



Mayor

M. Andy Moore

Mayor Pro-Tem

Travis Scott

Council Members

Marlon Lee

David Stevens

David Barbour

Emery Ashley

John A. Dunn

Stephen Rabil

Town Attorney

Robert Spence, Jr.

Town Manager

Michael L. Scott

Finance Director

Greg Siler

Town Clerk

Shannan Parrish

Town Council Agenda Packet

Meeting Date: Tuesday, April 2, 2019

Meeting Time: 7:00 p.m.

Meeting Place: Town Hall Council Chambers

350 East Market Street

Smithfield, NC 27577



**TOWN OF SMITHFIELD
TOWN COUNCIL AGENDA
REGULAR MEETING APRIL 2, 2019
7:00 PM**

Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

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Presentations:

- 1. Proclamation – Recognizing Anita Liverman’s dedicated service to the Appearance Commission**
(Mayor – M. Andy Moore) See attached information.....1
- 2. Proclamation – Recognizing April 18, 2019 as Electrical Lineman Appreciation Day**
(Mayor – M. Andy Moore) See attached information.....3
- 3. Recognition of the Public Works Department for being awarded the 2018 North Carolina Main Street Champion**
(DSDC Executive Director – Sarah Edwards) See attached information.....5
- 4. Police Department’s 2018 Officer of the Year Award**
(Chief of Police – Keith Powell) See attached information.....11
- 5. Administering Oath of Office to New Police Officer Damon Kenny**
(Mayor – M. Andy Moore) See attached information.....13
- 6. Administering Oath of Office to New Police Officer Joseph Heck**
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Public Hearings:

- 1. **RZ-19-01 John A. Whitley:** The applicant is requesting to rezone a .11 acre tract of land from an R-8 (Residential) zoning district to the O/I (Office Institutional) zoning district. The property considered for rezoning is located on the northeast corner of South Third Street and Woodall Street and further identified as Johnston County Tax ID# 15030016.
(Planning Director – Stephen Wensman) See attached information.....17
- 2. **SUP-19-03 Will Roland:** The applicant is requesting a special use permit to allow for a church/place of worship on property located within a B-3 (Highway Entrance Business) zoning district. The property considered for approval is located on the southeast side of the intersection of West Market Street and Whitley Drive and further identified as Johnston County Tax ID# 15086028.
(Planning Director – Stephen Wensman) See attached information.....43
- 3. **SUP-19-05 Bonnie Godwin:** The applicant is requesting a special use permit to allow for a residential dwelling on property located within an O/I (Office / Institutional) zoning district. The property considered for approval is located on the north side of North Street, approximately 100 feet east of its intersection with North Seventh Street. The property is further identified as Johnston County Tax ID# 15010047
(Planning Director – Stephen Wensman) See attached information.....63

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Consent Agenda Items

- 1. **Approval of Minutes:**
 - a. February 21, 2019 – Special Meeting
 - b. March 5, 2019 – Regular Meeting.....83
- 2. **Special Event: Craft Beer Crawl –** The Downtown Smithfield Development Corporation is seeking approval to hold a Craft Beer Crawl on September 20, 2019. This event will have amplified sound from 5:00 pm until 10:00 pm
(Planning Director – Stephen Wensman) See attached information.....103
- 3. **Special Event: Poochpalooza Festival –** The Parks and Recreation Department is seeking approval to hold a festival to introduce and promote the new dog park located at 1219 South Second Street. This event will be held on April 27, 2019 from 11:00 am until 2:00 pm. The request includes the closure of South Second Street and amplified sound.
(Parks and Recreation Director – Gary Johnson) See attached information.....107
- 4. **Special Event: Car Show -** Riders Meet Circuit is seeking approval to hold a car show on June 30, 2019 from 10:00 am until 5:00 pm. at Sound Station & Security located at 713 E. Market Street. This event will have amplified sound for the duration of the event.
(Planning Director – Stephen Wensman) See attached information.....111

5. Police Promotion: Consideration and request for approval to promote a Police Sergeant to the rank of Police Lieutenant
(Chief of Police – R. Keith Powell) See attached information.....117

6. Police Promotion: Consideration and request for approval to promote a Police Officer to the rank of Police Sergeant
(Chief of Police – R. Keith Powell) See attached information.....119

7. Consideration and request for approval to enter into an Easement Agreement with a property owner for the placement of a Gateway Wayfinding Sign
(Planning Director – Stephen Wensman) See attached information.....121

8. Bid Award to Mark Gregory Roof Company in the amount of \$14,800.00 for the replacement of the mausoleum roof at Sunset Memorial Gardens Cemetery
(Public Works Director – Lenny Branch) See attached information.....127

9. Bid Award to David Hinton Construction in the amount of \$49,787.00 for the DAV Trail and Handicap Parking upgrades at Talton Field, Johnson Park, Bob Wallace Jaycee Kiddie Park and Smith-Collins Park
(Parks and Recreation Director – Gary Johnson) See attached information.....137

10. Consideration and request for approval to adopt Resolution #637 (04-2019) Supporting House Bill 399 – Disaster Area Building Rehabilitation tax Credit Bonus
(Town Manager – Michael Scott) See attached information.....157

11. Advisory Board Appointments

- a. Carolyn Ennis has submitted an application for consideration to be reappointed to serve a fifth term on the Library Board of Trustees
- b. Robin Cook has submitted an application for consideration to be appointed to serve a first term on the Appearance Commission
- c. Brandie Davis has submitted an application for consideration to be appointed to serve a first term on the Appearance Commission

(Town Clerk – Shannan Parrish) See attached information.....163

12. Consideration and request for approval for a new appointment to the Downtown Smithfield Development Corporation’s Board of Directors
(Town Clerk – Shannan Parrish) See attached information.....171

13. New Hire Report
(Human Resources Director – Tim Kerigan) See attached information.....177

Business Items:

- 1. Consideration and request for approval to adopt Ordinance #498 to limit tethering of animals in the Town of Smithfield**
(Chief of Police – R. Keith Powell) See attached information.....179

- 2. FY 2019-2020 Budget Discussion**
(Town Manager- Michael Scott)

Councilmember’s Comments

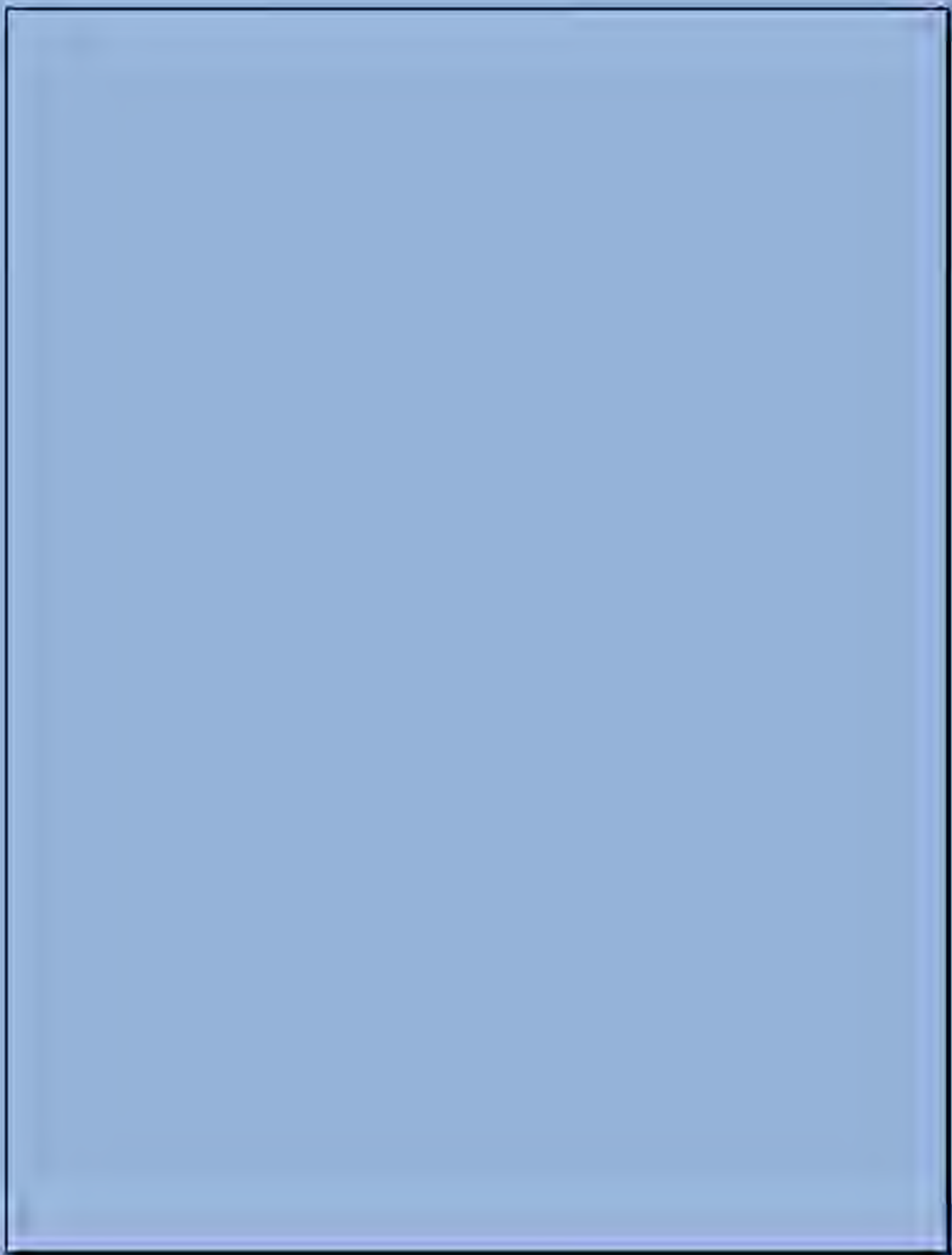
Town Manager’s Report

- Financial Report (See attached information).....185
- Department Reports (See attached information).....189
- **Manager’s Report** (Will be provided at the meeting)

Close Session: Pursuant to NCGS 143-318.11 (a) (4): To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment.

Recess: To a date and time selected by the Town Council

Presentations



PROCLAMATION
*In Honor of Anita Liverman's
Dedicated Service to the
Town of Smithfield's Appearance Commission*

WHEREAS, Anita Liverman has dedicated her time and attention by serving on the Appearance Commission for the past six years; and

WHEREAS, during her tenure, Anita Liverman served as the Chairperson and Vice Chairperson of the Appearance Commission; and

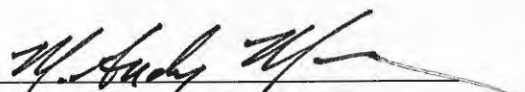
WHEREAS, the Town of Smithfield and its citizens have benefited greatly because of her particular interest and work in the area of beautification; and

WHEREAS, Anita Liverman has been instrumental in changing the overall beauty of the Town of Smithfield; and

WHEREAS, The Town of Smithfield will greatly miss Anita Liverman's horticultural knowledge and involvement with the Appearance Commission.

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




M. Andy Moore, Mayor

PROCLAMATION
ELECTRICAL LINEMEN APPRECIATION DAY
APRIL 18, 2019

Whereas, the Town of Smithfield honors the profession of linemen, as this profession is a selfless service, steeped in personal, family and professional tradition; and

Whereas, electrical linemen are often first responders during storms and other catastrophic events, working to repair broken lines to make the scene safe for the citizens of the Town of Smithfield; as well as, other public safety workers; and

Whereas, electrical linemen work on the Town of Smithfield power lines 24 hours a day, 365 days a year, to keep the electricity flowing; and

Whereas, due to the danger of their work with thousands of volts of electricity high atop power lines, these linemen put their lives at risk every day for the citizens of the Town of Smithfield with little recognition from the community regarding the danger of their work; and

Whereas, the U.S. Senate in April of 2013 first recognized the efforts of electrical linemen in keeping the power on and protecting public safety, and has designated by resolution the annual celebration of a National Linemen Appreciation Day.

Now, Therefore, I M. Andy Moore, Mayor of the Town of Smithfield, along with the Town Council, do hereby proclaim April 18, 2019 as "Electrical Linemen Appreciation Day"; and we call upon the citizens of the Town of Smithfield to recognize and appreciate the hard work, innovation and dedication that these public servants make every day to our health, safety, comfort, and quality of life.

Proclaimed this the 2nd day of April 2019.




M. Andy Moore, Mayor



Request for Town Council Action

Presentation **Main Street
Award**

Date: 04/02/2019

Subject: Recognition of the Public Works Department for being awarded the 2018 North Carolina Main Street Champion

Department: Public Works

Presented by: Sarah Edwards – Executive Director of the Downtown Smithfield Development Corporation

Presentation: Presentation

Issue Statement

The Public Works Department was awarded the 2018 North Carolina Main Street Champion for significantly contributing to Downtown Smithfield

Financial Impact

There will be no impact to the budget.

Action Needed

Recognition of the Public Works Department

Recommendation

Recognition of the Public Works Department

Approved: Town Manager Town Attorney (not required)

Attachments:

1. Staff Report
2. NC Main Street Award Letter
3. DSDC Press Release



Staff Report

**Presentation: Main
Street
Award**

On Thursday, March 14, the Town of Smithfield Public Works Department was honored as Smithfield's 2018 Main Street Champion at the North Carolina Main Street Annual Awards Ceremony in Salisbury. The Public Works Department was selected by the Downtown Smithfield Development Corporation for this special recognition in appreciation of their hard work and commitment to the success of Downtown Smithfield.

Downtown Smithfield Executive Director Sarah Edwards will present the Award to the Public Works Department.



ROY COOPER
Governor

ANTHONY M. COPELAND
Secretary

KENNY FLOWERS
Assistant Secretary

January 2, 2019

Town of Smithfield Public Works Department Attn: Lenny Branch
PO box 761
Smithfield, NC 27577

Dear Town of Smithfield Public Works Department,

I am pleased to inform you that Smithfield has designated you as its 2018 North Carolina Main Street Champion. Each designated NC Main Street community was given the opportunity to select an individual, couple, civic organization, business partnership, or government entity that made a significant contribution to the success of their downtown in 2018. Designation as an NC Main Street Champion is a high honor, recognizing the efforts of individuals who have been instrumental in downtown revitalization. The NC Main Street Champion Ceremony is our tribute to you, in appreciation for all your hard work and dedication.

Champions will be individually recognized and presented with a certificate commemorating this honor at a special morning social hour/continental breakfast at The Norvell Theater: 135 East Fisher Street, and ceremony at The Meroney Theater: 213 South Main Street, Salisbury, NC during the NC Main Street Conference on Thursday, March 14, 2019. The social hour and breakfast are from 8:00 a.m. - 9:00 a.m., with the NC Main Street Champion Ceremony starting at 9:00.

Please RSVP via the link below to let us know you plan to attend. Guests may also register at the same link so that we can adequately prepare for the breakfast.

<https://ncmainstreetconference.webconnex.com/2019ChampionsCeremony>

In February, you will receive a formal invitation. To make certain we have all our champions accounted for, the invitation will include a response card to indicate your attendance and that of any others that you would like to have present.

Again, congratulations and we hope to see you in Salisbury.

Sincerely,

Elizabeth H. Parham, CMSM
Director, NC Main Street and Rural Planning Center

cc: Sarah Edwards



FOR IMMEDIATE RELEASE

Contact: Sarah Edwards, DSDC
919-934-0887
Sarah@DowntownSmithfield.com
April 3, 2019

Town of Smithfield Public Works Department Honored as Main Street Champions at North Carolina Main Street Conference

SMITHFIELD, N.C. – On Thursday, March 14, the Town of Smithfield Public Works Department was honored as Smithfield’s 2018 Main Street Champion at the North Carolina Main Street Annual Awards Ceremony in Salisbury. The Public Works Department was selected by the Downtown Smithfield Development Corporation for this special recognition in appreciation of their hard work and commitment to the success of Downtown Smithfield. Along with Champions from 42 other communities, they received a certificate and medal commemorating this designation, presented by North Carolina Commerce Chief Deputy Secretary Liz Crabill and North Carolina Commerce Assistant Secretary of Rural Economic Development Kenny Flowers.

“Every city and town needs a Champion – someone that will step up and invest time and money in the community, improve the quality of life and grow economic vibrancy throughout the state,” said N.C. Secretary of Commerce Anthony M. Copeland. “Commerce is so pleased, each year, to recognize those individuals that are making a difference in their communities.”

“The key to the success of the local Main Street program is its people, those individuals that take extraordinary pride in their downtown revitalization initiatives and the vitality of their community and are willing to go the extra mile for success. Those individuals have earned the title ‘Main Street Champion’. They are local elected officials and staff, community leaders, downtown business owners and employees, and program volunteers. They give 110% and then ask, what’s next?”, said Liz Parham, Director of the N.C. Main Street & Rural Planning Center.

In recommending the Public Works Department for this honor, the Downtown Smithfield Development Corporation offered the following:

“You know how some people put in the essential hard work, do not look for recognition, and can always be counted on? Smithfield is very fortunate to have a group of these people in the Town of Smithfield’s Public Works Department. They keep Downtown Smithfield looking great, whether they’re installing flags and banners, or keeping it clean. They are instrumental in Downtown Smithfield events, working before and afterward to get downtown back to normal

soon after an event that attracts thousands. When it snows, they're among the first people downtown, shoveling sidewalks so that businesses can open. They can even be found out in the middle of a hurricane, checking on downtown. Although their work is often not seen by the public, their contributions to Downtown Smithfield are of tremendous importance, and are very much appreciated. That is why they are North Carolina Main Street Champions!"

"We are so proud to recognize the Public Works Department for their important contributions to the success of Downtown Smithfield," stated Sarah Edwards, Executive Director of the Downtown Smithfield Development Corporation.

To learn more about Downtown Smithfield and the work of the Downtown Smithfield Development Corporation, , please call Sarah Edwards, Executive Director of the Downtown Smithfield Development Corporation at 919-934-0887 or visit them on the web at www.downtownsmithfield.com.

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Request for Town Council Action

Presentation: Police
Department
Officer of
the Year
Date: 04/02/2019

Subject: Officer of the Year 2018
Department: Police Department
Presented by: Chief R.K. Powell
Presentation: Presentation

Issue Statement

The Police Department recognizes one officer annually as "Officer of the Year." This employee is nominated by secret ballot, completed by every member of the department. The Officer of the Year for the Smithfield Police Department for 2018 is Detective Sergeant Dale Wood.

Financial Impact

None

Action Needed

Present the Officer of the Year Award to Detective Sergeant Dale Wood.

Recommendation

Present Officer of the Year Award

Approved: Town Manager Town Attorney

Attachments:

1. Staff report



Staff Report

**Presentation: Police
Department
Officer of
the Year**

The Police Department recognizes one officer annually as the "Officer of the Year". This employee is nominated by secret ballot, completed by every member of the department. The officer receiving the most votes is then reviewed by a recognition committee consisting of the Patrol Captain and the department's Lieutenants. The committee then makes for Office of the Year to the Police Chief, who has the final say as to the award.

The Officer of the Year for 2018, is Detective Sergeant Dale Wood. Sergeant Wood is a member of the department's Investigation Division. Sergeant Wood has been with the Smithfield Police department since November 2000. Sergeant Wood worked with the Johnston County Sheriff's Office for eight years and Benson Police Department for two years prior to starting with the Smithfield Police Department. Sergeant Wood started with the Smithfield Police Department as a Patrol Officer and was promoted to the rank of Sergeant. Sergeant Wood was transferred to Investigations and has been in Investigations since.

Sergeant Wood has worked very hard in Investigations and handled many difficult cases during his tenure in law enforcement. He is always very professional with the victim's, he deals with on a daily basis. Sergeant Wood is always willing to help new recruits with issues that arise with difficult cases being investigated. Sergeant Wood is a major asset to the Smithfield Police Department and the Town of Smithfield.



Request for Town Council Action

Presentation **Oath of
Office for
New
Police
Officer**
Date: 04/02/2019

Subject: Police Swear In
Department: Police Department
Presented by: Chief of Police R. Keith Powell
Presentation: Presentation

Issue Statement

The Police Department has hired one new officer to fill an existing vacancy within the police department. Damon Kenny was hired to fill this position. Officer Kenny has been assigned to "D" team. Officer Kenny completed his basic law enforcement training at Johnston Community College.

Financial Impact

Salary will be covered by current budget.

Action Needed

Administer the Oath of Office to Officer Damon Kenny and welcomed him to North Carolina law enforcement and the Smithfield Community.

Recommendation

Administer the Oath of Office to Officer Damon Kenny and welcomed him to North Carolina law enforcement and the Smithfield Community

Approved: Town Manager Town Attorney

Attachments:

1. Oath Of Office



Request for Town Council Action

**Oath of
Office for
New
Police
Officer**
Presentation: **Date: 04/02/2019**

Subject: Police Swear In
Department: Police Department
Presented by: Chief R.Keith Powell
Presentation: Presentation

Issue Statement

The Police Department has hired a new officer to fill an existing vacancy within the Police Department. Joseph Phillip Heck was hired to fill this position. Officer Heck has been assigned to the Patrol Division to fill one of the vacant slots. Officer Heck is coming to us from Greene County Sheriff's Office with 15 years of experience in Law Enforcement.

Financial Impact

Salary will be covered by current budget.

Action Needed

Administer the Oath of Office to Officer Joseph Phillip Heck and welcomed him to the Smithfield Community.

Recommendation

Administer the Oath of Office to Officer Joseph Phillip Heck and welcomed him to the Smithfield Community.

