proposed Use: Manufacturing
 Existing Zoning District: B-3
 Requested Zoning District H-1
 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: RZ-15-04 Date Received: 8/17/15 Amount Paid: \$300.⁰⁰

OWNER INFORMATION:

Name: Barefoot Property Group

Mailing Address: PO Box 508 Smithfield NC, 27577

Phone Number: 919-545-6589

Fax: _____

Email Address: brian@atlanticresourcesinc.com

APPLICANT INFORMATION:

Applicant: Atlantic Resources Incorporated

Mailing Address: PO Box 508 Smithfield NC, 27577

Phone Number: 919-545-6589

Fax: _____

Contact Person: Brian Barefoot

Email Address: brian@atlanticresourcesinc.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:

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

STATEMENT OF JUSTIFICATION

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

Barefoot Property Group would like to request the change to zoning for 1515S Brightleaf Blvd. Smithfield NC

The future use of the building would be headquarters for Atlantic Resources Incorporated and their subsidiaries

ARI would bring 15 current and 35+ new employees to this facility and the current zoning does not accommodate their needs

Current Zoning is B-3 and we are requesting H-1

REQUIRED FINDINGS OF FACT

Article 13, Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for zoning map amendment 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. *The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:*

Use of building is not at this time compliant with current zoning and is used as warehousing and somewhat of a flea market
The building will need major upgrades, both interior and exterior to make compliant

- 2. *The zoning petition is compatible with established neighborhood patterns of the surrounding area:*

There are several areas surrounding the property that are currently industrial .

- 3. *The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:*

Retail space is more that needed by current market demand for said area of town. Current conditions provide little to no community value
ARI will bring jobs to Smithfield as well as support the local businesees that are currently customers/clients/vendors of ARI
ARI will modify the visual presence of the building as it is lacking physical appearance at this time.
There is a flea market across 301 (Harpers) and another south of the location (Brightleaf) that are well established
There is little to no community involvement in the facility as it is.
Property has been poorly maintained by previous owners. ARI/Barefoot Property Group will modify property to standards and appearance

- 4. *The rezoning request is in the community interest:*

Property would be greatly improved from a visual perspective
Employment will be available to local residents
Owners are local and support the Smithfield/Four Oaks - Johnston County areas

- 5. *The request does not constitute "Spot Zoning":*

Areas on 2 sides of property are currently used as commercial or heavy industrial. Heavy Industrial neighboring this property

6. Present regulations deny or restrict the economic use of the property:

Area is currently surrounded by commercial property. Manufacturing will be necessary to operate business

The current zoning and use of the building is null and the property can be better utilized if rezoned

7. The availability of public services allows consideration of this rezoning request:

Public service would greatly benefit from location. Most utilities are available currently

Owners have met with local utility director, as well as members of emergency services.

8. Physical characteristics of the site prohibit development under present regulations:

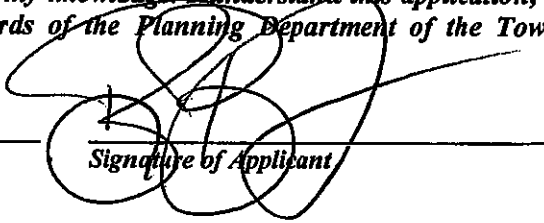
Present regulations do not permit this building for Manufacturing

APPLICANT AFFIDAVIT

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

Brian Barefoot

Print Name



Signature of Applicant

8-17-15



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: Atlantic Resources Incorporated

Submittal Date: 8/17/15

OWNERS AUTHORIZATION

I hereby give CONSENT to BRIAN BAREFOOT (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.

[Handwritten Signature]
 Signature of Owner

Brian Barefoot
 Print Name

8-17-15
 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.

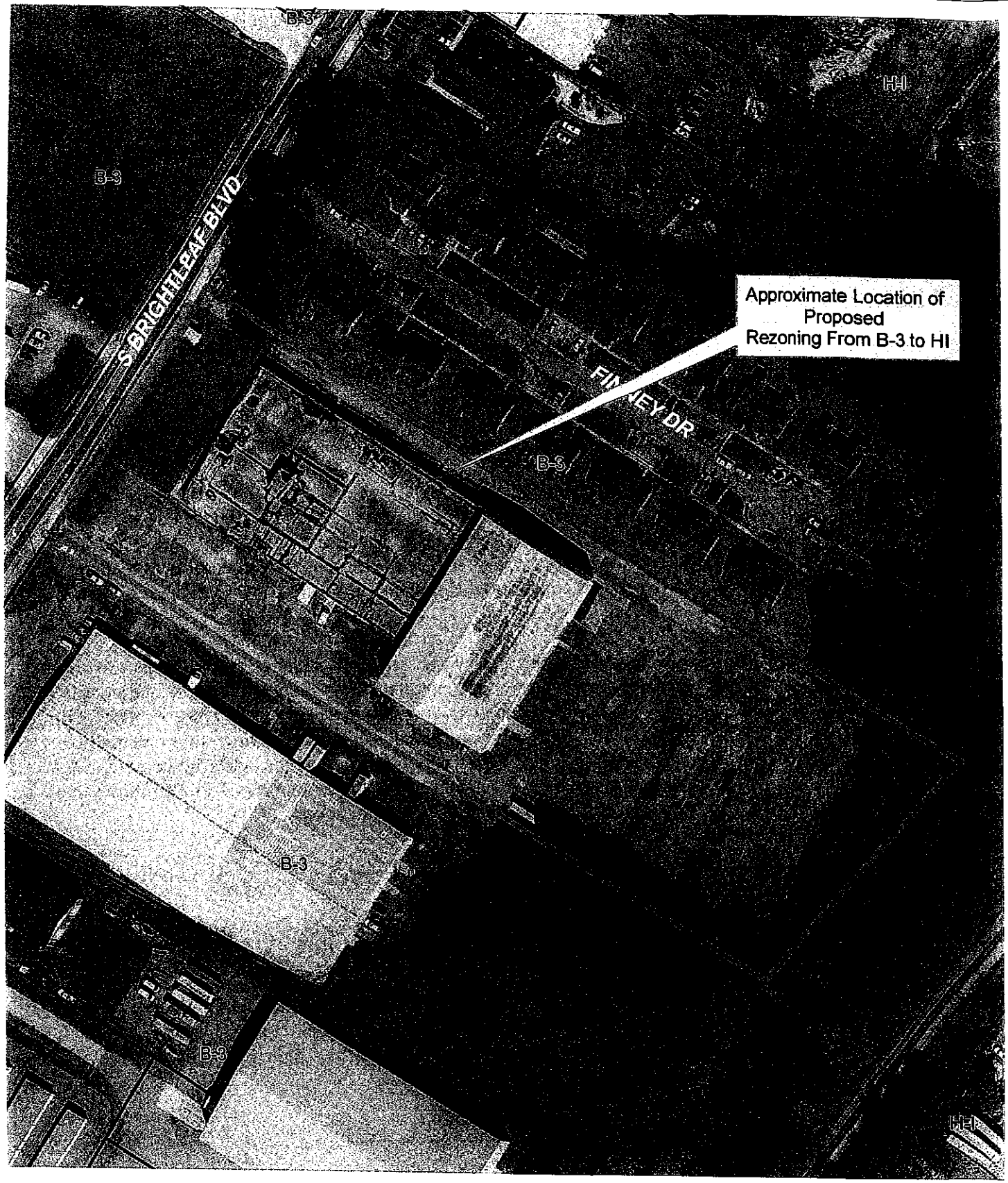
[Handwritten Signature]
 Signature of Owner/Applicant

Brian Barefoot
 Print Name

8-17-15
 Date

FOR OFFICE USE ONLY

File Number: R2-15-04 Date Received: 8/17/15 Parcel ID Number: _____



Approximate Location of
Proposed
Rezoning From B-3 to HI

Vicinity Map for:
RZ-15-04
Applicant:
Atlantic Resources
Incorporated



Map Created by Town of Smithfield
Geographic Information Services



0 50 100 200 Feet

DRAFT
Smithfield Planning Board Minutes
Thursday, September 3rd, 2015
6:00 P.M., Town Hall, Council Room

Members Present:

Chairman Eddie Foy
Vice-Chairman Stephen Upton
Daniel Sanders
Gerald Joyner
Mark Lane
Jack Matthews
Teresa Daughtry

Members Absent:

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM AUGUST, 2015.

Stephen Upton made a motion, seconded by Daniel Sanders to approve the minutes as written. Unanimous.

Public Hearings:

After all persons giving testimony were duly sworn, Mr. Foy opened the public hearing.

RZ-15-03 McFayden and Company, LLC:

Mr. Helmer stated the applicant is requesting to rezone approximately .113 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the east side of the intersection of Brogden Road and South Fifth Street. The property is further identified as Johnston County Tax ID# 15052031.

Mr. Helmer stated the property considered for a rezoning does not appear to contain environmentally sensitive areas such as regulated streams or designated wetlands. The applicant is proposing to rezone approximately .113 acres of a 1.69 acre tract of land which is located at the intersection of Brogden Road, South Fifth Street and Crump Street. The property is currently split zoned with the largest portion being zoned B-3 (Business) and the remainder being zoned R-6 (Residential). The property contains 3 nonconforming uses on one tract of land to include Crazy Taco Restaurant, Jesus Automotive Repair and LaBamba Nightclub. The applicant is proposing to divide out a .113 portion of the R-6 (Residential) zoned area to create a buildable residential lot fronting on Crump Street. The .113 acre remainder of the R-6 (Residential) zoned area is the portion considered for rezoning and will add to a proposed .275 acre lot in which Crazy Taco Restaurant is located. The proposed rezoning in combination with

the land division will create a more conforming situation in terms of multiple uses on a single lot while creating a more viable lot in terms of redevelopment.

Mr. Helmer stated the proposed rezoning to the B-3 (Business) zoning district is consistent with the Future Land Use Plan which recommends the property be zoned for commercial uses. The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance (UDO) provided that all proposed future land uses construct the minimum required parking and meet ADA accessibility standards. Any use requiring outdoor storage will require conditional use permit approval by Town Council.

Mr. Helmer stated the property considered for rezoning is located near South Fifth Street and Brogden Road and is an existing commercial node. Rezoning this property from residential to commercial district will not create compatibility issues with the adjacent residential uses providing that buffers are installed as part of any redevelopment plan in the area. The Town of Smithfield will provide fire protection, water/sewer, and electric.

Mr. Helmer stated the Planning Department recommends approval of the request to rezone approximately .113 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district.

The Planning Board is requested to review the petition to rezone a .113 acre portion of a 1.69 acre tract of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district and make a recommendation to Town Council in accordance with the approval criteria for a rezoning.

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

Mr. Foy asked if this proposed rezoning would get that portion of land closer to conformity.

Mr. Helmer stated that is correct.

Mr. Upton asked if anyone will be able to park in the back.

Mr. Helmer stated there is not a parking lot there right now however, if in the future that is what the landowner wanted they would have to come back and submit plans showing a parking lot.

Teresa Daughtry asked how the smaller portion shown on the map would affect the rest of the lot.

Mr. Helmer stated the property line is shown on the map not the zoning line and the smaller portion shown is part of the lower lot.

Daniel Sanders asked if this proposed location came to the board before.

Mr. Helmer stated that part of the McFayden property was brought to the board previously.

Teresa Daughtry asked what the neighbor's responses have been.

Mr. Helmer stated letters have been sent to adjacent properties but haven't received any responses.

Daniel Sanders stated he received a phone call that someone did not receive notification.

Mr. Helmer stated letters went out to property owners not tenants. The GIS system along with tax records were used to contact adjacent property owners.

Ashley Spain asked if the proposed lot remained the same, would there be enough room to build in the future if something were to happen like a fire.

Mr. Helmer stated there is enough room to build a modest building.

Teresa Daughtry asked why the owner didn't want the whole lot.

Mr. Helmer stated the applicant has chosen to do it this way so Crazy Taco has their own lot.

Daniel Sanders asked if there would be enough space for housing.

Mr. Helmer stated there would be plenty of room considering the lot size.

Mr. Foy closed the public meeting for RZ-15-03.

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. The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:

The rezoning request from the Residential to the Business zoning district meets all the Town's plans and policies and will blend in well with the adjacent land uses. The

Comprehensive Land Use Plan directly indicates the subject property is best suited for commercial land uses. The rezoning will create a more conforming situation by not creating a split zoned lot. **All members stated true.**

2. The zoning petition is compatible with established neighborhood patterns of the surrounding areas:

The rezoning request is compatible with established neighborhood patterns which includes an existing commercial zoning district immediately west and south of the subject property. The rezoning will allow for the creation of a conforming lot that will NOT be split zoned. **Mark Lane, Jack Matthews, Ashley Spain, Gerald Joyner, Teresa Daughtry, Stephen Upton, and Eddie Foy all stated true. Daniel Sanders disagreed.**

3. The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning: The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning because the rezoning will allow for the creation of a conforming lot with a single zoning classification. Redevelopment or expansion of the exiting use of the property will be much easier with a single zoning classification. **N/A**

4. The rezoning request is in the community interest:

The rezoning request is in the community interest because a nonconformity will be eliminated and the rezoning will allow for redevelopment opportunities that currently do not exist. **All members stated true.**

5. The request does not constitute "Spot Zoning":

Since adjacent nearby properties are presently zoned B-3 (Business) then it is unlikely an argument could be made for "spot zoning" or "small scale" zoning. **All members stated true.**

6. Present regulations deny or restrict the economic use of the property:

The property is currently zoned R-6 (Residential). Redevelopment of the property or improvements to the existing use cannot occur unless the property is rezoned. **All members stated true.**

7. The availability of public services allows consideration of this rezoning request:

In addition to public water and sewer being available to the site, the property is served by the Town of Smithfield with electricity. CenturyLink and Time Warner also serve the area with phone and cable respectively. **All members stated true.**

8. Physical characteristics of the site prohibit development under present regulations:

The property is not affected by physical restraints such as wetlands, stream buffers, potential flood hazard areas and storm water. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc. *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 to rezone approximately .113 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district. Opposed; Teresa Daughtry, Daniel Sanders. Abstained; Ashley Spain, Mark Lane. Motion passed 4-2-2.

RZ-15-04 Atlantic Resources Incorporated:

Mr. Helmer stated the applicant is requesting to rezone approximately 6.521 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district. The property considered for rezoning is located on the southeast side of South Brightleaf Boulevard approximately 185 feet north of its intersection with Huntly Drive. The property is further identified as Johnston County Tax ID# 15060031.

Mr. Helmer stated Atlantic Resources Incorporated is an industrial systems supplier specializing in mechanical systems, PLC (programmable logic controllers), thermal imaging and material handling in many facets of manufacturing and industrial applications. The property considered for a rezoning does not appear to contain environmentally sensitive areas such as regulated streams or designated wetlands.

Mr. Helmer stated the property considered for rezoning is a 6.52 facility containing a 75,000 square foot building that was the original home of the Jerold Manufacture Company. The most recent use of the property was for retail purposes and occupied by 301 Flea Market. Some of the permitted uses that can be considered for future approval if the property is rezoned to the HI (Heavy Industrial) zoning district would include:

- Building Materials Sales and Storage
- Clothing and Finished Fabric Products, Manufacture of
- Contractors, Building (with Storage)
- Contractors, Equipment
- Contractors, Heavy Construction
- Contactors, Special Trades (No Storage)
- Clothing and Finished Fabric Products, Manufacture of
- Electric Motor Repair
- Fuel and Ice Dealers
- Gas Companies with Propane/Bulk Storage

- Industrial Uses not having an injurious effect on the Town and not otherwise listed/identified
- Light Manufacturing uses involving fewer than 35 employees and not otherwise listed/identified
- Industrial Research offices and laboratories

Mr. Helmer stated the proposed rezoning to the HI (Heavy Industrial) zoning district is not consistent with the Future Land Use Plan which recommends the property be zoned for commercial uses. However, limited availability of existing large scale facilities that can accommodate manufacturing may justify rezoning. The rezoning will be consistent with the Town of Smithfield UDO providing that any proposed land uses makes the necessary site improvements to include landscaped buffer yards adjacent to the neighboring residential development to the north.

Mr. Helmer stated the property considered for a rezoning is located in an area along South Brightleaf Boulevard where manufacturing, warehousing and service related business have a strong presence. The adjacent residential use to the north should not be negatively impacted providing that any future use does not guarantee excess dust, noise or vibration and does not contain bulk storage of flammable material. The Town will provide fire protection, water/sewer, and electric.

Mr. Helmer stated the Planning Department recommends approval of the request to rezone approximately 6.52 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district.

The Planning Board is requested to review the petition to rezone a 6.52 acre tract of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district and make a recommendation to Town Council in accordance with the approval criteria for a rezoning.

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

Mark Lane asked if this is the same property that went before the Council September 1st.

Mr. Helmer stated that was correct because the Town is helping the applicant secure grants.

Brian Barefoot, 8154 Elevation Road, Benson, is the owner of Atlantic Resources Incorporated. He stated the company has been in Smithfield going on three years but have run out of space and prior to that they were located in Four Oaks. Mr. Barefoot stated his business has grown greatly in the last few years starting from four employees to now having forty-five employees.

Mr. Upton asked if Mr. Barefoot could give a description of what he plans on doing with the building.

Mr. Barefoot stated the rear portion of the building has a higher ceiling area where machine fabrication, graphic design, and engineering design will be stationed. The front of the building

has a low ceiling and that portion of the building will be brought down to concrete due to it not being repairable. Mr. Barefoot stated he is in the process now of submitting plans to the Town so show the front of the building will be utilized as office space. There will not be any noise or emissions coming from the building.

Mr. Foy asked how many jobs will be created.

Mr. Barefoot stated right now they have forty-five employees and they will probably employ a total of sixty.

Daniel Sanders asked if there are parking lots for trucks.

Mr. Barefoot stated all parking will be behind the building.

Stephen Upton asked if the parking lot has to be included in the site plan.

Mr. Helmer stated yes.

Mr. Foy closed the public meeting for RZ-15-04.

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. The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:

The rezoning request from the B-3 (Highway Entrance Business) to the LI (light Industrial) zoning district generally meets all the Town's plans and policies and will blend in well with the adjacent land uses provided that required buffering is installed on the north side of property adjacent to the residential project. **All members stated true.**

2. The rezoning petition is compatible with established neighborhood patterns of the surrounding area:

The rezoning request is compatible with established neighborhood patterns which includes a commercial zoning district to the south and to the west of the subject property. An existing light industrial zoning district is directly to the east of the subject property. **All members stated true.**

3. The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:

The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning because a demand for manufacturing facilities is creating a need for additional zoning districts that can support such uses. **All members stated true.**

4. The rezoning request is in the community interest:

The rezoning will allow for an additional industrial zoning district that can support manufacturing jobs while rehabilitating and underdeveloped and underutilized property located on a major commercial corridor. The redevelopment that will occur from the rezoning will increase the tax base as an additional benefit. **All members stated true.**

5. The request does not constitute "Spot Zoning":

Since adjacent nearby properties are presently zoned light Industrial (Light Industrial) then it is unlikely an argument could be made for "spot zoning" or "small scale" zoning. **All members stated true.**

6. Present regulations deny or restrict the economic use of the property:

The property is currently zoned B-3 (Highway Entrance Business). Manufacturing uses and the jobs they may bring cannot occur unless the property is rezoned to the LI (Light Industrial) zoning district. **All members stated true.**

7. The availability of public services allows consideration of this rezoning request:

In addition to public water and sewer being available to the site, the property is served by Duke Power with electricity CenturyLink and Time Warner also serve the area with phone and cable respectively. **All members stated true.**

8. Physical characteristics of the site prohibit development under present regulations:

Much of the property is not affected by physical restraints such as wetlands, stream buffers, potential flood hazard areas and storm water. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc.).

Based upon satisfactory compliance with the above stated eight 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 to rezone approximately 6.52 acres of land from a B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district. **Unanimous**

Old Business:

No report.

New Business:

No report.

Teresa Daughtry made a motion to adjourn, seconded by Jack Matthews. **Unanimous.**

Submitted this 3rd day of September, 2015.

Veronica Hardaway
Administrative Support Specialist
Planning Department

DRAFT

Item Title:

Public hearing regarding proposed issuance of up to \$5,500,000 in Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio) to be issued by the Public Finance Authority and approval in principle of such Bonds.

This item was tabled at the September 1, 2015 Town Council Meeting. All safety and security issues have been addressed and corrected.

Item Summary:

This is a hearing to consider the proposed issuance by the Public Finance Authority (“PFA”) of not to exceed \$75,500,000 Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio) (the “Bonds”), a portion of which in an amount not expected to exceed \$5,500,000 will be loaned to FFAH Johnson Court, LLC, a North Carolina limited liability company, an affiliate of the Foundation for Affordable Housing, Inc. (the “Borrower”), to finance the acquisition and renovation of an existing affordable multifamily rental housing development located in Smithfield.

PFA is a political subdivision of the State of Wisconsin created for the purpose of issuing tax-exempt and taxable conduit bonds for public and private entities nationwide. PFA is sponsored by the National Association of Counties, the National League of Cities, the Wisconsin Counties Association and the League of Wisconsin Municipalities. The Borrower has requested that PFA act as the issuer of the Bonds in order to achieve cost efficiencies by using a single bond issue to finance projects located in more than one state. **The Bonds are not debt of the Town of Smithfield or PFA, but rather are payable solely from debt service payments received from the Borrower.**

Federal tax law requires that tax-exempt bonds issued to finance affordable housing be approved by the elected legislative body of the governmental unit that has jurisdiction over the area in which the facility is to be located after holding a public hearing (Internal Revenue Code Section 147(f)). The proposed facilities are within the jurisdiction of the Town.

A portion of the proceeds of the Bonds will be loaned to the Borrower and used to finance and/or refinance the acquisition, rehabilitation, equipping and/or improvement of Johnson Court Apartments, a 70-unit multifamily rental housing development located at 2228 Kay Drive, Smithfield, North Carolina (the “Development”); to pay interest on the Bonds, to pay costs of issuance of the Bonds, and/or to fund a debt service reserve fund for the Bonds. PFA and the Borrower have requested the Town to approve the issuance of the Bonds solely for purposes of Section 147(f) of the Code.

The Bonds will be sold in a public offering with Stifel, Nicolaus & Company, Incorporated as the underwriter, and are expected to be issued in early September, 2015. The Borrower will agree to repay the principal, premium, if any, and interest on the Bonds. Neither the Town nor PFA will have any liability whatsoever for the payment of principal or interest on the Bonds. Because no taxes or other revenues of the Town are pledged to pay these Bonds, the staff of the Town has made no financial analysis of the Bonds, the Borrower or the Development.

As noted in the resolution, the Bonds do not constitute a debt of the State of North Carolina or any political subdivision or any agency thereof, including the Town, or a pledge of the faith and credit of the State of North Carolina or any political subdivision or any such agency, including the Town, but are payable solely from the revenues and other funds provided for in a loan agreement between PFA and the Borrower. Accordingly the Town pledges neither its taxing power nor revenues for these Bonds, and the Bonds will not affect the Town's debt ratios or legal debt limit.

The notice of public hearing (attached) was published in *The Smithfield Herald* as required by law. The form of the resolution to be adopted by the Town is also attached.

Specific Action Requested:

That the Town Council, at the conclusion of the public hearing regarding the same, adopt a resolution approving, for purposes of meeting the requirements of the Internal Revenue Code of 1986, as amended, the issuance by the Public Finance Authority of a portion of its not to exceed \$75,500,000 Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio).

Attachments:

1. Resolution

**A RESOLUTION # 563 (13-2015) OF THE TOWN COUNCIL
OF THE TOWN OF SMITHFIELD, NORTH CAROLINA
APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY
OF BONDS ON BEHALF OF
FOUNDATION FOR AFFORDABLE HOUSING INC.**

WHEREAS, the Town of Smithfield, North Carolina (the "Town") is a political subdivision of the State of North Carolina and the Town Council (the "Governing Body") is the elected governing body of the Town; and

WHEREAS, the Public Finance Authority (the "Authority") has advised the Town that it is a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, is authorized to issue tax-exempt, taxable, and tax credit conduit bonds for public and private entities throughout all 50 states and is jointly sponsored by the National Association of Counties, National League of Cities, Wisconsin Counties Association and League of Wisconsin Municipalities (the "Sponsors"); and

WHEREAS, FFAH Johnson Court, LLC, a North Carolina limited liability company (the "Borrower") the sole member of which is FFAH NC 9, LLC, a North Carolina limited liability company, of which Foundation for Affordable Housing Inc., a Delaware nonprofit corporation, is the sole member, has requested that the Authority adopt a plan of financing providing for the issuance of its Public Finance Authority Multifamily Housing Revenue Bonds, Series 2015 (Foundation For Affordable Housing North Carolina and Missouri Portfolio) (the "Bonds"), in one or more series from time to time, in an amount not to exceed \$75,500,000, and a portion of the proceeds from the sale of the Bonds, not expected to exceed \$5,500,000, will be used to finance and/or refinance the acquisition, rehabilitation, equipping and/or improvement of Johnson Court Apartments, a 70-unit multifamily rental housing development located at 2228 Kay Drive, Smithfield, North Carolina, and initially operated by PK Management, LLC, to pay interest on the Bonds, to pay costs of issuance of the Bonds, and/or to fund a debt service reserve fund for the Bonds (collectively, the "Project"); and

WHEREAS, the Authority has informed the Town that the remainder of the Bonds will be issued primarily to finance and/or refinance the acquisition and rehabilitation of certain other affordable housing developments elsewhere in the state of North Carolina, and in the state of Missouri; and

WHEREAS, the Bonds or a portion thereof will be "private activity bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"), and pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the entire area in which the Project is located, after a public hearing held following reasonable public notice; and

WHEREAS, pursuant to Section 147(f) of the Code, the Governing Body, following notice duly given in the form attached hereto as Exhibit A (the "TEFRA Notice"), held a public hearing regarding the financing of the Project and the issuance of the Bonds at its regularly

scheduled meeting on September 1, 2015, and now desires to approve the financing and the issuance of the Bonds; and

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Public Finance Authority must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries the project is to be located; and

WHEREAS, the Borrower has requested that the Town approve the financing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Exercise Agreement") and Section 66.0304(11)(a) of the Wisconsin Statutes.

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

1. For purposes of the requirements of Section 147(f) of the Internal Revenue Code of 1986, the Governing Body hereby approves the issuance of the Bonds by the Authority, a portion of which will be used to finance the Project, in an aggregate principal amount not to exceed the amount set forth in the TEFRA Notice attached hereto as EXHIBIT A. In no event shall the Town, the State of North Carolina (the "State") or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of the Town, the State or any political subdivision thereof.
2. It is the purpose and intent of the Governing Body that this Resolution constitute approval of the issuance of the Bonds by the Project Jurisdiction, which is the (or one of the) governmental unit(s) having jurisdiction over the area in which the Project is located, in accordance with Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.
3. The officers of the Governing Body are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

[Remainder of Page Intentionally Left Blank]

The undersigned Town Clerk of the Town of Smithfield, North Carolina, DOES HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the Town Council for the Town of Smithfield, North Carolina, in regular session convened on October 6, 2015.

WITNESS my hand and the corporate seal of the Town of Smithfield, North Carolina, this the ___ day of October, 2015.

Town Clerk

(SEAL)

EXHIBIT A

FORM OF TEFRA NOTICE

[to be attached]

From: Anitra Radcliffe [<mailto:aradcliffe@pkmanagement.com>]

Sent: Tuesday, September 22, 2015 11:33 AM

To: rkpowell@smithfieldpd.org

Subject: Johnson Fence Repairs

Good morning Captain Powell – I just wanted to let you know that the fence areas have been addressed. I have attached before and after pictures for you. Desmond is also going to add more rocks to one area and wrap more industrial strength cable to prevent any further tampering.

ADT arrives tomorrow to install the cameras. I will be onsite during the installation. If you need anything else, please let me know.

Have a wonderful day.