Approved: Town Manager Town Attorney

Attachments:

1. Oath Of Office

Public Hearings





Request for Town Council Action

**Public
Hearing:** RZ-19-01
Date: 04/02/2019

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

Issue Statement

John A. Whitley, Attorney, is requesting a zoning map amendment to amend the zoning of a parcel located at 317 S. Third Street from R-8 (Single, Two and Multifamily Residential) to O/I (Office/Institutional).

Financial Impact

There will be no financial impact to the Town.

Action Needed

To hold a public hearing, review the application for rezoning, and make a decision whether to approve or deny.

Recommendation

Staff recommends the Town Council deny the request for Zoning Map Amendment with a statement declaring the request to be inconsistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is not reasonable and not in the public interest.

The Planning Board recommends the Town Council approve the request for Zoning Map Amendment with a statement declaring the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Consistency Statement
3. **Planning Board Minutes**
4. Application
5. **Map**
6. **Adjacent Property Owners List and Notification**



Staff Report

Public Hearing: RZ-18-09

Application Number: RZ-19-01
Project Name: N/A
Parcel ID numbers: 169418-30-9275
Tax ID: 15030016
Town Limits / ETJ: Town
Applicant: John A. Whitley, Attorney
Owners: John A. Whitley, Attorney
Agents: none

PROJECT LOCATION: 317 S. Third Street (Corner Lot intersecting with E. Woodall St.).

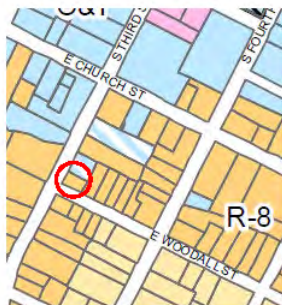
REQUEST: The applicant is requesting to rezone a 0.11 acre parcel in the R-8 Zoning District to O/I.

SITE DATA:

Acreage: 0.11
 Present Zoning: R-8 - Single, Two and Multifamily Residential
 Proposed Zoning: O/I-Office/Institutional
 Existing Use: Residential
 Proposed Use: Office
 School Impacts: NA
 Parks and Recreation: NA
 Fire District: Town of Smithfield
 Water and Sewer Provider: Town of Smithfield
 Electric Provider: Town of Smithfield

ENVIRONMENTAL: The property is entirely located within the 100 year floodplain.

ADJACENT ZONING AND LAND USES:



	Exiting Zoning	Existing Use:
North	O/I CUD	Office
South	R-8	Residential
East	R-8	Residential
West:	R-8	Residential

HISTORY:

In 2016, Mr. Whitley made application for the same rezoning which was reviewed by the Planning Board before being withdrawn. At that time, The Board reviewed the application and recommended approval based on a previous Staff recommendation in favor of the rezoning.

STAFF ANALYSIS AND COMMENTARY:

The property considered for rezoning to O/I is small (0.11 acres), shares a driveway with the residential property to the east, is entirely within the 100 year flood plain and would likely be considered a spot zoning. Staff recommends denial of the rezoning for the following reasons:

- The rezoning would result in a non-conforming O/I lot. The minimum lot size in the O/I district is 6,000 sq. feet; the subject parcel is only 4,792 sq. feet. The existing structure (home) would not meet the structure setbacks in the O/I district.
- Off-street parking and handicap accessible parking meeting UDO requirements for an office use would likely be difficult to provide given the small size of the lot, creating the need for variances.
- The property to the north is zoned O/I CUD, which is a different and district zoning district and could be considered a spot zone given its size. The zoning of this parcel to O/I would likely be a spot zoning which is prohibited.
- The proposed office use would be an intensification of land use in the 100 year flood zone.
- Office uses should be buffered from residential uses with a Type B landscape buffer which would be difficult given the small size of the lot and the configuration of the shared parking access on the rear of the lot.
- The rezoning is inconsistent with the comprehensive land use plan. The Plan guides the property as medium density residential.
- The rezoning would be an encroachment of commercial uses into a residentially guided and zoned area.

PLANNING DEPARTMENT RECOMMENDATION:

The Planning Department recommends denial of the Zoning Map Amendment; and recommend that the Town Council deny the request with a statement declaring the request to be inconsistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is not reasonable nor in the public interest.

PLANNING BOARD RECOMMENDATION:

The Planning Board reviewed the application and recommended approval of the rezoning with a 6-1 vote. The Board commented that in 2016, the Board reviewed the same item (later withdrawn by the applicant) and had recommended approval based on Staff's previous affirmative recommendation.

In order to approve the rezoning, the Town Council must find the rezoning consistent with Town Plans and Policies (**Staff's findings**):

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

The subject property is not consistent with the Strategic Growth Plan. The Plan guides the property as medium density residential.

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

The rezoning would create inconsistencies with the UDO creating nonconformities such as side yard setbacks, minimum lot sizes for the O/I District, bufferyards and potentially off-street parking.

- o **Compatibility with Surrounding Land Uses**

The property to the north is an office use and would be compatible, but the other properties surrounding the parcel are all residential and incompatible given the lack of buffering, shared driveway access to the east.

TOWN COUNCIL RECOMMENDED ACTION:

The Town council is respectfully requested to hold a public hearing, review the petition for rezoning and make a decision whether to approve or deny the rezoning of the .011 acre parcel of land from the from R-8 (Single, Two and Multifamily Residential) to the O/I (Office/Institutional) zoning district with a consistency statement.

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
RZ-19-01**

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

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

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

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

That the final action regarding zoning map amendment RZ-19-01 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public hearing; and

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

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

That the final action regarding zoning map amendment RZ-19-01 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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

**Draft
Town of Smithfield
Planning Board Minutes
Thursday, March 7, 2019
6:00 P.M., Town Hall, Council Chambers**

Members Present:

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

Members Absent:

Teresa Daughtry

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

Chairman Stephen Upton asked each board member to acknowledge themselves.

APPROVAL OF MINUTES from February 7, 2019

Leslie Lazarus made a motion, seconded by Oliver Johnson, to approve the minutes as written. Unanimously approved

APPROVAL OF THE AGENDA

Mark Lane made a motion, seconded by Leslie Lazarus. Unanimously approved

REVIEW OF PLANNING BOARD MINUTES FROM OCTOBER 6th, 2016

The October 6, 2016 Planning Board Minutes were passed out. Chairman Stephen Upton requested that each member please review RZ-16-03 for a few moments before beginning the new business.

NEW BUSINESS

RZ-19-01 John A. Whitley:

The applicant is requesting to rezone a 0.11 acre tract of land from an R-8 (Residential) zoning district to the O/I (Office Institutional) zoning district. The property considered for rezoning is located on the northeast corner of the intersection of South Third Street and Woodall Street and further identified as Johnston County Tax ID# 15030016. The property is located within the 100 year floodplain.

Mark Helmer pointed out that Mr. Whitley made application to rezone this same property on October 6, 2016 and on October 17, 2016 he withdrew his request. Mr. Whitley was undecided whether to rent the home out or use for commercial use in the wake of Hurricane Matthew.

Mr. Lane asked if Mr. Whitley withdrew his rezoning at that time because he was undecided on what he should do with it.

Mr. Helmer answered yes, after Hurricane Matthew he wanted to reevaluate the situation.

The property considered for rezoning to O/I is small (0.11 acres), shares a driveway with the residential property to the east, is entirely within the 100 year floodplain and would likely be considered a spot zoning. Staff recommends denial of the rezoning for the following reasons:

- The rezoning would result in a non-conforming O/I lot. The minimum lot size in the O/I district is 6,000 sq. feet; the subject parcel is only 4,792 sq. feet. The existing structure (home) would not meet the structure setbacks in the O/I district.
- Off-street parking and handicap accessible parking meeting UDO requirements for an office use would likely be difficult to provide given the small size of the lot.
- The property to the north is zoned O/I CUD, which is a different and district zoning district and could be considered a spot zone given its size. The zoning of this parcel to O/I would likely be a spot zoning which is prohibited.
- The proposed office use would be an intensification of land use in the 100 year flood zone.
- Office uses should be buffered from residential uses with a Type B landscape buffer which would be difficult given the small size of the lot and the configuration of the shared parking access on the rear of the lot.
- The rezoning is inconsistent with the comprehensive land use plan. The Plan guides the property as medium density residential.
- The rezoning would be an encroachment of commercial uses into a residentially zoned and guided area.

In order to approve the rezoning, the Town Council must find the rezoning consistent with Town Plans and Policies:

Consistency with the Strategic Growth Plan

The subject property is not consistent with the Strategic Growth Plan. The Plan guides the property as medium density residential.

Consistency with the Unified Development Code

The rezoning would create inconsistencies with the UDO creating nonconformities such as side yard setbacks, minimum lot sizes for the O/I District, buffer yards and potentially off-street parking.

Compatibility with Surrounding Land Uses

The property to the north is an office use and would be compatible, but the other properties surrounding the parcel are all residential and incompatible given the lack of buffering, shared driveway access to the east.

Mr. Helmer stated that The Planning Department recommends denial of the Zoning Map Amendment; and recommend that the Planning Board recommend denial with a statement declaring the request to be inconsistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is not reasonable nor in the public interest. He opened the floor up for any questions board members might have.

Mr. Lane said in 2016 we approved this same request. What has changed since then?

Mr. Helmer said I think the Planning Department has gained a healthier respect for the Comprehensive Land Use Plan. We have a greater respect for the complications that come with rezoning.

Mr. Lane said I understand what you're saying, but the applicant knows what he is getting into being he was flooded from Hurricane Matthew. If it was approved in 2016, I don't see why it should be denied this time around.

Mr. Helmer stated the Planning Departments recommendation may have changed but he doesn't think their reservations about the rezoning have changed. We've always been concerned about the number of variances needed from the Board of Adjustments; to get a site plan that provides off-street parking in accordance with the UDO. When you rezone, you're creating all these nonconformities. They are detrimental to the property in the long run. It's a good idea to avoid rezoning's that will create nonconformities and a need for variances. The development plan for commercial is going to require parking. He read the minutes from the previous meeting in October 2016 about parking in the street and that doesn't satisfy parking requirements for the UDO.

Mr. Lane asked if it satisfied requirements in 2016.

Mr. Helmer said no and he clearly stated that.

Mr. Lane asked why he didn't recommend denial at that time.

Mr. Helmer said the Planning Department is under different leadership now; we're trying to do it correctly. We have to give our best professional judgement.

Mr. Upton said in October 2016 this board listened to all that was said and analyzed the information given to them. They took the recommendations and asked Mr. Whitley about the parking situation.

Mrs. Lazarus said despite the fact the rezoning was previously approved, it also was withdrawn. I think now we have to reconsider it. We have to reanalyze it now and see if it complies with the UDO.

Mr. Oliver Johnson stated he was not on the Planning Board at the previous meeting in 2016, but asked if any adjacent property owners had shown any concerns.

Mr. Helmer said no not yet.

Mrs. Lazarus asked if they had been notified.

Mr. Helmer said no, the property was posted which is above what we're required to do.

Mr. Spain asked if there was something specific that was different now than in October 2016.

Mr. Helmer stated perhaps he made an error then, when reviewing the plan thinking the property was outside the 100 year floodplan. The maps have changed since then, we've adopted new ones. They are higher resolution, much easier to read now.

Mr. Spain said if the applicant is aware of the flooding and this property being in the 100 year flood plan, shouldn't that responsibility fall upon him.

Mr. Helmer said the structure is there, regardless what it is zoned it could suffer damages and we can't do anything about that. When you look at it in terms of the Comprehensive Land Use Plan it talks about the conservation district and the intensity of its land uses and preventing additional land development. If you rezone the property there could be an increase in value and an increase in loss.

Mr. Upton asked the applicant, Mr. Whitley to come forward for questions.

Mr. Spain asked Mr. Whitley if he had talked with any neighbors about his intentions to rezone his property.

Mr. Whitley stated yes that he had talked with Travel Odyssey which is beside his property. He also has talked with his adjoining property owner, Thomas Berkau and he is present at tonight's meeting as well.

Mr. Lane stated so you already have a business beside you.

Mr. Whitley said yes that is correct.

Mr. Whitley said his neighbors across the street Jonathan & Jennifer Gaskins are certainly aware of the rezoning.

Mr. Spain asked who shares the driveway with Mr. Whitley.

Mr. Whitley said I share a driveway with Mr. Thomas Berkau.

Mr. Spain asked if Mr. Berkau's house was residential and if so, if it was a rental house.

Mr. Berkau said yes it is a rental house.

Mr. Spain asked Mr. Whitley if the tenant living in Mr. Berkau's house had been talked to about the rezoning.

Mr. Whitley said he had not talked with the tenant.

Mr. Lane asked if Mr. Whitley could address the parking issues.

Mr. Whitley said his law business doesn't generate a lot of vehicular traffic at all. He predominately does business by phone, email and fax. Besides his car and his secretary's car, there should never be more than a couple cars at the business at any given time.

Mr. Upton asked where the cars would park that did come.

Mr. Whitley said the courthouse, one block away provides parking. He wouldn't encourage any parking on Woodall Street because there is no room. He would even put a no parking sign out by the office if needed. The only other option would be to park on Third Street.

Mr. Lane asked how many cars the rear of the property would hold.

Mr. Whitley said two cars

Mr. Oliver Johnson stated as a member of the UDO Sub-Committee, they make updates and edits to the Unified Development Ordinance (UDO). Individuals and businesses that might be affected by those changes or edits are grandfathered in. He suggests that the Planning Board take the same approach with the issue before them.

Mr. Lane stated really there haven't been any changes in the UDO, just in leadership.

Mr. Helmer stated that was correct, we are enforcing the UDO as it is written.

Mrs. Lazarus asked Mr. Helmer what kind of buffer is considered a Type B landscape buffer.

Mr. Helmer said Type B is a 20 foot buffer with 12 shrubs per 100 Sq. feet. You count the linear feet of the lot line and multiply that by 100 which gives you the square feet and divide by 12 to get to total.

Mrs. Lazarus said not only is the lot size too small for an O/I zoning district but it also wouldn't meet the landscaping regulations in the UDO.

Mr. Helmer said I have not seen a site plan but it is only 0.11 acre lot. Parking in general as well as handicap parking accessibility would be a challenge and the ability to do landscaping. He would anticipate those three items needing a variance from the Board of Adjustment.

Mr. Upton asked if it was possible for the site plan to be presented to the Planning Department.

Mr. Helmer said no it would go before the Board of Adjustment for a variance.

Mr. Lane said so the Planning Department wouldn't see the site plan first.

Mr. Helmer said yes the Planning Department would receive the site plan for staff review. We wouldn't be able to approve it because it doesn't meet code. The applicant would then need to request a variance.

Mr. Spain asked Mr. Whitley if he had a site plan.

Mr. Whitley said no he did not at this time.

Mr. Whitley said he would like to address the handi-cap accessibility. The front of the property is ground level. He doesn't plan to change that. It can be made handicap accessible very easily. He brought a map of the surrounding properties and showed to the Planning Board. He said a buffer was mentioned earlier and Woodall Street is a man-made buffer.

Mr. Whitley said it's not about the money he has spent improving the home. It's about him trying to enhance an area he can be proud of. The house has been repainted; he added a metal roof on top. He plans to do some landscaping at some point. He is aware there will need to be a variance due to the size of the property. The business he owns will not be open late therefore it will be very compatible with the residential area.

Mr. Spain asked Mr. Helmer wouldn't the handicap parking and access be a requirement.

Mr. Helmer said the UDO will require on-site parking; the handicap accessibility is different because it falls under building code.

Mr. Upton stated that he thinks the site plan will answer a lot of questions once it has been reviewed.

Mr. Lane made a motion to recommend the Town Council approve the rezoning, RZ-19-01, from the R-8 (Single, Two and Multifamily Residential) zoning district to the O/I (Office/Institutional) zoning district finding the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest, seconded by Oliver Johnson. **Mark Lane, Stephen Upton, Oliver Johnson, Michael**

Johnson, Ashley Spain, and Alisa Bizzell's vote is to approve. Leslie Lazarus's vote is to deny. Vote: 6-1 to approve. Motion passed.

Mr. Upton stated to the applicant that their next meeting would be with the Town Council on Tuesday, April 2nd, 2019 at 7pm in Town Hall Council Chambers.

Old Business

Mr. Lane mentioned at the special meeting held on January 21st, the Town Council approved the recommendation from the Planning Board to include public hearings. He was under the impression it would have gone before Town Council on March 5th.

Mr. Helmer said no we will have a revised ordinance and bring it back to the UDO Sub-Committee.

Mr. Helmer said the Hampton Inn site has been approved and construction will begin in the next couple of months. It will be located beside Golden Corral restaurant in Smithfield Business Park. He also stated he did a final inspection on Classic Ford and they were denied because they made modifications to their lighting plan that wasn't reflected on the plan they provided to the Planning Department. There were also some storm water/erosion issues that needed to be addressed.

Adjournment

Being no further business, Ashley Spain made a motion seconded by Leslie Lazarus to adjourn the meeting. Unanimous approved.

Respectfully Submitted,



Julie Edmonds
Administrative Support Specialist



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

REZONING APPLICATION

Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached), (1) electronic submittal and the application fee. The application fee is \$300.00 for the first 5 acres and \$10.00 for each additional 10 acres or portion thereof.

Name of Project: John A. Whitley, Attorney Acreage of Property: Fraction of acre
 Parcel ID Number: 15-0-30-016 Tax ID: 169418-119
 Deed Book: 4749 Deed Page(s): 529-530
 Address: 317 S. Third Street, Smithfield, NC 27577
 Location: 317 S. Third Street, Smithfield, NC 27577

Existing Use: Residential Proposed Use: Commercial
 Existing Zoning District: R-8
 Requested Zoning District: O&I
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): Not applicable
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): _____

FOR OFFICE USE ONLY

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

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

John A. Whitley

02-28-2019

Print Name



Signature of Applicant

Date



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

OWNER'S CONSENT FORM

Name of Project: John A. Whitley Submittal Date: 02-28-2019

OWNERS AUTHORIZATION

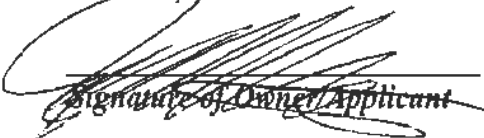
I hereby give CONSENT to _____ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above.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

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

Signature of Owner *Print Name* *Date*

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

 _____
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number:	Date Received:	Parcel ID Number:
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Filed in JOHNSTON COUNTY, NC
CRAIG OLIVE, Register of Deeds
Filed 04/18/2016 03:56:05 PM
DEED BOOK: 4749 PAGE: 529-530
INSTRUMENT # 2016486286
Real Estate Excise Tax \$0.00
Deputy/Assistant Register of Deeds dcarter

Prepared by: John A. Whitley, Attorney
219 Johnston St.
Smithfield, NC 27577

Hold For: John A. Whitley, Attorney

STATE OF NORTH CAROLINA

PARCEL ID NO.: 15030016

COUNTY OF JOHNSTON

REVENUESTAMPS: \$-0-

Brief description for the Index: 317 S 3RD ST., SMFLD

GENERAL WARRANTY DEED

THIS DEED made this 18TH day of APRIL, 2016, by and between JOHN A. WHITLEY, hereinafter referred to as GRANTOR, and JOHN A. WHITLEY AND WIFE, BARBARA B. WHITLEY, hereinafter referred to as GRANTEE, whose address is 219 JOHNSTON ST., SMITHFIELD, NC 27577.(The designation GRANTOR and GRANTEE as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context.);

WITNESSETH, that the GRANTOR, for a valuable consideration paid by the GRANTEE, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the GRANTEE in fee simple, all of that certain lot or parcel of land situated in the City of SMITHFIELD, SMITHFIELD Township, Johnston County, North Carolina and more particularly described as follows:

BEGINNING at a stake on the East side of South Third Street in the Town of Smithfield, between Church and Woodall Street, Layton McGoogan's corner and runs in a southerly direction with South Third Street, 52.5 feet to the intersection of South Third Street and Woodall Street; thence in an easterly direction with Woodall Street, 90.2 feet to a stake; thence in a northerly direction parallel with South Third Street, 52.5 feet to a stake, McGoogan's corner; thence in a westerly direction with McGoogan's line, 90.2 feet to the BEGINNING, containing a fractional part of an acre.

THE PURPOSE OF THIS DEED IS TO CONVEY THE ABOVEDESCRIBED PROPERTY FROM THE GRANTOR TO THE GRANTEE AS TENANTS-BY-THE-ENTIRETY PURSUANT TO NCGS 39-13.3(b).

The property hereinabove described was acquired by GRANTOR by instrument recorded in Book 4748, Pages 482-483, Johnston County Registry.

A map showing the abovedescribed property is recorded in Plat Book _____, Page _____, Johnston County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the GRANTEE in fee simple.

AND THE GRANTOR covenants with the GRANTEE that the GRANTOR is seized of the premises in fee simple, has the right to convey the same in fee simple, that the title is marketable and free of all encumbrances, and that the GRANTOR will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the GRANTOR has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in the corporate name by its duly authorized official, the day and year first above written.

 (SEAL)
JOHN A. WHITLEY

STATE OF NORTH CAROLINA

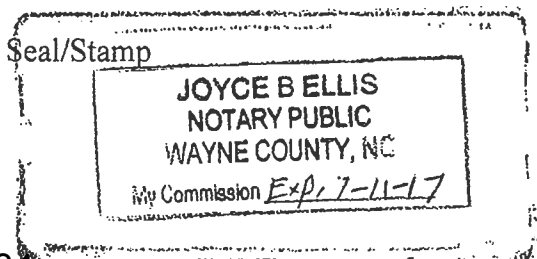
COUNTY OF Wayne

I, Joyce B. Ellis, a Notary Public of the County and State aforesaid, certify that JOHN A. WHITLEY personally came before me this day and acknowledged the due execution of the foregoing deed.