Sincerely,

Anitra M. Radcliffe

Regional Manager

PK Management, LLC

2228 Kay Drive

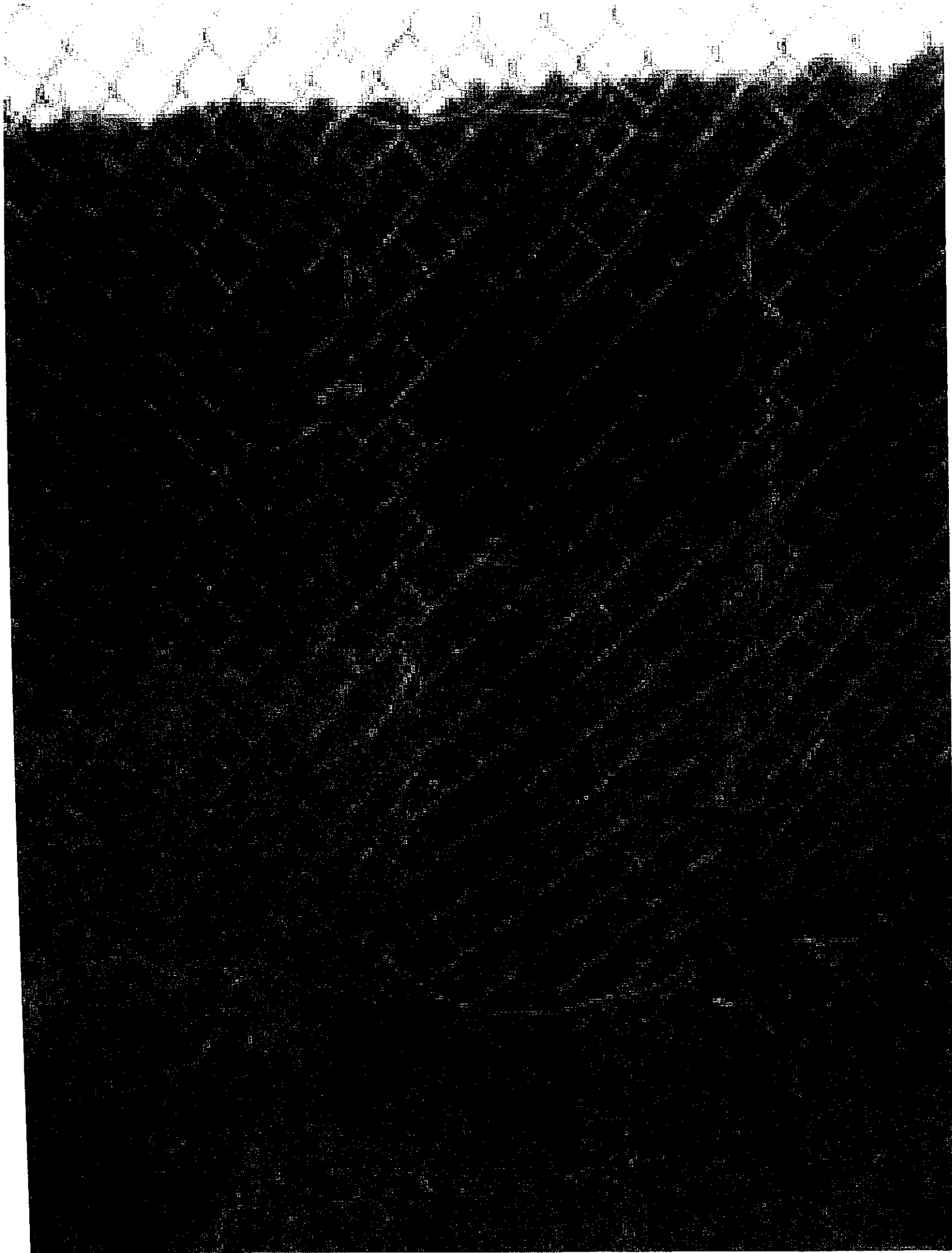
Smithfield, NC 27577

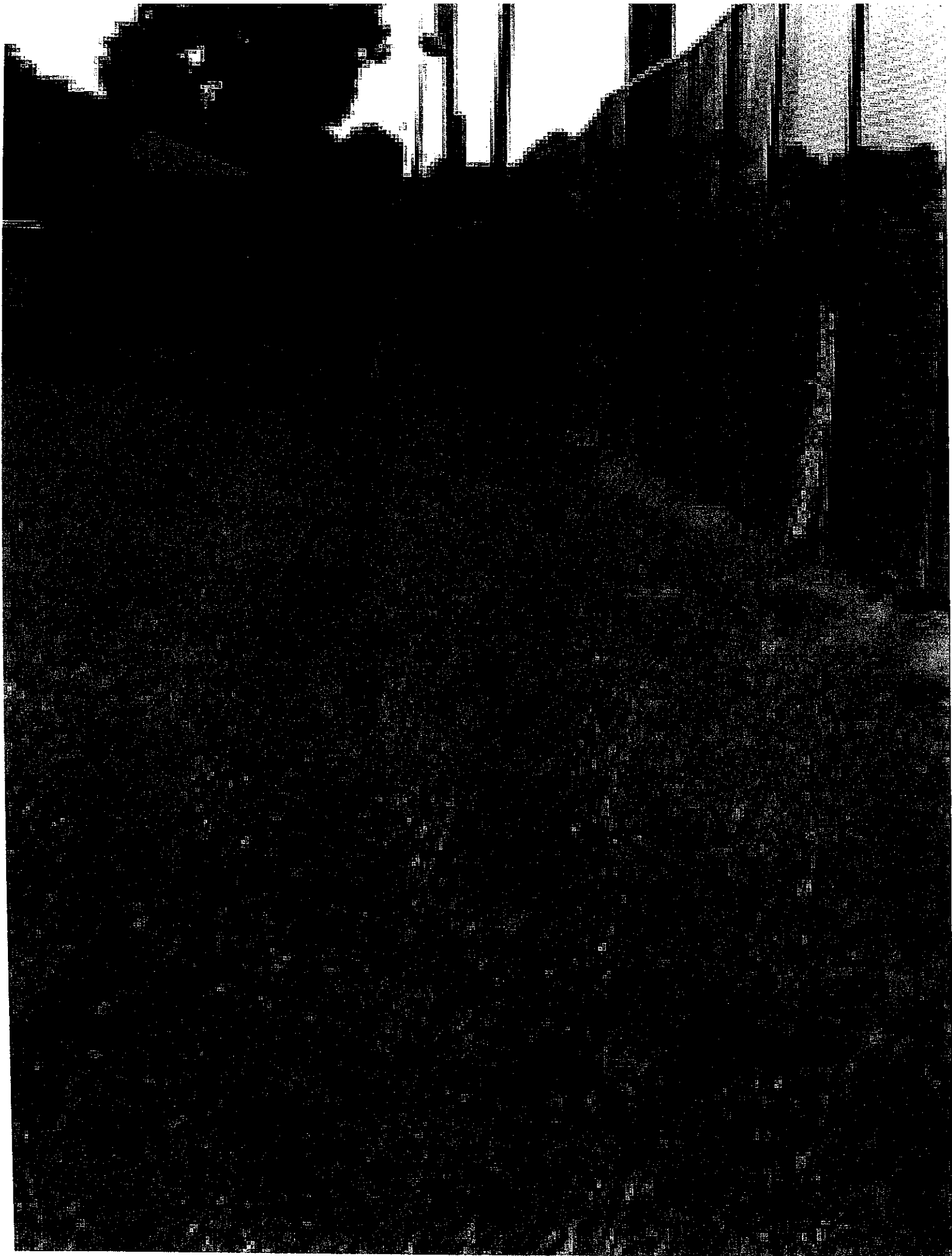
Office: (919) 934-6546

Fax: (919) 934-8746

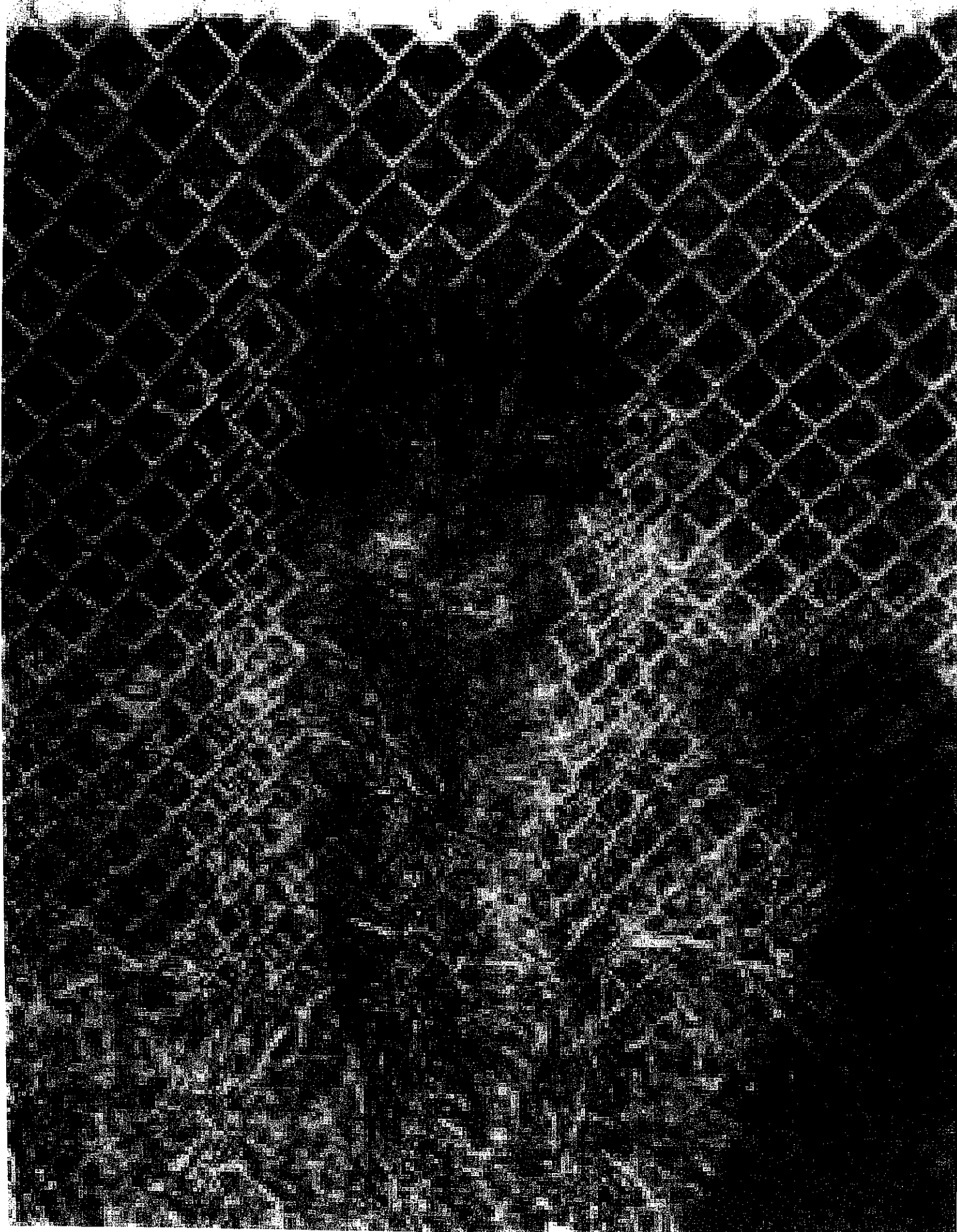
Cell: (757) 435-0926

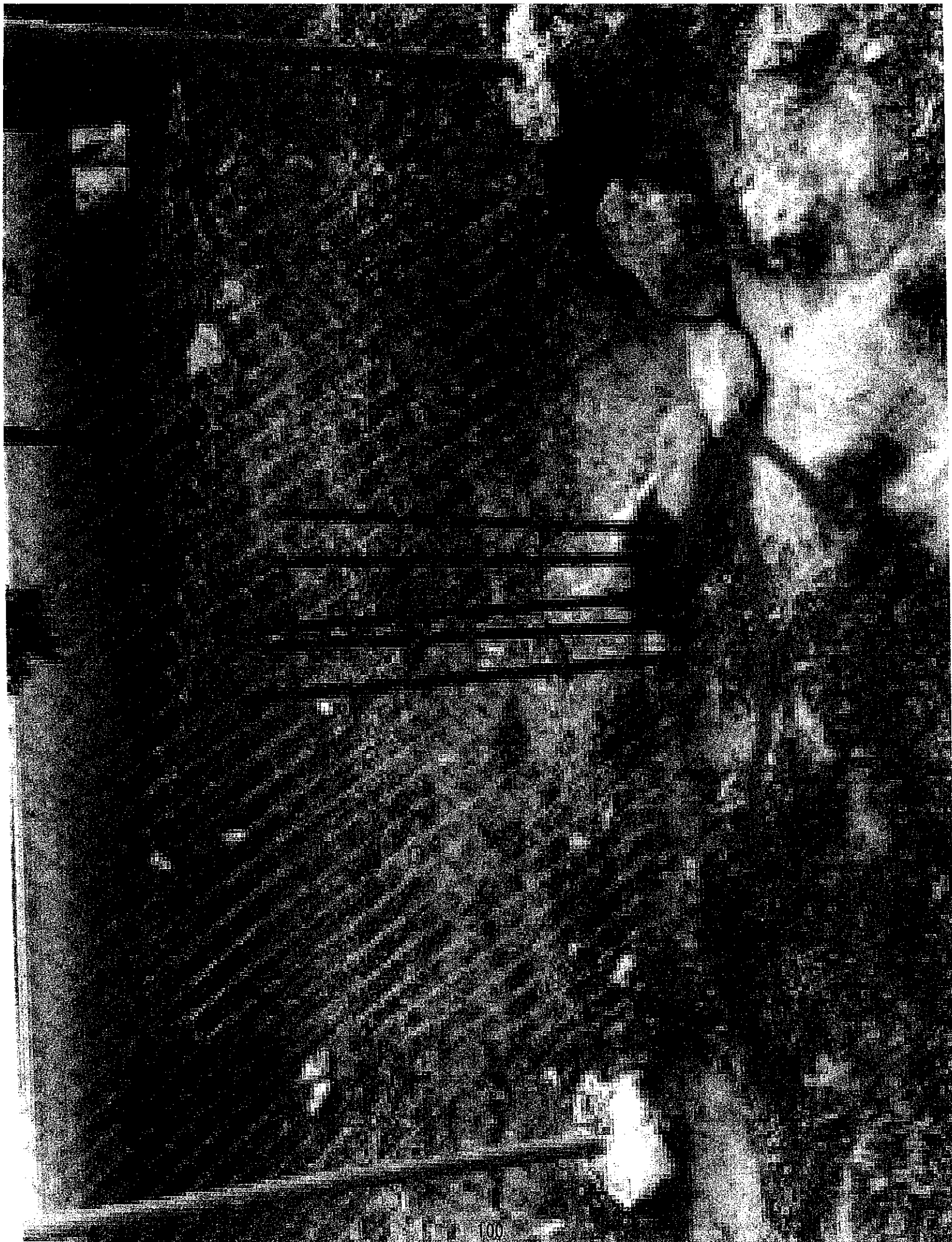
aradcliffe@pkmanagement.com











**Town of Smithfield
Town Council
Action Form**

Item: Hold a Public Hearing and Approve Resolution Authorizing the Filing of an Application to the Local Government Commission for Installment Financing of the Inflow and Infiltration, and Raw Water Intake Projects.

Date of Meeting: October 6, 2015

Date Prepared: September 28, 2015

Staff Work By: Greg Siler, Finance Director

Presentation: Regular Agenda

Background: North Carolina General Statute 160A-20 requires a unit of local government to hold a public hearing before entering into a contract involving the purchase or improvement of real estate.

The Town of Smithfield is considering the financing of Closed Circuit TV inspection and cleaning of approximately 39,250 linear feet of sewer line and rehabilitation of approximately 10,000 linear feet of sewer lines, and replacement/rehabilitation of approximately 36 manholes in East, South and West Smithfield; and to install a sand removal system and related equipment at the raw water intake at the Neuse River. The loan amount is approximately \$1,430,000. Interest is fixed at an indicative rate of 3 % for 10 years. Payments would be made twice a year, estimated at \$83,301 or \$166,602 annually. A summary of the project's estimated refinancing amount (closing cost included) and rates are found in the table below

Project	Estimated Amount	Annual Debt Payment
I & I and Raw Water Intake Project	\$1,430,000	\$166,602

A maximum water/sewer increase of .43 cents per 1000 gallons of usage is needed to meet the annual loan payment of \$166,602 which will not come due until sometime after July, 2016. The town is required by the LGC to estimate the impact on the water rate, so the finance director decided to be as conservative as possible by using the largest increase that could likely occur. This estimate is for informational and reference purposes in evaluating the potential impact of these projects on the town's budget and financial condition.

Project Notes:

- The cost to improve the raw water intake is the least costly of several options proposed

Financial Impacts: The interest expense on \$1,430,000 million over 10 years at an indicative rate of 3.0 % is \$236,029. Total repayment of principal and interest is \$1,666,029.

Action Requested: Conduct the Public Hearing, receive and consider input from interested citizens regarding the financing of this project.

Attachments:

Resolution and Amortization Schedule

Note: the attached amortization schedule is for estimation purposes only and is not an offer or commitment from any lending institution.

RESOLUTION # 568 (18-2015)

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION
FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY
NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the Town of Smithfield, North Carolina, desires to secure financing for the correction of sewer inflow and infiltration (I & I) problems in East and Southwest Smithfield to better serve the citizens of Smithfield; and make Improvements to the Raw Water Intake System; and

WHEREAS, The Town of Smithfield, North Carolina, desires to finance the Projects by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Smithfield, North Carolina, meeting in regular session on the 6 day of October, 2015, make the following findings of fact:

1. The proposed contract is expedient because the correction of inflow and infiltration (I & I) and improvements to the raw water intake system is needed to significantly reduce sewage treatment cost and water pumps repair/replacement cost, and the proposed contract would make the project feasible while ensuring proper debt management.
2. The proposed contract is preferable to a bond issue for the same purpose because the Town can correct the I & I and Raw Water Intake problems in a more timely manner while taking advantage of current purchase cost and practicing proper debt management. The Town can also service the debt on this project, fund other projects, and keep a healthy fund balance without significantly increasing the tax burden on the residents of the Town. The proposed amount of up to \$1,430,000 could not be prudently raised with current appropriations, unappropriated fund balance and non-voted bonds that could be raised in a timely manner.
3. The cost of financing under the proposed contract is expected to be approximately the same as the costs of issuing general obligation bonds.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose. The Town will carefully review proposed financing rates with the help of the LGC and will closely monitor proposed construction costs to ensure sums are not excessive.

5. The Town of Smithfield debt management procedures and polices are good, as verified by the Town's Finance Director and through annual audits. The Town is in compliance with all applicable laws and will continue to manage its debt in such a manner.
6. The maximum increase in taxes necessary to meet the sums to fall due under the proposed contract will be no greater than 0 cents per \$100 valuation and is not deemed to be excessive.
7. The Town of Smithfield, North Carolina, is not in default in any of its debt service obligations.
8. The attorney for the Town of Smithfield has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Interim Town Manager is hereby authorized to act on behalf of the Town of Smithfield, North Carolina, in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 6 day of October, 2015.

The motion to adopt this resolution was made by Councilman _____

_____, seconded by Councilman _____

_____ and passed by a vote of _____ to _____.

Mayor

ATTEST:

Town Clerk

This is to certify that this is a true and accurate copy of Resolution No. _____ Adopted the
by _____

Town of Smithfield Town Council on the 6 day of
October, 2015.

Town Clerk

Date

Date: 09/28/2015

Funding Date:	10/01/2015	Compounding:	U.S. Rule	Principal:	1,430,000.00
First Payment Date:	04/01/2016	Period:	Actual/365	Initial Interest Rate:	0.000%
		Pmt Schedule:	Semi-Annually	Interest Rate:	3.000%
				Pmt Amount:	83,301.44

Payment Number	Payment Date	Days	Payment Amount	Interest Amount	Principal Reduction	Outstanding Balance	Equity Built
1	04/01/2016	183	\$83,301.44	21,508.77	61,792.67	1,368,207.33	\$61,792.67
2	10/01/2016	183	\$83,301.44	20,579.34	62,722.10	1,305,485.23	\$124,514.77
3	04/01/2017	182	\$83,301.44	19,528.63	63,772.81	1,241,712.42	\$188,287.58
4	10/01/2017	183	\$83,301.44	18,676.72	64,624.72	1,177,087.70	\$252,912.30
5	04/01/2018	182	\$83,301.44	17,607.94	65,693.50	1,111,394.20	\$318,605.80
6	10/01/2018	183	\$83,301.44	16,716.59	66,584.85	1,044,809.35	\$385,190.65
7	04/01/2019	182	\$83,301.44	15,629.20	67,672.24	977,137.11	\$452,862.89
8	10/01/2019	183	\$83,301.44	14,697.21	68,604.23	908,532.88	\$521,467.12
9	04/01/2020	183	\$83,301.44	13,665.33	69,636.11	838,896.77	\$591,103.23
10	10/01/2020	183	\$83,301.44	12,617.93	70,683.51	768,213.26	\$661,786.74
11	04/01/2021	182	\$83,301.44	11,491.63	71,809.81	696,403.45	\$733,596.55
12	10/01/2021	183	\$83,301.44	10,474.67	72,826.77	623,576.68	\$806,423.32
13	04/01/2022	182	\$83,301.44	9,328.02	73,973.42	549,603.26	\$880,396.74
14	10/01/2022	183	\$83,301.44	8,266.64	75,034.80	474,568.46	\$955,431.54
15	04/01/2023	182	\$83,301.44	7,099.02	76,202.42	398,366.04	\$1,031,633.96
16	10/01/2023	183	\$83,301.44	5,991.86	77,309.58	321,056.46	\$1,108,943.54
17	04/01/2024	183	\$83,301.44	4,829.04	78,472.40	242,584.06	\$1,187,415.94
18	10/01/2024	183	\$83,301.44	3,648.73	79,652.71	162,931.35	\$1,267,068.65
19	04/01/2025	182	\$83,301.44	2,437.27	80,864.17	82,067.18	\$1,347,932.82
20	10/01/2025	183	\$83,301.56	1,234.38	82,067.18	.00	\$1,430,000.00
2025	Totals:		1,666,028.92	236,028.92	1,430,000.00		
	Grand Totals:		1,666,028.92	236,028.92	1,430,000.00		

This amortization schedule is provided to you for your convenience. The amortization may include estimates based upon information provided by you. Actual terms of credit offered by us may vary from this amortization schedule. The outstanding balance shown above will vary from your actual outstanding balance owed to the Bank because of the timing of payments.

83,301.56 x 20 = \$1,666,031 Annual Pmt

AFFIDAVIT OF PUBLICATION

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Ad Number
0001973374

Advertiser Name: TOWN OF SMITHFIELD
Address: attn Shannon Williams
PO BOX 761
SMITHFIELD, NC 275770761

Before the undersigned, a Notary Public of Wake County North Carolina, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared R. C. Brooks, who being duly sworn or affirmed, according to law, doth depose and say that he or she is Accounts Receivable Specialist of The News & Observer Publishing Company a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as The Herald, in the City of Raleigh, Wake County and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such he or she makes this affidavit; and is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement for TOWN OF SMITHFIELD was inserted in the aforesaid newspaper on dates as follows:


09/20/2015



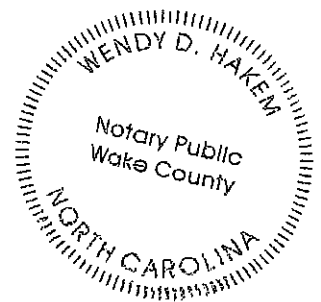
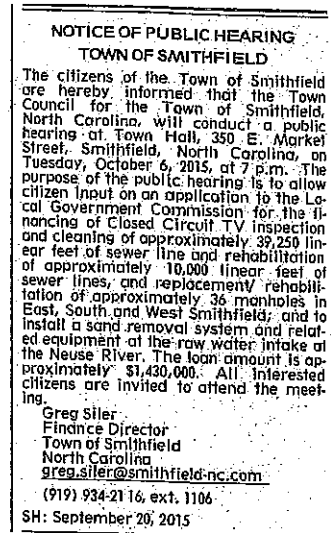
R. C. Brooks, Accounts Receivable Specialist
Wake County, North Carolina

Sworn to and subscribed before me
This 21st day of September, 2015

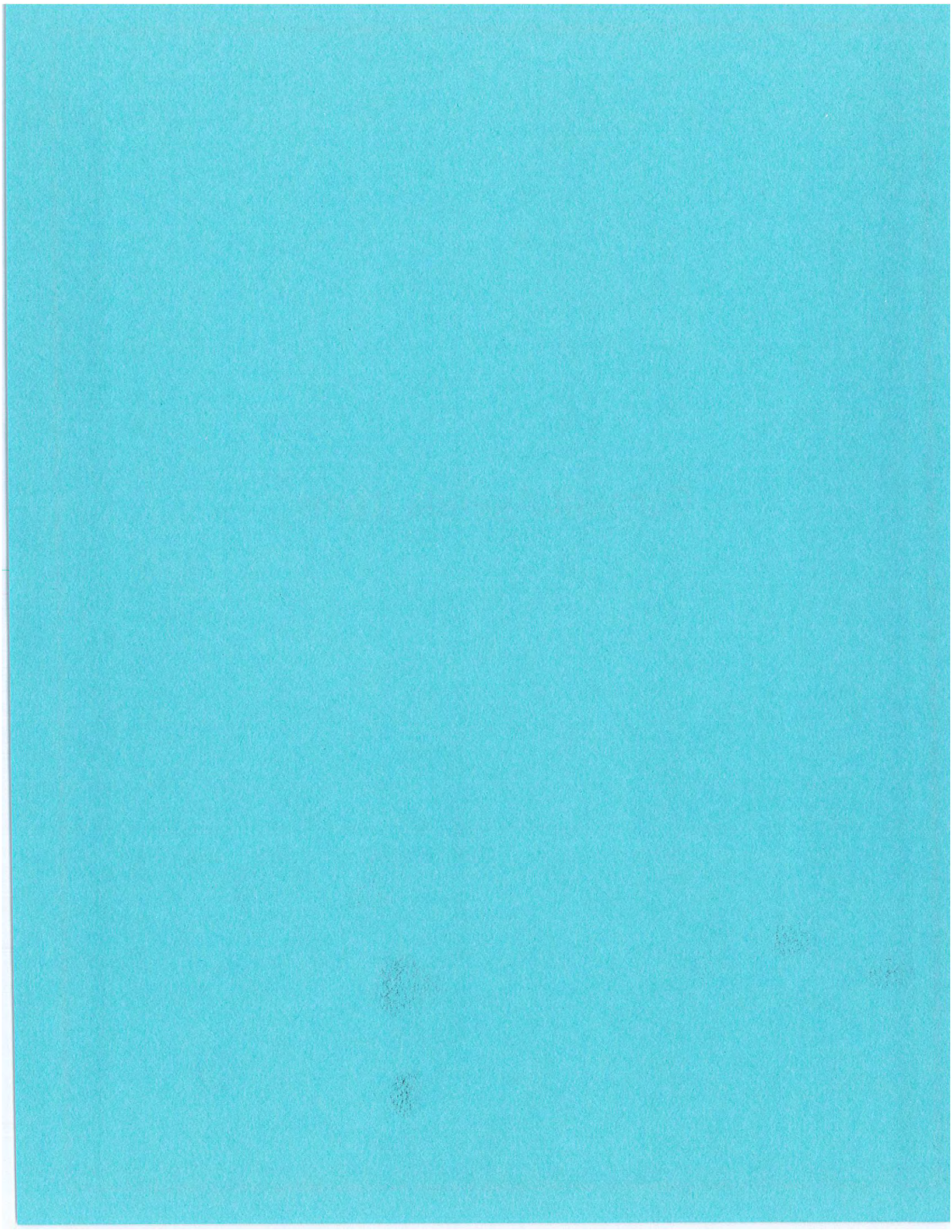
My Commission Expires: FEB 17 2020



Notary Signature



Consent Agenda Items



The Smithfield Town Council met in regular session on Tuesday, September 1, 2015 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall. Mayor John H. Lampe II. presided.

Councilmen Present:

M. Andy Moore, Mayor Pro-Tem
Marlon Lee, District 1
J. Perry Harris, District 2
Roger A. Wood, District 4
Emery D. Ashley, At-Large
Charles A. Williams, At-Large

Councilmen Absent

Travis Scott, District 3

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
R. Keith Powell, Police Captain
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 Councilman Ashley followed by the Pledge of Allegiance led by the following members of Girl Scout Troop 614: Madeline Smith, Valerie Smith, MacKenzie Swartz, Mataya Grimes, Brianna Faircloth, Katie McNoldy, Kaitlyn Hill, Katlin VanRoekel, Elizabeth Applebaum and Tiona Branch

APPROVAL OF AGENDA:

Mayor Pro-Tem Moore made a motion, seconded by Councilman Williams, to approve the agenda with the following amendments:

- *Add a Closed Session Pursuant to NCGS 143-318.11 (a) (3) & (6)*

Unanimously approved.

PRESENTATIONS:

1. Discussion regarding improvements the Downtown Smithfield Development Corporation would like pursue in the Town Commons Area

Executive Director of the Downtown Smithfield Development Corporation (DSDC) addressed the Council on a number of improvements that the DSDC would like to pursue in the Town Commons Area. Ms. Edwards explained that the river is most underutilized asset in the Town. The DSDC would like the Council to consider allowing the DSDC to pursue the River Works Project. This project would be a continued enhancement of the Town Commons, Neuse Riverwalk and Buffalo Creek Greenway. The four target areas are as follows: the Hastings House, the Neuse River Amphitheatre, the Boy Scout Hut and the Boat Ramp. Ms. Edwards outlined improvements to each target area. Her request was to allow DSDC to take the next steps in pursuing the projects.

It was the consensus of the Council to allow the DSDC to move forward with further development of the River Works Project.

Christian Waters of the NC Wildlife Resources Commission presented to the Council information concerning upgrades to the boat ramp area. He explained that the NC Wildlife Resources Commission is responsible for fish and wildlife across the state. He further explained that when the agency cooperates with a local government, they like to enter into a memorandum of agreement. The agreement would allow the Commission to renovate the ramp at their cost and would be retained by the town assuming the agreement would be upheld. The agreement has a 20 year term with an automatic 5 years renewal. The commission would design and construct a boat ramp, floating dock and associated parking. The commission would install a kiosk that would identify the area as an NC

Wildlife Resources Commission public fishing area. Any major renovations would be done by the commission. In return the Town simply cooperates in developing the site, the Town would ensure proper recognition be given to the NC Wildlife Resources Commission, the Town would permit free access by the general public, conduct routine maintenance and minor repairs and maintain the grounds around the area

Mark Hamlet of the NC Wildlife Resources Commission stated that his staff would be responsible for all the design, permitting and construction of the boat ramp and surrounding area. He explained that a 14 foot single lane ramp and 40 - 60 foot floating dock would be constructed. All improvements would be based on the NC Wildlife Resources Commission's standards. Mr. Hamlet further explained that the area would be made ADA compliant.

Mr. Freeman requested that the memorandum of agreement be sent to the Town so that this project could move forward.

PUBLIC HEARINGS:

Town Clerk Shannan Williams

1. FFAH Johnson Court, LLC: Regarding proposed issuance for up to \$5,500,000 in Multifamily Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio) by the Public Financing Authority of Bonds on Behalf of the Foundation For Affordable Housing, Inc. and approval of Resolution #563 (13-2015)

Mayor Pro-Tem Moore made a motion, seconded by Councilman Harris, to open the public hearing. Unanimously approved.

Kristen Kirby with the Law Firm of Hunting and Williams addressed the Council on the proposed issuance by the Public Finance Authority ("PFA") of not to exceed \$75,500,000 Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio) (the "Bonds"), a portion of which in an amount not expected to exceed \$5,500,000 will be loaned to FFAH Johnson Court, LLC, a North Carolina limited liability company, an affiliate of the Foundation for Affordable Housing, Inc. (the "Borrower"), to finance the acquisition and renovation of an existing affordable multifamily rental housing development located in Smithfield. Ms. Kirby explained that PFA is a political subdivision of the State of Wisconsin created for the purpose of issuing tax-exempt and taxable conduit bonds for public and private entities nationwide. PFA is sponsored by the National Association of Counties, the National League of Cities, the Wisconsin Counties Association and the League of Wisconsin Municipalities. The Borrower has requested that PFA act as the issuer of the Bonds in order to achieve cost efficiencies by using a single bond issue to finance projects located in more than one state. The Bonds are not debt of the Town of Smithfield or PFA, but rather are payable solely from debt service payments received from the Borrower. Federal tax law requires that tax-exempt bonds issued to finance affordable housing be approved by the elected legislative body of the governmental unit that has jurisdiction over the area in which the facility is to be located after holding a public hearing (Internal Revenue Code Section 147(f)). The proposed facilities are within the jurisdiction of the Town. A portion of the proceeds of the Bonds will be loaned to the Borrower and used to finance and/or refinance the acquisition, rehabilitation, equipping and/or improvement of Johnson Court Apartments, a 70-unit multifamily rental housing development located at 2228 Kay Drive, Smithfield, North Carolina (the "Development"); to pay interest on the Bonds, to pay costs of issuance of the Bonds, and/or to fund a debt service reserve fund for the Bonds. PFA and the Borrower have requested the Town to approve the issuance of the Bonds solely for purposes of Section 147(f) of the Code. The Bonds will be sold in a public offering with Stifel, Nicolaus & Company, Incorporated as the underwriter, and are expected to be issued in early September, 2015. The Borrower will agree to repay the principal, premium, if any, and interest on the Bonds. Neither the Town nor PFA will have any liability whatsoever for the payment of principal or interest on the Bonds. Because no taxes or other revenues of the Town are pledged to pay these Bonds, the staff of the Town has made no financial analysis of the Bonds, the Borrower or the Development. The Bonds do not constitute a debt of the State of North

Carolina or any political subdivision or any agency thereof, including the Town, or a pledge of the faith and credit of the State of North Carolina or any political subdivision or any such agency, including the Town, but are payable solely from the revenues and other funds provided for in a loan agreement between PFA and the Borrower. Accordingly the Town pledges neither its taxing power nor revenues for these Bonds, and the Bonds will not affect the Town's debt ratios or legal debt limit.

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

Councilman Ashley reiterated that funds are not required by the Town. Ms. Kirby responded that there is no debt and no liability to the Town.

Mayor Lampe questioned the owners of Johnson Court Apartments. Ms. Kirby responded that it is a new owner from California.

Councilman Williams questioned if the owners had considered upgrades to the security of the property. Ms. Kirby responded that the owners take the security issue very seriously and will upgrade the lighting and install a security system.

Councilman Harris stated that there has been a history of crime at the apartment complex and the former owners have not been diligent in making sure that the property was maintained or that the tenants were properly screened. Ms. Kirby stated that she would work with the owner and local law enforcement to address the safety concerns.

Councilman Harris made a motion, seconded by Councilman Ashley, to table this request until the October 6, 2015 regular meeting. Unanimously approved.

2. Conditional Use Permit Request: CHI Smithfield, LLC (CUP-15-03) :

Mayor Pro- Tem Moore made a motion, seconded by Councilman Wood, to open the public hearing. Unanimously approved.

Planning Director Paul Embler addressed the Council on a request for a Conditional Use Permit. The applicant is requesting a conditional use permit to allow for the construction of a high rise business identification sign on property located within a B-3 (Business Highway Entrance) zoning district. The property considered for approval is located on the northeast side of the intersection of Outlet Center Drive and South Equity Drive and further identified as Johnston County Tax ID# 15008045T. Mr. Embler explained that this application was submitted prior to Council's approval of an amendment of the Unified Development Ordinance concerning high rise signs.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the September 1, 2015 agenda packet.

The Planning Board, at its August 6, 2015 meeting, unanimously voted to recommend approval of the conditional use permit request to allow for a high rise business identification sign in accordance with the finding of fact for a conditional use permit.

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

Mayor Lampe asked if there were any questions from Council.

Councilman Williams question if this was consistent with the other signs in the area. Mr. Embler responded that most signs in the high rise sign overlay district are 75 – 100 feet high.

Mayor Pro-Tem Moore questioned if there are any other known requests that would fall into this category. Mr. Embler responded that there are no other requests at this time.

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

Written Finding of Facts

Councilman Ashley made a motion, seconded by Councilman Wood to approve all four of the 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 high rise business identification sign will not materially endanger the public health safety or general welfare because the sign will be constructed to meet all plans and specification as required by Johnston County Building Inspections to include engineered footings.

- **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 high rise business identification sign 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 high rise business identification sign will not adversely affect the use or any physical attribute of adjoining or abutting properties. The proposed sign will blend in with all the other free standing and pylon signs in the area and is located within the overlay district that allows for high rise business identification signs.

- **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 high rise business identification sign will 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 because the sign is located adjacent to a public right-of-way that will probably never be widened.

Approval and Record of Decision:

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Moore, 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-15-03

CITIZENS' COMMENTS:

- Darrell Devers of 243 Holland Drive addressed the Council on consideration for a more cost effective alternative for irrigation metering. Mr. Deavers explained that he did not mind paying for the water that he uses, but feels it is unfair for him to have to pay sewer charges to water his landscaping. Mr. Deavers further stated that he had spoken with Town staff and he was told that an irrigation meter could be installed, but Mr. Deavers explained that it was too expensive to install all the necessary infrastructure needed. Interim Town Manager Jim Freeman responded that he would speak with Mr. Deavers and see if a solution could be agreed upon.
- Jasper Spruill of 902 Third Avenue addressed the Council on the need for additional Police Officers in the Town of Smithfield. He stated that in the past several months, the crime in his area has increased and he feels that the Police Department needs more help.
- V.R. Phipps of 111 North Massey Street, Selma, NC addressed the Council on consideration to allow him to purchase the Old Water Treatment Plant instead of tearing it down. Mr. Phipps further explained that the he would like to restore the building and consider putting a business in the building. Mr. Phipps petitioned the Council for time for him and his engineer to enter the building and perform an assessment of the building.

It was the consensus of the Council to allow Mr. Phipps to have sixty days to do look over the building and report back to Council at the November Town Council meeting.

CONSENT AGENDA:

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

1. Approval of Minutes:
 - August 4, 2015 – Regular Meeting
 - August 4, 2015 – Closed Session
 - August 10, 2015 – Special Meeting
 - August 10, 2015 – Closed Session
2. Special Event – Martin Luther King, Jr. Parade: The applicants, Rachel Ayers and the Martin Luther King Celebration Committee gained approval of a march to honor and remember the late Dr. Martin Luther King, Jr. The parade will be held on January 8, 2016 from the hours of 6:00 pm – 9:00 pm and follow the same route as the Town's Christmas Parade.
3. Special Event – Smithfield Cinemas: The applicant gained approval of an annual customer appreciation event to be held on September 12, 2015.
4. Special Event – Outdoor Storage for Cracker Barrel Restaurant: The applicant gained approval of a containerized storage unit in order to facilitate storage of seasonal sale items for the Christmas Shopping season.
5. Career Ladder Promotion – Police Department. The Police Department gained approval to promote a Police Officer I to the rank of Police Officer II.

6. Career Ladder Promotions – Fire Department. The Fire Department gained approval to promote two current Fire Fighter I positions to the rank of Fire Fighter II.
7. Approval of a contract with Jim Freeman to serve as Interim Town Manager.
8. Approval of Resolution # 564 (14-2015) declaring and equipment as surplus property.

**TOWN OF Smithfield RESOLUTION # 564 (14-2015)
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:

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

Dept.	Vin/Ser.#	Description
PW	1FALP52U2VA145540	1997 Ford Taurus in fair condition
WP		760 bags of dicalite
WP	Cat No. M2513T	Air Compressor Motor
WP	6096607	Quincy Compressor Div.
WP	96D1545	Vacuum Pump
WP	16MN320312G008R2	Reliance Vacuum Pump Drive Motor
WP	02BG94752501G1SZ	Reliance Electric
WP	SPDT-20	Conveyor Company
WP	638465	Milltronics Zero Speed Switch
WP	00611203	Wilden Air Operated Dia. Pump
WP	F650211	Solenoid Switch
WP	B77R3046S-QZ	Lighnin Dura Mix
WP	AA8E4D	Sterling Electric Lube Free Speed Trol
WP	C6T17FC1E	Leeson Motor
WP	L96T0014	Siemens Standard Induction Motor
WP	DW71977-1-1	Graham Ring Rollor
WP	B5490CT	Mac Motor Appliance Corp
WP	LSXA4L	Micro Switch Precision Limit Switch
WP	P56H5424N-SZ	Reliance Electric IIEEE45 SXT
WP	25373-02-AR	Emco Precoat Filter
WP	672P	Great Lakes Instruments P.H. Mete
WP		Milltronics Hydro Ranger Tank Level Indicator
WP	35J710X945	Baldor
WP	58377	Air Technical Industries Scissor Lift table
WP	3057180-6008 09	Flygt
WP	P56H1441x	Reliance electric S-200 Agitator Drive Motor Pump

- 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.
- The public electronic auction will be held beginning no earlier than August 17, 2015.
- 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.
- 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
- 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.

9. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Utility Line Mechanic	PU – Water/Sewer	30-7220-0200	\$12.643/hr (\$26,297.44/yr)
Police Officer I	Police	10-5100-0200	\$15.27/hr (\$34,143.72/yr)
P/T Firefighter I	Fire	10-5300-0210	\$10.00/hr
Firefighter I	Fire	10-5300-0200	\$14.88/hr (\$32,497.92/yr)
P/T SRAC Staff	P&R – Aquatics	10-6220-0210	\$9.50/hr
Interim Town Manager	General Government	10-4100-0200	\$20.00/hr
	PU – Electric	31-7230-0200	\$20.00/hr
	PU – Water/Sewer	30-7220-0200	\$20.00/hr

Unanimously approved.

BUSINESS ITEMS:

- 1. Approval of Resolution #565 (15-2015) making application for a grant for funding assistance from the NC Department of Commerce from the Building Reuse Grant Program for Atlantic Resources, Inc. to renovate the abandoned Jerald Manufacturing Facility**

Planning Director Paul Embler addressed the Council on consideration and approval of Resolution #565 (15-2015) making application for a grant for funding assistance from the NC Department of Commerce from the Building Reuse Grant Program for Atlantic Resources, Inc. to renovate the abandoned Jerald Manufacturing Facility. Mr. Embler explained that owner of ARI, Brian Barefoot, has purchased the old Jerold Manufacturing Facility on South Brightleaf Boulevard and will renovate and modernize the building in order to conduct business. Atlantic Resources, Inc. (ARI) is an industrial systems design, fabrication and installation company specializing in mechanical systems, programmable logic controllers, thermal imaging and material handling for industrial and agricultural applications. The building has been primarily vacant for more than 20 years. To assist in financing the improvements ARI wishes the Town to apply for a Building Reuse grant through the Rural Economic Development Division (REDD) of the NC Department of Commerce. The ARI project will result in an investment of \$1,020,000 of private expenditure for acquisition, building renovation and equipment. ARI is requesting a grant amount of \$175,000 from REDD in order to assist in building renovation and equipment. The grant requires a 5% contribution from the sponsoring unit of government. ARI has will provide the 5% (\$12,500) to the Town. Therefore, there is no cost to the Town for sponsoring the grant.

Skip Greene informed the Council that this project is eligible for this grant funding because it was previously a vacant structure. Mr. Greene stated that the reduction in the original grant amount is due to the fact that Johnston County is a tier three and can only receive \$5,000 per job. With this project, 35 new jobs will be created at an average weekly wage is \$671.00. Mr. Greene explained that as the construction occurs, the Town would receive invoices of evidence of payment. Those invoices would be sent to the state and they pay ½ of the renovation cost up to \$175,000. The grant once it's made is a performance based loan between the Town and the Company. The loan states that within 18 months of the grant award, 35 jobs would be added and be retained for 6 months. If that happens then the loan is forgiven. The primary responsibility of the Town is that if there is a default or repayment is required then the Town do everything legally necessary to recoup the money. The Town is in no way obligated to repay the funds.

Interim Town Manager Jim Freeman questioned if there are any administrative costs to the Town. Mr. Greene responded that the owner has agreed to pay all administrative costs with the 5% contribution.

Councilman Harris made a motion, seconded by Councilman Williams, to approve the request. Unanimously approved.

Town of Smithfield

AUTHORIZING RESOLUTION #565 (15-2015) BY GOVERNING BODY OF THE APPLICANT

Building Reuse Grants Program – Vacant Building Category

WHEREAS, the North Carolina Rural Infrastructure Authority (RIA) has authorized the awarding of grants from appropriated funds to aid eligible units of government in financing the cost of building activities needed to create jobs; and

WHEREAS, the Town of Smithfield needs assistance in financing a building project that may qualify for Rural Grants/Programs funding; and

WHEREAS, the Town of Smithfield intends to request grant assistance for the Atlantic Resources Incorporated, 1515 S. Smithfield Boulevard Building Renovation project from the Building Reuse Grant Program – Vacant Building Category;

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

That the Town of Smithfield will provide 5% of the Building Reuse Program Grant toward project construction costs, if approved for a grant with Atlantic Resources Incorporated providing the match.

That John H. Lampe, II, Mayor and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Smithfield with the Rural Grants/Programs Section for a grant to assist in the above-named Building Reuse project.

That Jim Freeman, Interim Manager and/ or Manager, and successors so titled, is hereby authorized and directed to furnish such information as Rural Grants/Programs Section may request in connection with an application or with the project proposed; to make assurances as contained in the application; and to execute such other documents as may be required in connection with the application.

That the Town of Smithfield has substantially complied or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this date, September 1, 2015 at Smithfield, North Carolina.

Councilman Harris stated that he had the opportunity to meet Mr. Barefoot and this was a wonderful economic development opportunity and was very excited with what he will do to the building.

2. Approval of Resolution # 566 (16-2015) Seeking assistance from the North Carolina Department of Transportation for sidewalks on Booker Dairy Road

Councilman Charles Williams informed the Council that he was seeking assistance from the NCDOT for sidewalks along Booker Dairy Road. He stated that there was some conversation that NCDOT would consider this project if a resolution was passed by the governing board.

Mayor Pro-Tem Moore made a motion, seconded by Councilman Harris, to approve Resolution #566 (16-2015). Unanimously approved

Interim Town Manager Jim Freeman stated that the typical next step is that NCDOT will seek the Town's approval for a Municipal Agreement for the project.

**TOWN OF SMITHFIELD
RESOLUTION #566 (16-2015) SEEKING ASSISTANCE
FROM NCDOT FOR SIDEWALKS ON BOOKER DAIRY ROAD**

WHEREAS, the Town of Smithfield is requesting assistance from the North Carolina Department of Transportation for sidewalks on Booker Dairy Road ; and

WHEREAS, the Town of Smithfield is grateful that NCDOT has agreed to share the cost of these improvements as NCDOT will finance 70% of the project and the Town will finance 30% of the project; and

WHEREAS, the Town of Smithfield is aware that the entire project will be completed over several years and as funds become available; and

WHEREAS, the Town of Smithfield appreciates all the assistance that NCDOT has provided to the Town and continues to provide to the Town.

3. Report on estimated costs to demolish the old Water Treatment Plant

Based on the Council allowing Mr. Phipps sixty days to pursue his interest in the Water Treatment Plant, Councilman Harris made a motion, seconded by Mayor Pro-Tem Moore, to table this request until the November 2015 regular Council Meeting. Unanimously approved.

Interim Public Utilities Director Pete Connet cautioned the Council on selling the old Water Treatment Plant siting past experience with selling the Old Municipal Building to a private owner.

Councilman Harris asked that the Council consider the presentation given by the NC Wildlife Commission stating that the Old water Treatment Plant site would be used for necessary parking.

4. Report to Council on Expansion of the Brogden Road Substation

Interim Public Utilities Director Pete Connet reported to the Council regarding the validity of the plans and specs for the additional transformer at the Brogden Road Substation if the bidding and construction were delayed for a year or two. Mr. Connet explained that he contacted Booth and Associates regarding the question raised at the last Council meeting regarding the validity of the Plans and Specs for the Brogden Road Substation should the Town Council decide not to proceed with the bidding of the project at the times the plans and specs are completed. According to Booth and Associates, the plans and specs would still be good if the construction of the project were delayed. Some of the work/task outlined in the approved contract document would not be needed at this time since they deal with the actual advertising, bidding, and review of bids with an award and construction

inspection and final drawing. Mr. Connet provided to the Council a list of pros and cons on proceeding with the project.

Councilman Harris questioned if any of the infrastructure improvement could be financed through a bond instead of through regular financing options. Mr. Connet responded that bonds are typically used for multi-million dollar projects or lease purchase agreement. Mr. Connet further explained that this project could go through the bond issuance process, but the Town would incur more expense because of the need for bond attorneys and bond ratings. Finance Director Greg stated that interest rates are as low if not lower than bond interest rates therefore it would be more feasible for the Town to explore regular financing options.

Councilman Ashley stated that the Council needed to proceed with the engineering and the ultimately the purchase of a new transformer.

Councilman Ashley made a motion, seconded by Councilman Wood to move forward with the engineering of the transformer. Unanimously approved.

Councilmembers Comments:

- Mayor Pro-Tem Moore looking at the graphs you provide on the monthly basis. Our revenues and expenditures are different than this time last year. Mr. Siler responded that this is typical given the nature in which the County receives taxes on behalf of the Town. Mr. Siler explained that he has no cause to be concerned at this time.
- Councilman Harris informed the Council that the West Smithfield Beautification Project is still proceeding. Work should begin when the weather is more conducive to planting.
- Councilman Wood stated that he would like to see sidewalks on Wilson's Mills Road in the same manner as the proposed sidewalks on Booker Dairy Road.

Town Manager's Report:

- **Department Reports**

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

- **Manager's Updates**

Mr. Freeman gave the Council a brief update on the following issues:

- Upgrade to the tower antenna by A T & T. Verizon is also seeking to do some ground level upgrades to its cellular service.
- Update on the financing of the I & I project.
- Electric Utilities Director – The Town has received only 4 application for the Electric Director's position. Staff was seeking direction from the Council to consider relooking at that and change it back to what was previously used; a Public Utilities Director. It was the consensus of the Council to go back and seek a Public Utilities Director position instead of an Electric Director.

Fire Chief – Mr. Freeman informed the Council of the process and stated that potentially a new Fire Chief could be hired by the end of October to early November.

- Manager Hiring Process - Mayor Lampe stated that he spoke with Mr. Freeman concerning whether to hire a consultant of preform the hiring process with current staff. Mr. Freeman outlined the pros and cons of both processes. He stated that consultants do most of the work and they have a wider in-depth search, but that a lot of the process can be done internally.

Mayor Pro-Tem Moore stated that he preferred, at the beginning, to do it internally because the Council has done it in the past. He further stated that if the Council doesn't receive viable applicants then we can always consider hiring a consultants.

Councilman Ashley agreed with Mayor Pro-Tem Moore stating that the Council needs to decide what they want in a Manager. He suggested forming a committee that allowed for community involvement.

Councilman Wood made a motion, seconded by Councilman Harris, to conduct the Manager hiring process internally with current staff. Unanimously approved

Councilman Ashley asked that the Interim Manager provide the Council with a checklist and some ideas within 7 days. Mr. Freeman asked for clarification if the checklist could be provided in e-mail form so that another meeting was not necessary. It was the consensus of the Council to allow Mr. Freeman to develop a checklist and e-mail it to the Council for input.

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

Councilman Harris made a motion, seconded by Mayor Pro-Tem Moore, to go into closed session pursuant to NCGS 143-318.11 (a) (3) & (6) to consult with the attorney and to discuss a personnel matter. Unanimously approved

Reconvene in Open Session:

Mayor Pro-Tem Moore made a motion, seconded by Councilman Wood to reconvene in open session. Unanimously approved

Adjourn

There being no further business, Councilman Wood made a motion, seconded by Councilman Harris to adjourn. Unanimously approved.

ATTEST:

John H. Lampe II, Mayor

Shannan L. Williams, Town Clerk

**TOWN OF SMITHFIELD
Town Council
Action Form**

Applicant: Millard Stallings is petitioning the Town for the "Alive after Five" event.

Date of Meeting: October, 2015

Date Prepared: September 24, 2015

Staff Work By: Paul Embler

Presentation By: Paul Embler

Presentation Description:

The petitioner is requesting approval of a special event that includes a band (amplified sound). The event will have more than 100 people in attendance and will be sponsored by Millard Stallings.

The event will be held on October 15, 2015 from 5:30 pm to 9:30 pm. The location of the event will be the parking lot of Mutual Builders located at 121 North Fourth Street. Food and drink will be provided at no charge to invitees. Set-up for the event will start at 1:00 pm and clean-up will be completed by midnight. No street closing for the event will be required.

Action Requested:

The Town Council is asked to take this request under consideration and take action as to approval or denial of the event.



Temporary Use Permit Application

Completed applications should be submitted to the Town of Smithfield's Planning Department at least four weeks prior to the event. All applicants should read the following pages before completing all sections required. Incomplete applications may increase the permit processing time. If a person other than the property owner signs this application, a notarized written authorization from the property owner must be attached.

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

TYPE OF EVENT

PERMIT FEE \$50.

- | | |
|--|--|
| <input type="checkbox"/> Expansion or replacement of existing facilities | <input type="checkbox"/> Construction Trailer |
| <input type="checkbox"/> Sale of agricultural products grown off-site | <input type="checkbox"/> Real estate sales office or model home |
| <input type="checkbox"/> Sale of fireworks | <input type="checkbox"/> Sale of non-agricultural products, except fireworks |
| <input checked="" type="checkbox"/> Special event, over 100 people in attendance | <input type="checkbox"/> Not-for-profit event, over 100 people in attendance |
| <input type="checkbox"/> Athletic event on streets, greenways | <input type="checkbox"/> Town recognized event _____ |
| <input type="checkbox"/> Other (please describe) _____ | <input type="checkbox"/> Live Band / Concert _____ |

<u>Alive at Five</u>	<u>121 N. 4th Street</u>
Name of Event	Location of Event (exact street address)

Applicant name Miltiad Stallings E-mail address _____

Address 121 N. 4th Street, Smithfield, NC Zip 27577

Day phone 919 219 6373 Mobile phone _____

Event set-up/start time/date 10/15/15 1pm Event clean-up/end date/time 10/15/15 midday

Sound amplification hours 5:30pm - 9:30pm Will food or goods be sold? no given away

Security provided by Smithfield Police or private security (describe duties): No - Normal patrols

Private agency name & phone, if applicable: N/A

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

Do you wish to: Restrict animals at this event? (circle Yes No) Prohibit Fireworks? (circle Yes No)

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

Miltiad Stallings _____
 Applicant's name (print) Signature Date

PLEASE RETURN THIS PERMIT TO INSPECTIONS AND PERMIT DEPARTMENT WITH \$50.00 FEE.

Method of payment: Cash Check Credit card Amount \$ _____ HTE _____

Reviewing Planner: [Signature] Date: 9/25/15

9/23/15 - Talk w/ Miltiad on details

**TOWN OF SMITHFIELD
Town Council
Information Form**

Applicant: Ida Morton of COPTUBE AMERICA-JC INC. is petitioning the Council to conduct a ribbon cutting/open house at the Town Hall Park adjacent to Town Hall.

Date of Meeting: October 6, 2015

Date Prepared: September 24, 2015

Staff Work By: Paul Embler

Presentation By: Paul Embler

Presentation Description:

The applicant wishes to conduct a ribbon cutting/open house at the Town Hall Park on Saturday October 10, 2015 from 2 pm to 6 pm. COPTUBE AMERICA-JC, Inc. is a newly permitted business located across the street from Town Hall at 333 East Market Street. The event will include a three piece band, complimentary food and gifts. Set-up for the event will begin at 1:00 pm and clean-up will occur immediately following the event and be completed by 6:00 pm. There is no anticipated need for security or traffic control by the Police Department.

In the event of inclement weather, the event will be allowed to move to an alternate date when coordinated with Town staff. At the present time there is no rain date established.

Action Requested:

The Town Council is asked to take this request under consideration and render a decision.



Temporary Use Permit Application

Completed applications should be submitted to the Town of Smithfield's Planning Department at least four weeks prior to the event. All applicants should read the following pages before completing all sections required. Incomplete applications may increase the permit processing time. If a person other than the property owner signs this application, a notarized written authorization from the property owner must be attached.

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

TYPE OF EVENT

PERMIT FEE \$50.

- | | |
|--|--|
| <input type="checkbox"/> Expansion or replacement of existing facilities | <input type="checkbox"/> Construction Trailer |
| <input type="checkbox"/> Sale of agricultural products grown off-site | <input type="checkbox"/> Real estate sales office or model home |
| <input type="checkbox"/> Sale of fireworks | <input type="checkbox"/> Sale of non-agricultural products, except fireworks |
| <input checked="" type="checkbox"/> Special event, over 100 people in attendance | <input type="checkbox"/> Not-for-profit event, over 100 people in attendance |
| <input type="checkbox"/> Athletic event on streets, greenways | <input type="checkbox"/> Town recognized event _____ |
| <input type="checkbox"/> Other (please describe) _____ | <input checked="" type="checkbox"/> Live Band / Concert _____ |

Name of Event Ribbon Cutting - Open House Location of Event (exact street address) Town Hall Park 300E Marke

Applicant name Ida Morton E-mail address captabedc2015@gmail.com
 Address 333 E Market st Smithfield NC Zip 27577
 Day phone 919-633-5263 Mobile phone 919-633-5263
 Event set-up/start time/date 1-2 Pm Event clean-up/end date/time 5:30-6:00pm
 Sound amplification hours 2-5:30 Will food or goods be sold? NO
 Security provided by Smithfield Police or private security (describe duties): N/A

Private agency name & phone, if applicable: N/A

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

Do you wish to: Restrict animals at this event? (circle Yes No) Prohibit Fireworks? (circle Yes No)

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

Applicant's name (print) Ida Morton Signature Ida Morton Date 9/14/15

PLEASE RETURN THIS PERMIT TO INSPECTIONS AND PERMIT DEPARTMENT WITH \$50.00 FEE.

Method of payment: Cash Check Creditcard Amount \$ _____ HTE _____

Reviewing Planner: [Signature] Date: 9/25/15

Call 9/24/15 - discuss In Council mtg



A Crime Prevention, Crime Deterrent, and Intervention program for all ages.

COPTUBE AMERICA-JC INC.
333 East Market Street
Smithfield, N.C. 27577
COPTUBEAMERICA.COM

Date: September, 14th 2015

From: Ida Morton (COPTUBE AMERICA- JC INC.)

To: Smithfield City Council:

We're happy and excited to introduce our new business called COPTUBE AMERICA INC. A Law Literacy Center, teaching the 100 most repeated broken Laws to individuals ages 5 to 105. The Law Literacy Center is committed to teaching law literacy to all persons in hopes of preventing first time offenders and/or repeat offenders from entering the court system. The location is 333 East Market Street, Smithfield N.C. across from Town Hall.

We're requesting a special event permit for the use of the Town Hall Park for our ribbon cutting and open house ceremony on October 10th 2015 from 2 pm to 6 pm. Event includes a community friendly live three piece band, complimentary snacks, and gifts for the public community.

Thanks for your time and consideration in this matter.

Sincerely,

Ida Morton (PRESIDENT)

**TOWN OF SMITHFIELD
Town Council
Information Form**

Applicant: Christian Calloway-Shipley is petitioning the Council to conduct an event titled the Smithfield Halloween House on the 200 block of East Davis Street.

Date of Meeting: October 6, 2015

Date Prepared: September 24, 2015

Staff Work By: Paul Embler

Presentation By: Paul Embler

Presentation Description:

The applicant wishes to conduct a special event on East Davis Street. The event requires a street closing. Also amplified music and sound will be incorporated to enhance the Halloween theme. One house will be decorated as a Haunted House, another house will be decorated as a Halloween Haunted Trail and a vacant lot will be utilized for kids games and to project the Walking Dead TV Series. There is no anticipated need for security or traffic control by the Police Department, but it would be a safety benefit if the Police Department could park a cruiser midblock and show a presence.

The street closing will involve closing East Davis Street between Third Street and Second Street from 4 pm to 11 pm on October 31, 2015. Event set up will start on October 30th and clean-up will be completed by November 1, 2015.

Organizers of the event intend to incorporate a Food Drive into the event to benefit local Food Closets/Banks.

Action Requested:

The Town Council is asked to take this request under consideration and render a decision with the following conditions:

-No Food Trucks will be allowed, no food shall be sold.

-All events/activities house in part or totally within a structure shall be reviewed and approved by the Smithfield Fire Department



Temporary Use Permit Application

Completed applications should be submitted to the Town of Smithfield's Planning Department at least four weeks prior to the event. All applicants should read the following pages before completing all sections required. Incomplete applications may increase the permit processing time. If a person other than the property owner signs this application, a notarized written authorization from the property owner must be attached.

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

TYPE OF EVENT

PERMIT FEE \$50.

- | | |
|--|--|
| <input type="checkbox"/> Expansion or replacement of existing facilities | <input type="checkbox"/> Construction Trailer |
| <input type="checkbox"/> Sale of agricultural products grown off-site | <input type="checkbox"/> Real estate sales office or model home |
| <input type="checkbox"/> Sale of fireworks | <input type="checkbox"/> Sale of non-agricultural products, except fireworks |
| <input checked="" type="checkbox"/> Special event, over 100 people in attendance | <input type="checkbox"/> Not-for-profit event, over 100 people in attendance |
| <input type="checkbox"/> Athletic event on streets, greenways | <input type="checkbox"/> Town recognized event _____ |
| <input type="checkbox"/> Other (please describe) _____ | <input type="checkbox"/> Live Band / Concert _____ |

Name of Event The Smithfield Halloween House Location of Event (exact street address) 208 E. Davis St Smithfield, NC 27577

Applicant name Christian Callaway-Shipley E-mail address ChristianCallaway84@gmail.com

Address 208 E. Davis St. Smithfield, NC Zip 27577

Day phone _____ Mobile phone 910-578-3540

Event set-up/start time/date 10/30/15 / 10/31/15 6pm Event clean-up/end date/time 11/1/15

Sound amplification hours 5pm - 10pm Will food or goods be sold? yes

Security provided by Smithfield Police or private security (describe duties): Block off Block / Give glow s.

Private agency name & phone, if applicable: _____

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

Do you wish to: Restrict animals at this event? (circle Yes **No**) Prohibit Fireworks? (circle Yes **No**)

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

Applicant's name (print) Christian Callaway-Shipley Signature [Signature] Date _____

PLEASE RETURN THIS PERMIT TO INSPECTIONS AND PERMIT DEPARTMENT WITH \$50.00 FEE.

Method of payment: Cash _____ Check _____ Credit card _____ Amount \$ _____ HTE _____

Reviewing Planner: [Signature] Date: 9/25/15

(Note: See attached letter)
9/25/15 - called food trucks, fire department

Dear City Council,

We are The Callaway-Shipley and The Pate families and we are neighbors that live on East Davis St, between Second and Third St., in Smithfield, NC. We are contacting you for concerns to keep our block safe during Halloween and become an annual event for our town. The event is Smithfield's East Davis St Halloween Haunt on October 31st from 6pm-10pm.

During the past 4 years The Pate Family has decorated his front porch for Halloween and many kids and their families have come to the house and enjoyed the scares and the free candy. Two years ago The Callaway-Shipley Family moved across the street and began to decorate for Halloween also and we started a tradition that has continue to grow each year.

This year we want to take it to the next level but also keep safety in mind as we do this. Each of us want to add more to the haunted houses and even invite some food vendors to sale food and drinks to the community, while they enjoy a night of family fun!

This is the plan:

207 East Davis St. will be decorated for Halloween and the front porch will be created into a Halloween Haunted House that will lead into the lot next door.

208 East Davis St. will also be decorated for Halloween and the front porch, garage and back yard will be a Halloween Haunted Trail.

In the lot next to 207 East Davis St., we would like to invite 2-3 food trucks, put some fun little Halloween games out for the kids to play and project The Walking Dead TV Series. We have permission from the owner of the lot to use this land.

We will clean up our properties and any trash left behind the day following the event.

Lot Owner Signature: Sue Stanfield Date: Sept. 15, 15

After decorating over the last few years together, we have noticed that more and more people continue to come to see our houses and be part of the Halloween fun that we have. Last year we estimated that more than 300 people (more than half kids) come through our little haunts, because of this we would like to request that East Davis St between Second and Third St. be blocked off to traffic. This will allow for more people to walk down the street more freely without the chance of someone being hurt by a driver that may not be paying attention because of all the scenery. We have asked all of the residents that live on our block to sign this letter stating that they agree to have the street blocked between the hours of 4pm-11pm on October 31st 2015. Their signatures are at the bottom of the letter.

We would also like to address parking since we are not allowing cars to pull down the street this year. On the block directly behind 208 East Davis St, is the Board of Education Building, which on a Saturday night should be fairly cleared and would make a great place to park so that parents can bring the kids down the street safely so that they can trick or treat and have some Halloween fun. We could provide signs that would direct traffic to the parking area on each end of the block.

For Security we were hoping that the Smithfield Police Department would voluntary to come park on our block at our houses and hand out glow sticks to the kids like they did last year all on their own. We would like them there between 6pm-10pm. This was a great support and the kids really loved getting the glow sticks. This also would help keep the area safe.

The final thing would be that we will be setting up to do a food drive. We will donate the food collect to: *Local food Bank*

We want to thank you for taking the time to consider our annual Halloween Event and helping support what we are doing to bring the community together for some fun and bring more people from other communities to our town to celebrate with us! Please consider these highlighted points.

- Consider us an Annual Event held within Smithfield
- Block East Davis St between Second and Third St from 4pm-11pm on October 31st
- Ask the Smithfield Police Department to come be part of our event.
- Let people park at the Board of Education Building
- Allow us to invite 2-3 food vendors to set up on our private lot and serve food and drinks to the community. (Purchases will be required)
- Run a Food Drive and donate to: *Local food Bank*

Address:

506 S. Third St

212 E Davis

203 E Davis St.

422 S. Second St.

202 E. Park St

204 E. Davis St.

205 E. Davis St.

Pandy Creech

Ricky Pate

Ricky Pate Jr.
207 East Davis St
Smithfield, NC 27577
919-397-8707

Signature:

[Signature]

Doris Parrish

Rachel Butt

[Signature]

[Signature]

Sue Stanfield

212-E DAVIS

Thank You.
[Signature]

Christian Callaway-Shipley
208 East Davis St
Smithfield, NC 27577
910-578-3540

**TOWN OF SMITHFIELD
Town Council
Information Form**

Applicant: Rev. Charles Davis of the On Time Ministries, Inc., Wilmington, N. C. is petitioning the Council to conduct an Outdoor Revival at Smith-Collins Park.

Date of Meeting: October 6, 2015

Date Prepared: September 25, 2015

Staff Work By: Paul Embler

Presentation By: Paul Embler

Presentation Description:

The applicant wishes to conduct an Outdoor Revival for in excess of 100 people at Smith-Collins Park on October 16 and 17, 2015. The event will be set up and take down will actually occur on the same day of the events. The actual revival hours will begin at 2 pm on October 16th and 3 pm on October 17th. Both days activities will conclude by dark each day.

There will be amplified music and sound for the revival. There will be no food served. No security is anticipated by the Smithfield Police Department except for routine patrols.

Action Requested:

The Town Council is asked to take this request under consideration and render a decision.



Town of Smithfield's Planning Department
 P.O. Box 761 or
 350 East Market Street
 Smithfield, NC 27577
 Effective: January 2008

Temporary Use Permit Application

Completed applications should be submitted to the Town of Smithfield's Planning Department at least four weeks prior to the event. All applicants should read the following pages before completing all sections required. Incomplete applications may increase the permit processing time. If a person other than the property owner signs this application, a notarized written authorization from the property owner must be attached.

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

TYPE OF EVENT

PERMIT FEE \$50.

- | | |
|--|---|
| <input type="checkbox"/> Expansion or replacement of existing facilities | <input type="checkbox"/> Construction Trailer |
| <input type="checkbox"/> Sale of agricultural products grown off-site | <input type="checkbox"/> Real estate sales offices or model home |
| <input type="checkbox"/> Sale of fireworks | <input type="checkbox"/> Sale of non-agricultural products, except fireworks |
| <input type="checkbox"/> Special event, over 100 people in attendance | <input checked="" type="checkbox"/> Not-for-profit event, over 100 people in attendance |
| <input type="checkbox"/> Athletic event on streets, greenways | <input type="checkbox"/> Town recognized event _____ |
| <input checked="" type="checkbox"/> Other (please describe) <u>Outdoor Revival</u> | <input type="checkbox"/> Live Band / Concert _____ |

<u>PRAISE-IN-THE-PARK</u> Name of Event	<u>Smith Collins Park 502 MLK Jr Park Drive</u> Location of Event (exact street address)
--	---

Applicant name ON-TIME-MINISTRIES, INC. E-mail address davi@astr@aol.com
 Address 416 Cree Drive, Wilmington, NC 28403 Zip 28403
 Day phone 910-994-2880 Mobile phone 910-352-5583
 Event set-up/start time/date Oct. 16th / 1:30 PM Event clean-up/end date/time Oct. 16th / Dusk (Sunset)
Oct. 17th / 2 PM Oct. 17th / Dusk (Sunset)
 Sound amplification hours As shown Above Will food or goods be sold? NO
 Security provided by Smithfield Police or private security (describe duties): Routine Patrol
 Private agency name & phone, if applicable: N/A
 Will any Town property be used (i.e., streets, parks, greenways)? Smith Collins Park
 Do you wish to: Restrict animals at this event? (circle Yes No) Prohibit Fireworks? (circle Yes No)

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

ON-TIME-MINISTRIES, Inc. Ron [Signature] 9/23/15
 Applicant's name (print) Signature Date

PLEASE RETURN THIS PERMIT TO INSPECTIONS AND PERMIT DEPARTMENT WITH \$50.00 FEE.

Method of payment: Cash _____ Check _____ Credit card _____ Amount \$ _____ HTE _____

Reviewing Planner: _____ Date: _____
 (Note: See attached letter)



Notes
SMITH COLLINS PARK

Map of
502 Martin Luther King Jr Dr
Smithfield, NC 27577-5378



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ASD
4/23/15
(2)

**ON-TIME MINISTRIES, INC.
BOARD OF DIRECTORS**

Member & Chairman of the Board Rev. Charles Davis Jr.	President Evangelist Beverly Harris
Rev. Connie Armstrong	Treasurer Mr. William Baker
Rev. Oliver Banks	Rev. Anna Davis
Rev. Dewey Furrick	Boarding Secretary Rev. Phoebe Jordan
Chairman Rev. Edwina Pugh-Hudson	Mr. John Roberson
Evangelist Richard Warren	Rev. Kimberly Walker

PLANS, GOALS, & ACCOMPLISHMENTS

- 1) Incorporated in North Carolina and received 501C3 nonprofit status in March 2015;
- 2) Sponsor of Wednesday morning "PRAYER CALL" teleconference from 6:30 - 7:00 AM since 2015;
- 3) Replaced and repaired church sign and equipment in Bolton, NC;
- 4) Sponsored and coordinated outdoor "PRAISE-IN-THE-PARK" youth revival in Wilmington, North Carolina during July 2015;
- 5) Co-sponsored Citywide "MIDNIGHT BASKETBALL" youth program in July 2015;
- 6) Scheduled to coordinate outdoor "PRAISE-IN-THE-PARK" revival in Smithfield, North Carolina in 2015;
- 7) Providing financial support of youth activities and mentoring and administrative support for a tenant association in Wilmington, NC.

***"He may not come when you want Him to,
but He's always on time!"***

CRD
9/22/15
(3)

ON-TIME MINISTRIES, INC.

416 Crete Drive
Wilmington, NC 28403
Phone & Fax: (910) 794-2830
Email: ontimeministries@aol.com
& davipast@aol.com



My Brothers and Sisters in Christ,

Greetings in the name of our Lord and Savior Jesus Christ. This communiqué is sent to introduce **ON-TIME MINISTRIES, INCORPORATED** as an evangelistic and outreach ministry to you. After my retirement from active pastoral ministry, God laid in my spirit to continue ministry through evangelism.

ON-TIME MINISTRIES, INCORPORATED ("OTM, INC.") is a unique independent and non-denominational 501C3 organization created as an evangelistic ministerial non-profit corporation to enrich the lives of people spiritually, physically, mentally, and socially through the preaching of God's Word and various outreach programs.

Its vision and goal is to spread the gospel of Jesus Christ through evangelistic ministry of worship and instructions outside the walls, regionalized crusades, and various outreach programs in North Carolina and elsewhere.

Your tax deductible support of this ministry is encouraged, solicited, and appreciated. If you would like to be a part of the ministry, you may contact me or any member of the board of directors. Your comments and suggestions will be appreciated as well. I look forward to working with you in the days to come.

I ask your prayers as we continue to serve in another vineyard for kingdom building. If you have any questions, don't hesitate to contact me.

Be blessed,
Chuck Davis Jr., Evangelist/Chairman of the Board

Date: **MAR 19 2015**

ON-TIME MINISTRIES INC
416 CRETE DRIVE
WILMINGTON, NC 28403-0000

Employer Identification Number:
47-3888983
DIN:
26053475004325
Contact Person:
CUSTOMER SERVICE HRP 31754
Contact Telephone Number:
(977) 820-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
March 19, 2015
Contribution Deductibility:
Yes
Aidendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from Federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax-deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an aidendum applies, the enclosed aidendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 2408

OPD
9/23/15
(4)

ON-TIME MINISTRIES INC

Sincerely,

Thomas Rippanda

Director, Except Organizations

Letter 5436

CRD
9/23/15
(5)

**Town of Smithfield
Town Council
Action form**

Item: Resolution of Support of the Johnston County Parks and Recreation Master Plan

Date of meeting: October 6, 2015

Date prepared: September 24, 2015

Staff work by: Gary Johnson

Presentation: Gary Johnson

Presentation: The Johnston County Sports Council, a subcommittee of the Johnston County Tourism Authority, has put together the first Johnston County Parks and Recreation Master Plan and has presented it to the Johnston County Board of Commissioners. The Sports Council as part of the Tourism Authority is requesting the support of local municipalities and local civic groups that are involved in the creation, development and providing recreation opportunities for citizens of the county for the adoption of the Johnston County Parks and Recreation Master Plan by the Johnston County Board of Commissioners.

Action Requested: Adopt the Resolution of Support of the Johnston County Parks and Recreation Master Plan.

RESOLUTION # 569 (19-2015) OF SUPPORT FOR ADOPTING THE JOHNSTON COUNTY PARKS AND RECREATION PLAN

WHERE AS, the Johnston County Sports Council, a committee of the Johnston County Tourism Authority, recognized the potential for sports and recreation to drive community growth and provide services to residents throughout the county; and

WHERE AS, all local municipalities and civic groups engaged in recreation pursuits may use the Johnston County Parks and Recreation Master Plan for planning purposes and individual grant applications to improve and development recreation facilities in their perspective communities; and

WHERE AS, all local municipalities and civic groups may use the Johnston County Parks and Recreation Master Plan as a tool to promote parks and recreation in the area, to direct priorities for parks and recreation services, to guide planning for expected growth, to provide general plan policy guiding land use and public services, to understand the public's issues and desires, and to identify funding gaps and directly meeting them; and

WHERE AS, the community partners may use the Johnston County Parks and Recreation Master Plan to determine needs for facilities/programs, have a policy framework for partnerships with the Johnston County Planning Department, and compare services to avoid duplication; and

WHERE AS, the Johnston County Parks and Recreation Master Plan may be adopted as part of the Johnston County Land Use Plan as it pertains to public lands, and development of future county recreation facilities, and in particular the completion of the Mountains to the Sea Trail; and

WHERE AS, the Johnston County Parks and Recreation Master Plan has several immediate, short and long term recommendations of value that require a county representative to facilitate; and

NOW, THEREFORE, LET IT BE RESOLVED THAT: *The Town of Smithfield*, supports the adoption of the Johnston County Parks and Recreation Master Plan as the official document of record for county recreation planning and development, and encourages the Johnston County Commissioners to pursue key recommendations in the plan for the betterment of recreation in Johnston County.