Witness my hand and official stamp or seal, this 18TH day of APRIL, 2016.

Joyce B. Ellis
Notary Public

My Commission Expires: 7-11-17



ATTACHMENT TO REZONING APPLICATION
OF JOHN A. WHITLEY, ATTORNEY

A LIST OF ADJACENT PROPERTY OWNERS:

<u>Property owners</u>	<u>Mailing address</u>	<u>Parcel ID#</u>
Thomas & Vicki Berkau	604 W. Hood Street, Smithfield, NC	15-0-30-018
Eleanor Faye Medlin	304 Woodall St., Smithfield, NC	15030019
H. Landis Whitley	208 W. Langdon Ave., Smithfield, NC	15030020
Barbara P. King	315 S. Third St., Smithfield, NC	150 30017
Tara M. Dunn	307 S. Third St., Smithfield, NC	15030025
Barry W.&Kay P. Long	259 Wembley Dr., Clayton, NC 27527-3360	15030026
Spring Branch Corners Assoc.	300-C S. Third St., Smithfield	15029023
Aspect Properties LLC	312 S. Third St., Smithfield	15029026
Jonathan D. Gaskins	404 S. Third St., Smithfield, NC	15029040 15029041
Carole & William Wells, Jr.	P.O. Box 2179, Smithfield, NC	15030001
Eleanor Faye Medlin	304 Woodall St., Smithfield, NC	15030002
Paul & Louise Moore	306 E. Woodall St., Smithfield, NC	15030003
Jason A. Fumia	308 E. Woodall St., Smithfield, NC	15030004

ATTACHMENT TO REZONING APPLICATION
OF JOHN A. WHITLEY, ATTORNEY

STATEMENT OF JUSTIFICATION

I am a native son of West Smithfield and Smithfield. I will have continuously engaged in the general practice of law in Smithfield for 39 years as of September, 2018. Although I have office-shared with the Levinson Law Firm for over two decades, I have been a sole practitioner for my entire tenure as a lawyer but for several years that I was a partner in the firm of Ashley, Holland, Wellons, and Whitley. Although it has always been a dream of mine to manifest my independence by practicing in my own stand-alone structure, I was formerly content to finish my tenure as an attorney at the address at which I now practice, 219 Johnston Street, owned by Jim Levinson. However, Jim is very nearly retired, has sought to sell 219 Johnston Street for the past several years without signage on the building, is now more aggressively attempting to sell the building with signage thereon, and I now therefore have been forced to attempt to realize my dream. Given my entrepreneurial real estate background, my quest to find a suitable stand-alone building within the proximity of the Courthouse has been exciting even if frustrating. I bid for, but was unable to purchase, the Mozzelle Ellis estate home located on Johnston Street. Having previously approached David Stubbs about the prospects of purchasing his property on Johnston Street, David later approached me with an offer to sell his premises which I could not justify.

I truly feel that my finding 317 S. Third Street was provident. While I love to eat at the White Swan on any given day, I rarely ride out that far at lunch and usually only stop there to eat if I am coming back from Benson District Court on Friday. On this one particular day after having explored the above described opportunities and several others, I simply decided that I needed to leave Courthouse Square for lunch for no particular reason. When I passed by 317 S. Third Street and I saw a FOR SALE sign in front of it, I had a flashback as I recalled the home when it was not in disrepair in my much younger years. I was genuinely saddened to see this dilapidated "period piece" now at the perimeter of a business district with a pastoral setting across the street in front of it and surrounded by restored, warm homes along Third Street south of it and along Woodall Street east of it. My very next vision of the house was as it could be, not as it was. I am now just weeks from that vision!

Much has occurred since I purchased the house on April 14, 2016. The Town's records will reveal that I requested to have the premises rezoned in the fall of 2016 to Office and Institutional and appeared before the Zoning Board in support of that application, but thereafter asked the Town to withhold their consideration of the recommendation of the Zoning Board in the aftermath of Hurricane Matthew in order for me to consider whether I then wished to rent the premises as a residence or use it commercially in the future. Having just spent in excess of \$20,000 on the exterior and

interior of the premises just prior to Hurricane Matthew and being virtually ready to have the premises occupied either residentially or commercially, I was then very disheartened and conflicted as to what I would do with the property. Upon the passage of time, upon my belief that Matthew was an exceptional storm, upon my belief that the failure to significantly drain reservoirs west of Smithfield significantly worsened the effects of Matthew, and upon my steadfast belief that I was meant to occupy those premises as an office; I have now again spent thousands of dollars replastering and painting inner walls, recarpeting floors, and refinishing hardwood floors. I am appreciative that flood zone maps have been expanded in the wake of relatively recent storms, however just as a "rising tide raises all ships", if there comes significant surface water it will affect residential as well as commercial property. As I now understand it, zoning laws would disallow me to rebuild the premises if they were destroyed by some man-made or natural disaster. As I am now too invested in the premises to back up and must now make them profitable, I must now do so either residentially or commercially. The following is my analysis as to why the better use of these premises is for office and institutional.

I advocate to the Board that both the interior and the exterior will be better maintained as my law office than they would be by a tenant; a mere windshield appraisal of the premises in its present state versus what it looked like several years ago will reveal a new metal roof, a newly painted exterior, and new shutters. Signage at the premises for my law office certainly would be compliant with the City Ordinance and would be discreet and professional; such signage would certainly be compatible with that of Travel Odyssey adjacent to the subject premises. The demographic and major part of my law business is such that on-street or off-street parking requirements would be nominal. I therefore advocate to the Board that not only would using the premises commercially not endanger public health, safety, or general welfare, but instead would enhance it.

This rezoning petition is compatible with established neighborhood patterns of the surrounding area. The subject property is the only property fronting on the eastern side of S. Third Street from Woodall Street north to Johnston Street which is not zoned commercial (O&I). Because the subject property corners on S. Third Street and Woodall Street, the roadways are man-made divides between home owners immediately across Third Street and Woodall Street. All properties fronting the western side of South Third Street south of Johnston Street to the creek are zoned commercial (O&I). The pattern of commercial properties in areas outlying the Courthouse area must grow to accommodate expansion warranted by the ever-expanding County Government.

This rezoning request is in the community interest. The renovation and restoration of the subject property certainly enhances the curb appeal of South Third Street and Woodall Street. Both of these roadways have enjoyed a substantial structural renaissance of most of the fixtures thereon but for the subject property formerly and just a few remaining properties. The impetus to well maintain a commercial property, I submit, is much greater than that to well maintain a tenement. Bordering on an area of residential repose, I can assure you that this general legal practitioner of nearly 66 years age will not be engaging in a raucous night life upon the premises.

While this request may technically constitute "Spot Zoning", that being the application of zoning to a specific parcel within a larger zoned area when the rezoning is at odds with a city's master plan and current zoning restrictions; courts have held that "Spot Zoning" is only invalid when there is an "arbitrary, capricious and unreasonable

treatment of a specific parcel within a larger zoned area. As previously discussed, while the predominate zoned use of the property surrounding the subject property is residential (R-8), all but one property fronting South Third Street on either side from Johnston Street south to Woodall Street is zoned commercial (O&I). Moreover, there is in the very least a mixed commercial and residential use along the South Third Street corridor from Johnston Street to the intersection of Third Streets and 301 Highway. As previously discussed, commercial use (O&I) is trending south along Third Street from Johnston Street.

300 Block of South Third Street



Project Name:
John A. Whitley
Rezoning

File Number:
RZ-19-01

Existing Zoning:
R-8
Residential

Proposed Zoning:
O/I
Office/Institutional

Property Owner:
John A. Whitley

Applicant:
John A. Whitley

Location:
317 South Third St

Tax ID#
15030016



0 25 50 Feet

Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 2/18/2019



Location of Proposed Rezoning
From R-8 (Residential)
To O/I (Office/Institutional)

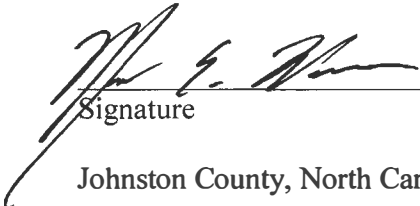
TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15030017	169418-40-0302	KING, BARBARA P	315 S 3RD ST	SMITHFIELD	NC	27577-0000
15030018	169418-40-0266	BERKAU, THOMAS S	604 W HOOD ST	SMITHFIELD	NC	27577-3601
15030016	169418-30-9275	WHITLEY, JOHN A	219 JOHNSTON STREET	SMITHFIELD	NC	27577-4558



PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, RZ-19-01, were notified by First Class Mail on 3-18-19.



Signature

Johnston County, North Carolina

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

18th day of March, 2019



Notary Public Signature
Julianne Edmonds

Notary Public Name

My Commission expires on Jan. 15, 2023





Request for Town Council Action

Public Hearing: SUP-19-03
Date: 04/02/19

Subject: Special Use Permit for Church
Department: Planning Department
Presented by: Stephen Wensman, Planning Director
Presentation: Public Hearing

Issue Statement

Will Roland is requesting a special use permit to allow for a church/place of worship on property located within a B-3 (Highway Entrance Business) zoning district.

Financial Impact

None

Action Needed

To hold a quasi-judicial public hearing and to review the petition and determine whether to approve, approve with conditions, or to deny it.

Recommendation

The Planning Department recommends approval of the special use permit, SUP-19-03 the following condition based on the findings of fact:

- That a traffic attendant be on duty after each worship service to prohibit cars from exiting directly onto West Market Street and to direct cars to Whitley Drive for egress from the site.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Findings of Fact
3. Application
4. **Site Map**
5. **Adjacent Property Owners List and Notification**



Staff Report

**Agenda SUP-
Item: 19-03**

Application Number: SUP-19-03
Project Name: Down the Road Ministries
Property ID number: 15086028
Town Limits/ETJ: Town
Applicant: Will Roland
Owners: Jamie Stanley
Agents: N/A

Request:

Will Roland is requesting a special use permit to allow for a church/place of worship on property located within a B-3 (Highway Entrance Business) zoning district.

Project Location:

1304-E west Market Street at the corner of Whitley Drive and West Market Street.

Site data:

Acreage:	1.06 acres
Present Zoning:	B-3 Highway Entranceway Business District
Proposed Zoning:	N/A
Existing Use:	Vacant Commercial
Proposed Use:	Church
Water Service:	Town of Smithfield
Sewer Service:	Town of Smithfield
Electrical Service:	Duke
Fire District:	Town of Smithfield

Adjacent Zoning and Land Use:

	Zoning	Existing Use
North:	R-10 Residential	Single Family Residential
South:	Market Street/B-3 Business	Highway/Commercial
West:	R-10 Residential	Single Family Residential
East:	B-3 Business	Commercial

Environmental:

There does not appear to be any environmentally sensitive areas impacted by the use.

Property Description:

The property is a 1.06 acres in size with a roughly 12,600 sq. ft. multi-tenant commercial strip center located at the corner of Whitley Drive and West Market Street. There is also a roughly 1200 sq. ft. storage structure/garage on the rear of the property. The property has many nonconforming situations including a lack of proper street yard and buffer yards, and nonconforming parking and setbacks. There are 24 parking stalls on the site for the commercial use. The parking lot is mostly paved across the full frontage of both Whitley Drive and West Market with no access control.

Analysis:

The applicant is requesting the special use permit to use approximately 1,881 sq. ft. of tenant space to operate a church in the B-3 Zoning District. The church would have seating for 30 in a 1,405 sq. ft. worship space. Associated with the church would be a 228 sq. ft. office, a 198 sq. ft. kitchen, and 50 sq. ft. of storage area. Churches in the B-3 Zoning District require a Special Use Permit and must comply with the supplemental regulations of the Unified Development Ordinance, Section 7.32:

SECTION 7.32 CHURCHES /PLACES OF WORSHIP, CLUB OR PRIVATE LODGE MEETING HALLS AND INDOOR STORAGE FACILITIES. (AMENDED 8/7/18, ZA-18-04)

4.9.3 Churches/Places of Worship and Club or Private Lodge Meeting Halls shall have adequate parking meeting Article 10, Section 10.3.

4.9.4 The land use will not significantly increase traffic on local roadways within a residential neighborhood.

4.9.5 In B-2 and B-3 zoning districts, the land use should not substantially decrease vehicular and/or pedestrian traffic or inhibit business activity for adjacent commercial businesses particularly during normal business hours. Obviously some businesses have more traffic than others. The Town recognizes that businesses in these zoning districts need active adjacent business space to attract customers to B-2 and B-2 zoning districts. The town intends for planning policies to encourage business traffic in these zoning districts while not prohibiting uses with less traffic. If a special use, due to inactivity during business hours or otherwise, substantially decreases commercial traffic then that special use is likely not to be in harmony with the existing development and uses with the area in which it is to be located.

4.9.6 The land use will not impede the normal and orderly development of the surrounding property for uses permitted in the district. If a substantial portion of a commercial center is closed or not attracting traffic during normal business hours then that absence of activity would likely impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Hours of Operation. As proposed, the church would be open on Sunday mornings (no specific service times provided). No other commercial businesses in the strip center are open at that time. One of the tenants opens on Sundays at 2 PM.

Parking. There is adequate parking for the church use on Sunday mornings. There are 24 existing parking stalls at the commercial strip center and all of them are available to the church on Sunday mornings. Written permission has been provided by the owner. According to UDO Section 10.3, the church is required to have one parking stall per 3 seats. There are 30 proposed seats and 10 parking stalls are required.

Traffic Impact. The use of the property as a church should have no impact on the adjacent residential neighborhood. There is adequate and direct access to West Market Street. The church use of the property may cause an impact to public safety on West Market Street. Nearly the entire Market Street frontage is paved to the highway with no access control. The commercial businesses that exist persistently rely on relatively infrequent customer visits with no impact to the highway. The church on the other hand has scheduled worship times that end at specific times and potentially ten or more vehicles could exit the site all at one time. With no access control this could be a traffic issue. Staff recommends a condition of approval requiring the church have a traffic attendant on duty after each worship service to direct cars to Whitley Drive for egress from the site.

Commercial Impact. The proposed church would not have any measurable impact on adjacent commercial uses. The strip center is currently home to Hinson Printing, an escape

room, a web-based furniture store, a home health care office and a salon. The escape room, the furniture store and the salon all have very limited hours of operation. There is very limited vehicular or pedestrian traffic associated with the existing uses and the church will have no detrimental effect.

Orderly Development. The proposed use will not impede the normal development of the surrounding property because the commercial strip center is an isolated commercial area with little impact on adjacent commercial. The adjacent pest control business does not rely on adjacent vehicular or pedestrian traffic for its success. The other surrounding business uses are not retail type businesses.

Findings of Fact:

The UDO, Article 4, sets forth eight findings of fact that are required for approval of a special use permit through a quasi-judicial process. Staff has listed its recommended findings for each (*in Italics*):

4.9.3.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. ***The use of the church will not endanger the public health, safety or general welfare of the public as long as egress from the site is limited to Whitley Drive after each worship service.***

4.9.3.5.2. The special use will be in harmony with the existing development and uses within the area in which it is to be located. ***The use of the property for church is in harmony with the existing development and uses. There is very limited retail activity currently and the church will be active when other uses are not.***

4.9.3.5.3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. ***The use will not impede the normal and orderly development and improvement of surrounding property because the adjacent commercial is not retail in nature.***

4.9.3.5.4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided. ***Adequate utilities are present. The use will have no impact on the utilities.***

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

Directing exiting church traffic to use Whitley Drive as opposed to West Market Street, will minimize impacts to highway traffic on West Market Street.

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

4.9.3.5.7. Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern. ***Adequate parking exists, however the uncontrolled access onto West Market Street is a public safety issue. As a result, Staff is recommending the condition of approval: that a traffic attendant be on duty after each worship service to prohibit cars from exiting directly onto West Market Street and to direct cars to Whitley Drive for egress from the site.***

4.9.3.5.8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council. ***The proposed use is consistent with town plans.***

Recommended Conditions of Approval:

Staff recommends the following condition:

- That a traffic attendant be on duty after each worship service to prohibit cars from exiting directly onto West Market Street and to direct cars to Whitley Drive for egress from the site.

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

Application Number: SUP-19-03 **Name:** Down the Road Ministries

Request: The applicant seeks a special use permit to operate a church/place of worship on property located within a B-3 (Highway Entrance Business) zoning district. The property considered for approval is located on the southeast side of the intersection of West Market Street and Whitley Drive and further identified as Johnston County Tax ID# 15086028.

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

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

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

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

Motion to Approve: *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to approve Special Use Permit Application # SUP-19-03 with the following condition:*

1. That all other requirements of the Unified Development Ordinance are met prior to site plan approval.

Motion to Deny: *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny Special Use Permit Application # SUP-19-03 for the following stated reason:*

Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Town Council for the Special Use Permit Application Number SUP-19-03 is hereby:

_____ **approved upon acceptance and conformity with the following conditions:**

1. That all other requirements of the Unified Development Ordinance are met prior to site plan approval.

_____ **denied for the noted reasons.**

Decision made this 2nd day of April, 2019 while in regular session.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Parrish, Town Clerk



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

SPECIAL USE PERMIT APPLICATION

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

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

SITE INFORMATION:

Name of Project: Down The Road Ministries Acreage of Property: 1.052
 Parcel ID Number: 15086028 Tax ID: 800596549
 Deed Book: 01881 Deed Page(s): 0758
 Address: 1304-E West Market St. Smithfield
 Location: Same

Existing Use: VACANT Proposed Use: Church
 Existing Zoning District: B-3

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

FOR OFFICE USE ONLY			
File Number: _____	Date Submitted: <u>1.31.19</u>	Date Received: <u>1.31.19</u>	Amount Paid: <u>\$300</u>

OWNER INFORMATION:

Name: Jamie Stanley
Mailing Address: P.O. Box 87
Phone Number: (919) 934-9036 Fax: (919) 934-5611
Email Address: Sales @ hinesprint.com

APPLICANT INFORMATION:

Applicant: Down the Road Ministries (Will Roland)
Mailing Address: 517 West Madest St. Smithfield
Phone Number: (919) 763-2242 Fax: _____
Contact Person: Will Roland
Email Address: Tn2gods @ aol.com

STATEMENT OF JUSTIFICATION

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

Small Church Worship Area Sunday mornings only. DIRM is over eight years old and wanted to bring back to Smithfield after the last building we leased was sold.

REQUIRED FINDING OF FACT

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

- 1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.

- 2) The special use will be in harmony with the existing development and uses within the area in which it is to be located.

- 3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Other business in building are closed only one open at 2pm, on SUNDAYS

- 4) Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.

There are 10 parking spot at the building with permission to use all 23 from property owner until 2pm when one of the neighboring business open

- 5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- 6) The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.

- 7) Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.

- 8) The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.

REQUIRED SITE PLAN INFORMATION

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

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

APPLICANT AFFIDAVIT

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

Rob(Will) Roland
Print Name


Signature of Applicant

1-30-19
Date

OWNER'S CONSENT FORM

Name of Project: Down The Road Ministries Submittal Date: 1-31-19

OWNERS AUTHORIZATION

I hereby give CONSENT to Down The Road Ministries (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.