Adopted this the 6th day of October, 2015.

John H. Lampe II, Mayor

ATTEST:

Shannan L. Williams, Town Clerk

**Town of Smithfield
Town Council
Action form**

Item: Capital Improvement Grant from JCVB

Date of meeting: October 6, 2015

Date prepared: September 24, 2015

Staff work by: Gary Johnson

Presentation: Gary Johnson

Presentation: The Johnston County Visitor's Bureau has awarded a capital improvement grant in the amount of \$8,800.00 to the Town of Smithfield Parks and Recreation Department to assist with drainage, irrigation and infrastructure repairs. The grant is a dollar for dollar match and funds allocated in the capital improvement line 10.6200.7400 of the budget that is earmarked for these repairs will be used to match the grant. No additional funds will be requested.

Action Requested: Accept the Capital Improvement Grant from the JCVB.



August 7, 2015

Gary Johnson
Smithfield Parks and Recreation
600 E. Booker Dairy Rd.
Smithfield, NC 27577

Dear Gary,

The Johnston County Tourism Authority has selected Smithfield Parks and Recreation to receive a \$8,800 Capital Grant to improve facilities, and therefore the visitor's experience at the site. The revitalization of fields, grading, irrigation and drainage is a great project to pursue for Smithfield Parks and Recreation, Community Park.

The grant is a dollar for dollar match up to \$8,800, and we will reimburse you with a check when work has been completed on the fields.

We look forward to seeing the new addition in 2016. The work on the grant should be completed and requests for fund should be submitted by June 15, 2016.

Sincerely,

A handwritten signature in black ink that reads "Donna".

Donna Bailey-Taylor
President/CEO

Town of Smithfield
Town Council
Action Form

Item: Consideration and Approval of Amendments to the James P. George Endowment Agreement and the J. B. George Endowment Agreement

Date of Meeting: October 6, 2015

Date Prepared: September 24, 2015

Staff Work By: Shannan Williams, Town Clerk

Presentation: Consent Agenda

Background: In January of 2013, the Council approved amendments to the J.B. George Endowment Agreement made by Mr. James P. George and in June of 2015, the Council approved an agreement with Mr. George to establish a second endowment fund.

Mr. George is requesting that both of these endowment agreements be amended to include language that will allow for funds to be utilized for establishing a Town nursery.

Below is an excerpt of the agreements highlighting the changes:

J.B. George Agreement (page 2 of the agreement)

Types of Projects: The type of project on which the interest income may be expended in this Agreement is as follows:

a. Planting of trees, shrubs, bushes, flowers, vines, vegetable gardens, flower gardens and grass lawns. *Also this includes "seed money" for establishing a town NURSERY for an inventory of trees, shrubs, bushes, flowers and grasses. These funds cannot be used for regular pruning, watering, and other necessary maintenance for the nursery.* The cost of labor, materials, transportation and other site preparation expenses (including cutting down trees and grinding up their stumps for replacement only of another tree). Completion photos are **mandatory**.

James P. George Agreement (page 2 of the agreement)

4. Purpose and uses of the Fund: The Fund is to be used to support **individual** tree projects undertaken by the Town of Smithfield to beautify "neighborhood streets", Market Street, Bright Leaf Boulevard and other through fares within the town's contiguous limits. *Also this includes "seed money" for establishing a Town Nursery for an inventory of permitted trees to be planted. Any Smithfield home owner or citizen who want trees on his/her street shall be given consideration (See Exhibit A).* Any income that is not spent by the end of the fiscal year CAN be carried over to the following fiscal year(s) for future projects. The term "fiscal year" shall mean the Town of Smithfield's fiscal year. This Fund is an "ADDITION", not to supplant any other funds or Town expenditures for trees. This is not a tree removal fund. The Endowment Fund principal will NOT be spent.

Action Requested: Consider and approve the amendments to the J.B. George Endowment Agreement and the James P. George Endowment Agreement and authorize the Mayor to sign the document on behalf of the Town.

J.B. GEORGE ENDOWMENT AGREEMENT
As of January 1, 2013

THIS ENDOWMENT AGREEMENT supersedes the Agreement between James P. George (Donor) and The Year Round Garden Club of Smithfield, North Carolina as recorded in Book 1191 Page 53 of the Johnston County Registry, and its successor the "Appearance Commission" of the Town of Smithfield. It also **supersedes** the Agreement between James P. George and the Town of Smithfield dated January 3, 2006 as recorded in Book 3047 Page 307-314 of the Johnston County Registry and The Agreement between the same principals dated January 1, 2007 as recorded in Book 3266 Page 91-99 of the Johnston County Registry. It also **supersedes** the Agreement in Book 3952 Page 418-428. The donor wished to transfer the principal endowment of one hundred and seven thousand and eight hundred seventy seven dollars and 83 cents (\$107,877.83) as of June 30, 2012 to a new endowment fund and agreement which the Smithfield Appearance Commission shall administer. This endowment is created in honor of Josephine Barefoot George, mother of the donor. All persons and organizations making contribution to this endowment fund and those who administer it shall be bound by the terms of this Agreement.

Terms of Agreement:

1. **Name of Fund:** The endowment fund hereby created shall be known as the Josephine B. George Beautification Fund here after referred to as the J.B. George Fund or Fund.

2. **Investment and Expenditure of Principal and Interest:** It is the intend and purpose of the parties to this Agreement that the principal of one hundred and seven thousand and eight hundred and seventy seven dollars and 83 cents (\$107,877.83) as of June 30, 2012 and subsequent additions will be maintained in perpetuity as a permanent endowment fund. The income from said principal is to be used to support projects undertaken by and at the direction of the Appearance Commission, consistent with the provisions of this Agreement. Only The Town of Smithfield shall be responsible for the investment of the funds, the security of the funds, and disbursement of the funds from endowment.

3. **Purpose and uses of the Funds:** The Fund is to be used to support beautification projects undertaken by individuals (first priority), civic clubs, non-profit organizations, (including churches), Appearance Commission or its successor, and the Town of Smithfield to beautify "neighborhoods" and other public places in the Town of Smithfield. To that end, ONLY the Appearance Commission or its successor or the Town can ONLY expend the ANNUAL income (interest, dividends, earnings) from the endowment principal during any given fiscal year toward approved projects in that fiscal year. Any income for any reason that is not either spent or encumbered by the end of the fiscal year in which it is earned shall be added to the principal endowment to ensure growth of the Fund, to account for inflation and to assure that the income earnings are being spent annually. The term "encumbered" shall mean that a purchase order has been issued prior to June 1st of the fiscal year and that the bill is rendered for payment by June 30th. The term "fiscal year" shall mean the Town of Smithfield's fiscal year. This Fund is "an ADDITION, not to supplant any other funds or Town expenditures". The Endowment Fund is NOT to be spent!

4. **Types of Projects:** The type of project on which the interest income may be expended in this Agreement is as follows:

a. Planting of trees, shrubs, bushes, flowers, vines, vegetable gardens, flower gardens and grass lawns. *Also this includes "seed money" for establishing a town NURSERY for an inventory of trees, shrubs, bushes, flowers and grasses. These funds cannot be used for regular pruning, watering, and other necessary maintenance for the nursery.* The cost of labor, materials, transportation and other site preparation expenses (including cutting down trees and grinding up their stumps for replacement only of another tree). Completion photos are **mandatory**.

b. Funds may also be expended for **OUTDOOR** hanging baskets and their contents, benches, seating, shrubs, flower planters, sculptures, statues, special lighting, special audio, clocks, rock gardens, water gardens or pools, relief stations (privies) including pet refuse stations, fountains, large concrete planters, ornamental street signs, murals (including reliefs) decorative sidewalks or street treatments, hanging street banners, U.S. flags {Stars & Stripes} (BUT not any U.S. flags for U.S. Hwy. 70 Business or U.S. Hwy. 301 Brightleaf Boulevard), "Welcome to Smithfield" town limit signs, information signs, directional signs, and commemorative plaques with base in town parks only. Completion photos are **mandatory**.

c. The cost of inserts in town mailings and newspaper ads will be a legitimate expense to the J.B. George Fund.

d. Any items **NOT LISTED** in the above three (3) sections (a, b, and c) are **FORBIDDEN** as a qualified expense.

e. All projects must be within the public rights-of-way, or public poverty within the contiguous municipal boundaries of the Town of Smithfield.

f. Any party utilizing these funds for projects will be responsible for property damages, misfeasance, misappropriation of funds and/or property that shall not hold the Town of Smithfield liable for such actions.

g. If the recipient of the funds is any party other than the Town of Smithfield, then that individual or group will be responsible for the maintenance of the project upon completion. This includes regular pruning, watering, and other necessary actions to maintain the project in its original condition. The Appearance Commission OR Town is responsible to verify that the expenditure of the funds is in accordance with the approved project application.

h. These funds cannot be used for salaries of town employees. The Town of Smithfield is to assume responsibility for future repairs and maintenance to infrastructure items (item b.) that are installed under this agreement from the Town's own general operations budget.

5. The Appearance Commission, Town of Smithfield, civic organizations, non-profit organizations and individual town citizens (first priority) shall have a right to request funding for a specific project by a specified deadline date by application form. (See Exhibit A).

6. In view of the fact that the Appearance Commission has the **plenary authority** to disperse these funds---**ONLY** the Appearance Commission can approve projects or expenditures from this Fund. **NEITHER** the Town Council, Mayor, Town Manager, nor town department supervisors nor anyone else may approve projects or expenditures. If the Appearance Commission has been dissolved, then **ONLY** the Mayor can approve projects and expenditures. The Town Council may **reject** any projects. All parties **must** request projects through the same application process to the Appearance Commission. The Appearance Commission and Town **MUST** make a "good faith effort" at least annually to notify the town citizens, civic, and non-profit organizations of the availability of these funds including but not limited to:

a. The Town **MUST** post on its Internet Web site an **application form** which can be downloaded or printed. (See Exhibit A). Also the "**purpose and use of funds**" and "**type of projects**" items **4a, 4b** and **locations**. Also a telephone number to secure an application by U.S. mail. (See Exhibit B).

b. The Town **MUST** place the **first sentence** in item 4a at least four (4) times annually in April in the local newspaper [The Herald or its successor]. (See Exhibit C) {**Legal Notice**}.

c. The deadline for individuals, civic, and non-profit organizations **SHALL** preferably be July 1st, but at the latest---the First Appearance Commission meeting of the new fiscal year! The Town and Appearance Commission must submit applications at or after the First Appearance Commission meeting of the new fiscal year.

d. The cost of the town insert mailings and newspaper ads **WILL BE** a legitimate expense to the J.G. George Fund.

e. This agreement **MUST** be posted in its entirety (including exhibits) on the Town Web site. (**Legal Notice**).

7. The Appearance Commission may make funds available to the applicants set forth in paragraph 5 by any of the following methods:

- a. Direct grants; or
- b. Reimbursement of expenditures after completion of projects, or
- c. Matching funds for projects

8. All expenditures must comply with state and town laws, ordinances and regulations. The Appearance Commission or Town is responsible to verify that the expenditure of the funds is in accordance with the approved project application.

9. The Appearance Commission may:
 - a. Set monetary limits;
 - b. Request necessary data, such as site plans, description, cost estimates, photos, and time schedule as part of the application process;
 - c. Specify live plant types;
 - d. Specify shape, size, colors, materials, etc. of non-plant projects

10. A copy of this Agreement, Town Community Appearance Commission Ordinance, and the Appearance Commission By-Laws shall be given to each Appearance Commission member and new members as they join the Commission.

11. Within ninety (90) days from the end of the Town's fiscal year, the Appearance Commission/Mayor **SHALL issue** a detailed **annual** summary of the income, projects, the sponsors, expenditures, and beginning & remaining balance including income that reverts back to the principal of the J.B. George Fund for that Fiscal year just ended. This **annual report** (See Exhibit D) shall also contain mandatory photos. The annual report of the Appearance Commission, a public document under N.C. General Statute 132-1 shall be given to the Town Manager and Town Council and posted on the Town's Internet Web site. The J.B. George Fund shall also be included in the annual financial statements and audit of the Town of Smithfield. Copies of all reports shall be made available to the public upon request. In the event that the Appearance Commission is unable to furnish an annual report, the Town Manager or his designate shall do so.

12. This Agreement may be amended in part or in total with the agreement of the Appearance Commission, the Town Council and the Donor.

13. This Agreement **WILL NOT** be printed nor posted on the town web site in any other language than **ENGLISH** by the Town of Smithfield, the Town Appearance Commission or any of its employees or members.

14. The parties to this Agreement hereby acknowledge that the lawful residents of the Town of Smithfield, collectively and individually, are its intended beneficiaries and that the provisions of this Agreement are to be interpreted to that end. Any lawful resident of the Town of Smithfield shall have standing to enforce the Parties' compliance with the provisions of this Agreement.

15. (a) Upon the willingness or inability of the Appearance Commission and/or the Town to administer the Fund in accordance with this Agreement, the Town may assign this Agreement, and the Fund itself, to any legal entity within Johnston County with a demonstrated commitment to preserving and enhancing the beauty of the Town of Smithfield, another municipality in Johnston County and/or Johnston County in a manner consistent with the types of projects authorized in this Agreement.

(b) Upon the failure of the Appearance Commission and/or the Town to administer the Fund in accordance with this Agreement or to assign it in accordance with this

Agreement or to assign it in accordance with subsection (a) of this paragraph, the Donor or his designee(s) shall have the discretion to require the Town to assign this Agreement, and the Fund itself, to any legal entity of the Donor or his designee(s)' choosing within Johnston County with a demonstrated commitment to preserving the enhancing the beauty of the Town of Smithfield, another municipality in Johnston County, and/or Johnston County itself in a manner consistent with this Agreement. The Town shall make such assignment within ninety (90) days of notice from the Donor or his designee(s).

(c) In the event the Town fails to assign this Agreement pursuant to subsection (b) of this paragraph, this Agreement shall be dissolved without further action by the Donor or his designee(s) and the Fund shall automatically revert back to the Donor or his designee(s) in its entirety, provided, however, that any expenditures duly approved pursuant to the terms of this Agreement as of the date one day prior to the Town's receipt of notice under subsection (b) of this paragraph shall be funded in accordance with the provisions of this Agreement. In the event of dissolution of this Agreement under this subsection (c), The Town shall pay the monies in Fund to the Donor or his designee(s) within (30) days of dissolution.

16. The Town of Smithfield shall reimburse the J.B. George Beautification Fund for any misappropriations or expenditures of this Fund not approved in accordance with the provisions of this Agreement.

17. Public or private funds can be used to match or supplement The Appearance Commission's projects.

18. If any part of this Agreement is found to be null and void by the judicial system then the other sections shall remain Legally binding upon the parties.

19. The documents that make up this Agreement consist of the following:

(a) The terms and conditions as contain herein;

(b) Exhibit A Application Form (pages 7 & 8);

(c) Exhibit B Purpose and Uses of the Fund to be posted on the Town Web site (page 9);

(d) Exhibit C Public Notice to be placed in the local newspaper 4 times annually in April (page 10);

(e) Exhibit D the Annual Report given to the Town Manager, Mayor, and Town Council and posted in the APPEARANCE COMMISSION archive page on the Town's Web site (page 11).

IN TESTIMONY WHERE OF, said parties of the first part have hereunto set their hands and seals the day and year first above written.

By the First Party

____/____/____

James P. George (Donor)

And By Parties of the Second Part:

John H. Lampe III, Town Mayor

____/____/____

Jim Freeman , Interim Town Manager

____/____/____

Anita Liverman, Appearance Commission Chairperson

____/____/____

Attested by:

Shannan Williams, Town Clerk (SEAL)

Exhibit A
APPLICATION FORM (by U.S. mail and Town Web site)
NOTICE: Deadline for this application is **JULY 1st!!!**

1. **ALL** projects must be within the public right-of-way, or public property within the contiguous municipal boundaries of the Town of Smithfield.
2. Any party utilizing these funds for projects will **be responsible** for property damages, misfeasance and misappropriation of funds and/or property and shall not hold the Town of Smithfield liable for such actions.
3. If the recipient of the fund is someone other than the Town of Smithfield, that individual or group will be responsible for the **maintenance** of the project upon completion. This includes regular pruning, watering, and other necessary actions to maintain the project in its original condition.

This application must be accompanied by:

1. A sketch plan which illustrates the nature of your request.
2. A cost estimate of the project.
3. A list of planting materials and other materials that will be used in accomplishing the project. Please list live plant types, their size, shape and color.
4. The addresses of all property involved in the proposed project(s). Have the effected property owners been contacted and made aware of the project. Yes No
5. Type of Grant requested: Direct Grant; Reimbursement;
 Matching Funds
6. Do you propose to attach items to Utility Poles? Yes No
7. If yes to item 6, have you gotten written permission from the appropriate Utility?
 Yes No

If yes, please attach a copy of the Joint Use Pole Agreement granting permission to attach to the Utility Pole(s). The contact person for the local utilities are as follows:
Town of Smithfield—Director of Utilities 919-934-2798
Century Link—Local Engineer 919-553-0361
Progress Energy—Local Engineer 919-965-1541

Signature of Applicant/Contact Person

Date

Telephone Number

Email Address

TO BE COMPLETED BY THE TOWN OF SMITHFIELD

Date received by the Town and/or Appearance Commission _____

Request Number _____

Approved _____; Denied _____; Needs more information _____

Comments:

Chairperson or Secretary
Appearance Commission

Date

Exhibit B

NOTICE: This information must be posted verbatim on the Town Web site.

This information sheet is to be included with an application.

Purpose and uses of the Funds:

The Fund is to be used to support beautification projects undertaken by **individuals (first priority)**, civic clubs, non-profit organizations (including churches), Appearance Commission, and the Town of Smithfield to beautify "**neighborhoods**" and other public places in the Town of Smithfield.

Types of Projects:

a. Planting of trees, shrubs, bushes, flowers, vines, vegetable gardens, flower gardens and grass lawns. The cost of labor, materials and transportation and other site preparation expenses (including cutting down trees and grinding up its stumps for replacement only of another tree). Completion photos are mandatory.

b. Funds may also be expended for **OUTDOOR** hanging baskets and their contents, benches, seating, shrubs, flower planters, sculpture, statues, special lighting, special audio, clocks, rock gardens, water gardens or pools, relief stations (privies), including pet refuse stations, fountains, large concrete planters, ornamental street signs, murals (including reliefs), decorative sidewalks or street treatments, hanging street banners, and U.S. flags (BUT not any U.S. flags on U.S. Hwy 70 and U.S. Hwy 301 Boulevard), "Welcome to Smithfield" town limit entrance signs, information signs, directional signs and commemorative plaques with base in town parks only. Completion photos are mandatory.

Location of Projects:

ALL projects must be within the public right-of-way, or public property within the contiguous municipal boundaries of the Town of Smithfield.

Call 919-934-2116 Ext. 1114 for information and an application by U.S. Mail.

Exhibit C

**This Public Notice must be placed in the local newspaper four (4) times annually in
APRIL**

NOTICE TO SMITHFIELD CITIZENS

You may make application for the Josephine B. George Beautification funding for this year. This involves planting trees, shrubs, bushes, flowers, vines, vegetable gardens, etc. Call 934-2116, ext 1114 for information and application. Deadline for filing is July 1st. (Cut and Save this notice)

OR

NOTICE

Smithfield Citizens may make application for the Josephine B. George Beautification Fund for this year. This involves planting trees, shrubs, bushes, flowers, vegetable gardens, etc. Call 934-2116, ext. 1114 for more information and an application. Deadline for filing is July 1st
Cut & Save this!

Exhibit D
ANNUAL REPORT

The Annual Report to the Town Manager, Mayor and Town Council MUST contain the following information:

There was advertising in the Herald; applications received; projects & the amount; the beginning Endowment Balance; Interest income for the year; Expenditures; reverts, the ending balance at the close of the fiscal year; photos & posting on the Town Web site.

FORMAT

Mayor and Town Council
Town Manager

Dear Councilmen,

This ANNUAL REPORT is to inform you of action taken by the Appearance Commission regarding the J.B. George Beautification Endowment Fund for the fiscal year July 1, 2____ to June 30, ____.

The Town has advertised in the HERALD four times in April about the availability of beautification funds. YES _____ NO _____

There were no applications by individuals, etc. Neither the Appearance Commission, not the Town of Smithfield submitted any project applications. **(OR)**

There were two applications XYZ Garden Club and the Downtown Club.

The beginning Endowment balance on July 1, 2____ was \$_____.

There were no expenditures/disbursements during the year. **(OR)**

There was expenditures of \$_____ for _____ TREES on 3rd Street, etc.

Unspent Interest Reverted to Fund Principal _____.

The ending Endowment Balance on June 30, 2____ was \$_____.

This Annual Report includes photos will be posted on the APPEARANCE COMMISSION page on the Town's Web site with photos.

If you need any more information please contact me.

Sincerely,

\s\

Appearance Commission Chairperson or Town Staff member & Telephone Number

Page 11 of 12

Initials _____

North Carolina, Johnston County

I, _____, a Notary Public, do hereby certify that Shannan L. Williams personally come before me this day and acknowledged that she is the Town Clerk of the Town of Smithfield, a North Carolina municipal corporation, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by its Town Manager, sealed with its corporate seal and attested by her as its clerk.

Witness my hand and official seal, the _____ day of _____, _____

, Notary Public

My Commission Expires: _____

North Carolina, Johnston County

I, Shannan L. Williams, a Notary Public, certify that James P. George, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this _____ day of _____, _____.

Shannan L. Williams, Notary Public

My Commission Expires: May 20, 2017

JAMES P. GEORGE ENDOWMENT AGREEMENT
April 15, 2015

THIS ENDOWMENT AGREEMENT IS BETWEEN James P. George (Donor) and The Town of Smithfield, North Carolina. The donor wishes to establish an endowment of approximately Twenty Five thousand dollars (\$25,000) in value as of April 15, 2015 as well as an agreement which the Town of Smithfield shall administer. All persons and organizations making contributions to this endowment fund, and those WHO ADMINISTER is shall be bound by the terms of this Agreement.

Terms of Agreement:

1. **Name of Fund:** The endowment fund hereby created shall be known as the “**J.P. George Tree Lined Street Fund**” herein referred to as **J.P. George Fund** or as the **FUND**.

2. **Investment and Expenditure of Principal and Earnings:** It is the intent and purpose of the parties to this Agreement that the principal of approximately Twenty Five thousand dollars (\$25,000) as of April 15, 2015, and any following “subsequent additions” as such will be maintained in perpetuity as a **permanent endowment fund** to support tree projects undertaken by and at the direction of the Town of Smithfield consistent with the provisions of this Agreement. Only the “Town” shall be responsible for the investment of the fund, security and the disbursement of the earnings from the endowment.

3. **Investment Account:** The Town accepts the Twenty-Five Thousand Dollars (\$25,000) as invested at the time of acceptance by the Town, which is an investment account likely including bonds and securities with more market exposure than the Town usually allows for its invested funds. The Local Government Commission has advised the Town that it may leave the funds in the current account. The Donor has requested that the Town keep the funds in the current investment account that the Donor has chosen at the time of the gift. Therefore, the Town will for some time agree to retain the funds in the current investment account and will likewise retain any addition thereto but that Town reserves the tight to transfer the funds at any time without notice to anyone to the more conservative investment options allowed Town fund generally.

4. **Purpose and uses of the Fund:** The Fund is to be used to support **individual** tree projects undertaken by the Town of Smithfield to beautify "neighborhood streets", Market Street, Bright Leaf Boulevard and other through fares within the town's contiguous limits. **Also this includes "seed money" for establishing a Town Nursery for an inventory of permitted trees to be planted.** Any Smithfield home owner or citizen who want trees on his/her street shall be given consideration (See Exhibit A). Any income that is not spent by the end of the fiscal year CAN be carried over to the following fiscal year(s) for future projects. The term "fiscal year" shall mean the Town of Smithfield's fiscal year. This Fund is an "ADDITION", not to supplant any other funds or Town expenditures for trees. This is **not a tree removal** fund. The Endowment Fund principal will **NOT** be spent.

5. **Types of Projects:** The type of projects on which the earned income may be expended in this Agreement are as follows:

a. The planting of deciduous trees, evergreen trees, Italian Cypress trees, and (shrubs, flowers and mulch) around these tree plantings areas. **CREPE MYRTLES ARE NOT TO BE PLANTED WITH THESE FUNDS.** The cost of non-Town labor, materials (fertilizer, stakes, wire, dirt), transportation and other site preparation expenses (including cutting down trees and grinding up its stump for replacement only of another tree) are permissible. If a tree dies or is missing then it should be replaced within a couple of years with this fund's income.

b. Any items **NOT LISTED** in section (a.) are **FORBIDDEN** as qualified expense.

c. These funds **CANNOT** be used for salaries or pay of town employees, which includes administrative, clerical, manual, supervision OR any legal expenses OR consultation fees. The Town of Smithfield will assume responsibility for future maintenance of the projects upon completion. This includes regular pruning, watering and other necessary actions to maintain the trees in their original condition.

d. This Agreement **MUST** be posted in its entirety (including exhibits) on the Town Website in the Appearance Commission section (LEGAL NOTICES).

6. **Annual Report:** Within thirty (30) days from the end of the Town's fiscal year, the Public Works Director or Town Manager or his designate **SHALL** issue a detail annual summary of the income, projects, expenditures from the J.P. George Fund for that fiscal year just ended. This **annual report** (See Exhibit B) shall also contain mandatory photos. This annual report is a public document under N.C. General Statute 132-1 and shall be given to the Town Manager, Mayor, Town Council and **posted** on the Town's Internet Web site in the Appearance Commission section. This report shall be archive in the Appearance section on the Town web site. The J.P. George Fund shall also be included as a **separate** identity in the annual Town financial statement of the Town of Smithfield, and a separate listing of the **FUND** in the annual audit report. Copies of all reports shall be made available to the public upon request.

7. **Amendments:** This Agreement may be amended in part or in total with the agreement of the Town Council and the Donor.
8. **Language:** This Agreement will be printed and posted in the Town reports and on Town web site in **ENGLISH ONLY (Legal Notice)**.
9. **Smithfield Citizens:** Any lawful resident of the Town of Smithfield shall have standing to enforce the compliance of the provisions of this Agreement and is entitled to reasonable legal fees if he or she proves that monies from the J.P. George Endowment Fund were spent contrary to the terms of this Agreement.
10. **Matching Funds:** The Town can use matching funds from other governmental funds, individuals and business community, etc. for more compressive tree projects.
11. **Reimbursement:** The Town shall reimburse the "J.P. George Endowment Fund" for misappropriations or expenditures of this Fund not approved in accordance with the provisions of this Agreement.
12. **Null and Void:** If any part of this Agreement is found to be null and void by the judicial system then the other sections shall remain legally binding upon the parties.
13. **Documents:** The documents that make up this Agreement consist of the following:
 - (a) The terms and conditions as contain herein above;
 - (b) Exhibit A (Page 5) Request Form for Street Tree Planting
 - (c) Exhibit B (Page 6) The Annual Report and mandatory photos given to the Town Manager, Mayor, and Town Council and posted on the Town Web site under the Appearance section.
14. **Entire Agreement.** This instruments constitutes the entire agreement between the parties and supersedes any and all prior agreements, arrangements and understandings, whether oral or written, between the parties. All negotiations, correspondences and memorandums passed between the parties hereto are merged herein and this agreement cancels and supersedes all prior agreements between the parties with reference hereto. No modification of this instrument shall be binding unless in writing, attached hereto, and signed by the party against whom or which it is sought to be enforced.

IN TESTIMONY WHERE OF, said party have hereunto set his hand and seal this day and year.

By the First Party

Date: _____

James P. George (Donor)

And By Parties of the Second Part:

John H. Lampe III, Town Mayor

Jim Freeman, Interim Town Manager

Anita Liverman, Appearance Commission Chairperson

Attested by:

(SEAL)
Shannan Williams, Town Clerk

*This instrument has been preaudited in the manner
Required by the Local Government Budget and
Fiscal Control Act.*

Gregory Siler, Finance Officer

North Carolina, Johnston County

I, the undersigned, a Notary Public, do hereby certify that Shannan Williams personally came before me this day and acknowledged that she is the Town Clerk of the Town of Smithfield, a North Carolina municipal corporation, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by its Town Manager, sealed with its corporate seal and attested by her as its clerk.

Witness my hand and official seal this the _____ day of _____, 2015.

Notary Public

My Commission Expires _____

North Carolina, Johnston County

I, the undersigned, a Notary Public, certify that James P. George, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this the _____ day of _____, 2015.

Notary Public

My Commission Expires _____

Exhibit A

(Sample Format)

REQUEST FORM FOR NEIGHBORHOOD TREE PLANTING

I would like to request that _____ trees be planted in the
(PREFERENCE if any)

_____ Block of _____ Street or Highway or Avenue etc. I

understand that this is just a request and **does not** guarantee planting! This request is to be
submitted before June 30th of this year.

Name

Home Address

Date

I can best be contacted at my home address OR

By telephone _____ OR

Email Address _____ OR

Other _____.

Mail to: Town of Smithfield
350 East Market St.
P.O. Box 761
Smithfield, NC 27577
Attn: Public Works Director
Telephone: 919-934-2116
Fax: 919-934-1134
Email: lenny.branch@smithfield-nc.com

Exhibit B

ANNUAL REPORT

The Annual report to the Mayor, Town Council and Town Manager **MUST** contain the following information. The Endowment Balance; earned annual income; expenditures, projects, carry over income, and photos. This report will be posted on the Town Website with **PHOTOS**.

Format Wording

Mayor and Town Council
Town Manager

Dear Councilmen,

This ANNUAL REPORT is to inform you of action by the Town regarding the "J.P. George Tree Lined Street Fund" for the fiscal year July 1, 2__ to June 30, 2__.

The Endowment Principal ending on July 1, 2__ was \$_____.

The annual earned income for the year through June 30, 2__ was \$_____ plus carry over income from the last fiscal year of \$_____ for a total available income of \$_____.

There were no projects/expenditures/disbursement during the year; therefore, the earned income of \$_____ will be carried over to the following year for other projects.

(OR)

There were expenditures (\$_____) for Cherry trees on College Road and (\$_____) for Dogwood trees on Bright Leaf Boulevard. Unspent income \$_____ will be carried over to the following year for other projects.

This Annual report will be posted on the Town's Website with the enclosed photos of completed projects. If you need any more information please contact me.

Sincerely,

Public Works Director
(919-934-2116)
Enc: Photos

Page 7 of 7

Initials_____

TOWN OF SMITHFIELD
TOWN COUNCIL ACTION FORM

Item Title: Surplus of Town property for donation to Johnston Community College for training purposes and surplus of additional items to be sold on govdeals.com

Date of Meeting: October 6, 2015 **Date Prepared:** September 23, 2015

Staff Work By: **Presentation By:** Consent Agenda
John Blanton – Interim Fire Chief
Pete Connet – Interim Public Utilities Director
Shannan Williams – Town Clerk

Presentation Description:

The Fire Department is asking for consideration to have two Zoll M-series defibrulators, surplused for donation. We would like the town to donate them to Johnston Community College for training purposes. These monitors are from when Smithfield EMS had transferred to the County. The Monitors are of very little value to the Town, as we no longer use them.