 James L. Stanley 1/30/19
Signature of Owner *Print Name* *Date*

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

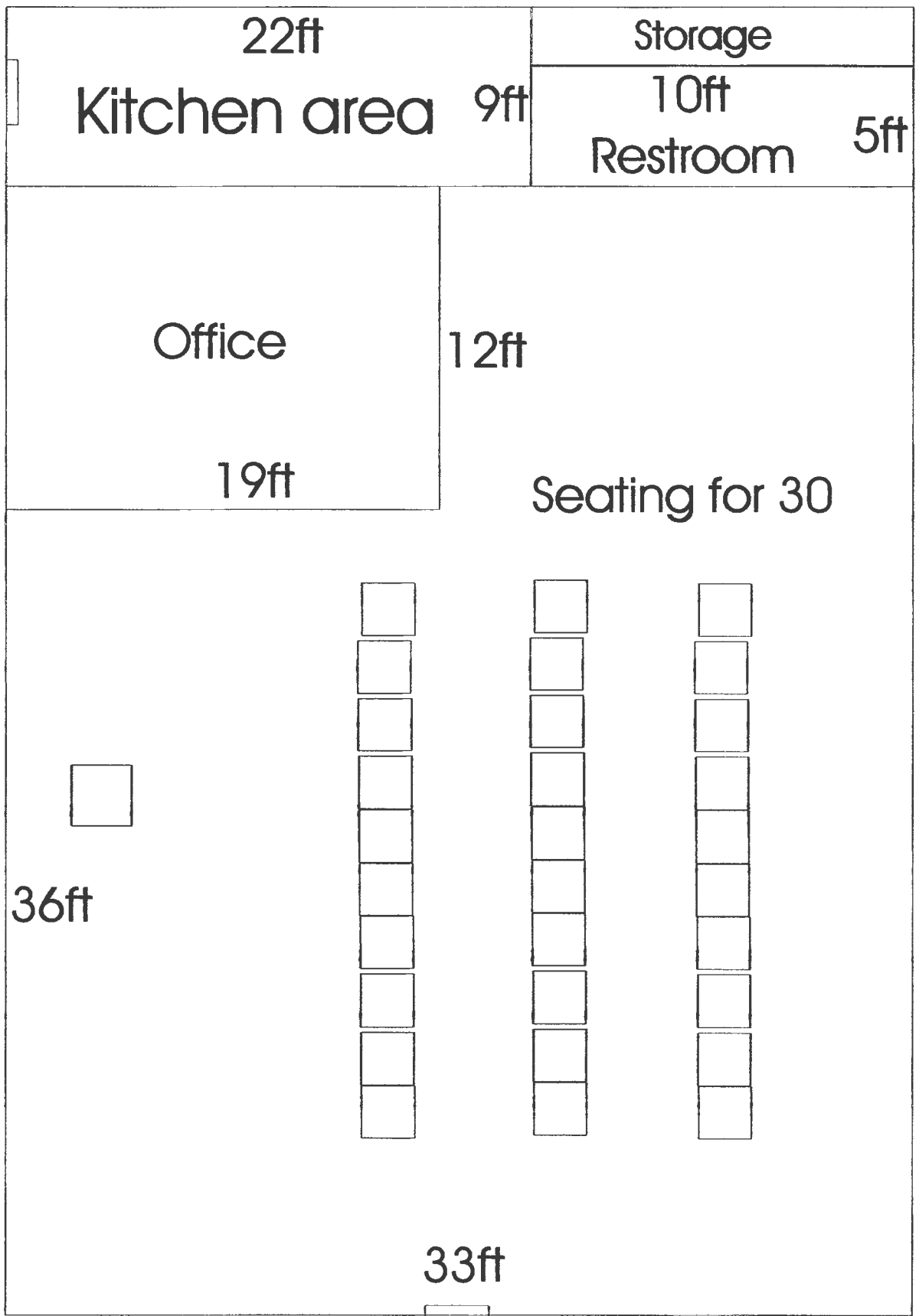
I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina,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

 Roy (Will) Roland 1-30-19
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number: _____ Date submitted: 1.31.19 Date received: 1.31.19

Side Entrance



Main Entrance

Mark Helmer

From: Jamie Stanley <sales@hinsprint.com>
Sent: Tuesday, March 05, 2019 3:31 PM
To: Mark Helmer
Subject: parking spaces for James Building

To whom it may concern

There would be 18-20 spaces available for parking on Sunday mornings . Will Roland is looking to rent space in end building l 1304 west market street.

I thought I had sent this earlier but maybe you did not get it.

thanks
Jamie



Hinson's Printing

Jamie Stanley

General Manager

P: 919-934-9036

F: 919-934-5611

www.hinsprint.com

1294 West Market St.
Smithfield, NC 27577

1300 Block of West Market Street



Project Name:
Down the Road
Ministries

File Number:
SUP-19-03

Proposed Use:
Assembly /
Place of Worship

Property Owner:
Jamie Stanley

Applicant:
Will Roland

**1304-E West
Market Street**

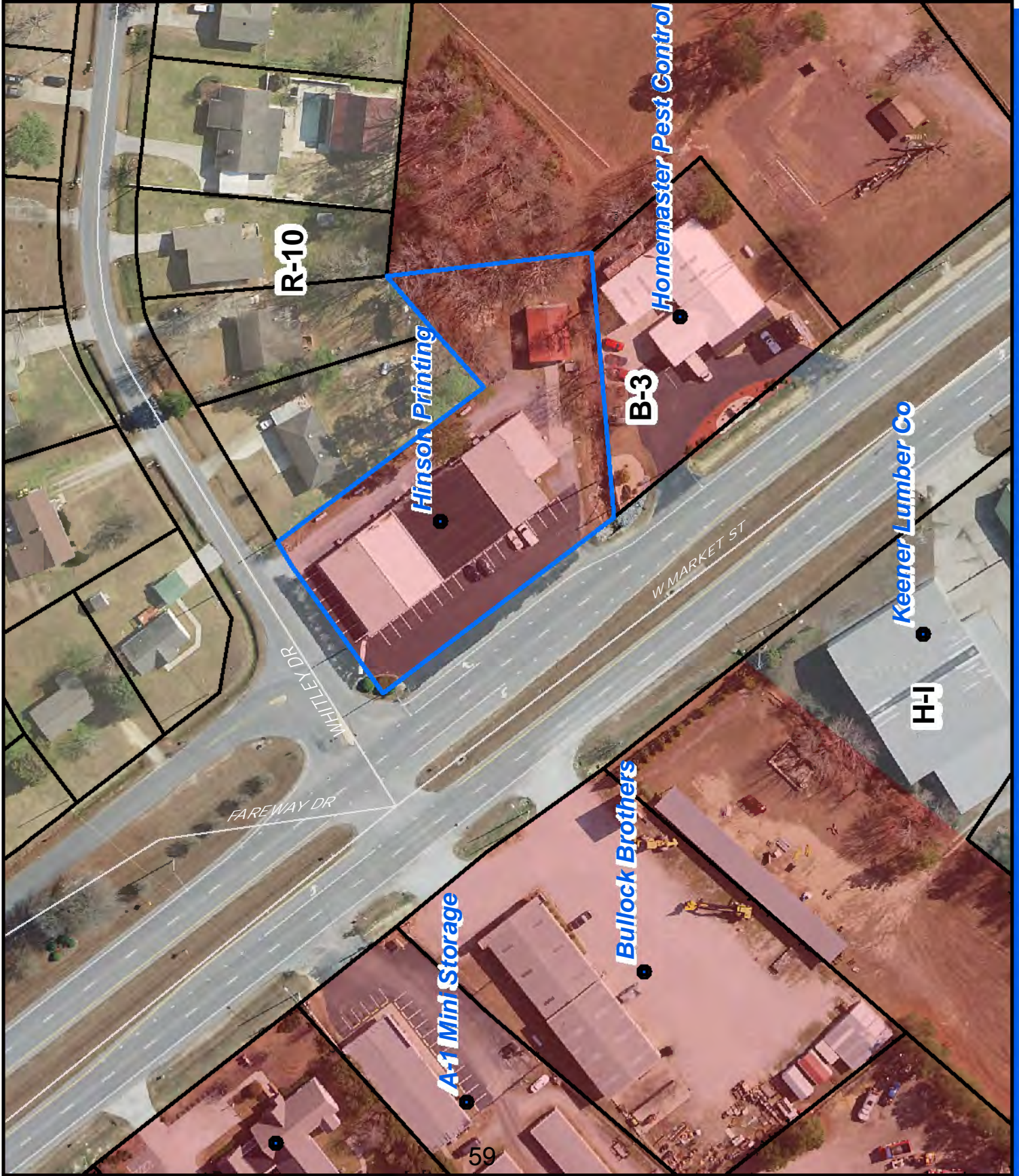
**Tax ID#
15086028**

**Zoning District:
B-3 (Highway
Entrance Business)**



0 25 50 100 Feet

Map created by
Mark Helmer, AICP
Senior Planner,
GIS Specialist
on 3/19/2019



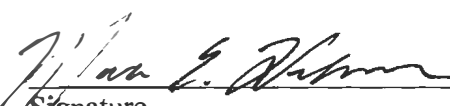
TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15086025	168408-97-4626	BYRDS WHOLESale INC	3777 U S 70 BUS W	CLAYTON	NC	27520-0000
15086026	168408-97-3651	SALEH, ABDEL JR	221 WHITLEY DRIVE	SMITHFIELD	NC	27577-0000
15086028	168408-97-2548	STANLEY, JAMES LARRY JR	5962 BROGDEN RD	SMITHFIELD	NC	27577-0000
15086024	168408-97-4698	COTTON, BEVERLY A	217 WHITLEY DRIVE	SMITHFIELD	NC	27577-0000
15086048	168412-97-4344	HOMEMASTERS TERMITE & PEST SOLUTIONS LLC	1004 S CRESCENT DR	SMITHFIELD	NC	27577-3714
15086031	168412-97-9413	JAMES M JOHNSON JR REVOCABLE TRUST	3309 COUNTRYWOOD LN	GREENVILLE	NC	27858-7151



PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION


I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, SUP-19-03, were notified by First Class Mail on 3-18-19.



Signature
Johnston County, North Carolina

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

18th day of March, 2019



Notary Public Signature
Julianne Edmonds

Notary Public Name

My Commission expires on Jan. 15, 2023





Request for Town Council Action

Public Hearing: SUP-19-05
Date: 04/02/19

Subject: Special Use Permit for Single Family Residential
Department: Planning Department
Presented by: Stephen Wensman, Planning Director
Presentation: Public Hearing

Issue Statement

Bonnie Creech Godwin is requesting a Special Use Permit to use a property in the O/I Office/Institutional Zoning District for a single family residence.

Financial Impact

None

Action Needed

To hold a quasi-judicial public hearing and to review the petition and determine whether to approve, approve with conditions, or to deny it.

Recommendation

The Planning Department recommends approval of the special use permit, SUP-19-05 the following condition based on the findings of fact:

- The applicant shall use the property strictly in accordance with the plans submitted and approved by the Smithfield Town Council

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Findings of Fact
3. Application
4. **Site Map**
5. Adjacent Property Owners List and Notification



Staff Report

Public Hearing: SUP-19-05

Application Number: SUP-19-05

Project Name: N/A

Property ID number: 15010047

Town Limits/ETJ: Town

Applicant: Bonnie Creech Godwin

Owners: Highway 39 #6217 LP

Agents: N/A

Request:

Bonnie Creech Godwin is requesting a Special Use Permit to use a property in the O/I Office/Institutional Zoning District for a single family residence.

Project Location:

707 North Street with the Property ID# 15010047.

Site data:

Acreage:	.17 acres
Present Zoning:	O/I Office/Institutional
Proposed Zoning:	N/A
Existing Use:	Vacant Office
Proposed Use:	Single Family Residential
Water Service:	Town of Smithfield
Sewer Service:	Town of Smithfield
Electrical Service:	Town of Smithfield
Fire District:	Town of Smithfield

Adjacent Zoning and Land Use:

	Zoning	Existing Use
North:	O/I	Single Family Residential
South:	O/I	Office
West:	O/I	Single Family Residential
East:	O/I	Office

Environmental:

There does not appear to be any environmentally sensitive areas impacted by the use.

Property Description:

The property is a .17 acre property located at 707 North Street with the Property ID# 15010047. The property is a former single family residence that has been used as an office. The property has a driveway access off of North Street and has an attached carport that extends back to the rear property line with 7 parking spaces. The property also shares a large parking lot with the 3 office properties to the east. Within the shared parking lot, an additional 3 parking stalls are shown to be on the property.

Analysis:

The applicant indicates that it has been difficult to attract an office user for the home and she would like to use the property for a residence as was originally intended for the structure. This property and the 3 properties to the east are all former single family homes that have been used for offices. The other three appear to be used for office use currently. These properties have a shared parking lot in the rear of the homes. There does not appear to be a shared access easement for the parking lot. The other properties sharing the parking lot include:

- 709 North Street (Neuse Gastroenterology office);
- 711 North Street (Johnston Memorial Hospital)
- 713 North Street (Dr. Manmohan Singh office)

There is more than adequate parking for the residential use on the property. With the shared parking arrangement, it is possible that office visitors may use the available parking stalls on this property from time to time.

The remaining two properties on the block, to the west of the subject property, are currently used for single family homes.

Findings of Fact:

The UDO, Article 4, sets forth eight findings of fact that are required for approval of a special use permit through a quasi-judicial process. Staff has listed its recommended findings for each (*in Italics*):

4.9.3.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. ***The use of the structure and property for single family residential is will not be detrimental or create endangerment to public health, safety or welfare. Single family residential is a less intensive use than an office use.***

4.9.3.5.2. The special use will be in harmony with the existing development and uses within the area in which it is to be located. ***The use of the property for single family residential use is consistent with the use of the adjacent properties to the west, therefore, in harmony with existing development.***

4.9.3.5.3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. ***The use will not have an impact on the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Single family residential is a special use in the district with a valid permit. Portions of the block are currently used for office and residential in harmony with each other.***

4.9.3.5.4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided. ***Adequate utilities are present. The use will have no impact on the utilities.***

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

The single family use has adequate ingress and egress with a direct access to North Street.

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

4.9.3.5.7. Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern. ***The use will have no impact on the public access.***

4.9.3.5.8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council. ***The proposed use is consistent with town plans.***

Recommended Conditions of Approval:

Staff recommends the following condition:

- The applicant shall use the property strictly in accordance with the plans submitted and approved by the Smithfield Town Council.

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

Application Number: SUP-19-05 **Name:** Bonnie Godwin Property

Request: The applicant is requesting a special use permit to allow for a residential dwelling on property located within an O/I (Office/Institutional) zoning district. The property considered for approval is located on the north side of North Street, approximately 100 feet east of its intersection with North Seventh Street. The property is further identified as Johnston County Tax ID# 15010047.

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

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

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

8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.

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

Motion to Approve: *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to approve Special Use Permit Application # SUP-19-05 with the following condition:*

1. That all other requirements of the Unified Development Ordinance are met prior to site plan approval.

Motion to Deny: *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny Special Use Permit Application # SUP-19-05 for the following stated reason:*

Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Town Council for the Special Use Permit Application Number SUP-19-05 is hereby:

_____ **approved upon acceptance and conformity with the following conditions:**

1. That all other requirements of the Unified Development Ordinance are met prior to site plan approval.

_____ **denied for the noted reasons.**

Decision made this 2nd day of April, 2019 while in regular session.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Parrish, Town Clerk



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

SPECIAL USE PERMIT APPLICATION

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

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

SITE INFORMATION:

Name of Project: HIGHWAY 39 #6217 LP Acreage of Property: .174
 Parcel ID Number: 15010046 Tax ID: 30-0084193
 Deed Book: 04982 Deed Page(s): 0823
 Address: PO BOX 815 SELMA NC 27576
 Location: 707 NORTH STREEET SMITHFIELD NC 27577

Existing Use: COMMERICAL Proposed Use: RESIDENTIAL

Existing Zoning District: _____

Is project within a Planned Development: Yes No

Planned Development District (if applicable): _____

Is project within an Overlay District: Yes No

Overlay District (if applicable): _____

FOR OFFICE USE ONLY

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

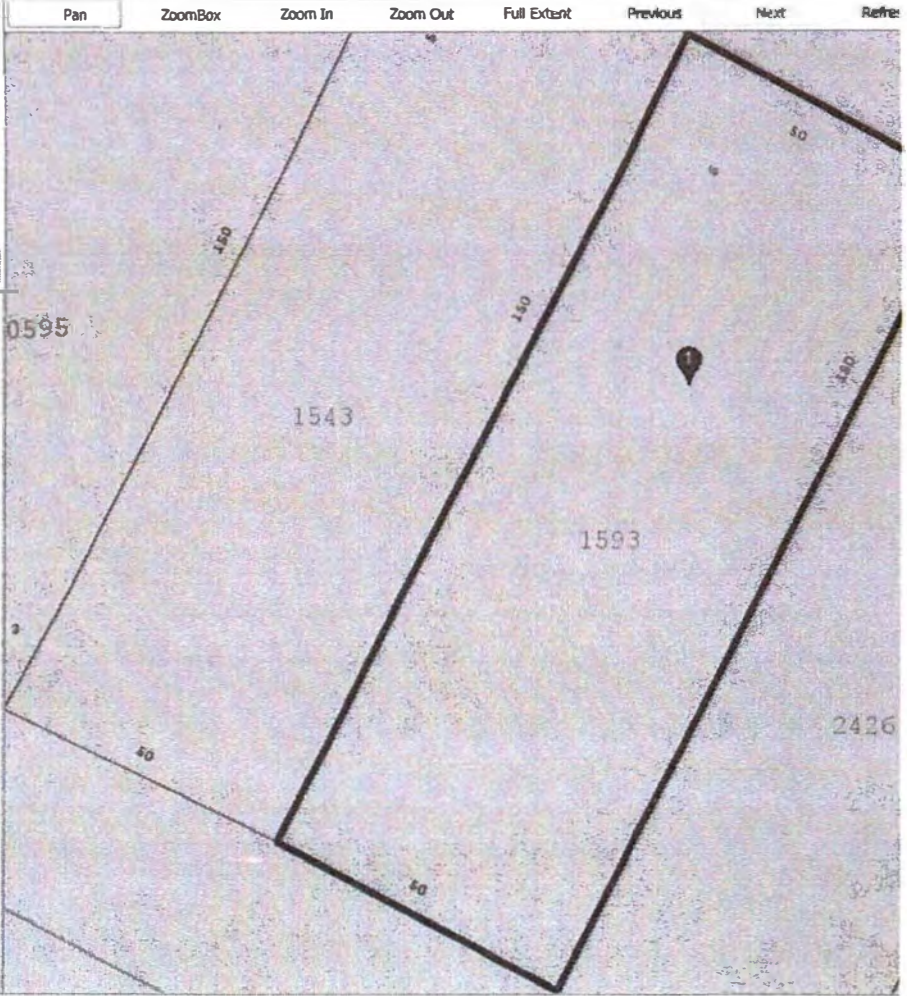


Address

Street Number (optional):

Enter at least the first two characters of the street name and only the street name. Hint: US & NC Hwys have a space between the letters and numbers, i.e., US 70.

Street Name:



Results for item 1

Id	15010047
Tag	15010047
NCPin	169415-72-1593
Mapsheet No	169415
Owner Name 1	HIGHWAY 39 #6217 LIMITED PARTNERSHIP
Owner Name 2	
Mail Address 1	
Mail Address 2	PO BOX 607
Mail Address 3	SELMA, NC 27576-0607
Site Address 1	707 NORTH ST
Site Address 2	SMITHFIELD, NC 27577-
Book	04982
Page	0823
Market Value	82050
Assessed Acreage	0.17
Calc. Acreage	0.174
Sales Price	50000
Sale Date	2017-06-29

Saved Parcel Information

REQUIRED FINDING OF FACT

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

- 1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.

THERE WOULD BE NO DANGER TO PERSONS PROPERTY OR ENVIORMENT

- 2) The special use will be in harmony with the existing development and uses within the area in which it is to be located.

IT WILL BE IN HARMONY AS THERE ARE RESIDENTIAL PROPERTIES BESIDE THIS LOCATION

- 3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

ABSOLUTELY NOT

- 4) Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.

ALL THE ABOVE ARE PROVIDED

- 5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

ADEQUATE INGRESS AND EGRESS ARE PROVIDED

- 6) The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.

PROPERTY DOES CONFORM TO ALL REGULATIONS

- 7) Public access shall be provided in accordance with the recommendations of the Town’s land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.

PUBLIC ACCESS IS PROVIDED

- 8) The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.

PROPOSED USE WILL CONFORM USE ADOPTED BY TOWN COUNCIL

REQUIRED SITE PLAN INFORMATION

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

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

APPLICANT AFFIDAVIT

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

BONNIE C GODWIN

Print Name



Signature of Applicant

2/25

Date

700 Block of North Street



Project Name:
Highway 39
#6217 LP

File Number:
SUP-19-05

Proposed Use:
Residential

Property Owner:
Highway 39#
6217 LP

Applicant:
Bonnie Godwin

Address:
707 North Street

Tax ID#
15010047

Zoning District:
O/I Office/
Institutional



0 25 50 100 Feet

Map created by
Mark Helmer, AICP
Senior Planner,
GIS Specialist
on 3/19/2019



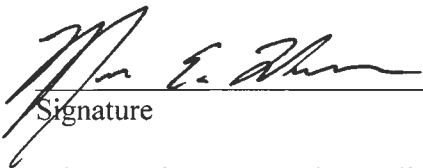
TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15010042	169415-72-2598	JUDITH B. CASTLEBERRY REVOCABLE TRUST	328 BARBOUR ST	CLAYTON	NC	27520-2406
15010046	169415-72-1543	GLENNIE REA CORP THE	P O BOX 607	SELMA	NC	27576-0000
15010047	169415-72-1593	HIGHWAY 39 #6217 LIMITED PARTNERSHIP	PO BOX 607	SELMA	NC	27576-0607
15010044	169415-72-1691	EARP, GLORIA SHERRON	113 W RIVERSIDE DR	SMITHFIELD	NC	27577-3807
15010048	169419-72-2426	NEUSE GASTROENTEROLOGY PA	709 NORTH ST	SMITHFIELD	NC	27577-4019



PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, SUP-19-05, were notified by First Class Mail on 3-18-19.



Signature

Johnston County, North Carolina

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

18th day of March, 2019

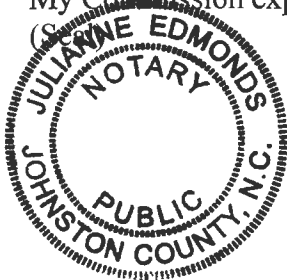


Notary Public Signature

Julianne Edmonds

Notary Public Name

My Commission expires on Jan. 15, 2023





PLANNING DEPARTMENT
Stephen Wensman, AICP, RLA
Planning Director

Notice of Public Hearings

Notice is hereby given that the Town Council of the Town of Smithfield will conduct public hearings during the course of their open meeting which starts at 7:00 P.M. on Tuesday, April 2, 2019 in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

RZ-19-01 John A. Whitley: The applicant is requesting to rezone a .11 acre tract of land from an R-8 (Residential) zoning district to the O/I (Office/Institutional) zoning district. The property considered for rezoning is located on the northeast corner of South Third Street and Woodall Street and further identified as Johnston County Tax ID# 15030016.

SUP-19-03 Will Roland: The applicant is requesting a special use permit to allow for a church/place of worship on property located within a B-3 (Highway Entrance Business) zoning district. The property considered for approval is located on the southeast side of the intersection of West Market Street and Whitley Drive and further identified as Johnston County Tax ID# 15086028.

SUP-19-05 Bonnie Godwin: The applicant is requesting a special use permit to allow for a residential dwelling on property located within an O/I (Office/Institutional) zoning district. The property considered for approval is located on the north side of North Street, approximately 100 feet east of its intersection with North Seventh Street. The property is further identified as Johnston County Tax ID# 15010047.

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

Consent Agenda Items

the 1990s, the number of people in the UK who are aged 65 and over has increased from 10.5 million to 13.5 million, and the number of people aged 75 and over has increased from 4.5 million to 6.5 million (Office for National Statistics 2002).

There is a growing awareness of the need to address the needs of older people in the UK. The Department of Health (2000) has published a strategy for older people, which sets out a vision for the future of health care for older people. The strategy is based on the following principles: older people should be able to live independently, safely and with dignity; older people should be able to access the services they need; and older people should be able to participate in decisions about their care.

The strategy also sets out a number of key objectives, including: to improve the quality of life of older people; to reduce the number of older people who are in care homes; to improve the way in which health care is delivered to older people; and to ensure that older people are able to access the services they need. The strategy is a key document for the UK government and for health care providers, and it sets out a clear vision for the future of health care for older people.

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The Smithfield Town Council met in special session on Tuesday, February 21, 2019 at 6:30 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

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

Councilmen Absent

Marlon Lee, District 1
Emery Ashley, At-Large

Administrative Staff Present

Michael Scott, Town Manager
Stephen Wensman, Planning Director
Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Present:

Bob Spence, Town Attorney

Administrative Staff Absent

Shannan Parrish, Town Clerk

CALL TO ORDER

Mayor Moore called the meeting to order at 6:30 pm.

INVOCATION

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

APPROVAL OF AGENDA:

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

PUBLIC HEARINGS:

1. **ZA-18-06 Town of Smithfield:** The Smithfield Planning Department was requesting an amendment to the Unified Development Ordinance (UDO), Article 5, to update the development review process to include adding a required public notice prior to preliminary subdivision approval.

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

Planning Director Steven Wensman addressed the Council on a request by the Planning to amend article 5 of the UDO. Mr. Wensman explained January 2, 2018 – The Town of Smithfield approved an ordinance amendment to allow for administrative approval by the UDO Administrator when major site plans and final plats are found to meet or exceed minimum development standards. Since that time, staff encountered a situation whereby it was uncertain if a public hearing was required. This proposed amendment was brought before a Planning Board subcommittee for review and recommendation was made to the full Planning Board. While the Planning Board was generally acceptant of the amendment, they found issue with the Planning Board no longer conducting public hearings. Mr. Wensman reminded the Council that prior to the UDO update, the Planning Board held public hearings for legislative and quasi-judicial matters. The Planning Board has made it clear they desire more public comments at their meetings.

Mr. Wensman questioned the Council's preference for whether or not they wanted the Planning Board to go back to conducting public hearings. He further explained the School of Government did not recommend holding two quasi-judicial public hearings because the minutes from the Planning Board could be considered as ex-parte communication for the Town Council. Also, the Town is burdening the developer with multiple notices, multiple hearings, multiple expenses and a longer approval process.

Mayor Pro-Tem Scott stated the Council should support the Planning Board and they should conduct the public hearings first. He stressed the importance of notifying adjacent property owners for all public hearings.

Councilman Barbour questioned if the Planning Board allowed public comments. Mrs. Wensman responded the Board does take public comments, but there was no prior notification other than the meeting was posted on the Town's website. Councilman Barbour stated it was important to hear the public's opinion and it was important for a developer to hear any concerns.

Mayor Moore questioned if in Article 5, the Council was specifically considering amendments to preliminary plats. Mr. Wensman responded in the affirmative, but he explained it also pertained to other articles that need to be amended. Mr. Wensman stated the ordinance could be drafted to include two public hearings (one at the Planning Board and one at the Town Council) or it could be drafted to have the official hearing heard by the Planning Board or the Town Council.

Senior Planner Mark Helmer explained the Planning Board was currently reviewing text amendments and map amendments. The adjacent property owners are being notified in accordance with North Carolina general statutes. The Planning Board was no longer reviewing special use permits or major site plans. Staff reviews major site plans and special use permits are only heard by the Town Council. All legal notifications and adjacent property notifications for the special use permit application and public hearing are still being done in accordance with the law. The Planning Board was no longer reviewing special use permit applications and conducting a quasi-judicial public hearing as it had done in the past.

Town Manager Michael Scott stated it was his understanding that with special use permit requests and rezonings, the UDO had not changed much from previous versions. Although not required, the former Planning Director made a decision to conduct public hearings at the Planning Board meetings. The UDO did not require that public hearing, but the practice changed.

Councilman Barbour questioned if the Planning Board desired to have public comments and public hearings. Mr. Helmer responded in the affirmative. Councilman Barbour further questioned if the Planning Board felt that holding public hearings and hearing public comments was necessary for them to make good decisions for the Town. Mr. Wensman responded in the affirmative.

Councilman Scott questioned if the Planning Board could conduct the quasi-judicial hearing and the Council then make a final decision without conducting another public hearing. Town Attorney Bob Spence responded most Town Councils do not want a final decision being made by the Planning Board. The Town Manager further responded he was unsure if a quasi-judicial hearing could be held in North Carolina without conducting a public hearing.

Mr. Spence stated one issue was there was not a lot of opportunity for conversation between surrounding property owners and the developers. In the event of an adversarial quasi-judicial hearing, the Town doesn't have a process where there is open dialogue between a developer and the surrounding property owners affected by the development. Mr. Spence suggested allowing the Planning Board meeting to be more of an informal discussion between the two sides. The Planning Board could essentially act as mediators and all adjacent property owners would be notified.

Mayor Moore stated it appeared one of the major issues was the notification to the adjacent property owners. Mayor Moore questioned if the Planning Board heard quasi-judicial hearings. Mr. Wensman responded it was dependent on the case. The Planning Board used to conduct quasi-judicial hearings for special use permit requests. Town Manager Michael Scott clarified that the Planning Board conducted every public hearing prior to the Council conducting the same public hearing. Thus making a duplication in the process.

Since it was the request before the Council, Mayor Moore questioned the preliminary plat process. Mr. Wensman responded preliminary plats were neither quasi-judicial nor legislative. Preliminary plats do not even require a public hearing and it could be all staff approved. Mr.

Wensman further explained that currently, an applicant meets with Planning Staff with a plan. It is then taken to the Planning Board for review and then to the Town Council for public hearing and final approval. The purpose of conducting the public hearing is to allow citizen input even though it is not required. Staff was seeking guidance as to where the Town Council wished to hold the public hearing. He questioned if the public hearing should be conducted at the Planning Board level, the Town Council level or both. The Planning Board's recommendation was to conduct two public hearings as had been done in the past

Councilman Barbour questioned if there were any public hearings being conducted by the Planning Board stating he was not in favor of removing the quasi-judicial hearings from the Planning Board because they should have the ability to hear public comments and the adjacent property owners should be notified. Mr. Wensman responded the issue with the Planning Board conducting the quasi-judicial hearing was the Planning Board minutes, which are included in the Town Council agenda packets, could be considered ex-parte communication because the Council has prior knowledge of the testimony they are about to receive. Mayor Pro-Tem Scott stated that point was invalid because any member of Council could attend the Planning Board meeting as a private citizen. Mr. Spence advised against members of the Town Council attending a quasi-judicial hearing held at the Planning Board. The Town Manager further responded if a member of the Town Council attends the Planning Board meeting, the Councilmember may have to recuse himself when the matter comes to the Council for a final decision. Mr. Spence explained for quasi-judicial hearings, the Town Council must act as impartial judges and therefore should be kept away from any conversation about the particular case. Mayor Pro-Tem Scott suggested staff not include the Planning Board minutes in the Town Council agenda packets.

Councilman Barbour stated that part of the process was the Planning Board reports to the Council. Information provided to the Council from the Planning Board is a part of the Council's decision making process. Mr. Spence responded the Planning Board could play a role in quasi-judicial hearings by holding more informal discussions. The Planning Board hearing could be more of a mediation and less like a formal quasi-judicial hearing since all quasi-judicial hearings must be based on evidentiary facts.

Mark Lane, Vice Chairman of the Planning Board, explained to the Council that the Planning Board members know they can only base their ruling on facts in a quasi-judicial hearing. Mr. Lane further explained the process worked in the past.

Mr. Wensman stated for all quasi-judicial, preliminary plats and legislative decisions an informal meeting could be held at the Planning Board with final approval coming before the Council. Mr. Spence responded there was a major trend for municipalities to eliminate quasi-judicial hearings and use conditional use zoning districts.

Mayor Moore stated if the Planning Board conducted the quasi-judicial public hearing and listened to the testimony provided, the Town Council at its hearing could hear the concerns of its citizens that would not be allowable at the Planning Board because it was not considered as expert testimony. Mr. Spence responded the Town must make the process as fair as possible and eventually the Council may want to consider conditional zoning districts.

Stephen Upton, Chairman of the Planning Board, explained that public hearing held at the Planning Board level brought the community together. It was a process which worked well in the past. People attend the Planning Board meetings because they feel they can express their opinions.

Mark Lane stated that allowing the Planning Board to conduct the public hearing was beneficial for the Town Council. Problems that arose at the Planning Board meeting were normally solved before the case was heard by the Town Council

Mayor Moore stated it appeared the direction of the board was the Planning Board would hear legal testimony and make a recommendation to the Town Council.

Emma Gemmel of 207 Hancock Street in Smithfield stated the Planning Board needs the time where the community can come together and discuss important items.

Mayor Moore stated there were times when the Town Council did not agree with the recommendation made by the Planning Board. He questioned if the Council would still have the authority to overturn a ruling made by the Planning Board. Mr. Spence responded in the affirmative.

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

Mayor Pro-Tem Scott made a motion, seconded by Councilman Barbour, to table this item.

- 2. ZA-18-08 Town of Smithfield:** The Smithfield Planning Department was requesting an amendment to the Unified Development Ordinance (UDO) to amend and incorporate the Town of Smithfield Code of Ordinances, Chapter 15, Planning, Article III, Historic Properties Commission into the Unified Development Ordinance, Article 3, and to make certain amendments to other sections as they pertain to the UDO Administrator's duties, the Board of Adjustments, the Planning Board, and the Town Council.

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

Councilman Barbour questioned why this amendment was coming before the Council. Planning Director Stephen Wensman responded that in his review of the UDO, it was discovered that the Historic Properties Commission was covered under the Town's administrative code and not the UDO. The purpose of this amendment was to simply move it out of the administrative code and add it to the UDO.

Other changes include the following: 1) Changing the name from Historic Properties Commission to Historic Preservation Commission. 2) Clarification of staff driven changes and commission driven changes.

Mr. Wensman reminded the Council that the Downtown Historic Property District only applies to approximately thirty property owners. Councilman Barbour questioned if staff had informed the property owners of the proposed changes. Mr. Wensman responded it was legally advertised in the newspaper as required by statute, but individual property owners were not notified. Councilman Barbour stated if the Town was going to make changes that affected property owners, they should be notified.

Dr. Oliver Johnson, a member of the Historic Properties Commission and the Planning Board, explained these changes were important because it provided guidance to the members of the Commission. It also assisted with the placement of historical markers in Town.

Emma Gemmel of 207 Hancock Street in Smithfield stated in the small community of Smithfield, property owners should be notified by the Town and not simply place an advertisement in the newspaper.

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

Mayor Pro-Tem Scott made a motion, seconded by Councilman Barbour, to table the request pending further revisions. Unanimously approved.

Business Items:

1. Discussion Concerning adoption of an Annexation Policy

Planning Director Stephen Wensman addressed the Council on a request to consider adopting an

annexation policy for new subdivision. Mr. Wensman explained the policy would provide clear expectations to potential developers and staff.

Key provisions of the policy are as follows:

- All request for Town utilities shall first be accompanied by a request for annexation.
- If utilities are provided without annexation, the party will enter into a binding agreement to petition for annexation in the future when the property meets the requirements for satellite annexation; the property becomes continuous to the Town limits, or the Town requests annexation.
- If residential structure or subdivision is within 350 feet of Town water and or sewer, connection is required.
- Annexed subdivisions are required to be in conformance with the Town of Smithfield UDO.

Mr. Wensman did inform the Council that he and the Town Attorney would have to amend the policy in regards to the second bullet point.

Councilman Barbour stated there should be different requirements for contiguous annexation then there are for noncontiguous annexation. Councilman Barbour stated the Council needed to decide what they were willing to accept because if the Council puts more requirements on developers than those placed on them by the County, they won't want to annex into the Town.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Barbour, to table this request until staff revised the policy. Unanimously approved.

2. Hurricane Matthew Home Acquisitions and Elevations

Town Manager Michael Scott informed the Council that currently there are seven home acquisitions (buy-out) and one potential home elevation as a result of Hurricane Matthew. The only way affected citizens can benefit from this federal program is if the municipality participates. The Town Council approved the hiring of a third party to assist staff with this project. As staff began to move forward, it became apparent that the state had changed how reimbursements would be issued. Local governments could no longer submit a contractor's invoice to the state for reimbursement. The local government must now pay the invoice before the state will reimburse the Town. With potentially eight home buy-outs, the cost for everything associated with the acquisitions estimated to cost \$1.75 million. The state sent the Town information about a zero interest revolving loan, but the application only applies to homes damaged in Hurricanes Florence and Michael. The hope was that this revolving loan would be accepted for Hurricane Matthew victims as well. The Town Manager stated there were three options: 1) apply for the loan 2) the Town use its own money to front the project or 3) completely withdraw from the program. If the Town withdrew from the program, none of the affected property owners would be assisted.

Councilman Barbour questioned if the funds for these buy-out were guaranteed. The Town Manager responded the federal government had already sent the funds to the state.

Councilman Barbour further questioned if the land acquired through these buy-outs could be used as greenspace for parks. The Town Manager responded that staff had already looked at that option and while it was a great idea, it was not viable at this time.

It was the general consensus of the Council to allow the Town Manager to apply for the zero interest revolving loan.

In another matter, Mayor Pro-Tem Scott asked that all PowerPoint presentations be included in the minutes and provided to Council in paper form at the meeting. The Town Manager explained that all PowerPoint presentation are archived with the amended agenda.

Adjourn

Being no further business, Mayor Pro-Tem Scott made a motion, seconded by Councilman Barbour, to adjourn the meeting. The meeting adjourned at approximately 8:14pm.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Parrish, Town Clerk

DRAFT

The Smithfield Town Council met in regular session on Tuesday, March 5, 2019 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

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

Councilmen Absent

Administrative Staff Present

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

Present:

Bob Spence, Town Attorney

Administrative Staff Absent

Lenny Branch, Public Works Director

CALL TO ORDER

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

INVOCATION

The invocation was given by Mayor Pro-Tem Scott. Members of Boy Scout Troop 33 presented the colors and lead the Pledge of Allegiance.

Spotlight Smithfield

Mayor Moore informed the Council and the public that the Town had begun a new initiative highlighting businesses in Smithfield. He shared the video with those in attendance.

APPROVAL OF AGENDA:

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Scott, to approve the agenda with the following change:

- Add to Business Items: Discussion concerning water rates.

Unanimously approved

PRESENTATIONS:

1. FY 2017- 2018 Audit Presentation

Greg Siler informed the Council that the audit was delayed this year due to software conversion and the auditing firm experiencing damages due to a recent hurricane. He introduce Alan Thompson from the auditing firm of Thompson, Price, Scott, Adams, and Company, PA to present the audit findings.

2. Recognition of Finance Department Staff for Successful Completion of Software Conversion

Finance Director Greg Siler recognized the finance department staff for successful completion of the new finance software.

3. Presentation of Tethering Ordinance # 498

Police Chief R. Keith Powell informed the Council that the Police Department had been approached by citizens to consider amending the Town Ordinance concerning the tethering of animals. It was suggested that the ordinance be amended to no longer allow animals to be tied, chained, fastened, or otherwise tethered to any stationary or inanimate object as a means of confinement. Animals would be in an approved enclosure. After speaking with Councilman Barbour, language should be added to allow limited tethering of dogs if the owner is observing the animal or for short periods of time.

Mayor Pro-Tem suggested the Council defer any action for thirty days to allow public feedback. The proposed ordinance would be further amended to allow for limited tethering.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Ashley, to table this item for 30 days to allow for citizen feedback.

PUBLIC HEARINGS:

1. Permanent Street Closure of Meadowbrook Drive between Vermont Street and First Street and along Meadowbrook Branch. Consideration to adopt Resolution # 636 (03-2019)

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

Town Attorney Bob Spence informed the Council that the public hearing was required to withdrawal a street that was recorded on a plat, but never opened. The Town has no use for the street. Pursuant to NCGS 160A-299, the question must be answered whether or not the closing would be detrimental to the public interest or to the property rights of any individual. Mr. Spence stated that he and the Town Manager met with all the affected property owners and all have signed an agreement. None of the property owners are contesting or questioning the withdrawal of the street or the boundary lines and all have agreed to a utility easement for the Town.

Mayor Moore asked if there were any questions from the Council.

Mayor Pro-Tem Scott asked if per the statute, the questioned had been answered if the closing of the street would be detrimental to the public. Mr. Spence responded in his opinion there was no detriment to the public and no one was in opposition.

Councilman Ashley stated the Town was not closing a street, but simply taking the dedication off the books. Mr. Spence responded in the affirmative.

Mayor Moore asked if there was anyone in attendance that wished to speak on the matter. There was none.

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

Councilman Stevens made a motion, seconded by Councilman Dunn, to approve Resolution #636 (03-2019) vacating the unopened portion Meadowbrook Drive between Vermont Street and First Street and along Meadowbrook Branch . Unanimously approved

Mr. Spence informed the Council that he requested language from the contract be added to the resolution in regards to the easement. This language has been added to the below Resolution.

Town of Smithfield
Resolution 636 (03-2019)
Street Closing Order

A RESOLUTION ORDERING THE CLOSING OF MEADOWBROOK DRIVE BETWEEN VERMONT STREET AND FIRST STREET AND ALONG MEADOWBROOK BRANCH

WHEREAS, on the 5th day of February, 2019, the Town Council of the Town of Smithfield directed the Town Clerk to publish the Resolution of Intent of the Town Council the closing of Meadowbrook Drive between Vermont Street and First Street and along Meadowbrook Branch, in the News and Observer's Southeastern Zone Edition once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Council Chambers at the Town Hall, 350 E Market Street, Smithfield, NC 27577 on March 5, 2019; and

WHEREAS, the Town Council on the 5th day of February, 2019, ordered the Town Clerk to notify all persons owning property abutting Meadowbrook Drive between Vermont Street and First Street and along Meadowbrook Branch, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the Town Clerk has advised the Town Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing all of Meadowbrook Drive between Vermont Street and First Street and along Meadowbrook Branch would be acted upon, said letters having been sent by certified mail; and

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

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on March 5, 2019; and

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

NOW, THEREFORE, Meadowbrook Drive between Vermont Street and First Street and along Meadowbrook Branch is hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

BE IT FURTHER RESOLVED, The Town reserves and the parties hereby dedicate, grant, bargain, sell and convey a perpetual easement to run with the land and to burden the property within the former Street for the existing sewerage and water line with the right of the Town to extend, improve, relocate, repair or construct said line or additional lines or appurtenant utilities within said Street as the Town deems necessary for the interests of its sewerage and water systems. Said easement rights will terminate only when the Town withdraws them expressly of record.

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

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

Upon motion duly made by Councilman Stevens and duly seconded by Councilman Dunn, the above resolution was duly adopted by the Town Council at a meeting held on the 5th day of March, 2019 in the Town Hall Council Chambers located at 350 East market Street, Smithfield, North Carolina.

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

Councilman Stephens, Councilman Dunn, Mayor Pro-Tem Scott, Councilman Ashley, Councilman Barbour, Councilman Lee, and Councilman Rabil

and the following Councilmembers voted in the negative: none

2. **Zoning Text Amendment – Dan Simmons (ZA-19-01)**: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities that will remove the 35 maximum employee limitation on light manufacturing activities located within the B-2 (Business), B-3 (Highway Entrance Business) and LI (Light Industrial) zoning districts.

Councilman Ashley made a motion, seconded by Councilman Dunn, to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman addressed the Council on a request by Dan Simmons for an amendment to the Town of Smithfield Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities that will remove the 34 maximum employee limitation on light manufacturing activities located within the B-2 (Business), B-3 (Highway Entrance Business) and LI (Light Industrial) zoning districts. Staff believes this ordinance is trying to limit intensity by limiting number of employees, but more effective tools exist to limit intensity in the UDO, such as parking standards, stormwater management standards, & landscape buffer standards.

Planning Staff and the Planning Board recommend the Town Council approve zoning text amendment ZA-19-01 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the March 5, 2019 agenda packet.

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

Mayor Moore asked if there was anyone in attendance wishing to speak on this matter.

Dan Simmons of 125 Everitt Lane, Smithfield stated this ordinance puts him in an awkward position when he is conducting feasibility studies for industries wishing to expand. He has been forced to tell clients that an industry in the LI zoning district can have no more than 35 employees even though it has never been enforced.

Mayor Moore questioned if Mr. Simmons had any idea why this was in the UDO. Mr. Simmons responded it has been in the UDO for 15-20 years.