The Public Utilities Department is requesting approval to surplus and auction on Gov.Deal.com

Action Requested:

Approval of Resolution # 570 (20-2015) to surplus the listed items and to the transformers to be auctioned on govdeals.com and to allow two Zoll Monitors, serial numbers (TO4163435),(TO4163434) to be donated to Johnston Community College for training purposes. The Johnston Community College Paramedic Program can benefit from the use of these monitors to teach their students. See attached photo

**TOWN OF SMITHFIELD RESOLUTION # 570 (20-2015)
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			
FD	TO4163435		Zoll Defribulator –Donate to JCC			
FD	TO4163434		Zoll Defribulator –Donate to JCC			
Transformers						
#	KVA	CSP/Conv	Brand	Serial #	OH/UG	1 or 3 Phase
1A	25	CSP	Transformer	2915015	oh	11
2A	50	CSP	GE	L106148Y73AA	ug	1
3A	50	CSP	SE	17637	oh	1
4A	25	CSP	WH	74AB5733	oh	1
5A	10	CSP	ABChance	70B4688	oh	1
6A	50	Conv	GE	E903103-62Y	oh	1
7A	50	Conv	NA	76A471344	oh	1
8A	50	Conv	NA	76AA71862	oh	1
9A	25	CSP	Howard	634304379	oh	1
10A	50	CSP	WH	79A183709	oh	1
11A	25	CSP	WH	83A452655	oh	1
12A	25	CSP	WH	74AB5726	oh	1
13A	100		SE	711702	ug	1
14A	50	CSP	WH	77A425463	oh	1
15A	50	CSP	WH	71AJ8195	oh	1
16A	25	CSP	WH	D711BL25VA	oh	1
17A	25	CSP	WH	70A5355	oh	1
18A	25	CSP	GE	H622348Y68A	oh	1
19A	25	CSP	Elect. Ind.	6707766	oh	1
20A	15	CSP	SE	74AA12085	oh	1
21A	25	CSP	WE	77A042284	oh	1

22A	25	CSP	WE	80A480331	oh	1
23A	25	CSP	AC	4467783	oh	1
24A	25	CSP	Line Material	1911620	oh	1
25A	25	Conv	Howard	205231876	oh	1
26A	25	CSP	WH	80A480339	oh	1
27A	25	Conv	Howard	205251576	oh	1
28A	100	Conv	AC	4931497	oh	1
29A	15	CSP	WH	67AM2981	oh	1
30A	25	CSP	Mack G	68268E3810	oh	1
31A	25	CSP	WH	74AL11866	oh	1
32A	37.5	Conv	WH	67AM3170	oh	1
33A	50		SE	1123904	ug	1
34A	50	CSP	WH	76A502468713	oh	1
35A	25	CSP	ERMCO	10808644712	oh	1
36A	37.5	Conv	GE	J168890Y69A	oh	1
37A	150		GE	1455714174AA	ug	3
38A	100		Chance	84L13873	ug	1
39A	75	Conv	WH	69AM13470	ug	1
40A	37	CSP	SE	67AC2001	oh	1
41A	25	CSP	GE	G492170-66Y	oh	1
42A	25	CSP	WH	67AG3699	oh	1
43A	15	CSP	Line Material	1715962	oh	1
44A	25	CSP	WH	72AL15538	oh	1
45A	75	Conv	WH	69AM12715	oh	1
46A	50	CSP	WH	83A050774	oh	1
47A	25	CSP		NO TAG	oh	1
48A	75	Conv		NO TAG	oh	1
49A	100	Conv	GE	D952016-59Y	oh	1
50A	100	Conv	GE	D592017-59Y	oh	1
51A	100	Conv	SE	87612471	oh	1
52A	25	CSP	Howard	20187-1576	oh	1
53A	25	CSP	WH	71AH4022	oh	1
54A	25	CSP	Pole Star	6-04236-2-60	oh	1
55A	25	CSP	Wagner	71450547	oh	1
56A	25	CSP	GE	H622339Y68A	oh	1
57A	25	CSP	Wagner	5T68991	oh	1
58A	15	Conv	Howard	22033-1676	oh	1
59A	10	CSP	GE	D264843-58P	oh	1
60A	50	Conv	GE	F5033838-65P	oh	1
61A	15	CSP	WH	77A513342	oh	1

62A	37.5	CSP	Howard	53609-3974	oh	1
63A	100	Conv	SE	69491931	oh	1
total kva	2644.5					

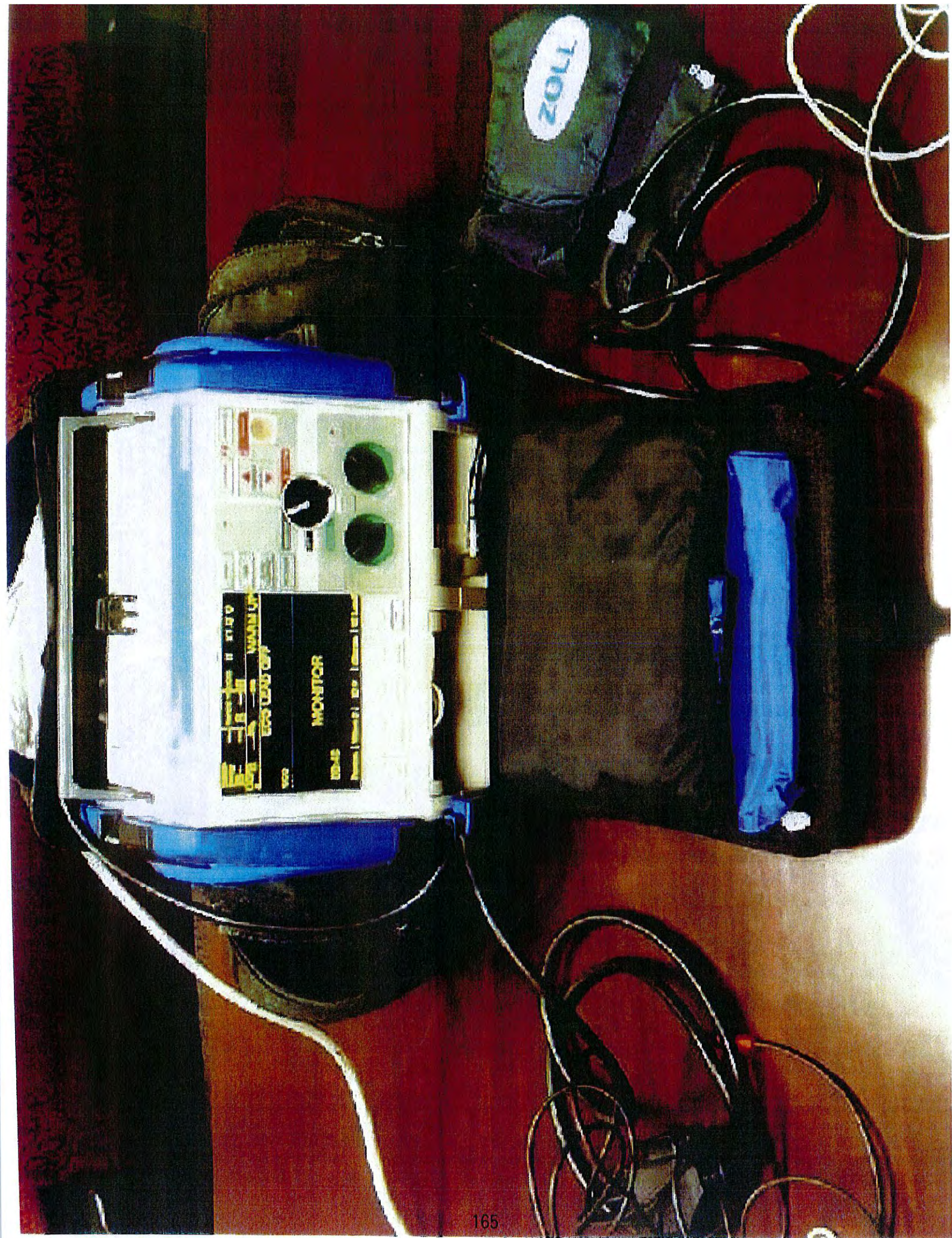
2. Two debribulators listed above will be declared surplus and donated to Johnston Community College for training purposes.
3. The Interim Town Manager or his designee is authorized to receive, on behalf of the Town Council, bids via public electronic auction for the purchase of the described property.
4. The public electronic auction will be held beginning no earlier than October 16, 2015.
5. 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.

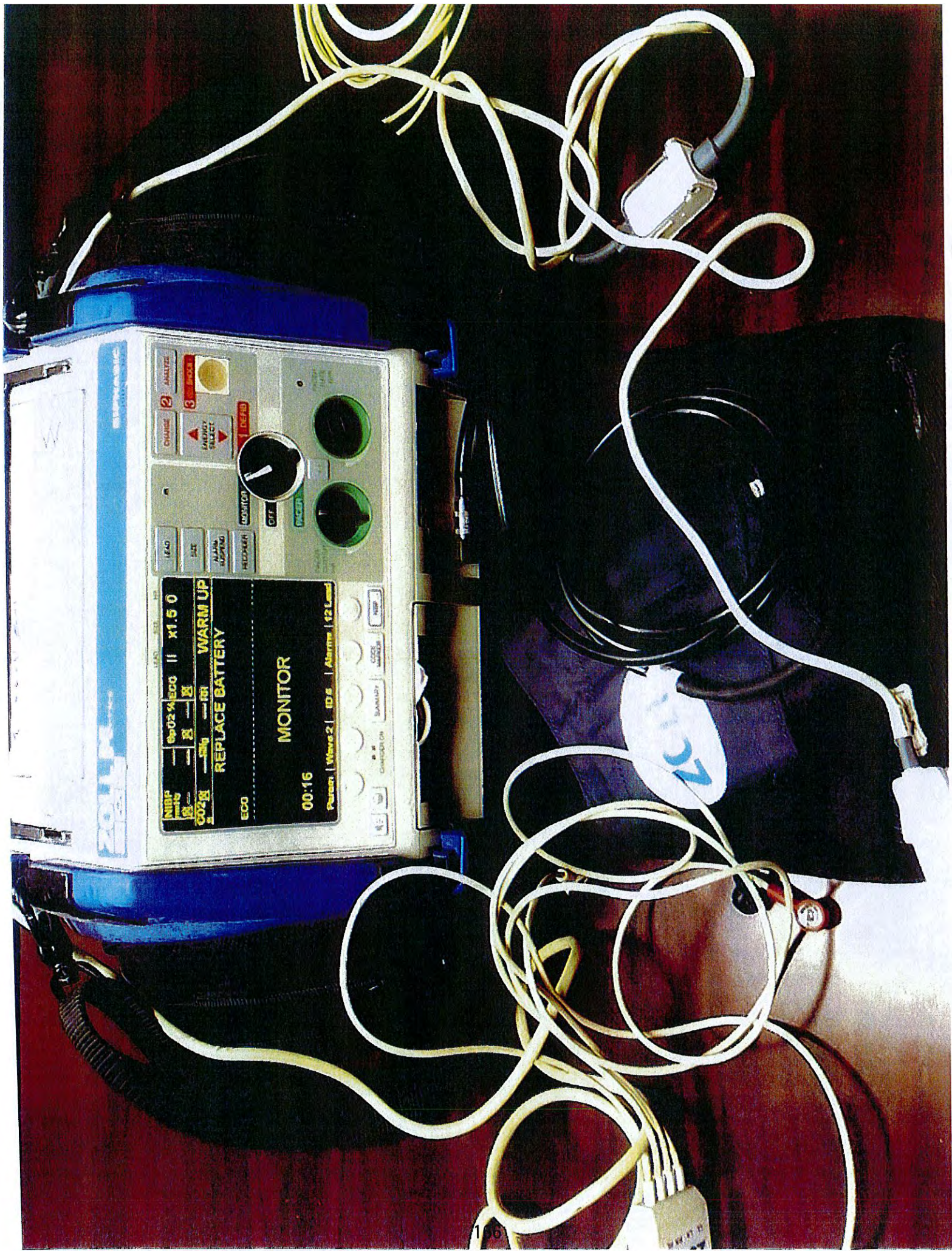
Adopted this 6th day of October, 2015.

John H. Lampe II, Mayor

ATTEST:

Shannan L. Williams, Town Clerk









**Town of Smithfield
Town Council
Action Form**

Item: To Bring Forward the Amounts Encumbered from the 2014-2015 Budget Year in the General, Water/Sewer and Electric Fund.

Date of Meeting: October 6, 2015

Date Prepared: Sept. 10, 2015

Staff Work By: Greg Siler, Finance Director

Presentation: Regular Agenda

Background: On June 22, 2015, Council granted approval to carry over funds from the 2014-2015 budget year for ongoing projects and/or items ordered through purchase orders that had not been completed or delivered (see attachment A and B). In summary, the General Fund was approved to encumber \$40,300; the Water/Sewer Fund was approved for \$116,401; and the Electric Fund was approved for \$210,054. While the amount in the General Fund remains the same at \$40,300, the actual amount needed in the Water/Sewer and Electric Fund decreased as some purchases were completed. Only \$24,871 of the \$116,401 approved for the Water/Sewer Fund is needed and only \$166,298 of the \$210,054 approved for the Electric Fund is needed.

- Attachments:**
1. Year End Approved Purchase Encumbrances for 2014-2015 (Attachment A)
 2. Year End Approved Purchase Order Encumbrances for 2014-2015 (Attach. B)
 3. Encumbrances Actually Brought Forward (Attachment C)

Action Requested: Board Approval on Attachment C

Attachment A

ENCUMBRANCES FROM 2014-2015 TO 2015-2016

GENERAL FUND

10-4110-5712	Non Departmental - S.H.A.R.P.E. Reimbursement	4,000
10-4110-5710	Non Departmental - Chamber Marketing Initiative	20,000
10-4200-7400	Finance - Capital Outlay	<u>16,300</u>
		<u>\$ 40,300</u>

ELECTRIC FUND

31-7230-3504	Electric - ESA-BAYWA Solar	<u>180,432</u>
		<u>\$ 180,432</u>

APPROVED: _____
John H. Lampe, II

VERIFIED: _____
Shannan Williams, Town Clerk

Attachment B

ENCUMBRANCES FOR PURCHASE ORDERS ISSUED PRIOR TO 6/30/15

WATER FUND

30-7200-0400	Water Plant - Professional Services	Water Testing	\$ 660	PO#20153468
30-7200-7400	Water Plant - Capital Outlay	Filter Controls	49,965	PO#20153675
30-7200-7400	Water Plant - Capital Outlay	Rebuild Serv. Pump	14,630	PO#20153687
30-7220-7400	Water/Sewer - Capital Outlay	NC210 Sewer Line	13,746	PO#20153500
30-7220-0400	Water/Sewer - Professional Services	AMOS Project	14,200	PO#20153614
30-7220-0400	Water/Sewer - Professional Services	AMOS Project	8,500	PO#20153636
30-7220-0400	Water/Sewer - Professional Services	AMOS Project	900	PO#20153652
30-7220-0400	Water/Sewer - Professional Services	I & I Rehab Study	13,800	PO#20153801
			<u>\$ 116,401</u>	

ELECTRIC FUND

31-7230-7400	Electric - Capital Outlay	S. Smfld Conversion	\$ 4,201	PO#20153582
31-7230-0400	Electric - Professional Services	Electric Rate Study	\$ 20,700	PO#20153802
31-7230-3300	Electric - Supplies/Operations	Transformer	4,721	PO#20153786
			<u>\$ 29,622</u>	

APPROVED: _____
John H. Lampe, II

VERIFIED: _____
Shannan Williams, Town Clerk

BUDGET AMENDMENTS
October, 2015
Attachment C

1. Revenue				
10-3990-000 Fund Balance Appropriation			<u>\$ 40,300</u>	<u>\$ 240,300</u>
Expenditure				
10-4110-5712 Non Departmental - S.H.A.R.P.E. Reimbursement	\$ 2,000		\$ 4,000	\$ 6,000
10-4110-5710 Non Departmental - Chamber Marketing Initiative	20,000		20,000	40,000
10-4200-7400 Finance-Capital Outlay	4,000		16,300	20,300
	<u>\$ 26,000</u>		<u>\$ 40,300</u>	<u>\$ 66,300</u>

To bring forward encumbrances from the 2014-2015 General Fund Budget to FY15-16

2. Revenue				
30-3970-0700 Fund Balance Appropriation			<u>\$ 24,871</u>	<u>\$ 541,951</u>
Expenditures				
30-7200-7400 Water Plant - Capital Outlay (Rebuild Service Pump)	\$ 176,000		\$ 9,205	185,205
30-7220-7400 Water/Sewer - Capital Outlay (NC210 Sewer Line)	381,000		12,324	393,324
30-7220-7400 Water/Sewer - Capital Outlay (I&I Rehab Study)	393,324		2,760	396,084
30-7220-0400 Water/Sewer - Professional Services (AMOS Projec	30,000		582	30,582
	<u>\$ 980,324</u>		<u>\$ 24,871</u>	<u>\$ 1,005,195</u>

To bring forward encumbrances from the 2014-2015 Water/Sewer Fund Budget to FY15-16

3. Revenue				
31-3970-0000 Fund Balance Appropriation			<u>\$ 285,854</u>	<u>\$ 452,732</u>
Expenditures				
31-7230-3300 Electric - Supplies/Operations (Transformer)	\$ 204,000	\$ 1,720		205,720
31-7230-0400 Electric - Professional Services	15,000	20,700		35,700
31-7230-3504 Electric - ESA-BAYWA Solar	-	143,878		143,878
	<u>\$ 219,000</u>	<u>\$ 166,298</u>		<u>\$ 385,298</u>

To bring forward encumbrances from the 2014-2015 Electric Fund Budget to FY15-16

APPROVED: _____

VERIFIED: _____
Shannan Williams, Town Clerk

**Town of Smithfield
Town Council
Action Form**

Item: Request to Transfer Select Capital Expenditures, Likely to Affect Multiple Fiscal Years, to a Capital Project Fund; Establish a Powell Bill Department Solely For Powell Bill Expenditures; and to Establish a Budget for Interim Town Manager.

Date of Meeting: October 6, 2015

Date Prepared: Sept. 10, 2015

Staff Work By: Greg Siler, Finance Director

Presentation: Regular Agenda

Background: All three major funds (General, Water/Sewer and Electric) contain Capital Expenditures that are best suited for placing in a Capital Project Fund. Budget amendments are presented to transfer multiple capital expenditures to a separate Capital Project Fund as these expenditures could prove to be multiyear projects and for ease of tracking.

Powell Bill expenditures have historically been paid under the Streets Department and manually tracked using excel spreadsheets. A separate department is recommended for Powell Bill expenditures, thereby eliminating the need for manual tracking.

Attachments: Various Budget Amendments. See the individual descriptions for each amendment.

Action Requested: Board Approval of Budget Amendments dated October, 2015.

BUDGET AMENDMENTS
October, 2015

GENERAL FUND

	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
1. Revenue			
10-3710-0000 Loan Proceeds	\$ 942,000	\$ (760,000)	\$ 182,000
Expenditure			
10-5300-7400 Fire - Capital Projects (Fire Engine #3 Replacement)	\$ 535,000	(530,000)	\$ 5,000
10-5600-7400 Streets - Capital Outlay (Flatbed Truck)	90,000	(90,000)	-
10-5800-7400 Streets - Capital Outlay (Knuckleboom Truck)	168,000	(140,000)	28,000
	<u>\$ 793,000</u>	<u>\$ (760,000)</u>	<u>\$ 33,000</u>

To transfer budget from the General Fund (10) to the General Capital Projects Fund (46)

GENERAL FUND CAPITAL PROJECT FUND (46)

2. Revenue			
46-3900-5301 Loan - Fire Department	\$ -	\$ 530,000	\$ 530,000
46-3900-5800 Loan - Knuckleboom & Flatbed	-	\$ 230,000	\$ 230,000
	<u>-</u>	<u>\$ 760,000</u>	<u>\$ 760,000</u>
Expenditure			
46-5300-7400 Fire Engine #3 Replacement	-	530,000	530,000
46-5800-7400 Knuckleboom	-	140,000	140,000
46-5800-7401 Flatbed Truck	-	90,000	90,000
	<u>-</u>	<u>\$ 760,000</u>	<u>\$ 760,000</u>

To transfer budget from the General Fund (10) to the General Capital Projects Fund (46)

3. **Expenditure**

10-5600-7401 Streets - Capital/Street Resurfacing	\$ 300,000	(300,000)	\$ -
10-5600-3100 Streets - Vehicle Supplies and Maint.	6,000	(200)	5,800
10-5600-3300 Streets - Supplies/Operations	40,000	(200)	39,800
10-5600-3500 Streets - Drainage	49,188	(300)	48,888
	<u>\$ 395,188</u>	<u>\$ (300,700)</u>	<u>\$ 94,488</u>

To move power bill expenses to separate department for easy tracking

4. Expenditure				
10-5700-3100 Powell Bill - Vehicle Maintenance	-	100	\$	100
10-5700-3300 Powell Bill - Supplies/Operations	-	100		100
10-5700-3301 Powell Bill - Sidewalk & Curb Repair	-	100		100
10-5700-3500 Powell Bill - Drainage	-	100		100
10-5700-3501 Powell Bill - Contract Serv./Right-A-Way	-	100		100
10-5700-7300 Powell Bill - Patch & Resurfacing	-	300,000		300,000
10-5700-7400 Powell Bill - Equipment	-	100		100
10-5700-7402 Powell Bill - Pave Unpaved Street	-	100		100
		<u>\$ 300,700</u>		<u>\$ 300,700</u>

To establish and move powell bill expenses from the Street Department to Powell Bill Department for easy tracking

WATER FUND				
5. Revenue				
30-3980-0007 Loan Proceeds		<u>\$ 2,545,000</u>		<u>\$ 510,000</u>
		<u>\$ (2,035,000)</u>		<u>\$ 510,000</u>

Expenditure				
30-7200-7400 - Capital (Raw Water Intake, Chlor. Dioxide, Elect Panels, Gen.)		\$ 1,046,000		176,000
30-7220-7400 - Capital (I&I and NC210 Sewer Line)		<u>1,546,000</u>		<u>381,000</u>
		<u>\$ 2,592,000</u>		<u>\$ 557,000</u>

To transfer budget from the Water Fund (30) to the Water/Sewer Capital Projects Fund (45)

WATER FUND CAPITAL PROJECT FUND (45)

6. Revenue			
45-3900-1550 Loan - I&I and NC210 Sewer Line	\$ -	\$ 1,165,000	\$ 1,165,000
45-3900-1551 Loan - Various Water Plant Projects	\$ -	\$ 870,000	\$ 870,000
	\$ -	\$ 2,035,000	\$ 2,035,000
Expenditure			
45-7200-7402 Electric Panel	-	100,000	100,000
45-7200-7403 Generator	-	90,000	90,000
45-7200-7404 Chlorine Dioxide System	-	150,000	150,000
45-7200-7405 Raw Water Intake Sand Removal System	-	530,000	530,000
45-7220-7412 I&I E. Smithfield	-	100,000	100,000
45-7220-7413 I&I S & W Smithfield	-	800,000	800,000
45-7220-7414 NC210 Sewer Line & PS3 Updgrade	-	265,000	265,000
	\$ -	\$ 2,035,000	\$ 2,035,000

To transfer budget from the Water/Sewer Fund (30) to the Water/Sewer Capital Projects Fund (45)

ELECTRIC FUND

7. Expenditure			
31-7230-9102 Transfer to the Electric Capital Project Fund (47)	\$ -	85,000	\$ 85,000
31-7230-7400 Capital Outlay	496,000	(30,000)	466,000
31-9990-5300 Contingency	691,846	(55,000)	636,846
	\$ 1,187,846	\$ -	\$ 1,187,846

To transfer budget from the Electric Fund (31) to the Electric Capital Projects Fund (47)

ELECTRIC FUND CAPITAL PROJECT FUND (47)

8. Revenue			
47-3980-1400 Transfer From the Electric Fund	\$ -	\$ 85,000	\$ 85,000
Expenditure			
47-7230-7406 Substation Engineering	\$ -	\$ 85,000	\$ 85,000

To transfer budget from the Electric Fund (31) to the Electric Capital Projects Fund (47)

Water Fund

9. Expenditure

30-7200-1701 Water Plant - Building Maintenance	\$ 53,000	(30,000)	\$ 23,000
30-7200-7400 Water Plant - Capital Outlay	1,046,000	30,000	1,076,000
	<u>\$ 1,099,000</u>	<u>-</u>	<u>\$ 1,099,000</u>

To transfer budget for door replacement from building maintenance/improvement to capital outlay

General Fund

10. Expenditure

10-4100-3402 General Government - Interim Manager	\$ -	12,000	\$ 12,000
10-9990-5300 Contingency	350,160	(12,000)	338,160
	<u>\$ 350,160</u>	<u>-</u>	<u>\$ 350,160</u>

To establish and fund a budget for the Interim Manager's travel (Hotel and Mileage)

APPROVED: _____

VERIFIED: _____
Shannan Williams, Town Clerk

**Town of Smithfield
Town Council
Action Form**

**Consent Item: North Carolina Eastern Municipal Power Agency (NCEMPA)
Board of Commissioners Appointment**

Date of Meeting: October 6, 2015

Date Prepared: September 22, 2015

Staff Work by: Shannan Williams, Town Clerk

Presentation: Consent Agenda

Consent Agenda Item:

The Town of Smithfield is allowed to appoint one Commissioner and up to two Alternate Commissioners to the NCEMPA Board of Commission. The Commissioner's appointment was held by the former Town Manager. Interim Public Utilities Director, Pete Connet, is currently serving as the NCEMPA First Alternate Commissioner.

Action Requested

Staff is requesting that the Council consider appointing Interim Town Manager Jim Freeman to serve as the Commissioner to the NCEMPA Board of Commissioners.

VIA E-MAIL

TO: Shannan Williams 1501.56 Smithfield
Town Clerk

FROM: Linda L. Anderson
Executive Assistant

DATE: August 13, 2015

SUBJECT: NCEMPA Board of Commissioners

Good Afternoon Shannan, per your request, I am attaching an oath form to be completed when a new commissioner is appointed to replace Mr. Sabiston.

The Smithfield Town Council can make the appointment by motion at a Town Council meeting and administer an oath. The attached form should be executed after the oath is administered, and returned to me as soon as possible so that we can add the new commissioner to our mailing lists. We will need all pertinent information: full name, address, office and home telephone numbers, and e-mail address.

In addition, we will need a certified copy, or extract, of the minutes of the Town Council meeting at which the appointment is made. The minutes can be sent to me anytime in the future after they are approved by the Town Council. The oath and minutes do not have to be sent to me at the same time.

Please let me know if you have any further questions regarding the Smithfield Town Council's appointment to the NCEMPA Board of Commissioners.

:lla

Attachment

OATH

I, _____, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully and impartially execute and discharge the duties of my office as Commissioner of North Carolina Eastern Municipal Power Agency, and that I will adhere to and abide by the Electricities' Ethical and Professional Code of Conduct, so help me God.

Commissioner

Sworn to and subscribed before me,
this _____ day of _____, 2015.

Notary Public

My Commission Expires:

(NOTARY SEAL HERE)

**Town of Smithfield
Town Council
Action Form**

Item: Board Appointments

Date of Meeting: October 6, 2015

Date Prepared: September 25, 2015

Staff Work By: Shannan Williams

Presentation: Consent Agenda

Presentation:

Current Board vacancies are as follows:

Appearance Commission – 4 positions

Historic Properties – 1 position

Parks and Recreation Advisory Commission – 1 Position
and 2 High School student positions (2 year term)

Board Appointment Considerations

1. Art Andrews has submitted an application for consideration to be appointed to serve a first term on the **Historic Properties Commission**.
2. Sarah Edwards has submitted an application for consideration to be reappointed to serve a second term on the **Board of Adjustments as an ETJ Member**.

There have been no other inquiries at this time.



Town of Smithfield
Board, Commission, or Committee
Application

Name: ANDREWS ART W
(Last) (First) (MI)

Home Address: 215 SOUTH HAY ST, SMITHFIELD, NC

Business Name & Address:

Telephone Numbers: 919-934-8046 919-631-2429 AANDREWS10@NC.RR.COM
(Home) (Mobile) (Email)

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

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

Interests & Skills:

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

Recent Job Experiences: WAKE TECH COMMUNITY COLLEGE 5 YEARS
JOHNSTON COMMUNITY COLLEGE 13 YEARS

Civic or Service Organization Experience: JOHNSTON COUNTY HERITAGE COMMISSION
SMITHFIELD APPEARANCE COMMISSION (1980S)

Town Boards previously served on and year(s) served: SMITHFIELD APPEARANCE COMMISSION LATE 1980S

Please list any other Boards/Commissions/Committees on which you currently serve: JOHNSTON COUNTY HERITAGE COMMISSION

Why are you interested in serving on this Board/Commission/Committee? I HAVE RESTORED A 1905 HOME WHERE I LIVE NOW. I HAVE A VERY STRONG INTEREST IN SMITHFIELD HISTORY AND BUILDINGS

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: ART ANDREWS

Signature: [Handwritten Signature]

Date: 9/18/2015

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: Edwards Sarah E
Home Address: 1707 E Packing Plant Rd. Smithfield NC 27577
Business Name & Address: Downtown Smithfield Development Corporation, 201 S Front Street
Telephone Numbers: (919) 796-2899 sarahelizabethedwards@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: Historic Preservation, Economic Development, Architecture, Planning

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

Recent Job Experiences: Executive Director, Downtown Smithfield Development Corporation

Civic or Service Organization Experience: Board of Adjustment, Ava Gardner Museum Board of Directors, North Carolina Downtown Development Association - VP of Governmental Affairs, Make-A-Wish Eastern NC Volunteer

Town Boards previously served on and year(s) served: Board of Adjustment (2009-present)

Please list any other Boards/Commissions/Committees on which you currently serve: See above, also Johnston County Hospitality Association, Smithfield Marketing Committee

Why are you interested in serving on this Board/Commission/Committee? I have enjoyed serving on the Board of Adjustment since 2009.

Affirmation of Eligibility:

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

Yes No If yes, please explain disposition: _____

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

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

Printed Name: Sarah Edwards

Signature: 

Date: 8/23/2015

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 Information Form

Item: Filled Vacancies

Date of Meeting: October 06, 2015

Date Prepared: September 29, 2015

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>
Police Officer I	Police	10-5100-0200	\$15.27/hr (\$34,143.72/yr)
Police Officer I	Police	10-5100-0200	\$15.27/hr (\$34,143.72/yr)
P/T Firefighter I	Fire	10-5300-0210	\$10.00/hr
P/T Firefighter I	Fire	10-5300-0210	\$10.00/hr
P/T Lifeguard	P&R – Aquatics	10-6220-0220	\$7.50/hr
P/T Lifeguard	P&R – Aquatics	10-6220-0220	\$7.50/hr
P/T Instructor	P&R – Aquatics	10-6220-0230	\$15.00/hr

**Town of Smithfield
Town Council
Information Form**

Item: Promotion

Date of Meeting: October 06, 2015

Date Prepared: September 29, 2015

Staff Work By: Dale Boyette, Water Plant Superintendent
Pete Connet, Interim Utilities Director

Presentation: Consent Agenda

Background:

This is a request to promote a Water Plant Operator I to Water Plant Operator II, moving from grade 12 to grade 13. Under the Town's Employee Handbook, all promotions to a higher pay grade will be accompanied by an increase to the next pay grade minimum salary or a 5% increase, whichever is greater.

The employee has received his advance certification of Water Treatment Facility Operator – B-Surface. Staff recommends this promotion and a five percent salary increase, moving him to the next pay grade in the current Town salary schedule (attached). This salary increase will not require a budget amendment to the current salary line item for the Public Utility – Water Plant department, 30-7200-0200.

Action Requested:

It is requested this employee be allowed this promotion.

September 18, 2015

V.R. Phipps
111 North Massey Street
Selma, NC 27576

Town of Smithfield
Mayor and Town Council
P O Box 761
Smithfield, NC 27577

The Honorable Mayor John H Lampe II and Members of Council:

Please find this letter as my sincere intent to purchase the Old Water Treatment Plant from the Town of Smithfield. It is my intent to rehabilitate the structure and return it to its original state. I intend to turn this structure into a viable business endeavor.

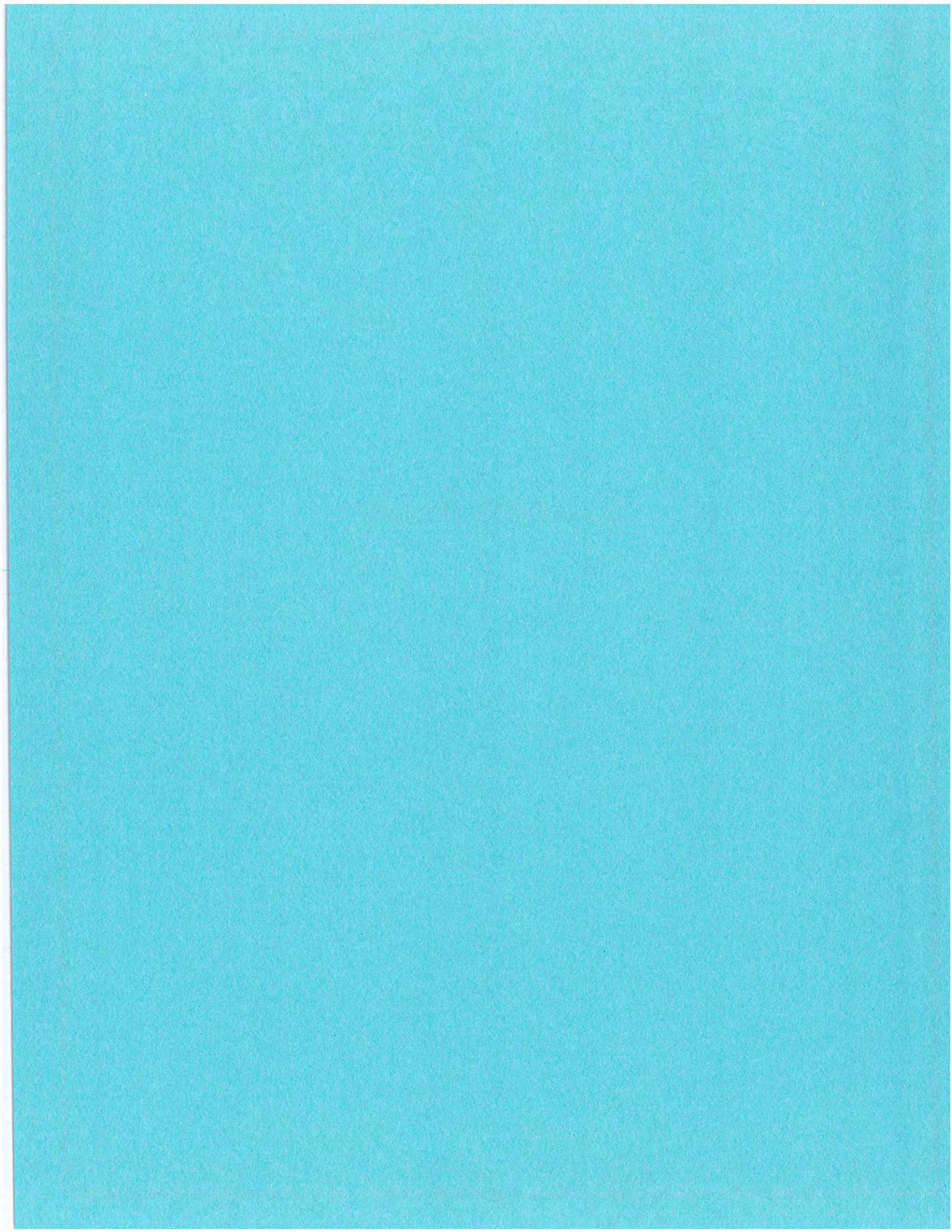
Should you need to discuss this further, I can be contacted at (919) 410.4791. Thank you for your time and consideration in this matter.

Sincerely,



V.R. Phipps

Business Items



**Town of Smithfield
Town Council
Action Form**

Item: GHSP Grant Application

Date of Meeting: October 06, 2015

Date Prepared: September 17, 2015

Staff Work By: Chief Michael L. Scott

Presentation: New Business

Presentation:

The police department is requesting to submit a grant to the Governors Highway Safety Program (GHSP) to create a four officer traffic team within the police department. The grant application must be submitted in early January 2016 and, if awarded, will be effective beginning in October of 2016. The grant is a three year grant.

The grant will cover all personnel and equipment expenses for a four officer traffic team. This includes vehicles, vehicle equipment, radios, video cameras, officer salaries and benefits, officer equipment, potential salary increases during the grant period, fuel and radar units. The match amounts for the grant are 15% for year 1, 30% for year 2 and 50% for year 3. Equipment purchases are all included in the grant amounts for year one and are not spread over the 3 year period. It is estimated the year one grant amount would be \$500,000. The match amount for the Town would be \$75,000. In year 2, the grant amount would be \$280,000 with the Town's match amount being \$84,000. Year 3 would be similar to year 2 in grant amount, but the match amount would increase to \$140,000. Following year three of the grant, all equipment becomes the property of the Town and the Town is under no obligation to continue the program. The number of officers hired under this grant could then be decreased through attrition, should the Council choose to do so.

In summary, the Town would receive assets and police officer time equal to \$1,060,000 at a three year total cost to the Town of about \$300,000, or about 28 percent of the total cost. The Town is under no obligation to accept these funds until after the grant is approved and comes back in front of the town council for final approval.