Mayor Pro-Tem Scott questioned if Mr. Simmons had to pay the application fee for this request. Mr. Simmons responded that staff waived the fee.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Stevens, to close the public hearing. Unanimously approved.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Rabil, to approve Text Amendment Ordinance ZA-19-01 as submitted stating the request was consistent with the Town of Smithfield Comprehensive Growth

Management Plan and the request was reasonable and in the public interest.
Unanimously approved.

ORDINANCE # ZA-19-01
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT
ORDINANCE
ARTICLE 6, SECTION 6.5, TABLE OF USES AND ACTIVITIES.

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to the Town of Smithfield Unified Development Ordinance to allow for churches/places of worship and clubs or private lodges meeting halls within shopping centers providing additional supplemental standards can be met.

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

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

[Revise Article 6, Section 6.5, to eliminate the 34 employee maximum limitation on light manufacturing uses when the light manufacturing use is not specifically listed in the Table of Uses and Activities.]

PART 1
SECTION 6.5 TABLE OF USES AND ACTIVITIES.

Uses	B-2	B-3	LI (Sect. 7.2)
Light manufacturing uses involving fewer than 35 employees and not otherwise listed/identified	S	S	P

PART 2
That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

PART 3
That these amendments of the Unified Development Ordinance shall become effective upon adoption.

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

- 3. Special Use Permit Request – Smithfield Storage (SUP-19-04):** The applicant was requesting a special use permit to operate a U-Haul truck and trailer rental facility on property located within a B-3 (Business) zoning district. The property considered for approval is located 1343 West Market Street and further identified as Johnston County Tax ID# 15077023.

Councilman Dunn made a motion, seconded by Councilman Ashley, to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman testified that Smithfield Storage is requesting a special use permit for a U-Haul Rental business in association with its storage business located at 1343 West Market Street, PID#83-2293165 in the B-3 Zoning District. Article 6 of the Unified Development Ordinance (UDO) requires a special use permit for vehicle rental. The 4.29 acre property consists of a mini-storage business with seven buildings. The rental office and a paved parking lot with 17 striped parking stalls is located along the W. Market Street frontage. The area behind the office building is fenced off containing the remaining six storage structures and gravel access lanes. The grassy site area to the northwest of the storage buildings is used for recreation vehicle storage.

A similar special use permit was approved, on May 2, 2006, which has since expired. Special use permits immediately expire when discontinued for a period of one (1) year. Staff could not find any special use permits for the mini-storage business or the RV storage. These may be legal nonconforming business, as the UDO currently requires a special use permit for both.

The applicant provided a sketched site plan indicating showing the elimination of 12 existing parking stalls and realignment of the drive lane to the rear storage areas to make room for U-Haul parking on the southeast boundary of the parking lot. The sketch plan shows parking for up to 6 U-Haul trailers and 4 U-Haul trucks. The office/storage business requires 2 parking stalls, so there remains adequate parking to accommodate the storage business and the U-Haul business. There is adequate paving width for the parking of the U-Haul trucks along the southeast edge of the parking lot.

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

STAFF'S FINDINGS OF FACT

1. The rental use will not be detrimental or endanger the public health, safety, or general welfare. The use has occurred there in the past with no known issue.
2. The rental business is complimentary to the mini-storage business and an allowed use in the B-3 District with a special use permit.
3. The proposed use will not have any impact on the normal and orderly development and improvement of the adjacent properties.
4. Adequate utilities are present. The use will have no impact on the utilities.
5. The rental business will utilize the existing ingress and egress to the paved parking lot.
6. The use will be in conformance with regulations as conditionalized.
7. The use will have no impact on the public access.
8. The proposed use is consistent with town plans.

The Planning Department recommends approval of the Special Use Permit, SUP-19-01, with the following conditions:

1. That the rental be limited to (6) U-Haul trailers of any size and (4) U-Haul trucks parked in designated and striped parking stalls.
2. Parking and lot striping shall be consistent with the submitted site plan.
3. The 12 existing parking stalls are to be eliminated.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the March 5, 2019 agenda packet.

Mayor Moore asked if there were any questions from the Council.

Mayor Pro-Tem Scott asked the applicant if he was in agreement with staff's recommended conditions. The applicant responded, it would be a rarity that we would need any more than what staff is recommending. If it became a problem, they could reroute incoming trucks to another dealer.

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

Mayor Moore asked if there was anyone in attendance sworn to testify in this matter. There were none.

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Scott, to close the public hearing. Unanimously approved.

The Written Finding

Councilman Ashley made a motion, seconded by Councilman Rabil, to vote in the affirmative to all of the below eight stated Finding of Fact. Unanimously approved.

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

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

Record of Decision: Approval of Conditional Use Permit Application Number SUP-19-01

Councilman Ashley made a motion, seconded by Councilman Rabil, based upon satisfactory compliance with the above eight stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to recommend approval of Special Use Permit Application #SUP-19-01 with the following conditions:

1. That the rental be limited to (6) U-Haul trailers of any size and (4) U-Haul trucks parked in designated and striped parking stalls.

2. Parking and lot striping shall be consistent with the submitted site plan.
3. The 12 existing parking stalls are to be eliminated.

Unanimously approved.

CITIZENS' COMMENTS:

- Harold Tharrington of 106 Castle Drive in Smithfield requested a meeting be scheduled with the residents of Castle Drive, Mayor Moore, Councilman Barbour, Town Manager Michael Scott, Senior Planner Mark Helmer and Code Compliance Officer Tommy Choe. The purpose of the meeting is to discuss the concerns of the community.
- Emma Gemmel of 207 Hancock Street in Smithfield expressed her concerns about water rates, water lines, water loss and the water plant expansion. She explained from 2016 to 2020, the Town water rates will have increased by 31%. She explained the Town only budgets \$50,000 each year for water line repairs. She explained the Town experiences a 60% water loss every year. These are all issues the Town Council should consider before moving forward with the water plant expansion project. She stated the County has no cost or low cost in all of the water plant improvements.
- Pam Lampe of 415 North Second Street in Smithfield expressed her concerns about the water plant expansion project. She explained that the wholesale bulk water agreement with the County triggered the need for the water plant expansion. It did not make sense for the Town to expand the water plant solely for the county's water needs and it appeared that the citizens of Smithfield were subsidizing the County. She requested a detailed analysis of how selling 1.5 million gallons of water per day to the County would pay for the expansion and the expected revenue of bulk water sales and profit would be the next 20 years. So far, there have been no financial numbers that has justified the expansion of the water plant.

CONSENT AGENDA:

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

1. The following minutes were approved
 - February 5, 2019 – Regular Meeting
2. Approved a Career Ladder promotion in the Police Department. The officer was promoted from the rank of Police Officer II to the rank of Master Police Officer.
3. Bid was awarded to North State Resurfacing in the amount of \$8,950.00 for the resurfacing of the basketball courts at Community Park. Bids received were as follows:
 - North State Resurfacing: \$ 8,950.00
 - Outer Banks Tennis Contractors: \$ 14,260.75
 - Court 1 Did not submit a quote
4. Bid was awarded to Blackmon's Fencing in the amount of \$5,820.67 for the replacement of fencing at the Public Works Facility. Bids received were as follows:
 - Blackmon's Fence Company \$5,820.67
 - TEBCO Fence \$6,938.75
 - Evans Fencing \$8,772.40
5. Bid awarded to Rhinehart Fire Services in the amount of \$154,582.00 for the purchase of 20 Air-Packs to be utilized by the Fire Department. Bids received were as follows:
 - Rhinehart Fire Services \$154,582.00

- Municipal Emergency Services \$178,716.00
 - Grainger Incomplete did not or could not provide all needed equipment
6. Bid was awarded to C. W. Williams in the amount of \$16,345.28 for the purchase of fire nozzles to be utilized by the Fire Department. Bids received were as follows:
- C.W. Williams \$16,345.28
 - Fire Connections \$17,965.20
 - NAFECO \$28,811.64
7. Approval was granted to Adopt Capital Project Ordinance # 499 establishing a budget for FEMA Acquisitions and Elevations

TOWN OF SMITHFIELD
CAPITAL PROJECT ORDINANCE No. 499
FUND 48
FEMA ELEVATIONS/ACQUISITIONS

BE IT ORDAINED by the Town Council of the Town of Smithfield, North Carolina, that, pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is the elevations or acquisitions of flooded property from Hurricane Matthew financed by Hazard Mitigation Grants and general fund appropriations

SECTION 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant and the budget contained herein.

SECTION 3. The following amounts are appropriated for the acquisition project:

Miscellaneous	48-00-4110-5700-4500	\$ 84,748
Architectural and Engineering	48-00-4110-5700-4501	9,600
Project Inspection	48-00-4110-5700-4503	4,000
Admin and Legal	48-00-4110-5700-4504	44,400
Relocation	48-00-4110-5700-4505	6,000
Site Work	48-00-4110-5700-4506	28,000
Demolition and Removal	48-00-4110-5700-4507	173,099
Land, Structures, Appraisals, Right-of-Way	48-00-4110-5700-4508	1,429,866
		<u>\$ 1,779,713</u>

SECTION 4. The following revenues are anticipated to be available to complete this project:

Hazard Mitigation Grant	48-00-3700-4110-0000	\$ 1,779,713
Transfer from General Fund	48-75-3870-3870-0000	-
		<u>\$ 1,779,713</u>

SECTION 5. The following amounts are appropriated for the elevations project:

Miscellaneous	48-00-4100-5700-4500	\$ 14,252
Architectural and Engineering	48-00-4100-5700-4501	31,500
Project Inspection	48-00-4100-5700-4503	300
Admin and Legal	48-00-4100-5700-4504	9,100
Relocation	48-00-4100-5700-4505	6,000
Site Work	48-00-4100-5700-4506	11,000
Construction	48-00-4100-5700-7310	227,140
		<u>\$ 299,292</u>

SECTION 6. The following revenues are anticipated to be available to complete this project:

Hazard Mitigation Grant	48-00-3700-4100-0000	<u>\$ 299,292</u>
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SECTION 7. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient, specific detailed accounting records to satisfy the requirements of the state grant agreement.

SECTION 8. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

SECTION 9. The Finance Officer is directed to report, on a monthly basis, on the financial status of each project element in Section 3 and 5, and on the total grant revenues received or claimed.

SECTION 10. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

SECTION 11. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

8. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
No new hires			

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Licensed Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200
Police Officer I	Police	10-20-5100-5100-0200
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200

Unanimously approved.

Business Items:

1. Consideration and Request for approval to update the Public Utilities Capital Improvement Plan

Councilman Ashley questioned if this item should be made a part of the budget discussions. The Town Manager responded while it could be delayed until the budget process, staff does update it more than one a year.

Public Utilities Director Ted Credle addressed the Council on a request to update the public utilities capital improvement plan. He explained the capital improvement plan guides the direction of the Department. Although the updates are not required, they are necessary to qualify for loans and grants. Mr. Credle highlighted changes in the Electric Department, Water Sewer Department and Water Plant. He further explained that this update like all updates are non-binding and simply a plan for future capital needs.

Mayor Pro-Tem Scott questioned if the items denoted in red (old Goldsboro Road tie in and sodium chloride bulk tank) had been completed or removed from the capital improvement plan. Mr. Credle responded that those items have been completed.

Mayor Pro-Tem Scott further questioned if the riverbank refurbishment had been completed. Mr. Credle responded it would be completed in the next 30-60 days. Councilman Scott further questioned if there was any need for future riverbank refurbishment. Mr. Credle responded the plan outlines intake improvements in years six and eight.

Councilman Ashley questioned if the SCADA upgrades were ongoing. Mr. Credle responded in the affirmative.

Councilman Ashley further questioned if the sludge process maintenance was an ongoing process. Mr. Credle responded that maintenance for the sludge pressed were ongoing. Staff has identified other water plants that may want Smithfield to process their sludge and the Town could create a revenue stream from processing sludge. Smithfield has processed sludge from the Town of Selma.

Mayor Pro-Tem Scott asked Mr. Credle to explain the 60% loss of water and the budgeted amount of \$50,000 to repair pipes brought up by Mrs. Gemmel. Mr. Credle responded that the Town's water loss has been between 10-15% which is typical throughout the state. Mr. Credle further responded that although \$50,000 was a low amount, this amount has been budgeted to start the program and keep it going. Mr. Credle stated that a bigger problem than leakage was the infiltration and intrusion which the Town has been working to correct.

Councilman Ashley made a motion seconded by Mayor Pro-Tem Scott, to table the request until the budget discussions. Unanimously approved.

Mayor Moore reminded the Council that this was a plan that the Council requested. It was merely a proposed plan.

2. Water Rate Discussion

Mayor Pro-Tem Scott informed the Council the Wooten Company provided the Town an assessment and an update was recently provided simply because the Town citizens are about to be faced with a \$17 million water plant expansion. This is a significant debt for the next thirty years with an annual debt payment of \$732,000. After looking at the Wooten Report, Mayor Pro-Tem Scott felt the Town needed a further assessment of the water rates.

He suggested the Town enter into an agreement with Utility Financial Services (UFS) to conduct a cost of service study for all water and water/sewer services. He suggested that USF could provide a breakdown of rates and classify every customer who purchases water from the Town. He explained there are classifications and rates for residential, commercial and industrial customers, but there is nothing for wholesale customers. Rates set by the Town Council could effect people's decision to buy. Mayor Pro-Tem Scott further stated that while the sale of water to the County is important for the cash flow of the Town, if the County chose to stop purchasing water from the Town, it would be a significant increase to the Town's customers. Mayor Pro-Tem Scott questioned the cost of the water plant expansion to the Town's customers if the County chose not to purchase water from the Town. He stated that all water customers should be treated equally and the Council should know what it costs to produce water.

Mayor Pro-Tem Scott made a motion to enter into an agreement with UFS to do an

analysis on the Town's water rates.

Before calling for a second to the motion or a vote, Mayor Moore questioned the cost of the study. Mayor Pro-Tem Scott responded the electric study was approximately \$30,000 so he assumed it would be no more than that. He further responded that UFS was able to assist the Town with electric rates and he was certain they could assist with the water rates.

Mayor Moore stated he was hesitant to enter into any type of agreement without knowing the cost and suggested the Council table this request until the Council met for its first budget session at the end of the month. Mayor Pro-Tem Scott responded he would amend the motion that the cost was not to exceed \$30,000, but he wanted his motion to remain and not be delayed.

Councilman Ashley stated he was in agreement with Mayor Pro-Tem Scott that the Council should have all the facts before making a decision and it was important to have a third party assess the situation.

Mayor Moore reminded the Council that they may have some legal obligation to set this service out to bid. Town Attorney Bob Spence responded he would research it and report back to the Council.

Councilman Stevens questioned how the \$30,000 figure was determined. Mayor Pro-Tem Scott responded the cost of service study conducted by UFS for electric rates was approximately \$30,000. He didn't feel that the cost of service study for water rates would exceed that amount because they were less technical.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Ashley, to enter into an agreement with UFS not to exceed \$30,000 to conduct a cost of service study on the Town's water rates. Should the analysis exceed \$30,000, it must come back to the Council for a vote. This is also contingent on legal review by the Town Attorney. Unanimously approved.

Mayor Moore questioned if there were any budgetary issues if the agreement was less than \$30,000. The Town Manager responded there are currently budget issues in the water department because there is \$3.25 million that has not been taken in from the County per the wholesale water agreement. The Town Manager stated that fund balance could be used for this expense.

Mayor Pro-Tem Scott stated it was important that the Town Manager and Staff understand that all sales should be considered in the cost of service study. He also requested that surcharges and capacity fee be included in the analysis.

Councilmembers Comments:

- Councilman Barbour expressed his appreciation to the Parks and Recreation staff and Advisory Commission. He stated based on the potential growth of the Town, he would like to have a work session whereby the Council discuss a long term strategic plan for the Town's Parks and Recreations.
- Councilman Ashley stated a few months ago, the Town approved a subdivision in the ETJ whereby the issue was who would provide water to the residents of that subdivision. Since the developer chose not to annex into the Town, the Council chose not to provide water services. The concern of Councilman Ashley was that the Town was selling water to the County and they were in turn selling it those customers more inexpensively than the Town could have had the Council chose to sell water to those residents in the subdivision.
- Mayor Pro-Tem Scott stated he had similar concerns as Councilman Ashley. He suggested the Town Council consider forming a Utilities Advisory Board comprised of citizens, Council and staff.
- Mayor Moore asked Police Chief R Keith Powell how many Police Officers have been hired since the last meeting. The Police Chief responded five have been hired leaving three vacancies. Mayor

Moore also informed the Council that April 12th – 27th is NCDOT's Little Sweep. He will be sending a challenge out to Mayors in Johnston County and to Johnston County Commissioners requesting that the County as a whole work together for this initiative. Mayor Moore congratulated the Town Manager and Town staff on the audit.

Town Manager's Report:

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

- The Town Manager stated that the water and sewer fund has increased significantly since 2014. He attributed that to the hard work by staff and their fiscal responsibility to the consumers. While he appreciated the research completed by Mrs. Gemmel and Mrs. Lampe, he struggled to find a 31% increase in rates. He explained that while the base fee from 2015-2016 has increased to \$4.40, the usage charge has decreased from \$4.29 to \$4.16.
- Ladder Truck: The expected delivery of the new ladder truck is July 19th. During the budget process the Council should discuss how to dispose of the old ladder truck. Staff will be working to determine a monetary value should we try to auction it.
- JCC: The new fire training facility is nearing completion at JCC. A ribbon cutting has been scheduled for June 14th. Invitations will be sent out as the date approaches.
- A highlight of each department's monthly activities was given to the Council

Adjourn/ Recess

Being no further business, Mayor Pro-Tem Scott made a motion, seconded by Councilman Stevens, to recess the meeting until March 26, 2018 at 6:30 pm. Unanimously approved. The meeting recessed at approximately 9:04 pm.

ATTEST:

M. Andy Moore, Mayor

Shannan L. Parrish, Town Clerk



Request for Town Council Action

**Consent
Agenda
Item:** Application
for
Temporary
Use Permit
Date: 04/02/2019

Subject: Temporary Use Permit

Department: Downtown Smithfield Development Corporation

Presented by: Planning

Presentation: Consent Agenda

Issue Statement

The Council is being asked to authorize the Downtown Smithfield Development Corporation to hold a Craft Beer Crawl on September 20, 2019.

Financial Impact

None

Action Needed

Approve the Temporary Use Permit Application

Recommendation

Staff recommends approval of the Temporary Use Permit Application

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Temporary Use Permit Application



Staff Report

**Consent
Agenda
Item:**

**Application
for
Temporary
Use Permit**

The Downtown Smithfield Development Corporation is requesting to hold a Craft Beer Crawl on September 20, 2019. They expect this event to be similar to the Downtown Smithfield Wine Walk, as all alcohol will be consumed within buildings and no street closures will be required. They will hire two Smithfield Police officers to verify the age of participants and provide a police presence. Amplified sound will be used between the hours of 5:00 pm-10:00pm.



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

Temporary Use Permit Application

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

TYPES OF EVENT

- | | |
|--|---|
| <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 checked="" type="checkbox"/> Not-for-profit event, over 100 people in attendance |
| <input type="checkbox"/> Athletic event on streets, greenways | <input checked="" type="checkbox"/> Town recognized event _____ |
| <input type="checkbox"/> other (please describe) _____ | <input type="checkbox"/> Live Band / Concert _____ |

PERMIT FEE \$100

<u>Downtown Smithfield Craft Beer Crawl</u>	<u>Downtown Smithfield</u>
Name of Event	Location of Event (exact street address)

Applicant name Sarah Edwards/DSDC E-mail address sarah@downtownsmithfield.com
 Address 200 S. Front Street Smithfield, NC Zip 27577
 Day phone (919) 934-2007 Mobile phone (919) 796-2099
 Event Date 9/20/2019
 Event set-up date /start time n/a Event clean-up date/end time n/a
 Sound amplification hours 5-10 pm Will food or goods be sold? n/a
 Security provided by Smithfield Police or private security (describe duties): off duty Smithfield Police
 Private agency name & phone, if applicable: _____
 Will any Town property be used (i.e., streets, parks, greenways)? No
 Are event trash cans needed? No How many? _____
 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.

Sarah Edwards [Signature] 2/25/2019
 Applicant's name (print) Signature Date

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

Method of payment: Cash Check # _____ Credit Card Amount \$ _____

Reviewing Planner: [Signature] Date: _____
 (Note: See attached letter)



Request for Town Council Action

**Consent
Agenda
Item:** Application
for
Temporary
Use Permit
Date: 04/02/2019

Subject: Temporary Use Permit

Department: Smithfield Parks and Recreation

Presented by: Planning

Presentation: Consent Agenda Item

Issue Statement

The Council is being asked to authorize the Smithfield Parks & Recreation to hold a Poochapalooza Festival on April 27, 2019 from 11:00 am to 2:00 pm at 1219 S. Second Street.

Financial Impact

None

Action Needed

Approve the Temporary Use Permit Application

Recommendation

Staff recommends approval of the Temporary Use Permit Application

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Temporary Use Permit Application



Staff Report

**Consent
Agenda
Item:**

**Application
for
Temporary
Use Permit**

The Smithfield Parks and Recreation would like to hold a Poochapalooza Festival to introduce and promote the dog park. The festival will be held April 27, 2019 from 11:00 am until 2:00 pm at 1219 S. Second Street. Activities include contests for best dog costume and best trick. Vendors will have dog related food and yard games such as Jenga and Connect Four will be offered. Smithfield Parks and Recreation has requested to close Second Street from 10:30 am to 3:30 pm. This event would have amplified sound from 11:00 am until 2:00 pm. Food or goods will be available for purchase. Six event trash cans have been requested to be delivered to the event site.



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

Temporary Use Permit Application

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

TYPES OF EVENT

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

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

PERMIT FEE \$100

11:00 am - 2:00 pm

<u>Poochnapalooza</u> Name of Event	<u>2nd Street Dog Park (1219 S. 2nd Street)</u> Location of Event (exact street address)
--	---

Applicant name Smithfield Parks and Rec E-mail address tiffany.pearson@smithfield-nc.com

Address 600 E. Booker Dairy Rd. Smithfield, NC Zip 27577

Day phone 919 934-2149 Mobile phone 919 817-4509

Event Date April 27, 2019

Event set-up date /start time 10:30 AM Event clean-up date/end time 3:30 PM

Sound amplification hours 11:00 AM-2:00 PM Will food or goods be sold? Yes

Security provided by Smithfield Police or private security (describe duties): _____

Private agency name & phone, if applicable: _____

Will any Town property be used (i.e., streets, parks, greenways)? 2nd Street from Holding to Hood St.

Are event trash cans needed? (6) Yes How many? 6

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.

Tiffany Pearson Applicant's name (print) [Signature] Signature 3-1-19 Date

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

Method of payment: Cash Check # _____ Credit Card Amount \$ _____

Reviewing Planner: [Signature] Date: 3/1/19
 (Note: See attached letter)



Request for Town Council Action

**Consent
Agenda
Item:** Application
for
Temporary
Use Permit
Date: 04/02/2019

Subject: Temporary Use Permit
Department: Riders Meet Circuit Car Show
Presented by: Planning
Presentation: Consent Agenda Item

Issue Statement

The Town Council is being asked to authorize the Riders Meet Circuit to hold a car show on June 30, 2019 from 10:00 am to 5:00 pm. This event will be held at Sound Station & Security located at 713 E. Market Street.

Financial Impact

None

Action Needed

To Approve the Temporary Use Permit Application

Recommendation

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Temporary Use Permit Application



Staff Report

Consent Agenda Item:	Application for Temporary Use Permit
Date:	04/02/2019

The Riders Meet Circuit would like to hold a car show on June 30th, 2019 from 10:00 am to 5:00 pm. This event will be held at Sound Station & Security located at 713 E. Market Street. Amplified sound will be used during 10:00 am to 5:00 pm. No food or goods will be sold. More than 100 people are expected to attend. The applicant will provide their own private security. Five trash cans have been requested from Public Works for this event. No Town streets will need to be closed.



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

Temporary Use Permit Application

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

TYPES OF EVENT

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

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

PERMIT FEE \$100

Riders meet circuit 713 East Market St Smithfield
 Name of Event Location of Event (exact street address) 27577

Applicant name Michael Cain Overby E-mail address RR1@90.1.com

Address 1023 Old Sanders Rd Smithfield Zip 27577

Day phone 919 989 3106 Mobile phone (919) 975-7212

Event Date 8:00 am June 30-2019

Event set-up date /start time 10:00 am / 5:00 pm Event clean-up date/end time 6:00 pm June 30-19

Sound amplification hours 10:00 am / 5:00 pm Will food or goods be sold? N/A

Security provided by Smithfield Police or private security (describe duties): private security

Private agency name & phone, if applicable: Rolling Riders Inc (919) 975-7212*

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

Are event trash cans needed? yes How many? 5

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.

Michael Cain Overby [Signature] 3-18-19
Applicant's name (print) Signature Date

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

Method of payment: Cash \$100 check # _____ Credit Card _____ Amount \$ _____

Reviewing Planner: [Signature] **PAID** 3-19-19 Date: 3/19/19

Town of Smithfield :

Event Name: Riders Meet Circuit

Rolling Riders Incorporation has done 34 Car Shows and Stereo Competition events since 2006 and I've done over 100 DJ events under the name Riders DJ Entertainer. I was DJ three to five times a week from June 2017 to December 2018. Riders DJ Entertainer became a World DJ under ZipDJ.com in 2018. I have over 6,000 promo songs that all public radio stations have. My plans are to have two speakers and just have a laptop auto play promo songs.

We did Riders Slam Jam in 2009 and 2011 at Rose Manor in Smithfield, NC and the Town of Smithfield did give us a lifetime permit. Riders Slam Jam was a major event at Wilson County Fairgrounds in 2010, 2012 and 2013. I did sign to bring back Riders Slam Jam in October 2019 for a full weekend event but the cost of the insurance is the reason it been canceled. Ali from Sound Station & Security has been in talks with me over a year. To give you an idea then Riders Meet Circuit will be 1% of what Riders Slam Jam use to be. It's something that Ali wants to have for his customers. Last time I did something like this was for Protint Autographic in the fall of 2007 and 2008 that was in Smithfield at the time. Those two events took Two people and myself.

We looking at Rose Manor again incase Riders Meet Circuit grows on us over period of time. You have to plan for the unexpected but if we do then we won't use the name Riders Slam Jam.

We did do Riders Bass Off Show as Stereo Competition at the Ham & Yam Festival in 2011 under from Sound Station & Security. Riders Meet Circuit will not be build to have stereo competition because you need more room. We didn't have enough room at the Ham & Yam Festival. This idea could come to our interest but I will not approve stereo competition unless the location meets the requirements. Fayetteville and Wilson we can still do it. I'm just let the Town of Smithfield know that it's something that the public will want by having a connection with Sound Station & Security.

Plans for Riders Meet Circuit only: Car Show to hand out Top 25 awards. DJ Entertainment with promo songs only and I will write letters to business around Sound Station & Security to let them know of the event. Ive had many talks with Ali and we both don't see the first event going over expectations.

Mike Overby

Chairman of Rolling Riders Inc

LOCATION AGREEMENT

This is an agreement between Rolling Riders Incorporation and Sound Station & Security to do Riders Meet Circuit(Car Show) on June 30, 2019 at 713 East Market Street, Smithfield,NC. We are looking at doing this event in March, June August of every year. It's in the understanding that all activates of the event has to be approved by the Chairman of Rolling Riders Inc. In this agreement we will work with Sound Station & Security on any ideas and to give a positive image for the Town of Smithfield.

 Date: 03-19-2019.

Ali Mohamed, Owner of Sound Station & Security in Smithfield,NC

 Date: 03-19-2019

Michael Overby, Chairman of Rolling Riders Incorporation



Request for Town Council Action

**Consent
Agenda
Item:** Police
Promotion
Date: 04/02/2019

Subject: Promotion
Department: Police Department
Presented by: Chief R. Keith Powell
Presentation: Consent Agenda

Issue Statement

The Police Department would like to promote Sgt. Beyer to Lieutenant due to an open supervisory position. Sgt. Beyer participated in the last promotional process and is eligible for the position

Financial Impact

Sgt. Beyer will receive an increase in pay placing him below the midpoint of the lieutenant's salary range due to the promotion. The pay increase will be covered by the current budget.

Action Needed

Approve Promotion

Recommendation

Complete Promotional Process

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report



Staff Report

**Consent Police
Agenda Promotion
Item:**

The promotion is due to being able to fill a vacant Supervisory position that was left open after the retirement of Lt. Gentry. The position is needed to assist with the supervision of the Investigations/Narcotics Division and the School Resource Officers. The rank structure will mirror the Patrol Side of operations. Filling this position will leave a vacant sergeant position in the Patrol Division. A future promotion would fill that vacancy. The last promotional process was completed in April of 2017 and is active for two years. This sergeant was part of that process and is eligible for the position. The promotion will increase the salary to \$50,988 annually having a \$1,700 impact on the current budget.



Request for Town Council Action

**Consent
Agenda
Item:** Police
Promotion
Date: 04/02/2019

Subject: Promotion
Department: Police Department
Presented by: Chief R. Keith Powell
Presentation: Consent Agenda

Issue Statement

The Police Department would like to promote Officer W.T. Lee to Sergeant due to an open supervisory position. Officer Lee participated in the last promotional process and is eligible for the position. Actual date of assignment will be at the discretion of the Chief.

Financial Impact

Officer Lee will receive the requisite increase in pay due to the promotion, leaving him below the mid-range of the current salary schedule. The pay increase will be covered by the current budget.

Action Needed

Approve Promotion

Recommendation

Complete Promotional Process

Approved: Town Manager Town Attorney

Attachments:

1. Staff report



Staff Report

**Consent Police
Agenda Promotion
Item:**

The promotion is due to being able to fill a vacant Supervisory position that was left open after the **filling of a vacant lieutenant's position created by a retirement**. The last promotional process was completed in April of 2017 and is active for two years. Master Police Officer Lee was part of that process and is eligible for the sergeant position. This **promotion will raise the officer's salary** by 10% to \$47,806, an impact of \$1,085 on the current budget.



Request for Town Council Action

**Consent
Agenda
Item:** Easement
Agreement
Date: 04/02/2019

Subject: Wayfinding Sign Easement Agreement
Department: Planning Department
Presented by: Stephen Wensman
Presentation: Consent Agenda

Issue Statement

Staff respectfully requests the Town Council approve the use of an Easement Agreement (temporary) for a wayfinding gateway sign to be located on the Ruth M. Penny property near Holt Lake with the NC Pin # 168210-36-9744.

Financial Impact

The Council has already approved the contract for wayfinding fabrication and installation. The costs to survey the site, fabricate and install the sign are included in the wayfinding project funds previously approved by the Council.

Action Needed

Staff is requesting approval of the use of the attached Easement Agreement for a gateway sign on the Penny property with the NC Pin# 168210-36-9744.

Recommendation

Staff respectfully requests the Town Council approve the use of the Easement Agreement as drafted.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Site Map
3. Easement Agreement



Staff Report

Consent
Agenda
Item:

Easement
Agreement

REQUEST SUMMARY:

The Town has been working with several land owners (Fleming and Sutton) to place gateway G1 – Monumental Gateway wayfinding signs on their properties within proposed easements. The Town had been working with Eddy Sutton to place one on his property by Holt Lake, and the Council approved the use of easement agreement for it in October, 2018. Since then, Mr. Sutton has stated he has a potential buyer of the property and he is no longer willing to allow such a sign.

As a result, Staff has been in discussion with Robert Penny to place the sign across the street from Eddy Sutton's property. He has verbally agreed to the location and an easement area on the property identified as being owned by Ruth M. Penny (Robert's deceased Mother), NC Pin 168210-36-9744. As was the case with the sign to be placed on the Fleming parcel and Sutton parcel, the property owner's consent to a sign is conditioned on the sign's potential removal with a 60-day notice if requested. The landowner does not anticipate such a request in his lifetime, but does want to reserve that right. Because of the potential temporary nature of the Agreement, Staff is requesting the Council's approval of the Easement Agreement's use for the sign on the Penny property.

PROPOSED SIGN:



GI: MONUMENTAL GATEWAY

LOCATION:

The sign will be located in front of a large Pine at the edge of the property adjacent to the NCDOT right-of-way. The easement is proposed to be a triangular shape such that the view area can be mowed/maintained free of trees. Several Ash trees will need to be removed to accommodate the sign in this location.



SIGN EASEMENT

Excise Tax: \$ _____

Parcel ID No.: upon Parcel # _____

This instrument was prepared by/Please return to: Spence Berkau & McLamb, PA
PO Box 1335, Smithfield, NC 27577

Brief Description for the Index: Sign Esmt, Smithfield Twp.

THIS EASEMENT made this _____ day of _____, 2019, by and between

GRANTOR	GRANTEE TOWN OF SMITHFIELD, a NC municipal corporation PO Box 761 Smithfield, NC 27577
----------------	---

THAT WHEREAS, the Grantor, owns in fee simple a certain lot or parcel of land situated in Smithfield Township, Johnston County, which can be specifically identified as follows:

BEING all of that real property as described in that Special Warranty Deed to Grantor, recorded in Deed Book _____, Page _____, Johnston County Registry ("Grantor's Land").

AND WHEREAS, Grantee is a municipal corporation; Grantor's Land is located within the municipal limits of Grantee;

AND WHEREAS, said Grantee desires to obtain a "Sign Easement Area" from Grantor, and construct and maintain within the sign easement area, on the portions of Grantor's Land hereinbelow described, a masonry base, landscaping, and "Smithfield" sign, as the Town of Smithfield now or in the future deems appropriate, to enhance the road system signs and enhance the appearance of entry routes into the Town of Smithfield, subject however, to the restrictions set forth herein.

NOW, THEREFORE, said Grantor, for valuable consideration, does hereby give, grant, and convey unto said Grantee a perpetual right and easement in gross to construct and maintain across and upon the areas below described of Grantor's Land a sign easement for the installation and maintenance

of a masonry base, landscaping, and "Smithfield" sign and to go upon Grantor's Land whenever the same is reasonably necessary for the purpose of inspecting, maintaining, and repairing or replacing said sign; provided, that all such inspection, maintenance and repair shall take place within the 577 square foot easement areas as much as is reasonably practical; however, Grantee shall have a right of access, ingress and egress to the sign easement area for said purposes. All Signs and materials placed within the permanent sign easement areas shall be the property of the Town of Smithfield.

And said Easement shall be determinable, and shall terminate upon the date 60 days after Grantor provides written notice of termination of this Easement to the Town Manager of Grantee at the Town Hall of Smithfield. On or before the expiration of said 60 day period, Grantee shall remove said sign and masonry base and all appurtenant equipment and materials from Grantor's property.

Grantee further covenants (i) that no improvements shall be constructed within the sign easement areas other than the Sign; (ii) notwithstanding anything to the contrary in the foregoing, in no event shall the Sign be of a type or size which is greater than that set forth above and as depicted in Exhibit A; (iii) that each Sign shall be constructed, installed, maintained and repaired by Grantee (in accordance with the requirements set forth herein) in a state of good condition and repair, at Grantee's sole cost and expense; (iv) any activities by Grantee on Grantor's Land or the sign easement area shall not interfere with any business activities being conducted on Grantor's Land; and (iv) to promptly restore to substantially the same condition as existed immediately preceding any such work, at Grantee's sole cost and expense, any property disturbed by Grantee's installation, construction, maintenance or repair of the Sign.

The areas of Grantor's Land subject to the sign easements are more particularly described as follows, which is herein referenced as the "Sign Easement Area":

Sign Easement Area (either a metes and bounds legal description or plat map of area)

TO HAVE AND TO HOLD said right and easements in gross to the said Grantee it being agreed that the right and easements hereby granted are purely personal to Grantee and are not assignable.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by persons duly empowered to bind the parties to perform their respective obligations hereunder the day and year first above written.

_____, a _____,
Grantor

By: _____ (SEAL)
Print Name: _____
Its: _____

**TOWN OF SMITHFIELD,
a NC municipal corporation, Grantee**

By: _____ (SEAL)
_____, Mayor

ATTEST:

_____, Town Clerk

STATE OF NORTH CAROLINA **COUNTY OF** _____

I, the undersigned, a Notary Public of the aforesaid State and County, certify that _____, personally came before me this day and acknowledged that s/he is the _____ of _____, a _____, and that s/he personally appeared before me on this day and executed the foregoing on behalf of the company.

Witness my hand and official seal, this the ____ day of _____, 2019.

My Commission Expires: _____ Notary Public

STATE OF NORTH CAROLINA **COUNTY OF JOHNSTON**

I, the undersigned, a Notary Public of the aforesaid State and County, do hereby certify that _____, personally came before me this day and acknowledged that s/he is the Town Clerk of the **TOWN OF SMITHFIELD**, a NC 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 Mayor, sealed with its corporate seal and attested by her as its Town Clerk.

Witness my hand and official seal, this the ____ day of _____, 2019.

My Commission Expires: _____ Notary Public



Request for Town Council Action

**Consent
Agenda
Item:** Mausoleum
Roof
Replacement
Date: 04/02/2019

Subject: Mausoleum Roof Replacement
Department: Public Works General Maintenance Division
Presented by: Lenny Branch, Public Works Director
Presentation: Consent Agenda

Issue Statement

The Public Works Department is proposing the roof on the Mausoleum in Sunset Cemetery be replaced. Mark Gregory Roof Company Inc. was the lowest bidder at \$14,800.00.

Financial Impact

If approved by council the Roof replacement project will be within our \$27,000 budgeted in this year's Capital Outlay line.

Action Needed

Council approval to replace the mausoleum roof.

Recommendation

Staff recommends awarding Mark Gregory Roof Inc. (lowest bidder) the roof replacement project in the amount of \$14,800.00.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Proposal – Mark Gregory Roofing Company, Inc.
3. Proposal – Baker Roofing
4. Proposal – B.E.S.T., Inc.



Staff Report

**Consent
Agenda
Item:** **Mausoleum
Roof
Replacement**

The Town Council approved \$27,000 in the Public Works General Maintenance Division capital line; the money was reserved to replace the Mausoleum roof in Sunset Cemetery. The Public Works Department received three (3) bids from local contractors on the project. The proposals received are as follows;

- | | |
|-----------------------------------|-------------|
| 1. Mark Gregory Roof Company Inc. | \$14,800.00 |
| 2. Baker Roofing | \$31,108.00 |
| 3. Best Inc. | \$36,406.00 |
| 4. Sharon Roofing | No Bid |
| 5. Dale Sparks | No Bid |

It is the recommendation of the Public Works department to award Mark Gregory Roof Company Inc. the roof replacement project in the amount of \$14,800.00.

 **Mark Gregory**
Roofing Company, Inc.

1399 Old Barbour Rd
Benson, NC 27504
(919) 894-1089

March 6, 2019

Proposal Submitted To:
Town Of Smithfield
Public Works

Work To Be Performed At:
Sunset Cemetary Mausoleum
Smithfield, NC

We hereby propose to furnish the materials and perform the labor necessary for the completion of:

Remove existing roofing down to the concrete deck. Install a one half inch high density roof insulation board over the deck and fasten with insta-stick. Fully adhere an 0.45 ml bright white Energy Star Rated TPO roof system. Fabricate and install new aluminum edge metal. Clean up and haul away all job related debris.

Labor and Materials.....\$ 13,800.00
For Manufacturers 20 year warranty add.....\$ 1000.00

Note: This proposal does not include repairs to the concrete deck. The sagging concrete should be repaired by a concrete contractor to ensure proper drainage of the roof.

Respectfully submitted by,
Mark Gregory
Mark Gregory Roofing Company, Inc.

Note- This Proposal maybe withdrawn by us if not accepted within 30 days.

Payment Terms: Due upon completion of job unless otherwise noted.
Accounts not paid within 10 days of invoice date are subject to a 1.5% finance charge.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. We provide Workmen's Compensation and General Liability Insurance.

Acceptance of Proposal

The above prices, payment terms and specifications are satisfactory and hereby accepted. You are authorized to do the work as specified.

Date _____

Signature _____



CONTRACTUAL AGREEMENT

AGREEMENT made this February 15, 2019 by and between **Baker Roofing Company**, hereinafter called the "CONTRACTOR", **Johnston County**, hereinafter called the "OWNER".

SCOPE OF WORK

The Contractor agrees to provide all tools, labor, materials, equipment and supervision necessary to perform roof project on discussed property in accordance to the following specifications:

PROJECT:
Sunset Memorial Mausoleum
Roof Replacement
Hwy 70 & 210 Intersection
Smithfield, NC 27577

Scope of Work:

1. Perform pre-construction meeting to discuss set up, staging area for equipment and loading of the roof, appropriate working hours, safety and production projections.
2. Set up equipment, materials, safety lines at all roof perimeters and ground loading/dumpster area. All work to be done as per OSHA guidelines.
3. Remove the existing gravel and all associated edge metals and flashings.
4. Install a layer of 1.5" ISO on the flat sections and ¼" Dens Deck prime on the gable roof section using low rise insulation adhesive. The roof will hold water and an option to use tapered ISO to create better drainage is given below.
5. Install an adhered 60 mil TPO roof membrane in accordance the with manufacturer's standard details.
6. Extend the PVC gas release lines coming through the roof to account for the increased roof height.
7. Install penetration flashings as per standard manufacturer's requirements.
8. Fabricate and install new 24 gauge Kynar coated steel termination metal on all outside perimeter segments.
9. Fabricate and install either gravel stop scuppers in the back of the building or a drip edges on the sides of the building to allow water to drain.
10. If the option to install gravel stop scuppers is selected conductor heads and downspouts will also be included.
11. Metal colors to be chosen by owner from the full range of the manufacturer's standard colors.
12. Provide a 20 Year NDL (No Dollar Limit) material and labor warranty upon completion and inspection of the roofing system by an authorized manufacturer's representative.

Please Select One Of The Below Options:

\$31,486.00 – (Gravel Stop Scuppers + Flat ISO Replacement Total)

\$31,108.00 – (Drip Edge + Flat ISO Replacement Total)

\$40,580.00 – (Drip Edge + Tapered ISO Replacement Total)

AREA OF REPLACEMENT



ROOF TOP EQUIPMENT

Mechanical equipment / penetrations that will need to be raised, shifted or moved to allow the installation of the new roof system shall be the sole responsibility of the owner. The owner and/or tenants shall be responsible for all work associated and the cost thereof including but not limited to disconnects, reconnects, and/or recalibrations. The contractor will coordinate all work with owners and/or tenants as required. Contractor is not responsible for the watertight integrity of the skylight, once the original watertight integrity of the skylight has been disturbed.

SCHEDULE

The standard operating procedure for project start is within (6) weeks of contract approval and signature by Owner. Other scheduling arrangements will be considered on a case-by-case basis.