Thank you for your consideration of this request.

Action Requested:

It is requested this issue be discussed by the Town Council and the Council approve the police department to submit a grant application to the Governors Highway Safety Program to create a traffic safety team.



SMITHFIELD POLICE DEPARTMENT

110 S. Fifth Street • Smithfield, NC 27577
Phone: (919) 934-2121 • Fax: (919) 934-0223



Michael L. Scott
Chief

TO: Jim Freeman, Interim Town Manager
FROM: Michael L. Scott, Chief of Police *ML*
SUBJECT: Traffic Team Grant
DATE: September 25, 2015

The police department is requesting to submit a grant to the Governors Highway Safety Program (GHSP) to create a four officer traffic team within the police department. The grant application must be submitted in early January 2016 and, if awarded, will be effective beginning in October of 2016. The grant is a three year grant. Representatives of the GHSP approached the police department shortly after it received its first national accreditation in March of this year. The police department and the GHSP have partnered in recent years to purchase squad car cameras using 50% match grants. Because of this history and our accredited status, I feel confident we will be awarded the grant at least in part, should we apply for it. Upon award, the council can choose to accept the entire awarded amount, or accept a portion of the amount, should the Town feel that two officers would be more appropriate than four, as an example.

The grant will cover all personnel and equipment expenses for a four officer traffic team. This includes vehicles, vehicle equipment, radios, video cameras, officer salaries and benefits, officer equipment, potential salary increases during the grant period, fuel and radar units. The match amounts for the grant are 15% for year 1, 30% for year 2 and 50% for year 3. Equipment purchases are all included in the grant amounts for year one and are not spread over the 3 year period. It is estimated the year one grant amount would be \$500,000. The match amount for the Town would be \$75,000. In year 2, the grant amount would be \$280,000 with the Town's match amount being \$84,000. Year 3 would be similar to year 2 in grant amount, but the match amount would increase to \$140,000. Following year three of the grant, all equipment becomes the property of the Town and the Town is under no obligation to continue the program. The number of officers hired under this grant could then be decreased through attrition, should the Council choose to do so.

As economic development continues to rise in the Town, traffic increases proportionately, thereby also giving rise to an increase in traffic accidents. In calendar year 2014, the department responded to 111 more traffic accidents than in 2013. So far in 2015, accidents have seen a very small increase over those reported in 2014, with 9 more accidents being reported than in 2014.

When considering recruitment and attrition within the police department, outside of salary and benefits, the next thing officers seek is opportunity for movement and advancement within the organization. By creating a traffic team the department will not only increase its staffing numbers to assist in times of emergencies, but it will also create additional avenues for officers to work and experience, which will help with turnover rates.

I would ask the Council to strongly consider this proposal and permit the police department to submit a grant to the Governor's Highway Safety Program in the amounts specified. Because grant funds could not be accessed until October, 2016, the Town will have time to budget the match amounts in future fiscal years, not forcing any amendments to the current fiscal budget.

In summary, the Town would receive assets and police officer time equal to \$1,060,000 at a three year total cost to the Town of about \$300,000, or about 28 percent of the total cost. At the end of the grant period the Town will assume ownership of equipment valued at \$125,000, making the actual investment for the town, \$175,000, or about 16.5% based on an 8 year depreciation of the equipment. The Town is under no obligation to accept these funds until after the grant is approved and comes back in front of the town council for final approval.

Thanks for your consideration of this request.

Michael L. Scott

Chief of Police

2016 Grant Information

Grant application can be submitted on January 1, 2016.

Our department will be applying for Traffic Safety Team Grant. The grant is will be funded for all equipment and personnel cost to include wages and fringe benefits.

Personnel Cost includes: Salary, fridge benefits and any merit increase allow by the town.

Equipment's include: Vehicle, Car radio, Blue lights and siren, striping for vehicles, Radar, In Car Camera, Laptop with printer, Rifle.

Personnel Equipment's includes: Uniform, bullet proof vest, all duty gears to include handgun and taser.

The grant is a 3 year commitment with the following funding:

Funding Source:	Federal	Local
1 st Year	85%	15%
2 nd Year	70%	30%
3 rd Year	50%	50%

Once the grant period has ended the equipment purchased through the grant would belong to the town.



BASIC INFORMATION FOR HIGHWAY SAFETY GRANTS

Welcome to the Grants Section of the Governor's Highway Safety Program (GHSP) web site. Following is some basic information about our highway safety grants program:

General Guidelines

- All funding from the GHSP must be for *highway safety purposes only*. We cannot fund anything else.
- All funding must be **NECESSARY** and **REASONABLE**.
- All funding is performance-based. Substantial progress in reducing crashes, injuries and fatalities is required as a condition of continued funding.
- All funding is passed through from the Federal government and is subject to both federal and state regulations.
- Funding cycles run from October 1st to September 30th (the Federal fiscal year).
- All funding is considered to be "seed money" to get programs started. The grantee is expected to provide a portion of the project costs and is expected to continue the program after GHSP funding ends.
- Projects are only approved for one full or partial federal fiscal year at a time. However, projects may be funded for up to three consecutive years.
- Funding cannot be used to replace or supplant existing expenditures, nor can they be used to carry out the general operating expenses of the grantee.
- All funding is on a reimbursement basis. The grantee must pay for all expenses up front and then submit a reimbursement request to receive the funds.

The Funding Process

- The funding process starts with a proposal statement. Forms with instructions on how to complete the forms are listed on this web page.
- For funding requests that include personnel costs, use Form GHSP-01.
- For funding requests for other highway safety equipment only, use Form GHSP-05.
- All proposal statement forms are due to the GHSP by **March 31st** for the next funding cycle that begins October 1st.
- All proposal statements are reviewed and evaluated for their impact on local and statewide highway safety problems.
- If a proposal is considered for funding, you will be requested to submit an application contract.

Special Provisions for Law Enforcement Agencies

- Law Enforcement Agencies must agree to:
 - ♦ A *minimum* of one safety belt checkpoint per month and one impaired driving checkpoint per quarter; and
 - ♦ Participation in all "Click It or Ticket" and "Booze It & Lose It" campaigns.

North Carolina Governor's Highway Safety Program

Instructions for Form GHSP-02 Traffic Safety Project Contract

Instructions for the completion of Form GHSP-02:

A. General Instructions

1. All cost figures must be for the first year only.
2. All cost figures must be in whole dollars only.
3. All information must be included on the form. If additional space is needed, attach additional information to the form.
4. Complete one signed original contract application. When approved, a copy of the completed original will be returned to the grantee.
5. Mail the form to Governor's Highway Safety Program, Attn: Manager - Planning, Programs, and Evaluation, 215 East Lane Street, Raleigh, NC, 27601.
6. If you have questions about any aspect of the funding process, including the completion of form GHSP-02, please call the Planning, Programs and Evaluation unit of the GHSP at 919-733-3083 or 800-999-9676.

B. Instructions for Section A – General Information (Page 1)

1. *Name of Applicant Agency* – The name of the agency requesting funding.
2. *Address of Applicant Agency* – The mailing address of the agency.
3. *Location of Project* – Indicate the location of the project if it is different than the mailing address of the agency
4. *Name of Project Contact Person for Agency* – The primary contact for the agency.
5. *Telephone Number of Contact Person* – The telephone number of the primary contact for the agency.
6. *Email Address of Contact Person* – The email address of the primary contact for the agency.
7. *Fax Number of Contact Person* – The fax number of the primary contact for the agency.
8. *Federal Tax ID Number / Type of Agency* – Fill in the agency's Federal Tax ID Number and check the box of the type of Agency.
9. *Type of Application* – Indicate if this is an Initial or Continuation project and the year of funding. If this is an Initial application, the year of funding will be 1.
10. *Project Title* – The title of the project. This field is optional.
11. *Budget* – This information will be the summary of the total category costs brought forward from Section B – Budget Detail.
12. *Specify How Non-Federal Share Will Be Provided* – Explain the source of the State or Local funds that will be used as matching funds. If the Agency is a part of a county or municipal government, attach Form GHSP-02-A, Local Government Resolution.

C. Instructions for Section B – Budget Detail (Pages 2 – 4)

1. Personnel Costs (Page 2)

Note: Travel and Training costs must be listed under Other Direct Costs.

- a. **Personnel Position** – List the specific personnel position or positions needed to accomplish the stated goals. If none are required, this may not be the proper form to complete. Contact the Planning, Programs and Evaluation Section for assistance.
- b. **Salary** – Provide the salary or salaries of the position or positions identified.
- c. **Total Salaries Cost** – Total all salaries.
- d. **Personnel Fringe Benefits** – List the specific fringe benefits to be paid for each position.
- e. **Cost** – Provide the costs of the position or positions identified.
- f. **Total Fringe Benefits Cost** – Total all fringe benefits.
- g. **Total Personnel Costs** – Enter the total of **Total Salaries Cost** and **Total Fringe Benefits Cost**. Also enter the amount in the **Total Project Amount** column of **Personnel Costs** in **Section A, #11 Budget**.
- h. In **Section A, #11 Budget**, split out the amount of federal and local funding for project cost assumption. The sum of **Federal Funds** and **Local Funds** must equal the **Total Personnel Cost**. The formula for the local match of personnel funds is contained in the chart below:

Local Personnel Funds Match	
First year	15%
Second year	30%
Third year	50%
Fourth year	100%

- i. Enter the percentages and amounts in the appropriate columns for **Personnel Costs** in **Section A, #11 Budget**.

2. Contractual Services (Page 2)

- a. **Contractual Services To Be Provided** – List the specific service(s) and service provider(s).

Note: Service providers are required to adhere to the terms and conditions set out in the "Acceptance of Conditions" section of this contract.

- b. **Cost** – Provide the cost of the services to be provided.
- c. **Total Contractual Services Cost** – Enter the total of **Contractual Costs**. Also enter the amount in the **Total Project Amount** column of **Contractual Services** in **Section A, #11 Budget**.
- d. In **Section A, #11 Budget**, split out the amount of federal and local funding for project cost assumption. The sum of **Federal Funds** and **Local Funds** must equal the **Total Contractual Services Cost**. The formula for the local match of contractual services funds is contained in the chart below:

Local Contractual Services Funds Match	
First year	15%
Second year	30%
Third year	50%
Fourth year	100%

3. Commodities Costs (Page 3)

- a. **Commodities** – List the specific commodities to be procured.
- b. **Cost** – Provide the cost of the commodities to be procured.
- c. **Total Commodities Cost** – Enter the total of **Commodities Costs**. Also enter the amount in the **Total Project Amount** column of **Commodities** in **Section A, #11 Budget**.
- d. In **Section A, #11 Budget**, split out the amount of federal and local funding for project cost assumption. The sum of **Federal Funds** and **Local Funds** must equal the **Total Commodities Cost**. The formula for the local match of commodities funds is contained in the chart below:

Local Commodities Funds Match	
First year	15%
Second year	30%
Third year	50%
Fourth year	100%

4. Other Direct Costs (Page 3)

a. Equipment

1. **Equipment** – List the specific equipment to be procured.
(Please see the attached Addendum that list the maximum allowed cost for specific equipment items)
2. **Cost** – Provide the cost of the equipment to be procured.
3. **Total Equipment Cost** – Enter the total of **Equipment Costs**.

b. Travel

1. **In-State Travel** – Enter the total cost of in-state travel.
2. **Out-of-State Travel** – Enter the total cost of out-of-state travel.
3. **Total Travel Cost** – Enter the total of **In-State Travel** and **Out-of-State Travel**.

c. Other Items of Direct Cost

1. **Other Items of Direct Cost** – List the specific other items of direct cost to be procured.
2. **Cost** – Provide the cost of the other items of direct cost to be procured.
3. **Total Other Items of Direct Cost** – Enter the total of **Other Items of Direct Cost**.

- e. **Total Direct Cost** – Enter the total of **Total Equipment Cost Costs**, **Total Travel Cost**, and **Total Other Items of Direct Cost**. Also enter the amount in the **Total Project Amount** column of **Other Direct Costs** in **Section A, #11 Budget**.

- f. In **Section A, #11 Budget**, split out the amount of federal and local funding for project cost assumption. The sum of **Federal Funds** and **Local Funds** must equal the **Total Other Direct Cost**. The formula for the local match of commodities funds is contained in the chart below:

Local Other Direct Costs Funds Match	
First year	15%
Second year	30%
Third year	50%
Fourth year	100%

5. Indirect Costs (Page 4)

- Indirect Costs** – List the specific indirect costs.
- Cost** – Provide the cost of the indirect costs.
- Total Indirect Costs** – Enter the total of **Indirect Costs**. Also enter the amount in the **Total Project Amount** column of **Indirect Costs** in **Section A, #11 Budget**.
- In **Section A, #11 Budget**, split out the amount of federal and local funding for project cost assumption. The sum of **Federal Funds** and **Local Funds** must equal the **Total Indirect Costs**. The formula for the local match of Indirect funds is contained in the chart below:

Local Indirect Costs Funds Match	
First year	15%
Second year	30%
Third year	50%
Fourth year	100%

D. Instructions for Section C – Narrative Description of Project (Page 5)

1. Statement of Problem

State the problem or problems in concise terms that will specifically identify and describe the particular problem(s). Include the nature and extent of the problem(s). Included should be an analysis of trends in crash and/or other data, preferably for the prior three calendar years. Provide sufficient data to demonstrate the problem(s) being addressed.

2. Proposed Solution

The types of countermeasures appropriate to the problem should be stated as the basis for determining a solution to the problem(s). Include specific objectives for a single year effort. Also, include long-range goals that indicate the changes or outcomes expected over a three to five year period. These objectives should be consistent with the problem statement, well defined, and stated in measurable terms for a specific time frame. (See following example)

Example:

Goal: To reduce the number of injuries and fatalities as a result of alcohol-related traffic crashes in Somewhere, North Carolina by x% by 20xx.

Objectives:

- To train 45 police officers in Standardized Field Sobriety Testing (SFST) by March 31, 20xx.
- To conduct eight public information and education presentations each quarter.

E. Instructions for Section D – Schedule of Tasks by Quarters (Page 6)

List the schedule of tasks by quarters referring specifically to the objectives listed in Section C – Narrative Description of Project. Tasks that extend beyond one quarter should specify the elements of the task that are to be performed for the specific quarters.

F. Instructions for Section E – Project Continuation (Page 6)

The Governor's Highway Safety Program (GHSP) has a cost assumption policy. Funding is made available to get projects started. The activities of the project are expected to continue after the GHSP funding has ceased and the grantee must assume all costs for the continuation of the project. Please explain how this project will be continued after GHSP funding ends, including sources of funding.

G. Acceptance of Conditions (Pages 7 – 14)

The **Acceptance of Conditions** is a critical part of the contract. The Agency is required to adhere to all terms and conditions of the **Acceptance of Conditions**. Failure to do so may result in sanctions including withholding of reimbursement pending compliance, a reduction in the amount of funding, and/or cancellation of the contract in its entirety.

Signatures - The **Agency Project Director**, the **Agency Authorizing Official**, and the **Agency Official Authorized to Receive Funds** must sign the contract and include the required **Name, Title, Address, Date, and Telephone Number** before submission to the GHSP.

North Carolina Governor's Highway Safety Program Traffic Safety Project Contract – Form GHSP-01

SECTION A – GENERAL INFORMATION

<p>1. Agency: TOWN OF SMITHFIELD</p> <p>2. Agency Address: PO Box 761 SMITHFIELD, NC 27577</p> <p>3. Physical Location of Agency *</p> <p>8. Federal Tax ID Number / Type of Agency</p> <p style="margin-left: 20px;">Federal Tax ID Number: *</p> <p style="margin-left: 20px;">DUNS No: *</p> <p style="margin-left: 20px;">County: *</p> <p style="margin-left: 20px;">Type of Agency</p> <p style="margin-left: 20px;"> <input type="checkbox"/> State <input type="checkbox"/> Non-Profit <input type="checkbox"/> County <input type="checkbox"/> Higher Education <input type="checkbox"/> Municipality <input type="checkbox"/> Hospital </p> <p>11. Project Title: *</p>	<p>4. Contact Person for Agency:</p> <p>5. Telephone Number: *</p> <p>6. Cell Phone:</p> <p>7. Email of Contact Person *</p> <p>9. Project Year *</p> <p style="margin-left: 40px;"> <input type="checkbox"/> New <input type="checkbox"/> Continuation Year: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4+ </p> <p>10. Allocation of Funding *</p> <p style="margin-left: 40px;">Federal % Local %</p>
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12. Budget	Total Project Amount	Federal Amount	Source of Funds State/Local Amount
Personnel Costs			
Contractual Services			
Commodities Costs			
Other Direct Costs			
Indirect Costs			
Total Project Costs			

13. Specify How Non-Federal Share Will Be Provided:

Project Number:	CFDA#: 20.
	Work Type:

SECTION B – DESCRIPTION OF PROJECT

Statement of Problem (Provide detailed information of the highway safety problems in your area to be addressed through this project. Include countywide crash data for the last three years and any other relevant information to validate the statements. For more detailed information see "How to write an effective traffic safety project" located at:

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>)

As part of this project all law enforcement agencies must enter traffic enforcement citations data of their agency for the past three years.

Year 20	Occupant Protection Citations	DWI Citations	Speed Citations
Year 20	Occupant Protection Citations	DWI Citations	Speed Citations
Year 20	Occupant Protection Citations	DWI Citations	Speed Citations

Goals and Objectives (Provide at least two SMART (Specific, Measurable, Attainable, Realistic and Timely) goals and objectives. For more detailed information see "How to write an effective traffic safety project" located at:

Goal #1:

Objectives:

Goal #2:

Objectives:

Goal #3:

Objectives:

Below are the 5-year goals of the NC Governor's Highway Safety Program (GHSP). To be eligible for funding, your traffic safety project should match one or more of the GHSP goals. Check all that apply.

- Reduce NC's traffic-related fatalities by 25% from the 2008-2012 average of 1,317 to 988 by 2020.
- Reduce NC's alcohol-related fatalities by 35% from the 2008-2012 average of 386 to 251 by 2020.
- Reduce NC's unrestrained fatalities by 30% from the 2008-2012 average of 407 to 285 by 2020.
- Reduce NC's speed-related fatalities by 25% from the 2008-2012 average of 479 to 359 by 2020.
- Reduce NC's young driver-involved fatal crashes by 30% from the 2008-2012 average of 196 to 137 by 2020.
- Reduce NC's motorcycle fatalities by 25% from the 2008-2012 average of 177 to 133 by 2020.
- Increase NC's seat belt usage rate 4.4 percentage points to 95% by 2020.

SECTION C – BUDGET DETAIL

Personnel Costs

#	Personnel Position	Salary
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Total Salaries Cost:

#	Personnel Fringe Benefits	Cost
1		
2		
3		
4		
5		
6		
7		

8
9
10

Total Fringe Benefits Cost:

Total Personnel Costs:

Contractual Services

#	Contractual Service To Be Provided	Cost
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		

Total Contractual Services:

Commodities Costs

#	Commodities	Cost
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

Total Commodities Cost:

Other Direct Costs

#	Equipment	Quantity	Cap Amount	Cost
1				
2				
3				
4				
5				
6				
7				

Total Equipment Cost

#	Other Items and Equipment Direct Cost	Cost
1		
2		
3		
4		
5		
6		
7		
8		

Total Other Items and Equipment Direct Cost:

#	Travel	Cost
1	In-State Travel	
2	Out-of-State Travel	

Total Travel Cost:

Total Other Direct Costs:

Indirect Costs

#	Indirect Costs	Cost
1		
2		
3		
4		

Total Indirect Costs

SECTION D - SCHEDULE OF TASKS BY QUARTERS

List the schedule of tasks by quarters, referring specifically to the objectives in Section B. Tasks should be a bulleted list of activities to be performed in each quarter.

Conditions for Law Enforcement Only

By checking this box, the above agency agrees to the terms below as additional activities to be performed as part of this project.

- A minimum of one (1) nighttime and one (1) daytime seat belt initiative per month;
- A minimum of one (1) impaired driving checkpoint per month;
- A minimum of 50% of seat belt initiatives must be conducted at night between the hours of 7:00 p.m. and 7:00 a.m.;
- Participation in all "Click It or Ticket" and "Booze It & Lose It" campaigns;
- Participation in any event or campaign as required by the GHSP;
- Attempt to utilize one of the Forensic Tests for Alcohol Branch's Mobile Breath Alcohol Testing (BATMobiles) units during at least one of the impaired driving checkpoints.

First Quarter (October, November, December)

Second Quarter (January, February, March)

Third Quarter (April, May, June)

Fourth Quarter (July, August, September)

Check

Save

Submit

Note:

1. Submitting grant application is not a guarantee of grant being approved.
2. Once form has been submitted, it cannot be changed unless it has a status of "Return".

**Town of Smithfield
Town Council
Action Form**

Item: Job Classification

Date of Meeting: October 06, 2015

Date Prepared: September 23, 2015

Staff Work By: Chief Michael L. Scott

Presentation: New Business

Presentation:

The police department's accreditation manager has resigned and taken a position with North Carolina Law Enforcement Training and Standards. The position is now vacant. It is important to fill this position with a competent individual as soon as possible. The Chief would like to seek applications for a civilian employee to fill this position as opposed to a sworn officer. The Accreditation Position however has not been placed in the salary structure. A review of the 13 agencies in North Carolina that are Accredited and serving our classification of size, was conducted to determine an average annual salary for this position. The average salary for this position is \$52,800. The previous Accreditation Manager for the Smithfield Police Department was earning an annual salary of \$42,550. By using the average salary of \$51,266 as the midpoint in the Town's current salary schedule, the Accreditation Manager position should be placed as a Grade 19 employee, with a salary range between \$39,582.40 and 60,561.08. Minor savings will also be realized based on paying a decreased pension amount and decreased 401K benefit. Police separation allowance would also be eliminated upon retirement. By making the recommended adjustments, neither the police department's current employee salary line item nor its benefits line item would require any amending.

Action Requested:

It is requested this issue be discussed by the Town Council and the Council approve the police department's request to add the Accreditation Manager position to the Grade 19 salary schedule and authorize the Chief of Police to accept applications for a non-sworn person to fill this vacancy.



SMITHFIELD POLICE DEPARTMENT

110 S. Fifth Street • Smithfield, NC 27577
Phone: (919) 934-2121 • Fax: (919) 934-0223



Michael L. Scott
Chief

TO: Jim Freeman, Interim Town Manager
FROM: Michael L. Scott, Chief of Police
SUBJECT: Accreditation Manager Position
DATE: September 23, 2015

The Smithfield Police Department's Accreditation Manager has resigned her position effective October 2, 2015. She is taking a position with North Carolina Training and Standards. The accreditation manager is a specialty position that requires a significant amount of detailed paperwork and computer work. The previous accreditation manager was a sworn officer with this agency, holding a Bachelor's Degree with experience as a police officer in Smithfield and Raleigh and also experience serving as a victim advocate in Johnston County. During her time as an accreditation manager for the police department, she did an outstanding job completing our initial accreditation process. Her annual salary upon resignation was \$42,550.

During the initial stages of accreditation it was important for the organization to have a sworn officer working with the Chief to create policy, procedure and relate these to the activities an officer performs within the Smithfield Police Department. As the department transitions to a maintenance role and updating role within the accreditation process, I feel that a civilian may be in a better position to fill the accreditation manager vacancy, as opposed to a sworn officer. This may also benefit the agency, as civilian employees, in this type of position, often remain in the position longer than sworn officers do. It is imperative however that this position be filled immediately so the new accreditation manager can receive the prerequisite training in the new, CALEA mandated computer system and the CALEA requirements for proofs and policy creation/amendment.

Because the Town is working from a salary schedule that was created prior to the police department seeking accreditation, the accreditation manager position was never placed into the salary schedule. Attached you will find a breakdown of agencies employing between 25 and 74 officers and current the annual salaries of their accreditation managers. These agencies represent all the agencies in North Carolina that adhere to the same CALEA standards as the Smithfield Police Department. This breakdown reveals an average or mean annual salary of \$51,266. Using this as the midpoint or median salary within the Town's actual salary structure (attached) the accreditation

manager position should be a Grade 19 employee with a salary range of \$39,582.40 to \$60,561.08, the midpoint or median being \$50,071.74. Using this pay grade, there would be no need for budget amendments to the department's approved budgeted line items for salary or benefits.

Minor savings will also be realized based on paying a decreased pension amount and decreased 401K benefit. Police separation allowance would also be eliminated upon retirement.

I am requesting this be placed on the October agenda as a New Business item to be discussed and hopefully approved. The alternative is to leave things as they currently are, promoted an existing sworn officer to the position, providing the 5% normal salary increase, which will likely place the officer within the range of the salary requested for this position. I think however, we can do better, by saving a little money and hopefully create a civilian position that will have increased tenure with the Town thus decreasing the turnover we might experience by keeping the position as a sworn officer.

Thanks for your consideration of this request.

Michael E. Scott
Chief of Police

Current Salaries of Accreditation Managers

Albemarle	\$60,569	Sworn
Clayton	\$57,276	Sworn
Clinton	\$32,460	Civilian
Canover	\$41,989	Sworn
Cornelius	\$68,424	Sworn
Garner	\$55,328	Civilian
Graham	\$54,288	Sworn
Henderson	\$29,120	Civilian
Knightdale	\$52,539	Civilian
Morehead City	\$57,758	Civilian
Morrisville	\$53,443	Civilian
Southern Pines	\$52,000	Civilian

Totals	\$615,194
Average/Mean	\$51,266

ACCREDITATION MANAGER

Position Overview

This position reports directly to the Chief of Police. The person in this position will be responsible for performing analytical and administrative work with a minimal degree of supervision. At this level, emphasis is on coordinating accreditation activities by making independent judgments and decisions based on analytical and innovative thinking. Performance at this level is measured through conferences, reports, and analysis of the methodology and level of success accomplishing assigned tasks consistent with agency goals and national standards. The person filling this position, sworn or non-sworn, has the authority to make appropriate assignments and enforce deadlines throughout the agency.

Duties and Responsibilities

Receives assignments and sets work priorities, coordinating them to meet deadlines in order to assure an efficient work flow throughout the agency.

Reviews a wide variety of complex and technical issues concerning law enforcement standards and the accreditation process.

Meets regularly with Chief of Police and key employees to identify needs and report progress on accreditation efforts.

Assists in identification and development of new programs, systems, procedures, or equipment to improve performance of the agency in compliance with applicable standards.

Provides liaison to the Commission on Accreditation for Law Enforcement Agencies, Inc., (CALEA) for all accreditation matters.

Attends CALEA meetings and local accreditation network meetings (North Carolina Law Enforcement Accreditation Network-NCLEAN).

Keep abreast of all aspects of the accreditation process, including proposed changes or amendments to the standards, assessing the impact of changes on current policies and procedures of the agency.

Provide accreditation training for agency employees.

Assigns, directs and coordinates groups of employees to achieve plans of action, recommendations to the Chief of Police, and other activities that meet compliance with applicable accreditation standards.

Drafts new written directives or assigns writing projects to others that achieve accreditation objectives.

Maintains master and archive files for agency written directives.

Maintains CALEA ISSR files.

Operates the accreditation maintenance software.

Performs other related work as assigned by the Chief of Police.

Recruitment and Selection Guidelines

Knowledge, Skills and Abilities

Ability to read and understand materials concerning the law enforcement and criminal justice processes.

Knowledge of the principles and practices of modern law enforcement operations.

Ability to demonstrate exemplary writing skills.

Ability to work independently and solve problems involving many variables.

Ability to organize and plan group activities and provide training for agency employees.

Ability to speak publicly about the accreditation process.

Ability to analyze facts and to exercise sound judgment in arriving at conclusions and recommendations.

Ability to make decisions based on experience, giving attention to details.

Ability to read and understand a wide range of technical literature.

Ability to complete assignments in a timely fashion.

Ability to deal tactfully, professionally, and effectively with others.

Ability to delegate tasks effectively and accept responsibility for the outcome.

Physical Requirements- (If filled by sworn officer)

Must be able to physically perform the basic life operational functions of climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, feeling, talking, hearing, seeing and perform repetitive motions.

Must be able to perform heavy work exerting up to 100 pounds of force occasionally, and 50 pounds of force frequently, and up to 20 pounds of force constantly.

Must possess the physical abilities necessary to perform the duties of a law enforcement officer.

Physical Requirements- (If filled by civilian)

Must be able to physically perform the basic life operational functions of reaching, lifting, fingering, grasping, talking, hearing and repetitive motions.

Must be able to perform sedentary work exerting up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to move objects.

Must possess the visual acuity to prepare data and statistics, operate a computer terminal, do extensive reading, and perform visual inspection of work performed.

Minimum Qualifications- (If filled by sworn officer)

A minimum of two years experience as a law enforcement officer;

A minimum of one year of service as a police officer with the Town of Smithfield;

A rating of at least "satisfactory" or higher in the preceding twelve months. The effect of disciplinary action on eligibility is at the discretion of the Chief of Police;

Have a written endorsement of their Team Commander.

Minimum Qualifications- (If filled by civilian)

Graduation from high school and experience in an administrative role, preferably in a law enforcement setting.

**Town of Smithfield
Town Council Action Form**

Business Item: Request for approval of amendment to the Pay and Classification Plan to add a Career Ladder Plan for the Electric Department.

Date of Meeting: October 6, 2015

Date prepared: September 29, 2015

Staff Work by: Connet, Kerrigan, Freeman

Presentation: Pete Connet, Interim Utilities
Director

Item: The Staff is requesting an amendment to the Pay and Classification Plan to add a Career Ladder Plan for the Electric Department similar to the Police, Fire, and Water Plant Departments.

For the past several years ElectriCities has offered a Lineman Career Development Training Program (LCDP) which encourages non-experienced linemen to take classroom study and training, and hands-on training over several years, leading to a Journeyman Lineman designation that is recognized by the NC Department of Commerce.

There are four levels of training in all leading up to the Journeyman designation. Levels I and II are considered what we would like to call an Advanced Lineman, and Levels III and IV culminate with the Journeyman designation.

In the current pay plan an Electric Line Technician with no, or very little, experience begins at Pay Grade 15. The Electric Line Crew Leader is a Pay Grade 18, and the Electric Distribution Superintendent is at Pay Grade 23.

Staff is recommending the following classifications additions to Pay Grades 16 & 17:

Pay Grade 16 would include a new designation of "Advanced Lineman" for those individuals who have completed and passed the Levels I & II of the LCDP.

Pay Grade 17 would include a new designation of "Journeyman Lineman" for those individuals who have completed and passed Levels III & IV of the LCDP.

At the present time we have two linemen who have completed and passed the classroom and field training required to receive the Journeyman Lineman designation by the NC Department of Commerce and ElectriCities. We also, have one lineman that has completed and passed Levels I & II (now working on Level III) and would be eligible to be considered an Advanced Lineman, if this request is approved.

There is no monetary impact to the current budget. Monies were included in the FY 16 budget for Career Advancement Opportunities.

The Staff recommends the approval of this request in an effort to attract and retain qualified individuals who are dedicated to providing the best possible service to our citizens.

Action Requested

Approve a motion to add the following classification additions to Pay Grades 16 & 17:

Pay Grade 16 would include a new designation of "Advanced Lineman" for those individuals who have completed and passed the Levels I & II of the LCDP.

Pay Grade 17 would include a new designation of "Journeyman Lineman" for those individuals who have completed and passed Levels III & IV of the LCDP.

The minimum distribution electric system line work experience requirements for each level are as follows:

Powerline Technician I – Two years of line work experience or completion of an accredited lineman school.

Powerline Technician II – Four years of line work experience.

Powerline Technician III – Six years of line work experience with the demonstrated ability to work without close supervision.

Journeyman Lineman – Eight years of line work experience, one of which must have been in a supervisory capacity, such as a crew leader, etc. or a lead lineman who has conducted hands-on shoulder training of an apprentice lineman.

Place out tests cost \$345.00 per level, per student. If the student fails any level, the \$345.00 will be applied to the \$345.00 registration fee for members. All necessary requirements must be met according to the Lineman Career Development Program guidelines.

When an employee is eligible to take a “place out” test, the following shall be completed:

Powerline Technician I – Appendix D in Section V Task Requirements sheet, page V-4, tasks must be initialed in each column and signed by the student, supervisor and director.

Powerline Technician II – Appendix D in Section V Task Requirements sheet, page V-4, tasks must be initialed in each column and signed by the student, supervisor and director.

Module Listings

Powerline Technician I (Level 1)

	Module ID#
1. Safe Bucket Truck Operations	M100
2. Climbing Wooden Poles	M105
3. Using Tools	M110
4. Hydraulic Derricks	M115
5. Basic Electricity	M120
6. Alternating Current Fundamentals	M125
7. Care and Testing of Tools and Equipment	M130
8. Safety in Meter Work	M135
9. Electrical Safety	M140
10. Safety in Transmission and Distribution Maintenance	M145
11. Introduction to Transmission and Distribution	M150
12. Using Line Test Equipment 1	M155
13. Service Installation Part 1	M160
14. Underground Residential Systems 1	M165
15. Rigging 1	M170

Module Listings

Powerline Technician II (Level 2)

	Module ID#
1. Overhead Troubleshooting 1	M200
2. Overhead Troubleshooting 2 (Emergency Conditions)	M205
3. Rigging 2	M210
4. Distribution	M215
5. Overhead Distribution System	M220
6. Pole Framing and Guying	M225
7. Safety in Substations and Switchyards	M230
8. Substations and Switchyards	M235
9. Pole Top Equipment and Replacement Transformers	M240
10. Locating Secondary Faults	M245
11. Cable Splicing 1	M250
12. Underground Residential Systems 2	M255
13. Pole Top Equipment & Replacement Cutout & Reclosers	M260
14. Safety in Overhead Line Maintenance	M265

Module Listings

Powerline Technician III (Level 3)

	Module ID#
1. Introduction to Metering	M300
2. Service Installation 2.....	M305
3. Advanced Rigging.....	M310
4. Pole Top Equipment &Replacement (Voltage Regulators)	M315
5. System Monitoring and Protection	M320
6. Distribution Line Safety	M325
7. Using Line Test Equipment 2	M330
8. Underground Cable Installation.....	M335
9. Tree Trimming	M340
10. Transformer Connections	M345
11. Transformer Troubleshooting	M350
12. Distribution Line Repair (Gloves)	M355
13. Underground Residential System Troubleshooting.....	M360
14. Locating Primary Faults.....	M365
15. Safety in Underground Line Maintenance	M370

Module Listings

Journeyman (Level 4)

	Module ID#
1. Multimeter Operations and Use	M400
2. Working on Distribution Poles.....	M405
3. Pole Top and Replacements (Switches)	M410
4. Power Quality.....	M415
5. Pad Mount Transformer and Switch Gear.....	M420
6. Distribution Line Installation and Removal.....	M425
7. Distribution Line Replacement	M430
8. Voltage Regulator 1	M435
9. Voltage Regulator 2.....	M440
10. Power Transformers 1	M445
11. Relays 1	M450
12. Control Equipment	M455
13. Capacitors and Reactors.....	M460
14. Circuit Breakers 1	M465
15. Transmission	M470

**Town of Smithfield
Town Council Action Form**

Business Item: Award of lowest responsible bid for Equipment needed as part of the Sand Removal - River Project. Authorize the Manager and/or Mayor to sign the necessary documents to enter into a contractual agreement with the low bidder.

Date of Meeting: October 6, 2015

Date prepared: September 24, 2015

Staff Work by: Pete Connet, Dale Boyette

Presentation: Pete Connet, Interim Utilities Director

Item:

On Thursday, September 24, 2015, the Town opened bids, after legal advertisement for the equipment needed as part of the Sand Removal project at the Water Plant. There were three bidders who submitted bids to furnish the equipment. They are as follows:

Clearwater Inc. of Hickory, NC	\$125,744.91
Heyward Incorporated of Charlotte, NC	\$154,136.00
Envirodyne Systems of Camp Hill, PA	\$135,225.00

The total budget for this project is \$530,000 in the Water Plant Capital Outlay line of the FY 16 budget approved by the Town Council. The Engineer's estimate for the equipment portion of the project was \$150,000 and is a part of the total \$530,000 budgeted for the project.

These equipment items are being bid early due to the lead time to manufacture the grit pump and related equipment. We are purchasing: (1) a grit pump, (2) a classifier/sand separator, and (3) a control panel(s) for this equipment.

At the bid opening, it was noticed that the low bidder did not properly acknowledge receipt of the four addendums that had been sent out after the bid documents were prepared. The apparent low bidder, instead acknowledging receipt of each of the addendums 1-4, just put the number "4" in the space for acknowledgements. The Engineer and Town Staff contacted Mr. David Grose of Clearwater Inc. by telephone, following the opening of all the bids, and inquired as to his receipt of all the addendums. He verbally acknowledged to us that he indeed had received all the addendums, but was not familiar with how to complete the form to acknowledge receipt of all the addendums. A memorandum, dated September 24, 2015, recaps the conversation with Mr. Grose.

The bid advertisement states, **"The Buyer (Town) reserves the right to waive any informality or to reject any or all Bids."**

The four addendums are attached and have no significant, if any, monetary effect on the bid price. Town Staff is reviewing this with the Town Attorney, but is recommending to the Council to waive this informality, unless otherwise advised by the Town Attorney.

The Wooten Company is continuing to work with the Water Plant Staff on the plans and specs for the installation of the equipment and the required structures to bring the project to completion. Those plans and specs will be reviewed by the State and bid at a later date. It is anticipated that those bids will be opened and awarded in the December/January timeframe. The estimated completion date for the entire project is on/or before April 30, 2016.

Action Requested

Approve a motion:

1. To waive the informality in the apparent low bid of Clearwater Inc. dealing with the proper acknowledgement of the four addendums to the bid documents.
2. To award the Contract for furnishing the necessary equipment needed for the Sand Removal – River Project, to Clearwater, Inc., in the amount of \$125,744.91
3. To authorize the Mayor or the Interim Manager to sign the necessary documents to secure the equipment.



September 28, 2015

Mr. Pete Connet, Interim Utilities Director
Town of Smithfield
P.O. Box 761
Smithfield, NC 27577

Re: Award Recommendation
Sand Removal Equipment Procurement
Town of Smithfield, NC
TWC No. 2698-BS

Dear Mr. Connet:

Enclosed is the certified Bid Tabulation for the bids received on Thursday, September 24, 2015, for the above referenced project. Three (3) equipment suppliers submitted their bid proposals for the equipment procurement. Clearwater, Inc., from Hickory, North Carolina, submitted the low bid (base bid) in the amount of \$125,744.91.

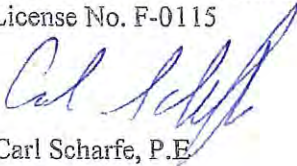
Clearwater, Inc., is qualified to supply the required equipment and Wooten has had favorable past experience with this firm. However, as shown on the bid tabulation form, Clearwater Inc. did not acknowledge receipt of all the addendums on their bid form (as requested in the bidding instructions). The Town may choose to waive the acknowledgement as an informality and proceed to award the bid. Wooten recommended that the Town attorney first review the bid form and bidding materials and advise the Town accordingly regarding waiving the acknowledgement as an informality.

Accordingly, it is our understanding that the Town attorney is reviewing the bidding laws and will advise if the Town can proceed forward with the award. Therefore, we recommend that the Town of Smithfield make award of the contract based on Base Bid to Clearwater, Inc. in the amount of \$125,744.91, contingent on a favorable review by the attorney.

Attached is the Notice of Award for the Town's signature. The date can be hand written in the form once the Town Council approves the award. Once the Notice of Award is signed we will prepare the Contract Documents that we will be sending the bidder for execution. Should you have any questions concerning this recommendation or need additional information, please contact us.

Sincerely,

THE WOOTEN COMPANY
License No. F-0115



Carl Scharfe, P.E.

Enclosures
c: Bid Tabulation

120 North Boylan Avenue
Raleigh NC 27603-1423

919.828.0531
fax 919.834.3589

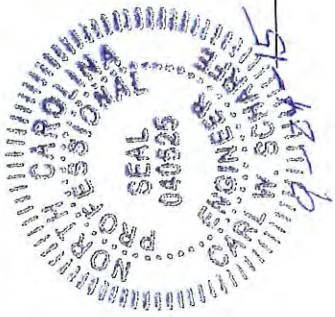
BID TABULATION
SAND REMOVAL EQUIPMENT PROCUREMENT
TOWN OF SMITHFIELD
SMITHFIELD, NORTH CAROLINA

TWC No. 2698-ES

SEPTEMBER 24, 2015, 10:00AM

CONTRACTORS	BID BOND	ADD. #1	ADD. #2	ADD. #3	ADD. #4	BASE BID	REMARKS
A Division of Tencarva Machinery Company 1115 Pleasant Ridge Road Greensboro, NC 27409						-	No bid.
Clearwater Inc. 1939 Tate Blvd., SE Hickory, NC 28602	5%				✓	\$125,744.91	Apparent Low Bidder.
Heyward Incorporated 2101 - A Cambridge Beltway Drive Charlotte, NC 28273	Certified Check	✓	✓	✓	✓	\$154,316.00	
Mechanical Equipment Company 5711 Six Forks Road Raleigh, NC 27609						-	No bid.
Envirodyne Systems Inc. 75 Zimmerman Drive Camp Hill, PA 17011	5%	✓	✓	✓	✓	\$135,225.00	

This is to certify that the bids tabulated herein were publicly opened and read aloud at 10:00 a.m. on the 24th day of September, 2015, in the offices of the Town Smithfield located at 350 East Market Street, Smithfield, North Carolina, and that all said bids were accompanied by either a certified check or bidder's bond except as otherwise noted.



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

Carl Scharfe

Carl Scharfe, P.E.

Notice of Award



Project: Sand Removal Equipment Procurement	Date:
Owner: Town of Smithfield	Owner's Contract No.: N/A
Contract: N/A	Engineer's Project No.: 2698-BS
Bidder: Clearwater, Inc.	
Bidder's Address: (send Certified Mail, Return Receipt Requested) 1939 Tate Boulevard	
Hickory, NC 28602	

You are notified that your Bid dated September 24, 2015 for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for the following:

Sand Removal Equipment Procurement

The Contract Price of your Contract is One Hundred Twenty-Five Thousand, Seven Hundred Forty-Four and 91/100 Dollars (\$125,744.91).

Three (3) copies of the proposed Contract Documents (except Drawings) accompany this Notice of Award.

You must comply with the following conditions precedent within 10 days of the date you receive this Notice of Award.

1. Deliver to the Owner three (3) fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract Bonds as specified in the Instructions to Bidders, General Conditions Paragraph 5.01, and Supplementary Conditions Paragraph SC-5.01.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award and declare your Bid security forfeited.

Within 10 days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

Town of Smithfield
Owner
By: _____
Authorized Signature

Jim Freeman, Interim Town Manager
Title

Copy to Engineer

Acceptance of Notice

Receipt of the above Notice of Award is hereby acknowledged by _____

this the _____ day of _____, 20____.

By: _____

Title: _____

Pete Connet

From: Bob Spence <Spence@sst-law.com>
Sent: Tuesday, September 29, 2015 8:53 AM
To: Pete Connet
Cc: 'Shannan Williams'
Subject: RE: Sm,ithfield

Pete this bid irregularity does not appear to give the low bidder any unfair advantage over other bidders. Thus I would not reject it on that basis.

Robert A. Spence, Jr.
Spence and Spence, P.A.
212 South Second Street
P.O. Box 1335
Smithfield NC 27577
919-934-1149

To determine if a bid is responsive one must look at both the substance of the bid and the procedure followed to submit the bid. If it is clear that a bid was not submitted in accordance with the most basic of statutory procedural requirements the bid is not responsive and must be rejected. The failure of the bidder to submit the bid on time, in a sealed envelope or with a required bid security, for example, are the types of procedural non-compliance warranting rejection of a bid.

Substance of the bid itself is the other component of bid responsiveness. The inquiry is whether the bidder has offered in its bid the exact services and product requested by the public owner; and, if not, how great is the variance.

In an article in the journal Local Government Law, published by University of North Carolina at Chapel Hill School of Government, the author discusses in depth how public owners go about determining bid responsiveness.⁴ According to the author, courts evaluate materiality of "defects" in bids based on a fairness standard. Public owners may not waive defects in bids if to do so would give that bidder an unfair advantage over other bidders.
law.com

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

From: Pete Connet [<mailto:pete.connet@smithfield-nc.com>]
Sent: Monday, September 28, 2015 8:30 AM
To: Bob Spence <Spence@sst-law.com>
Cc: 'Shannan Williams' <shannan.williams@smithfield-nc.com>
Subject: FW: Phone conversation record

Bob,

Here is the memo regarding low bidder on the Water Plant Equipment question.

Pete

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

From: Carl Scharfe [<mailto:cscharfe@thewootencompany.com>]
Sent: Thursday, September 24, 2015 1:46 PM

ADVERTISEMENT FOR BIDS

Project: Sand Removal Equipment Procurement

Buyer: Town of Smithfield
P.O. Box 761
350 E. Market Street
Smithfield, NC 27577-0761

Engineer: The Wooten Company
120 N. Boylan Avenue
Raleigh, NC 27603
(919) 828-0531

Separate sealed Bids will be received until 10:00 am, September 24, 2015, in the offices of the Town of Smithfield at 350 E. Market Street, Smithfield, N.C., at which time and place bids will be publicly opened and read aloud for the Sand Removal Equipment Procurement for the Town of Smithfield.

After Bids are opened, the Buyer shall evaluate them in accordance with the methods and criteria set forth in the Instructions to Bidders. The Buyer reserves the right to waive any informality or to reject any or all Bids. Unless all Bids are rejected, Award will be made to the lowest responsible Bidder, taking into consideration quality, performance and the time specified in the proposals for the performance of the Contract.

The Project consists of the following major items:

Procurement of one (1) submersible non-clog pump, grit cyclone/classifier, electrical control panel and associated appurtenances for the Raw Water Pump Station Modifications for Sand Removal project. The project consists of a submersible pump, base elbow, lift-out assembly, grit cyclone/classifier, electrical control panel and other necessary appurtenances as described in the contract documents.

Bidding Documents may be examined at Engineer's and Buyer's office.

With request for Bidding Documents supply the following information: Company name, contact person, street address, and phone and fax numbers for Bidding office.

Bidders will be required to show evidence that they have at least five (5) years experience in manufacturing pumps, grit/sand removal equipment, and associated appurtenances of the type, design, function and quality as required by the Instructions to Bidders.

Bid Security in the amount of five percent of the Bid must accompany each Bid and shall be subject to the conditions provided in the Instructions to Bidders.

The Buyer is an Equal Opportunity Employer and does not discriminate.

No Bidder may withdraw his bid within 60 days after the actual date of the opening thereof.

END OF DOCUMENT



Memorandum

TO: Pete Connet, Jim Freeman, Dale Boyette, Tim Kerigan
FROM: Carl Scharfe, The Wooten Company
DATE: September 24, 2015
SUBJECT: Bid Opening for Sand Removal Equipment Procurement
Phone Call to Clearwater, Inc., Hickory, NC

Bids for the Sand Removal Equipment Procurement, Town of Smithfield were opened September 24, 2015 at 10:00 am. at the Smithfield Town Hall. Representatives present at the bid opening were Pete Connet, Jim Freeman, Dale Boyette, and Tim Kerigan from the Town of Smithfield and Carl Scharfe from The Wooten Company.

The apparent low bidder is Clearwater, Inc. with a bid price of \$125,744.91. Clearwater, Inc. acknowledged Addendum No. 4 but did not acknowledge Addendums 1, 2, and 3. Subsequently, David Grose of Clearwater, Inc. was called at Clearwater's Hickory, NC office at phone number 828-855-3182 to inquire about their receipt of Addendums 1, 2, and 3. The phone call was made at approximately 10:25 a.m. with the representatives listed above present. Mr. Grose indicated that they had indeed received all the addendums but that he was not familiar with filling out the bid form addenda acknowledgement portion and that is why they did not list the first three addendums. A discussion with Mr. Grose about Addendums 1, 2, and 3 indicated the following:

- Addendum 1 was regarding listing the Owner as the Town of Smithfield on the Bid Bond. The Bid Bond submitted had the correct information so this has no material impact on the bid or the bid price.
- Addendum 2 required providing a one-year warranty for the grit classifier equipment. Mr. Grose indicated that Clearwater, Inc. would provide the Grit Classifier warranty as required in Addendum 2 and that this cost was included in the bid so there is no change in the bid price.
- Addendum 3 was a correction on the equipment delivery date to the project site and final completion date in the Notice to Proceed form so that these dates would match that listed in the Agreement in the bid documents. Mr. Grose indicated that Clearwater Inc., is aware of the delivery schedule in the Agreement and in the Notice to Proceed and that Clearwater, Inc. included this in their bid and that there no change in the bid price.

The phone call was concluded at approximately 10:35 a.m.

120 North Boylan Avenue
Raleigh, NC 27603-1423

919.828.0531
fax 919.834.3580

SAND REMOVAL EQUIPMENT PROCUREMENT

**TOWN OF SMITHFIELD
JOHNSTON COUNTY, NORTH CAROLINA**

SUBJECT: ADDENDUM NO. 1

September 16, 2015

To the Plans and Specifications for:
Sand Removal Equipment Procurement
Smithfield, N.C.

To: PROSPECTIVE BIDDERS AND OTHER CONCERNED PARTIES

This ADDENDUM forms a part of the Contract Documents and modifies the original Bidding Documents as noted below. Bidders shall acknowledge receipt of the ADDENDUM in the space provided on the Bid Form. Failure to do so may subject the Bidder to Disqualification.

A. Bidding Requirements

1. Document 00430 Bid Bond
 - a. Replace 00430 Bid Bond with the attached revised 00430 Bid Bond.

Bids will be received until 10:00 am, September 24, 2015

FOR THE OWNER
The Wooten Company
120 N. Boylan Avenue
Raleigh, NC 27603
License No. F-0115



BY _____
Carl Scharfe, P.E.

END OF DOCUMENT

BID BOND

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

BIDDER *(Name and Address):*

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

OWNER *(Name and Address):*

Town of Smithfield
 340 E. Market Street
 Smithfield, NC 27577

BID

Bid Due Date:
 Description *(Project Name and Include Location):*

BOND

Bond Number:
 Date *(Not earlier than Bid due date):*
 Penal sum _____

(Words)

\$

(Figures)

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

BIDDER

SURETY

 Bidder's Name and Corporate Seal

(Seal)

 Surety's Name and Corporate Seal

(Seal)

By:

 Signature

By:

 Signature (Attach Power of Attorney)

 Print Name

 Print Name

 Title

 Title

Attest:

 Signature

Attest:

 Signature

 Title

 Title

Note: Above addresses are to be used for giving required notice.

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

SAND REMOVAL EQUIPMENT PROCUREMENT

TOWN OF SMITHFIELD
JOHNSTON COUNTY, NORTH CAROLINA

SUBJECT: ADDENDUM NO. 2

September 17, 2015

To the Plans and Specifications for:
Sand Removal Equipment Procurement
Smithfield, N.C.

To: PROSPECTIVE BIDDERS AND OTHER CONCERNED PARTIES

This ADDENDUM forms a part of the Contract Documents and modifies the original Bidding Documents as noted below. Bidders shall acknowledge receipt of the ADDENDUM in the space provided on the Bid Form. Failure to do so may subject the Bidder to Disqualification.

A. Technical Specifications

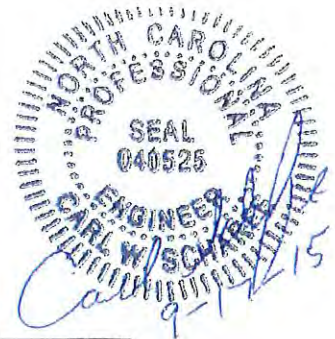
1. Section 11322 Grit Classification Equipment
 - a. Page 3, Add the following Part 1.08 after Part 1.07

"1.08. WARRANTY

- A. Provide standard manufacturer's warranty but shall not be less than one year. Warranty shall start from date of successful start-up of the classification equipment and receipt of manufacturer's unqualified start-up report."

Bids will be received until 10:00 am, September 24, 2015

FOR THE OWNER
The Wooten Company
120 N. Boylan Avenue
Raleigh, NC 27603
License No. F-0115



BY _____
Carl Scharfe, P.E.

END OF DOCUMENT

SAND REMOVAL EQUIPMENT PROCUREMENT

**TOWN OF SMITHFIELD
JOHNSTON COUNTY, NORTH CAROLINA**

SUBJECT: ADDENDUM NO. 3

September 21, 2015

To the Plans and Specifications for:
Sand Removal Equipment Procurement
Smithfield, N.C.

To: PROSPECTIVE BIDDERS AND OTHER CONCERNED PARTIES

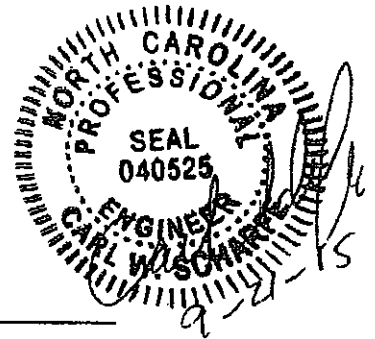
This ADDENDUM forms a part of the Contract Documents and modifies the original Bidding Documents as noted below. Bidders shall acknowledge receipt of the ADDENDUM in the space provided on the Bid Form. Failure to do so may subject the Bidder to Disqualification.

A. Bidding Requirements

1. Document 00550 Notice to Proceed
 - a. Replace 00550 Notice to Proceed with the attached revised 00550 Notice to Proceed.

Bids will be received until 10:00 am, September 24, 2015

FOR THE OWNER
The Wooten Company
120 N. Boylan Avenue
Raleigh, NC 27603
License No. F-0115



BY _____
Carl Scharfe, P.E.

END OF DOCUMENT



Notice to Proceed

Project: Sand Removal Equipment Procurement	Date:
Owner: Town of Smithfield	Owner's Contract No.: N/A
Contract: N/A	Engineer's Project No.: 2698-BS
Seller:	

Seller's Address: (send Certified Mail, Return Receipt Requested)

You are notified that the Contract Times under the above contract will commence to run on _____. On or before that date, you are to start performing your obligations under the Contract Documents. In accordance with Article 5 of the Agreement, the number of days to achieve Delivery of Goods to the Point of Destination is 114, and the number of days to furnish and complete Special Services is 25. The date of completion of all work is therefore _____.

Before you may start any Work at the Site, Paragraph 2.01.B of the General Conditions provides that you must deliver to the Owner (with copies to Engineer and other identified additional insureds) certificates of insurance which you are required to purchase and maintain in accordance with the Contract Documents.

Town of Smithfield
 Owner
 Given by: _____
 Authorized Signature
 Jim Freeman, Interim Town Manager
 Title _____
 Date _____

Copy to Engineer

Acceptance of Notice

Receipt of the Notice of Proceed is hereby acknowledged by _____

this the _____ day of _____, 20____.

By: _____

Title: _____

SAND REMOVAL EQUIPMENT PROCUREMENT

**TOWN OF SMITHFIELD
JOHNSTON COUNTY, NORTH CAROLINA**

SUBJECT: ADDENDUM NO. 4

September 22, 2015

To the Plans and Specifications for:
Sand Removal Equipment Procurement
Smithfield, N.C.

To: PROSPECTIVE BIDDERS AND OTHER CONCERNED PARTIES

This ADDENDUM forms a part of the Contract Documents and modifies the original Bidding Documents as noted below. Bidders shall acknowledge receipt of the ADDENDUM in the space provided on the Bid Form. Failure to do so may subject the Bidder to Disqualification.

A. Bidding Requirements

1. Document 00430 Affidavit A and B
 - a. Delete Affidavit A, Listing of Good Faith Efforts and Affidavit B, Intent to Perform Contract with Own Workforce.

B. Contracting Requirements

1. Document 00610 and 00615A Performance and Payment Bond
 - a. Delete Performance and Payment Bond requirements.
2. Document Document 00800 Supplementary Conditions
 - a. Delete Identification of Minority Business Participation form, Affidavit C, Portion of the Work to be Performed by Minority Firm and Affidavit D, Good Faith Efforts.

Bids will be received until 10:00 am, September 24, 2015

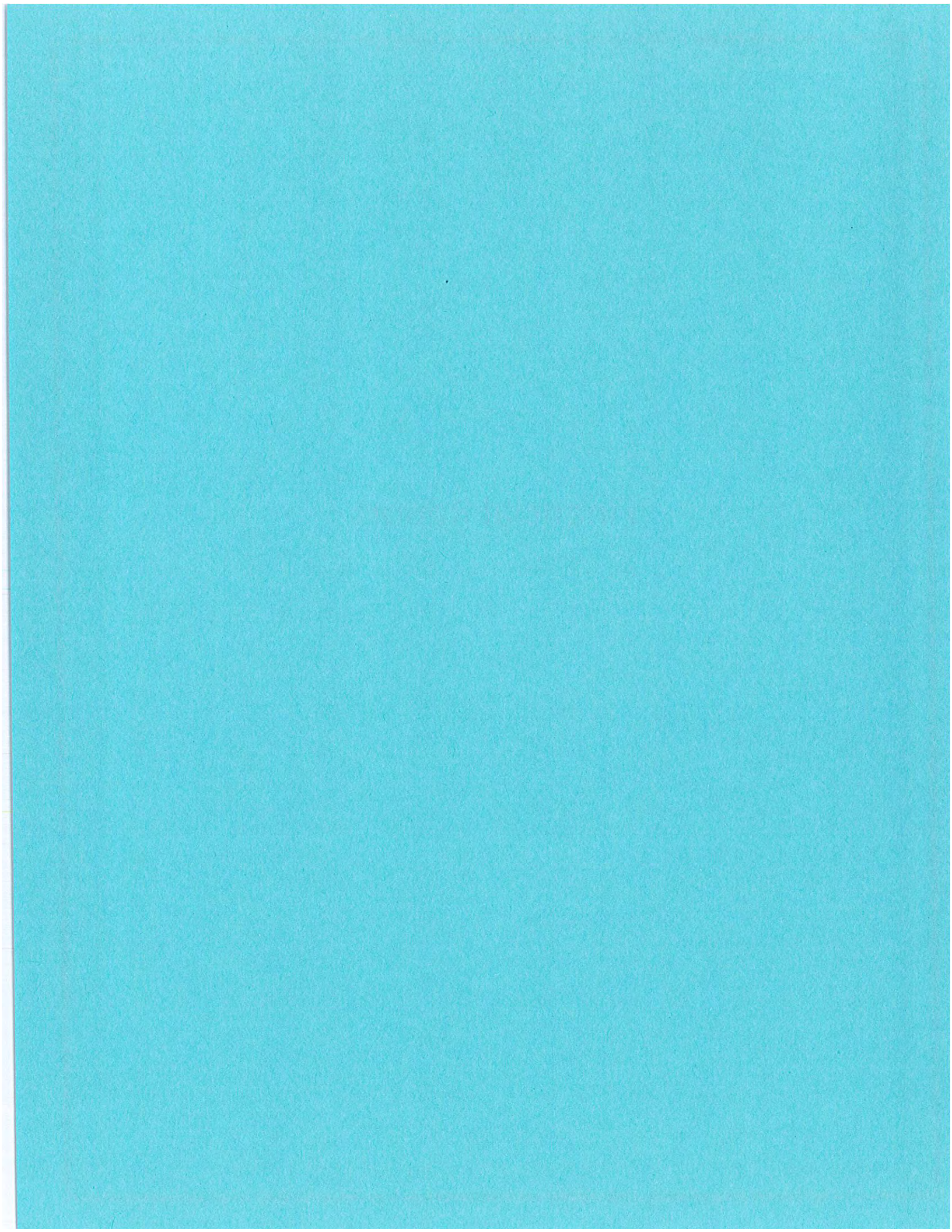
FOR THE OWNER
The Wooten Company
120 N. Boylan Avenue
Raleigh, NC 27603
License No. F-0115



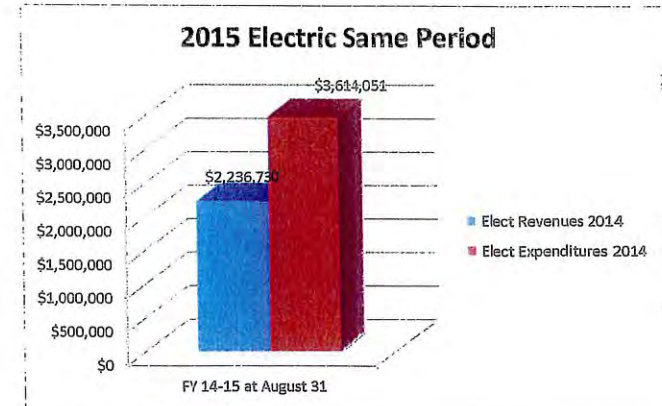
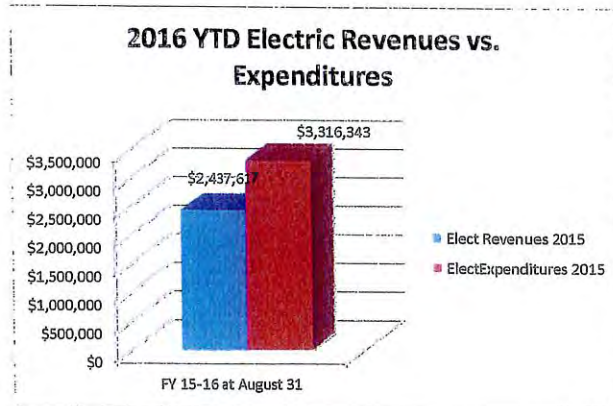
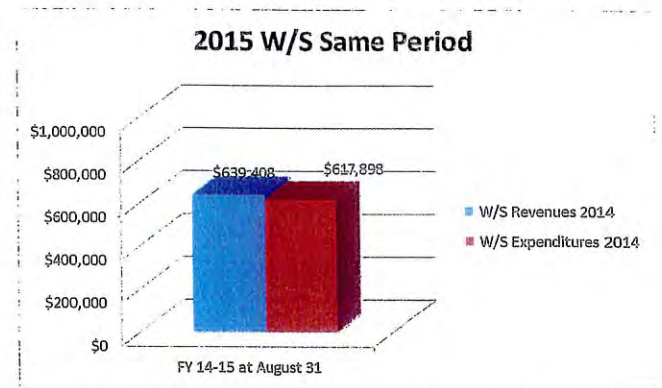
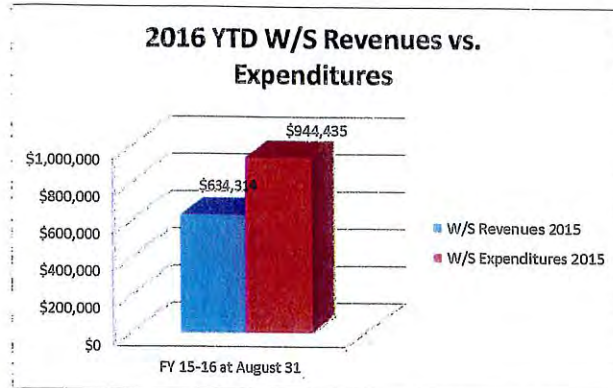
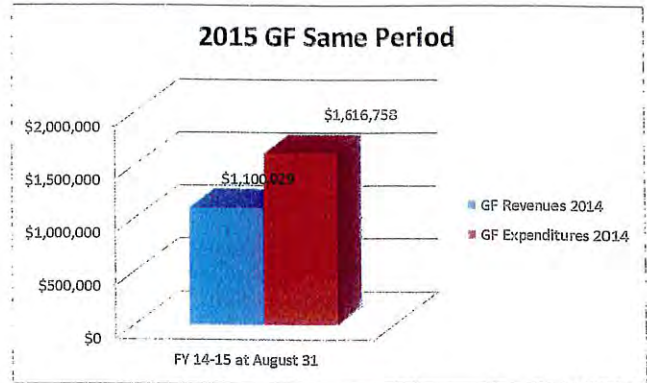
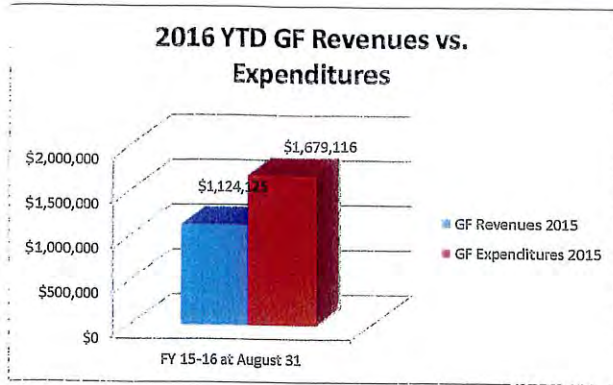
BY _____
Carl Scharfe, P.E.

END OF DOCUMENT

Financial Report



Town of Smithfield Revenues vs. Expenditures



TOWN OF SMITHFIELD
 MAJOR FUNDS FINANCIAL SUMMARY REPORT
 August 31, 2015
 Gauge:2/12 or 16.67 Percent

16.67%

GENERAL FUND

Revenues	Actual	Budget	Actual to Date	YTD %
	FY '14-5	FY '15-16	FY '15-16	Collected
Current & Prior Year Property Taxes	\$ -	\$ 5,499,200	\$ 550,152	10.00%
Motor Vehicle Taxes	-	425,000	88,445	20.81%
Utility Franchise Taxes	-	810,000	-	0.00%
Local Option Sales Taxes	-	1,990,000	-	0.00%
Aquatic and Other Recreation	-	829,400	166,603	20.09%
Sanitation	-	1,326,200	136,565	10.30%
All Other Revenues	-	1,260,756	182,360	14.46%
Loan Proceeds	-	942,000	-	0.00%
Transfers (Electric and Fire Dist.)	-	397,542	-	
Fund Balance Appropriated	-	200,000	-	0.00%
Total	\$ -	\$ 13,680,098	\$ 1,124,125	8.22%

Expenditures	Actual	Budget	Actual to Date	YTD %
	FY '14-5	FY '15-16	FY '15-16	Spent
General Gov.-Governing Body	\$ -	\$ 265,435	\$ 54,291	20.45%
Non Departmental	-	1,221,109	195,610	16.02%
Debt Service	-	1,404,646	166,389	11.85%
Finance	-	118,158	27,461	23.24%
Planning	-	407,786	54,929	13.47%
Police	-	3,532,799	485,220	13.73%
Fire	-	1,884,571	162,000	8.60%
EMS	-	-	-	#DIV/0!
General Services/Public Works	-	471,479	79,688	16.90%
Streets	-	935,157	75,106	8.03%
Motor Pool/Garage	-	93,220	10,292	11.04%
Sanitation	-	1,226,145	127,188	10.37%
Parks and Rec	-	807,097	91,561	11.34%
SRAC	-	962,336	149,381	15.52%
Contingency (Previously Part Of Gen Gov)	-	350,160	-	0.00%
Appropriations/Contributions	-	-	-	0.00%
Total	\$ -	\$ 13,680,098	\$ 1,679,116	12.27%

YTD Fund Balance Increase (Decrease)	-	-
--------------------------------------	---	---

16.67%

WATER AND SEWER FUND

Revenues	Actual	Budget	Actual to Date	YTD %
	FY '14-5	FY '15-16	FY '15-16	Collected
Water Charges	\$ -	\$ 2,144,580	\$ 242,795	11.32%
Water Sales (Wholesale)	-	\$ 670,000	\$ 76,683	11.45%
Sewer Charges	-	2,811,738	309,788	11.02%
Tap Fees	-	16,000	2,600	16.25%
All Other Revenues	-	10,500	2,448	23.31%
Loan Proceeds	-	2,545,000	-	0.00%
Fund Balance Appropriated	-	517,080	-	0.00%
Total	\$ -	\$ 8,714,898	\$ 634,314	7.28%

Expenditures	Actual	Budget	Actual to Date	YTD %
	FY '14-5	FY '15-16	FY '15-16	Spent
Water Plant	\$ -	\$ 3,086,877	\$ 363,808	11.79%
Water Distribution/Sewer Coll (Less Transfers)	-	5,207,846	580,627	11.15%
Transfer to General Fund	-	-	-	#DIV/0!
Transfer to W/S Capital Proj. Fund	-	-	-	#DIV/0!
Debt Service	-	149,466	-	0.00%
Contingency	-	270,709	-	0.00%
Total	\$ -	\$ 8,714,898	\$ 944,435	10.84%

ELECTRIC FUND

Revenues	Actual	Budget	Actual to Date	YTD %
	FY '14-5	FY '15-16	FY '15-16	Collected
Electric Sales	\$ -	\$ 17,244,400	\$ 2,357,743	13.67%
Penalties	-	375,000	73,369	19.57%
All Other Revenues	-	41,000	6,505	15.87%
Loan Proceeds	-	-	-	
Fund Balance Appropriated	-	285,854	-	
Total	\$ -	\$ 17,946,254	\$ 2,437,617	13.58%

Expenditures	Actual	Budget	Actual to Date	YTD %
	FY '14-5	FY '15-16	FY '15-16	Spent
Administration/Operations	\$ -	\$ 1,948,626	\$ 436,332	22.39%
Purchased Power	-	14,200,000	2,529,222	17.81%
Debt Service	-	366,240	350,491	95.70%
Capital Outlay	-	496,000	298	
Contingency	-	691,846	-	
Transfers to General Fund	-	243,542	-	0.00%
Total	\$ -	\$ 17,946,254	\$ 3,316,343	18.48%

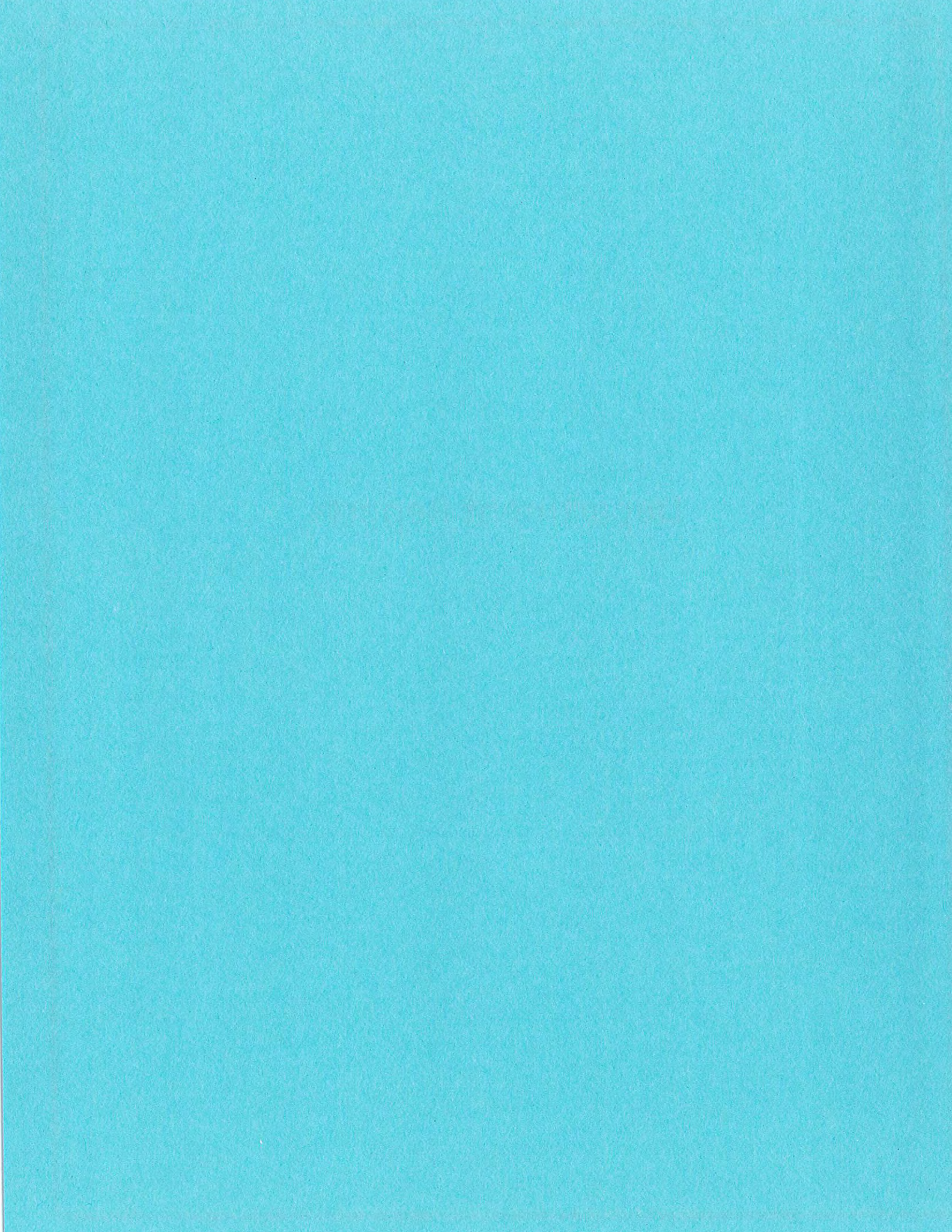
CASH AND INVESTMENTS

General Fund (Includes P. Bill)	6,184,396			
Water and Sewer Fund	3,528,319			Interest Rate
Electric Fund*	6,111,380			
Capital Project Fund: Wtr/Sewer (45)	24,008	1st CITIZENS	8,797,508	0.20%
Capital Project Fund: General (46)	21,520	NCCMT	2,237,370	0.080%
Capital Project Fund: Electric (47)	5,836	STIFEL	25,530	Market
Firemen Relief Fund (50)	178,899	KS BANK	4,948,308	.2, .65, &.8
Fire District Fund (51)	32,574	BB&T	-	0.12%
JB George Endowment (40)	123,315	PNC BANK	201,531	0.10%
Total	<u>\$16,210,247</u>		<u>\$ 16,210,247</u>	

*Plug

Account Balances Confirmed By Finance Director on 9/24/2015

Department Reports





FINANCE DEPARTMENTAL REPORT FOR AUGUST, 2015

SUMMARY OF ACTIVITIES:

Daily Collections.....	\$3,402,856
Tax & Vehicle License.....	5,024
Franchise Tax.....	0
Sales & Use Tax.....	190,798
Powel Bill.....	0
Total Revenue	\$3,598,678

Expenditures: General, Water, Electric and Firemen's Fund..... \$3,241,669

FINANCE:

- Compiled and submitted monthly retirement report on 8/31/2015
- Issued 54 purchase orders
- Processed 646 vendor invoices for payment and issued 342 accounts payable checks
- Prepared and processed 2 regular payrolls and 2 special payrolls for Interim Fire Chief. Remitted federal and state payroll tax on 8/7/15, 8/14/15, 8/28/15 and 8/31/15
- Issued 0 new privilege licenses (new law change in effect 7/1/2015)
- Collected \$770 in August on past due privilege license fees. **NOTE:** This brings the total collected to \$6,355. The past due collections are the result of mailing some 284 past due notices to local businesses
- Processed 13 NSF Checks (Utility and SRAC)
- Bad debt calendar year-to-date collections total \$31,460 (EMS = \$9,966; SRAC = \$9,368; and Utility = \$12,126). **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

- Oversaw office renovations August 7-21, including the relocation of staff within Town Hall before and after the renovations
- No departmental staff meeting in August due to office renovations
- Attended Town Council regular meeting on August 4, 2015
- Attended Town Council special call meeting on August 10, 2015 to address citizen concerns over Town Manager's dismissal
- Attended Department Heads staff meetings on August 6, 18 and 25, 2015
- Prepared for audit on-site visit August 24 – 26, 2015
- Invoiced Smithfield Housing Authority and JCC for resource officers
- Invoiced 2 grave openings
- **Implemented a 5%, across the board, electric rate reduction to take effect with the September bills. Note: the bills that go out in September are for August usage.**

Finance Department totals for August 2015

Meter Reading

Actual Meters Read / Door Hangers	10,249	
Meters Loaded to Hand Held	10,213	
Meter Tech Service Hours	0	\$0.00

Billing/Collections

Bills Mailed	6,103	\$2,773,850.84	
Area Lights Billed	938	\$36,980.12	
JoCo Wholesale water	41,684,000	\$62,532.02	
Load Mgmt AC credit	493	-\$4,930.00	
Load Mgmt water heater credit	609	-\$3,720.00	
Adjustments	120	-\$597,358.10 **	
Delinquent Accts/Late Fees	1,444	\$19,448.72	
NSF - Utility Only	19	\$3,598.60	
Refund Checks Issued	15	\$2,471.94	
Door Hangers	185		
Disconnect for non-pay	27		
Reconnect for payment received	18		
Bank Drafts	706	\$468,280.70	
Lockbox	1,030	\$797,068.81	
ECO Payment Totals			
	IVR-phone	147	
	On-Line (website)	381	\$110,815.41 BOTH
Cash Window Transactions/Payments	3,884	\$2,000,225.23	
Accts collected from Debt setoff	0	\$0.00 EMS	
	1	\$664.71 SRAC	
	1	\$47.79 Utility	
Accts submitted to Debt Setoff	30	\$8,838.98 Utility	
	12	\$2,146.00 SRAC	
Service Orders			
Requested Orders	304		
Completed Orders	304		
	Terminated Accounts	118	
	Meters Rechecked	42	
	New Turn on Accounts	118	
Meter Tamper / Meter Missing	2	\$600.00	

Phone Call Usage

CSR - Elaine

		Duration
Inbound	502	11:13:10
Outbound	136	3:38:00

CSR/Collections - Audrey

Inbound	426	10:30:47
Outbound	187	3:01:37
Collections - Cash Window#2		
Inbound	138	3:50:19
Outbound	11	0:12:38
Switch Board Operator x1101		
Inbound	382	2:08:22
Outbound	42	1:00:52
Total Town (Trunk Lines)		
Inbound	4,610	131:12:09
Outbound	2,000	84:12:21

** Skyware/Rave adj for sewer/water see acct



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

	August	Calendar Year to date
Town Council		
Rezoning	0	4
Conditional Use	0	3
Ordinance Amendment	0	2
Major Subdivisions	0	0
Annexations	0	0
Special Events	0	14
Planning Board		
Rezoning	1	5
Condition Use	0	3
Ordinance Amendment	1	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
 Planning Department
 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
 Phone: 919-934-2116
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PERMITS ISSUED MONTHLY REPORT- August 2015

Site Plan	Major Site Plan	150.00	1
Site Plan	Minor Site Plan	150.00	3
Zoning	Land Use	400.00	4
Zoning	Sign	250.00	5
Report Period Total:		950.00	13
YTD Total:		2,325.00	33

Permit#	Permit Type	Sub Type	Business Name	Project Address
SP15-000039	Site Plan	Minor Site Plan	Smithfield Church of God	1700 West MARKET Street
Z15-000103	Zoning	Land Use	American Tower Corporation	108 South Fifth Street
Z15-000104	Zoning	Sign	Speedway Gas Station	1016 North Brightleaf Boulevard
Z15-000105	Zoning	Sign	Speedway Gas Station	1669 East Market Street
Z15-000106	Zoning	Sign	Speedway Gas Station Atlantic Resources	2103 South Brightleaf
Z15-000107	Zoning	Land Use	Incorporated	1515 South BRIGHTLEAF Boulevard
Z15-000109	Zoning	Sign	Hines Heating and Air	1517 South BRIGHTLEAF Boulevard
Z15-000111	Zoning	Sign	Popcorn Haven	1025 Outlet Center Drive
SP15-000040	Site Plan	Major Site Plan	Sonic Restaurant Conversion	1131 North BRIGHTLEAF
SP15-000041	Site Plan	Minor Site Plan	SFD Addition	507 South VERMONT Street
SP15-000042	Site Plan	Minor Site Plan	SFD Addition	109 West Riverside Drive
Z15-000112	Zoning	Land Use	T Marketing	903 South Brightleaf Boulevard
Z15-000113	Zoning	Land Use	Cold Stone Creamery	150 South Equity Drive



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

	Aug-15	Calendar Year To date
Written Violations	141	1007
Resolved Violations	145	996
On Site Meetings	164	1200
Temporary Signs Violations	58	737
Temporary Signs Removed	58	737
Condemned Structures Removed	1	11
Community Volunteers	25	248
Families Helped By Helping Hand Volunteers	18	80
ADA Compliant Ramps Built By Volunteers	4	



**TOWN OF SMITHFIELD
POLICE DEPARTMENT
MONTHLY REPORT
MONTH ENDING August 31, 2015**

I. STATISTICAL SECTION

Month Ending August 31, 2015	Aug-15	Aug-14	Total 2015	Total 2014	YTD Difference
Calls For Service	2096	2208	15233	18342	-3109
Incident Reports Completed	198	177	1399	1366	33
Cases Closed	172	169	1473	1328	145
Accident Reports	79	80	571	562	9
Arrest Reports	129	142	1000	991	9
Burglaries Reported	11	13	68	78	-10
Drug Charges	40	39	250	238	12
DWI Charges	7	14	69	80	-11
Citations Issued	237	336	2128	2676	-548
Speeding	47	174	512	1051	-539
No Operator License	61	115	513	660	-147
Registration Violations	34	116	277	434	-157

II. PERSONNEL UPDATE

One officer remains in Field Training. Three officers resigned to take positions with another agency. Two officers returned to full duty from light duty assignments. No officers remain on light duty.

III. MISCELLANEOUS

Firearms Classroom, Taser and Use of Force trainings were completed, department wide.

The police department assisted with traffic control in District 1 for an awareness march to Smith Collins Park.

Traffic enforcement continues to be down in comparison to 2014 due to decreases in staff on the road and the associated training curve of newly hired officers.

- 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.



Town of Smithfield
Fire Department
 Month Ending: August 2015

I. Statistical Section

Responded to:

<u>9</u>	Total Structure Fires Dispatched
<u>3</u>	Confirmed Structure Fires (Our District)
<u>3</u>	Confirmed Structure Fires (Other Districts)
<u>108</u>	EMS/Rescue Calls
<u>1</u>	Vehicle Fires
<u>15</u>	Motor Vehicle Accidents
<u>1</u>	Fire Alarms (Actual)
<u>25</u>	Fire Alarms (False)
<u>20</u>	Misc./Other Calls
<u>29</u>	Mutual Aid (Received)
<u>7</u>	Mutual Aid (Given)
179	TOTAL EMERGENCY RESPONSES

Conducted	<u>31</u>	Fire Inspections/Compliance Inspections
Conducted	<u>1</u>	Public Fire Education Programs
	<u>8</u>	Adults in Attendance
	<u>0</u>	Children in Attendance
Conducted	<u>0</u>	Plans Review Construction/Renovation Projects
Issued	<u>0</u>	Fire Code Citations
Issued	<u>0</u>	Fire Lane Citations
Completed	<u>21</u>	Consultation/Walk Through
Completed	<u>24</u>	Re-Inspections
Completed	<u>0</u>	Fire Investigations

II. Major Revenues

Inspections: \$ 1,900.00

Major Expenses for the Month: No major expenses this month.

III. Personnel Update:

Interim Captain Chris Daniels passed away suddenly on August 17, 2015 at Pine Level Fire Department while working part-time for them.

Kathy Price retired effective August 31, 2015 having served 31 years with the town, with the last 11 years at the Fire Station.

Firefighter Will Boswell was hired full-time to replace the vacancy left after Chris Daniels passed away. Will was currently working as a part-time fireman with the Town.

Stephen Pittman was hired as a part-time firefighter, to fill the vacant position.

Kim Grimes is helping in the secretary position part-time; she was working in the EMS billing position with us, and has agreed to help with the additional secretary duties until we hire a full time secretary.

IV. Narrative of monthly departmental activities:

Due to the funeral of Chris Daniels, a lot of activities were postponed until later dates; however we did participate in a few activities.

August 22, 2015 we participated in helping Johnston County EMS with a fundraiser for Paramedic Jason Palmer. He suffers from ALS, we were able to assist them in raising money to assist him with his health care cost.

**Town of Smithfield
Public Works Sanitation Division
Monthly Report
August 31, 2015**



I. Statistical Section

The Division collected from approximately 4100 homes, 4 times during the month

- a. Sanitation forces completed 40 work orders
- b. Sanitation forces collected 385.77 tons of household waste
- c. Sanitation forces disposed of 69 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 0 tons of construction debris (C&D)
- f. Town's forces disposed of 152 scrap tires
- g. Recycling forces collected 5.16 tons of recyclable plastic
- h. Town's forces collected 1,260 lbs. of cardboard
- i. A total of 0 gallons of cooking oil was collected at the convenience site
- j. Disposed of 2,240 lbs. of plastics & glass

II. Major Revenues

- a. Received \$0.00 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 \$2,400.00 for disposal of yard waste and debris. Car Quest was paid \$1,750.00 for a transmission for the recycling truck. Frame Works was paid \$773.00 for air conditioner repairs to the street sweeper.

IV. Personnel Update:

Jackie Mitchell is still out on medical leave. Due to the lack of man power a temporary employee was hired to help out the sanitation crew.

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 Special events held at the Parks. The Public Works safety meeting was on "Slow Down – Back to School Means Sharing the Road".



**Utilities Department
Monthly Report
August 2015**

- **Statistical Section**

- Electric CP Demand 29,641Kw relative to July's demand of was 30,309 Kw.
- Electric System Reliability for was 99.9567% relative to July's 99.8862%.
- Raw water treated on a daily average was 3.425MG relative to 3.325MG for July; with maximum demand of 4.056MG relative to July's 3.867MG.
- Total finished water to the system was 96.508MG relative to July's 95.114MG. Average daily for the month was 3.113MG relative to July's 3.068MG. Daily maximum was 3.880 MG (Monday August 6th) relative to July's 3.603 MG. Daily minimum was 2.450MG (Sunday, August 26th), relative to July's 2.565 MG.

- **Miscellaneous Revenues**

- Electrical sales were \$1,893,370 relative to July's sales of \$1,865.869
- Water sales were \$196,223 relative to July's \$190,276
- Sewer sales were \$251,584 relative to July's \$242,794
- Johnston County Water purchases were \$62,532 relative to July's \$56,599

- **Major Expenses for the Month**

- Electricity purchases were \$1,243,640 relative to July's \$1,285,136
- Johnston County sewer charge was \$ 158,033 for 51.770 MG relative to July's \$159,900 for 52,395MG.

- **Personnel Change**

Water Plant: Robert Jordan retired at the end of August with 30+ years of service.

Water/Sewer: Justin Cameron, new hire, replaces Jeremy Rouse who left in July for job with Duke Energy Progress.

**Town of Smithfield
Public Works Department
August 31, 2015**



190 Total Work Orders completed by the Public Works Department

8 Burials, at \$700.00 each = \$5,600.00

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

\$9,000 Sunset Cemetery Lot Sales

\$10,000 Riverside Extension Cemetery Lot Sales

385.77 tons of household waste collected

138 tons of yard waste collected

7.11 tons of recycling collected

48 Animal Control work orders completed

21 Cats transported to Animal Shelter

12 Dogs transported to Animal Shelter

**Town of Smithfield
Public Works Appearance Division
Cemetery, Landscapes, and Grounds Maintenance
Buildings, Facilities, and Sign Division
Monthly Report
August 31, 2015**



I. Statistical Section

- 8 _____ Burials
- 12 _____ Works Orders – Buildings & Facilities Division
- 4 _____ Work Orders – Grounds Division
- 4 _____ Work Orders – Sign Division

II. Major Revenues

Sunset Cemetery Lot Sales:	\$9,000.00
Riverside Ext Cemetery Lot Sales:	\$10,000.00
Grave Opening Fees:	\$5,600.00
Total Revenue:	\$24,600.00

III. Major Expenses for the Month:

\$809.15 to Hertz Rental for 80' boom lift, \$3875.00 to Its Gotta Go tree service, \$6,447.00 to Pernell Inc. for HVAC at Police Dept.

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 "Slow Down – Back to School Means Sharing the Road".

**Town of Smithfield
Public Works Drainage/Street Division
Monthly Report
August 31, 2015**



I. Statistical Section

- a. All catch basins in problem areas were cleaned on a weekly basis.
- b. Installed a new catch basin at Holding and Walnut.
- c. 48 Work Orders were completed regarding Animal Control related issues. 21 Cats and 12 Dogs were transported to the Animal Control Shelter.
- d. Assisted the finance department with the renovations of their wing at town hall.
- c. Poured 3 new driveway approaches, 156LF of curb and Gutter and 80LF of sidewalk this month.

II. Major Revenues

None for the month

III. Major Expenses for the Month:

\$1,850.00 to Hertz Rental for track hoe rental, \$13,980 to Hinton construction for Curb and Gutter / Sidewalk / Driveway approaches. \$2,452 to Clean Water Education on FY 2015 Partnership cost, \$5,523.05 to Peterson Industries for Boom motor in knuckleboom truck 301.

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The Public Works safety meeting was on "Slow Down – Back to School Means Sharing the Road".

**Town of Smithfield
Public Works Department
August 2015 Drainage Report**

Location: Behind Interstate Glass.
Starting Date: 7/30/2015
Completion Date: 8/15/2015
Description: Cleaned ditch bank from SBL to RR track for positive drainage.
Man-hours: 63hrs.
Equipment: Track hoe Rental, 405 Dump truck, bobcat tractor plus attachments.
Materials: 4yards of topsoil was used to back fill ruts at end of project.

Location: West and East Street Right of Way.
Starting Date: 8/5/2015
Completion Date: 8/5/2015
Description: Cut back and cleaned ROW areas.
Man-hours: 12.75hrs.
Equipment: 2 scags, 2 weed eaters and a blower.
Materials: N/A

Location: 973 W Market Street, Vacant lot beside Byrd's store on E Market, Riverdale and Hillcrest lot, 1277 Buffalo Road, Vacant lot at dead end of Rand Street, 113 S 5th Street, 119 S 5th Street, 522 Buffalo Road, 410 S 5th Street.
Starting Date: 8/6/2015
Completion Date: 8/28/2015
Description: Cut back 9 nuisance properties for the Planning Department.
Man-hours: 41hrs.
Equipment: Scag mowers , weed eaters, tractor plus bush hog, 420 Cat backhoe, 405 dump truck.
Materials: N/A

Location: Town Hall
Starting Date: 8/7/15
Completion Date: 8/7/2015
Description: Moved office cubicles and furniture from town hall to storage area for renovations.
Man-hours: 20hrs.
Equipment: 300 pickup plus trailer, 903 flatbed truck.
Materials: N/A

Location: Bradford and Edgecomb.
Starting Date: 8/11/2015
Completion Date: 8/11/2015
Description: Repaired several sinkholes in drain line with 3000psi concrete.
Man-hours: 4hrs.
Equipment: 402 pickup plus hand tools.
Materials: One yard of 3000psi concrete.

Location: 1117 Walnut Drive.
Starting Date: 8/13/2015
Completion Date: 8/14/2015
Description: Repaired damaged drain line for positive drainage.
Man-hours: 31.5hrs.
Equipment: 420 Cat backhoe, 413 jet truck, 402 pickup plus hand tools.
Materials: Two yards of 3000psi concrete.

Location: Holding and Walnut.
Starting Date: 8/13/2015
Completion Date: 8/20/2015
Description: Repaired catch basin and damaged drain line for positive drainage.
Man-hours: 78hrs.
Equipment: 420 Cat back hoe, 405 dump truck.
Materials: One 2x3 frame and grate, 12" drawall tee, two 12" split couplings and Three yards of 3000psi concrete.

Location: Caswell and NBL.
Starting Date: 8/14/2015
Completion Date: 8/14/2015
Description: Replaced damaged storm drain grate.
Man-hours: 3hrs.
Equipment: 402 pickup plus hand tools.
Materials: New 2'x3' grate.

Location: West and 2nd Ave.
Starting Date: 8/19/2015
Completion Date: 8/19/2015
Description: Cut tall grass with bush hog.
Man-hours: 1hr.
Equipment: Bob cat Tractor with bush hog.
Materials: N/A

Location: Intersections of S 4th and Church and S 3rd and Church.
Starting Date: 8/24/2015
Completion Date: 8/24/2015
Description: Curbs were repainted due to cars parking in intersection blinding site triangle.
Man-hours: 12hrs.
Equipment: 402 pickup plus hand tools.
Materials: 6.5 gallons of yellow traffic paint.

Location: Outlet Center Drive/Smithfield Crossings.
Starting Date: 8/26/2015
Completion Date: 8/27/2015
Description: Cut back traffic islands and ROW areas.
Man-hours: 27hrs.
Equipment: Bob cat tractor, Scag mowers, weed eaters and blowers.
Materials: N/A

**Town of Smithfield
Public Works Fleet Maintenance Division
Monthly Report
August 31, 2015**



I. Statistical Section

- 1 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 safety meeting was on "Slow Down – Back to School Means Sharing the Road".



**PARKS & RECREATION
SMITHFIELD RECREATION AND AQUATICS CENTER
MONTHLY REPORT
AUGUST, 2015**

I. Parks and Recreation and SRAC Programs/Events

Programs/Events in progress or recently completed: **39**
Total Contacts with Program Participants: > **6914** *(unique recreation experiences)
SRAC member visits: > **6204**
SRAC paid day pass visitors: > **1202 (\$8070.00)**
SRAC complimentary day pass visitors: **13**
SRAC Facility Rentals (Banquet Room, Gym, M-P Room, Pool,): > **68 Rentals**
P&R Facility Rentals (fields, shelters, etc.): > **1150** (68 Rentals)

II. Budget Information

Through 7/31/15 & YTD:
Parks and Recreation Expenditures > approximately 11.4 %
SRAC Expenditures > approximately 16.9 %
SRAC Revenues collected > approximately 16.6 %

III. Highlights

Transitioning from Summer to Fall programming.

Began Youth Football, Soccer, Cheerleading and Softball Programs



**Town of Smithfield
Electric Department
Monthly Report
August, 2015**

I. Statistical Section

- Street Lights repaired -18
- Area Lights repaired -11
- Service calls - 44
- Underground Electric Locates -66
- Poles changed out or installed -4
- Underground Services Installed -3

II. Major Revenues

- N/A

III. Major Expenses for the Month:

- N/A

IV. Personnel Update:

- The Utility Dept. had a Safety Meeting on Rail Road Crossings.

V. Miscellaneous Activities:

- Continuing Conversion work of transformers on far South side.
- Done approximately 118 turn off & on for Meter Dept.
- Substation work for Solar farm is ongoing.



**Town Of Smithfield
WATER AND SEWER
Monthly Report
AUGUST 2015**

I. Statistical Section

- REPLACED 21 WATER METERS
- SET 1 METERS FOR NEW ACCOUNTS
- REPAIRED 10 LEAKS
- REPAIRED 2 SEWERS
- WASHED 10091 FEET SEWER LINES
- MADE 0 WATER TAPS, AND 0 SEWER TAP

II. Major Revenues

- NA
-

III. Major Expenses for the Month:
2014 Cat Backhoe

IV. Personnel Update

- Hired Justin Cameron

V. Miscellaneous Activities:

- RODDED 7 SEWER SERVICES
- REPAIRED 0 FIRE HYDRANTS
- SERVICE CALLS 275
- LOCATES 114
- CHECK 18 LIFT STATIONS DAILY
- FLUSHED DEAD ENDS 1 TIME
- INSTALLED VALVES 2



MONTHLY WATER LOSS REPORT

AUGUST 2015

$\frac{3}{4}$ " LINE – $\frac{1}{8}$ " HOLE – 1 DAY

$\frac{3}{4}$ " LINE - $\frac{1}{8}$ " HOLE - 1 DAY

$\frac{3}{4}$ " LINE – $\frac{1}{8}$ " HOLE – 1 DAY

$\frac{3}{4}$ " LINE- $\frac{1}{16}$ " HOLE – 1 DAY

$\frac{3}{4}$ " LINE - $\frac{1}{8}$ " HOLE- 1 DAY

$\frac{3}{4}$ " LINE – $\frac{1}{8}$ " HOLE - 3 DAYS

$\frac{3}{4}$ " LINE – $\frac{1}{16}$ " HOLE – 2 DAYS

$\frac{3}{4}$ " LINE – $\frac{1}{16}$ " HOLE – 6 DAYS

2" LINE - $\frac{1}{8}$ " HOLE – 2 DAYS

2" LINE – $\frac{1}{16}$ " HOLE – 5 DAYS

1,751,600 GALLONS

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	8/5/2015	3.4	30	10820	10	White Oak Drive	8/21/2015	0.2	30	10820	10
Stephson Drive	8/6/2015	3.4	30	10820	10	Brookwood Drive	8/27/2015	0.4	30	11310	5
Gamer Drive	8/6/2015	3.4	30	15930	10	Runnymede Place	8/6/2015	0.6	30	10820	10
Computer Drive	8/6/2015	3.4	30	10820	10	Nottingham Place	8/14/2015	1.2	30	10820	10
Elm Drive	8/7/2015	3.4	30	10820	10	Heritage Drive	8/27/2015	0.6	30	10820	10
Hillcrest Drive	8/7/2015	3	60	21240	10	Regency Drive	8/18/2015	0.1	180	234000	60
Skyland Drive	8/6/2015	3.4	30	10820	10	Randers Court	8/18/2015	0.1	15	15930	40
Eason Street	8/13/2015	0.4	15	15930	40	Noble Street	8/18/2015	0.1	30	15840	40
Holland Drive	8/6/2015	1.5	15	9750	15	Fieldale Dr#1(L)	8/18/2015	0.1	20	21240	40
Parkway Drive	8/21/2015	0.8	30	31860	40	Fieldale Dr#2(R)	8/18/2015	0.1	15	15930	40
Braford Street	8/21/2015	0.4	30	15930	40	Noble Plaza #1	8/27/2015	0.6	30	10820	10
Kellie Drive	8/21/2015	0.2	30	15930	40	Noble Plaza #2	8/27/2015	0.6	30	10820	10
Edgewater	8/21/2015	0.2	30	15930	40	Pinecrest Street	8/14/2015	0.4	30	10820	10
Edgecombe	8/21/2015	0.2	30	31860	40	Ava Gardner	8/26/2015	0.6	80	95580	40
Magnolia circle	8/17/2015	3.1	15	7965	40	Waddell Drive	8/6/2015	1	15	5310	10
Valley Wood	8/26/2015	0.6	60	63720	40	Heather Court	8/13/2015	0.8	15	15930	40
Creek Wood	8/26/2015	0.6	60	63720	40	Reeding Place	8/13/2015	0.6	15	15930	40
Kay Drive	8/17/2015	2.5	15	9750	15	S. Sussex Drive	8/14/2015	0.6	30	15930	40
Huntington Place	8/10/2015	1.5	15	10885	1	Heny Place	8/5/2015	2	15	8715	12
N. Lakeside Drive	8/10/2015	1.5	15	9435	14	Furlonge Street	8/5/2015	2.5	15	8715	12
Cypress Point	8/10/2015	1.5	15	8715	12	Aspen Drive	8/17/2015	2.5	15	8715	12
Quail Run	8/10/2015	1.5	15	10095	1	Cedar Drive	8/17/2015	2.5	15	5310	10
British Court	8/10/2015	1.5	15	11550	2	Oak Drive	8/17/2015	2.5	15	9420	14
Tyler Street	8/17/2015	3.1	15	19500	60	Pine Street	8/17/2015	2.5	15	8715	15
Rainbow Drive	8/17/2015	3.1	15	19500	60	Birch Street	8/17/2015	3	15	8715	12
Rainbow Circle	8/17/2015	3.1	15	19500	60	East Street	8/7/2015	4	15	16930	40
Moonbeam Circle	8/10/2015	2.8	15	19500	60	West Street	8/7/2015	4	15	17820	50
Yelverton Road	8/17/2015	2.7	15	15930	40	Ward Street	8/7/2015	4	15	15930	40
Raw Drive	8/17/2015	1	15	15930	40	Ryans	8/26/2015	0.6	60	39000	40
Will Drive	8/17/2015	2.9	15	15930	40	Water Samples	5 TIMES		15	309750	40
Golden Corral	8/10/2015	3.5	15	10080	16	Davis Street	8/6/2015	3.5	15	8715	12
Sheltonway	21-Aug	0.1	60	63720	40	Wellons Street	8/7/2015	3.5	15	15930	40
THM Samples						Caroline Ave.	8/6/2015	3.5	15	5310	10
Michael Lane	8/17/2015	4	15	15930	40	Johnston Street	8/13/2015	3.5	15	9760	15
Crestview Drive						HWY 210 LIFT ST.	8/6/2015	3.3	30	15930	15
Coor Farm Supply	8/21/2015	3	60	20320		Old Goldsboro Rd.	8/21/2015	3	60	42480	

**Town of Smithfield
Water Treatment Plant**

All figures are in MGD.

**Aug '15
Monthly Totals**

Date	Rate of Flow	Hrs. Operated	Raw Treated	Finish Metered	Plant Usage	Finish to Dist. System	% of RAW TREATED TO SYSTEM
1	3.85	24.0	3.839	3.620	0.0992	3.521	91.71
2	3.85	24.0	3.881	3.619	0.0988	3.520	90.71
3	3.85	22.0	3.582	3.303	0.0977	3.205	89.48
4	3.85	22.5	3.649	3.478	0.0935	3.385	92.75
5	3.85	22.5	3.590	3.509	0.0940	3.415	95.13
6	3.85	24.0	3.778	3.880	0.0946	3.785	100.20
7	3.85	24.0	3.811	3.447	0.0995	3.348	87.84
8	3.85	21.0	3.333	3.109	0.0898	3.019	90.59
9	3.85	20.5	3.314	3.182	0.0915	3.071	92.65
10	3.85	22.5	3.579	3.162	0.0961	3.066	85.66
11	3.85	22.5	4.056	2.977	0.0920	2.885	71.13
12	3.85	20.5	2.827	3.030	0.0897	2.940	104.01
13	3.85	20.5	3.257	2.915	0.0908	2.824	86.71
14	3.85	20.5	3.280	2.933	0.0898	2.843	86.68
15	3.85	22.0	3.545	2.918	0.0932	2.825	79.68
16	3.85	20.0	3.291	3.041	0.0901	2.951	89.67
17	3.85	21.5	3.415	2.891	0.0929	2.798	81.94
18	3.85	21.5	3.315	3.037	0.0910	2.946	88.87
19	3.85	21.0	3.270	2.948	0.0910	2.857	87.37
20	3.85	20.0	3.054	2.902	0.0893	2.813	92.10
21	3.65	21.0	3.301	2.775	0.0816	2.683	81.29
22	3.85	20.0	3.287	2.833	0.0930	2.740	83.36
23	3.85	20.5	3.084	2.918	0.0862	2.832	91.82
24	3.85	21.5	3.435	3.132	0.0929	3.039	88.47
25	3.85	21.5	3.318	3.259	0.0925	3.167	95.43
26	3.85	20.0	3.334	2.450	0.0910	2.359	70.76
27	3.85	21.5	3.353	3.117	0.0913	3.028	90.24
28	3.85	21.0	3.338	3.044	0.0918	2.952	88.44
29	3.85	22.0	3.398	3.188	0.0939	3.092	90.97
30	3.85	21.5	3.259	3.012	0.0913	2.921	89.62
31	3.85	21.5	3.403	2.901	0.0910	2.810	82.57
Total	119.35	669.0	106.177	96.508	2.871	93.637	88.19
Avg	3.85	21.6	3.425	3.113	0.093	3.021	
Max	3.85	24.0	4.056	3.880	0.100	3.785	
Min	3.65	20.0	2.827	2.450	0.086	2.359	