WEATHER CONDITIONS

Inclement weather such as high winds (exceeding 20 MPH), snow or ice accumulations, and or rainfall will negatively effect production. The owner may at their option elect to pay extra labor charges at \$38.00 per hour for dealing with such conditions. Baker Roofing Company Inc. will not remove excessive accumulations of water, snow, or ice unless so directed by the owner. Baker Roofing Company Inc. will not incur additional labor to fight high winds as described above.

MOLD DISCLAIMER, RELEASE AND WAIVER

We, the contractor, will not be held responsible for any damages caused by mold or some other agent that may be associated with our construction and or pre-existing conditions. Owner hereby releases Contractor from all claims losses damages risks or causes of action ("Claims") whether now known or unknown, arising now or in the future directly or indirectly from Contractor's services which result in any damages or injuries or claims either to property or person caused by mold or mold related issues. Owner expressly intends and agrees to indemnify, reimburse and hold harmless Contractor with respect to any and all claims for injury or death to any person or injury to any property arising out of, directly or indirectly, from any and all mold and claims resulting from the Contractor's services, even if caused by the actions or inaction of the Contractor.

STANDING WATER DISCLAIMER

Standing water is typical in roofing situations where 100% positive drainage and slope does not exist. Most manufacturer's warranties do not exclude standing water. Added drainage and or total positive drainage is recommended. Baker Roofing Company is not responsible for providing 100% positive drainage.

POSITIVE OR NEGATIVE BUILDING PRESSURES

We, the contractor, will not and can not be responsible for any damages caused by positive or negative internal building pressures that may be associated with our construction and or pre-existing conditions. Owner hereby releases Contractor from all claims losses damages risks or causes of action ("Claims") whether now known or unknown, arising now or in the future directly or indirectly from Contractor's services which result in any damages or injuries or claims either to property or person caused by pressure related issues. Owner expressly intends and agrees to indemnify, reimburse and hold harmless Contractor with respect to any and all claims for injury or death to any person or injury to any property arising out of, directly or indirectly, from any and all mold and claims resulting from the Contractor's services, even if caused by the actions or inaction of the Contractor.

UN-FORESEEN ELECTRICAL MECHANICAL OR WATER LINES

We, the contractor, will not and can not be responsible for any damages caused by mechanical fasteners penetrating existing electrical lines that can not be seen or are installed against the existing deck. Owner hereby releases Contractor from all claims losses damages risks or causes of action ("Claims") whether now known or unknown, arising now or in the future directly or indirectly from Contractor's services which result in any damages or injuries or claims either to property or person caused by mold or mold related issues. Owner expressly intends and agrees to indemnify, reimburse and hold harmless Contractor with respect to any and all claims for injury or death to any person or injury to any property arising out of, directly or indirectly, from any and all mold and claims resulting from the Contractor's services, even if caused by the actions or inaction of the Contractor.

ASBESTOS AND LEAD CONTAINING MATERIALS DISCLAIMER, RELEASE AND WAIVER

We, the contractor, will not be held responsible for any damages caused by asbestos or some other agent that may be associated with our construction and or pre-existing conditions. Owner hereby releases Contractor from all claims losses damages risks or causes of action ("Claims") whether now known or unknown, arising now or in the future directly or indirectly from Contractor's services which result in any damages or injuries or claims either to property or person caused by Asbestos and or Lead related issues. Owner expressly intends and agrees to indemnify, reimburse and hold harmless Contractor with respect to any and all claims for injury or death to any person or injury to any property arising out of, directly or indirectly, from any and all Asbestos and or Lead claims resulting from the Contractor's services, even if caused by the actions or inaction of the Contractor. All new materials shall be free of lead and asbestos.

CONTRACT PRICE

Customer: Johnston County
P.O Box 1049
Smithfield, NC 27577

Location: Sunset Memorial Mausoleum
NC HWY 70 & 210 Intersection.
Smithfield, NC

Total: _____ \$31,486.00 – (Gravel Stop Scuppers + Flat ISO Replacement Total)
_____ \$31,108.00 – (Drip Edge + Flat ISO Replacement Total)
_____ \$40,580.00 – (Drip Edge + Tapered ISO Replacement Total)

TERMS OF PAYMENT

Owner agrees to pay Contractor 100% due upon completion. Terms net 30 days. Finance charges at an 18% annual percentage or .05% per day plus reasonable attorney charges will apply should terms not be followed.

CONTRACT ACCEPTANCE

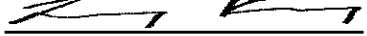
The above prices, terms, specifications, and conditions are satisfactory and are hereby accepted. Contractor is authorized to do the work as specified. Payment will be made as outlined above.

The Owner confirms that by signing this agreement, no existing contract / warranty to which the customer is a party is, or will be, breached. This agreement is not binding on Baker Roofing until executed by an authorized officer of Baker Roofing.

The above contract may be withdrawn by Contractor if not accepted within 30 days of the Contractor's signing date.

CONTRACTOR: Baker Roofing Company
P.O. BOX 26057
Raleigh, NC 27611

Owner/ Authorized Manager

Signature: 
Name & Title: Quincy King, Contract Mgr.
Date: 02-15-2019

Signature: _____
Name and Title: _____
Date: _____

Billing Address: _____

Billing Instructions Must Be Filled Out:

1108 Nowell Road
Raleigh, NC 27607
Office 919-851-3009



Commercial Roofing • Sheet Metal

PO Box 10803
Raleigh, NC 27605
Fax 919-851-1224

PROPOSAL – CONTRACT

Date: February 19, 2019

Submitted to: Lenny Branch
Public Works Department
231 Hospital Road
Smithfield, NC

Project Location: Smithfield Cemetery - Mausoleum Roof
Smithfield, NC

PROPOSAL:

1) Description of Work to be Performed:

- * Set up all safety and protection equipment per current OSHA standard.
- * Remove the existing gravel, perimeter flashing, roof material, and dispose.
- * Replace up to 50 LF of wet or deteriorated wood blocking.
- * Adhere tapered insulation to slope to the back of the structure.
- * Install additional wood blocking to match insulation thickness.
- * Install a fully adhered TPO roof system. Owner's choice of membrane color.
- * Flash all roof penetrations per the roof manufacturer's specification.
- * Install 24-gauge, pre-finished steel gravel stop, gutter and downspouts.
- * Provide a 5-year contractor warranty.

Note: Contractor does not include in this proposal any work or item not specifically mentioned above. Any additional work will be handled via change order.

2) Proposed Price: \$36,406.00
(Plus tax if not a Capital Improvement; Must have NCDOR form E-589CI on file)

3) Terms of Payment:

The terms of payment are: 100% upon completion. Payments are due within 15 days of receipt of invoice. A 1.5% service fee will apply on all late payments.

CONTRACT:

If Owner(s) agree to the above proposed Description of Work, Proposed Contract Price, and Terms of Payment, please appropriately endorse below and return to B.E.S.T., Inc:

Owner(s) hereby accept the above proposal as a contract.

Owner(s) Name

By: _____

Title: _____

By: _____

Title: _____

B.E.S.T., Inc.

Contractor Name

By: _____

Title: _____

1108 Nowell Road
Raleigh, NC 27607
Office 919-851-3009



PO Box 10803
Raleigh, NC 27605
Fax 919-851-1224

Commercial Roofing • Sheet Metal

TERMS AND CONDITIONS

1. The Owner hereby represents that he is the Owner in fee of the premises whereon the improvements herein specified are to be made, having a deed for the same.
2. The Contractor agrees to use his best efforts to complete the work promptly. He cannot be held responsible for delays due to strikes, fires, acts of God, unworkable weather conditions, or otherwise inability to meet the anticipated schedule. Should the Contractor not be so excused, then the Owner hereby agrees to receive as liquidated damages, \$ N/A per calendar day, as full compensation.
3. It is agreed that in no event shall the liability of the Contractor exceed the contract price.
4. The owner may order changes in the work. Such orders must be written in order to be recognized.
5. The Owner(s) shall furnish at no cost to the Contractor, electrical connections and current, and construction water.
6. The Owner(s) shall notify the Contractor of any visible complaints he has about the completion of this Contract within fifteen days after conclusion of work by the Contractor; and absent such notification and except for the latent defects subject to extended periods of service during the warranty period, the work shall be deemed to have been completed in a satisfactory manner. Furthermore, the Owner must notify the Contractor within fifteen (15) days of learning of any problems before any progress or final payment is withheld or reduced in value. Payment to be made immediately upon final inspection.
7. The failure to enforce strictly any provision of this contract shall not affect the liability of the Owner(s), surety, co-maker, or guarantor thereof; not deprive the Contractor of the right to insist upon the strict compliance thereafter.
8. The Owner(s) shall not interfere in any manner with agents, subcontractors, or employees of the Contractor engaged in performing this contract.
9. It is expressly understood and agreed that the Contractor shall be entitled to liquidated damages in the amount of 25% of the contract price in the event this agreement is terminated before the work begins and without the consent of the Contractor.
10. Should the work have already begun, then the Contractor shall be due all costs incurred plus 25% of the contract price.
11. Progress payments or final payment due and unpaid under this Contract shall bear prejudgment and post judgment interest from the date payment is due at the maximum legal rate allowed by law.
12. Should either party employ an attorney to institute suit or demand arbitration to enforce any of the provisions hereof, to protect its interest in any matter arising under this contract, or to collect damages for the breach of the contract or to recover on a surety bond given by a party under this contract, the prevailing party shall be entitled to recover reasonable attorney's fees, costs, charges, and expenses expended or incurred therein.
13. **Dispute Resolution:** All claims, disputes and matters arising out of or relating to this Agreement or breach thereof shall be decided by binding arbitration in accordance with the most current Construction Industry Arbitration Rules of the American Arbitration Association. Any disputes shall be governed by the law of the state where the project is located and the federal or state courts in the state where the project is located. Any arbitration shall be conducted within the state where the Contractor is located.
14. **Mold Disclaimer, Release and Waiver:** We, the Contractor, will not be held responsible for any damages caused by mold or some other agent that may be associated with defects in our construction. Owner expressly intends and agrees to indemnify and hold harmless Contractor with respect to any and all claims for injury or death to any person or injury to any property out of, directly or indirectly, from any and all mold and claims resulting from the contractor's services, even if caused by actions or inactions of the contractor.
15. Contractor will not be held liable for disturbance, damage, clean-up or loss to interior property. Owner to be responsible for providing protection underneath areas being re-roofed and will notify all tenants that dust and debris can fall into the building's interior or can lead to leakage until a new roof is in place, and personal property directly below the area being re-roofed should be removed or protected to minimize the risk of damage. Contractor will assist in communications to the tenant that dust & debris may fall into the building. Contractor would assist as may be reasonable with the elimination of any major or excessive falling debris. Owner agrees to hold Contractor harmless if damage occurs due to dust and debris during re-roofing.
16. **WARRANTIES:** The Contractor shall issue limited warranties for materials, products, and other related work for differing periods of time depending upon the specific material, product, or work, which shall be issued upon completion and payment for the work specified herein upon request of the Owner and in conformance with the terms, conditions, and guarantee policies of the Contractor. (THE FOREGOING IS IN LIEU OF ALL OTHER WARRANTIES EXPRESS, IMPLIED, OR STATUTORY AND CONTRACTOR NEITHER ASSUMES, NOR AUTHORIZES, ANY PERSON TO ASSUME FOR IT ANY OTHER OBLIGATION OR LIABILITY IN CONNECTION WITH THE WORK TO BE PERFORMED UNDER THE TERMS OF THIS CONTRACT.)
17. Contractor's scope of work shall not include the identification, detection, abatement, encapsulation or removal of asbestos or similar hazardous substances. If Contractor encounters any such products or materials in the course of performing its work, or if such hazardous materials are encountered by any other firm performing work at the job site and Contractor determines that such materials present a hazard to your employees, Contractor shall have the right to discontinue its work and remove its employees from the job site until such products or materials, and any hazards connected therewith, are located and abated, encapsulated or removed, or it is determined that no hazard exists (as the case may require), and Contractor shall receive an extension of time to complete its work hereunder and compensation for delays encountered as a result of such situation and correction.
18. All promises, understandings, or agreements or any kind, to this agreement, not mentioned herein, are hereby expressly waived; and it is agreed that this instrument shall constitute the entire agreement between the parties, and shall not be modified in any manner, except in writing signed by both parties.



Subject: Approval to Award Bid for DAV Trail / Accessible Parks
Department: Parks and Recreation
Presented by: Parks and Recreation Director - Gary Johnson
Presentation: Consent Agenda

Issue Statement:

The Parks and Recreation Department is seeking approval to award the bid for the construction of the Disabled American Veterans Trail and Accessible Parks Handicap Parking to David Hinton Construction Co. Inc. in the amount of \$ 49,787.00.

Financial Impact

Funds were allocated by council in the 18/19 FY Budget. The projects are within the budget and the amount allocated.

Action Needed

Approval to contract with David Hinton Construction Co, Inc. for the construction of the DAV Trail and Accessible Parks Handicap Parking.

Recommendation

Approval to contract with David Hinton Construction Co, Inc. for the construction of the DAV Trail and Accessible Parks Handicap Parking.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Request for Proposals
3. Proposal – David Hinton Construction Company, Inc.
4. Proposal – First Choice DBA Larry Davis
5. Proposal – Hollins Construction Services, Inc.



Staff Report

**Consent
Agenda**

**DAV Trail/
Accessible
Parks**

Date: 04/02/2019

The Parks and Recreation Department advertised and sent out a RFP for the construction of the DAV Fitness Trail and Accessible Parks Handicap Park project(s) funded in the FY 18/19 FY Budget. Three (3) Bids were received:

David Hinton Construction Co., Inc.	\$ 49,787.00
First Choice dba Larry Davis	\$ 66,014.75
Hollins Construction	\$ 88,886.00

The Parks and Recreation is seeking approval to contract with David Hinton Construction Co., Inc. for the construction of these project(s). David has performed work for the Parks and Recreation in past years and staff is satisfied by his quality of work.

Michael Scott, Town Manager
Greg Siler, Finance Director
Tim Kerigan, Human Resources/PIO
Shannan Parrish, Town Clerk



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

Melissa Rodriguez, Admin. Assistant

Telephone: 919.934.2116

Fax: 919.989.8937

REQUEST FOR PROPOSAL

DAV TRAIL PARK HANDICAP PARKING IMPROVEMENTS

Wednesday, February 6, 2019

The Town of Smithfield, North Carolina desires to install approximately 1,520 linear feet of concrete trail around the Disabled American Veteran's (DAV) building adjacent to the SRAC property. Although it is the intent for the sidewalk to be 5-foot wide, the bid shall include and alternate for a 6-foot wide sidewalk section. In addition to the DAV Trail shall include a 1,600 SF exercise area. A schematic aerial of the proposed trail and exercise area is included with this RFP. In addition, the Town intends to upgrade handicap parking at: Talton Park, Gertrude Brady Johnson Memorial Park, Bob Wallace Jaycee Kiddie Park and Smith Collins Park. Each location shall include a new 13-foot x 20-foot concrete handicap parking pad and additional 5-foot wide sidewalk as identified in the Bid Form included. This is an informal bid process with bids accepted at any time before Wednesday, March 13, 2019 at 5:00 PM. For an electronic copy of the RFP and associated schematic drawings please contact:

Shannan Parrish
Smithfield Town Clerk
919-934-2116

Shannan.parrish@smithfield-nc.com

If you have any questions regarding the project, please contact either:

Gary Johnson
Director of Parks and Recreation
919-934-2148 (ext. 108)

Gary.johnson@smithfield-nc.com

William Dreitzler
Town Engineer
919-818-2235

bdreitzler@dm2engineering.com

GENERAL SCOPE OF SERVICES

- Mobilization.
- Construction Staking.
- Grading as required to provide for an at-grade sidewalk, exercise pad and handicap parking.
- Installation of Sidewalk (all inclusive)
- Installation of Exercise Pad (all inclusive)
- Installation of Handicap Parking Pad (all inclusive)
- Seed and mulch any disturbed areas not receiving impervious surface.
- Attachment A – Standard Details shall apply. The concrete paving detail shall apply to the handicap parking and the exercise pad.

It is understood that the unit rates in the Bid Form are all-inclusive including but not limited to mobilization, construction staking, grading, seed and mulch.

RESPONSIBILITY OF TOWN

- Provide access to the property.
- Provide final approval of facility locations prior to installation.
- Provide one key contact person from the Town.

BID FORM

DAV Trail

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
5-foot Sidewalk	1,520	LF	_____	_____
Exercise Pad	1,600	SF	_____	_____
Total Cost – DAV Trail:				_____

Total Unit Price for the DAV Trail and Exercise Pad as described within this Request for Proposal (in words and figures).

_____ DOLLARS
 AND _____ CENTS (\$ _____)

Bid Alternate:

6-foot Sidewalk	1,520	LF	_____	_____
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Talton Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	_____	_____
5-foot Sidewalk	25	LF	_____	_____
Total Cost – Talton Park:				_____

Bob Wallace Jaycee Kiddie Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	_____	_____
5-foot Sidewalk	24	LF	_____	_____
Total Cost – Bob Wallace Jaycee Kiddie Park:				_____

Gertrude Brady Johnson Memorial Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	_____	_____
5-foot Sidewalk	10	LF	_____	_____
Total Cost – Gertrude Brady Johnson Memorial Park:				_____

Smith Collins Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	_____	_____
5-foot Sidewalk	148	LF	_____	_____
Total Cost – Smith Collins Park:				_____

Total Unit Price for installation of the handicap parking pad and associated sidewalk for Talton Park, Bob Wallace Jaycee Kiddie Park, Gertrude Brady Johnson Memorial Park and Smith Collins Park as described within this Request for Proposal (in words and figures).

_____ DOLLARS
AND _____ CENTS (\$ _____)

BID EXECUTION

Joint Venture Bids must be executed by Both Parties (see below).

Respectfully Submitted:

Bidder _____

By (signature) _____

Title _____

Address _____

Telephone Number: _____

Attest: _____

N.C. License No. _____

(Sealed - if bid is by
a corporation)

(DATE)

IF JOINT VENTURE:

Respectfully Submitted:

Bidder _____

By (signature) _____

Title _____

Address _____

Telephone Number: _____

Attest: _____

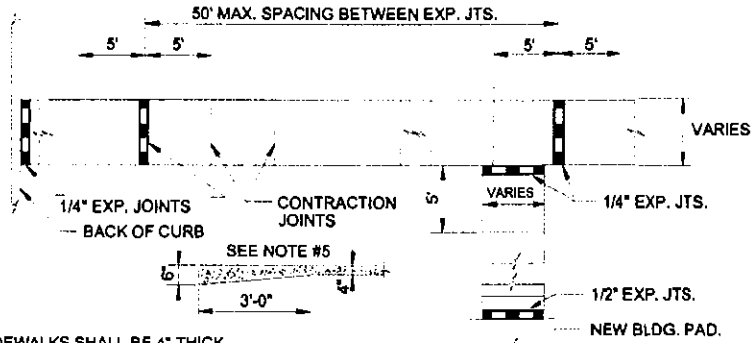
N.C. License No. _____

(Sealed - if bid is by
a corporation)

(DATE)

END DOCUMENT

ATTACHMENT A
STANDARD DETAILS

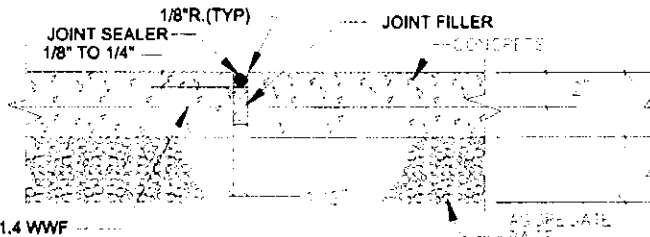


NOTES:

1. ALL SIDEWALKS SHALL BE 4" THICK.
2. CONTRACTION JOINTS SHALL BE SPACED AT 5'-0" INTERVALS.
3. CONTRACTION JOINTS SHALL BE FORMED 1" DEEP AND EDGED WITH 1/8" RADIUS, OR MAYBE SAWCUT 1" DEEP.
4. WHEN SIDEWALKS ABUT ROADWAY WHERE THERE IS NO CURB, THICKEN WALK TO 6" IN 3'-0".
5. 1/2" EXP. JT. MATERIAL REQUIRED WHERE CONC. SIDEWALK ABUTS CONC. STRUCT.
6. A LAYER OF 15# BLDG. FELT IS REQUIRED BETWEEN WALK AND ADJACENT PARALLELING CONC. CURB.

STANDARD JOINT LAYOUT FOR CONCRETE SIDEWALKS

NTS

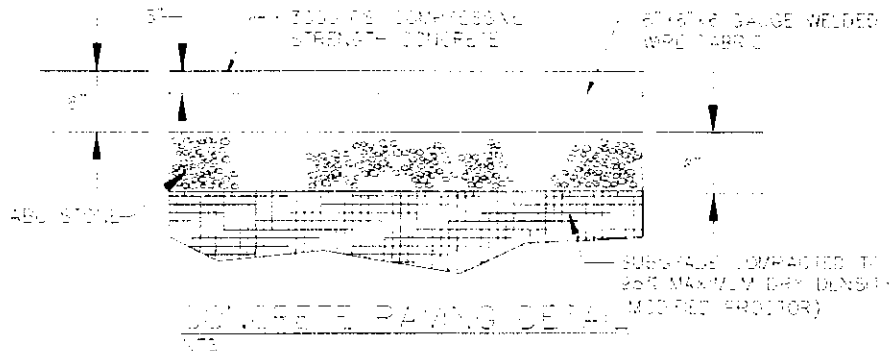


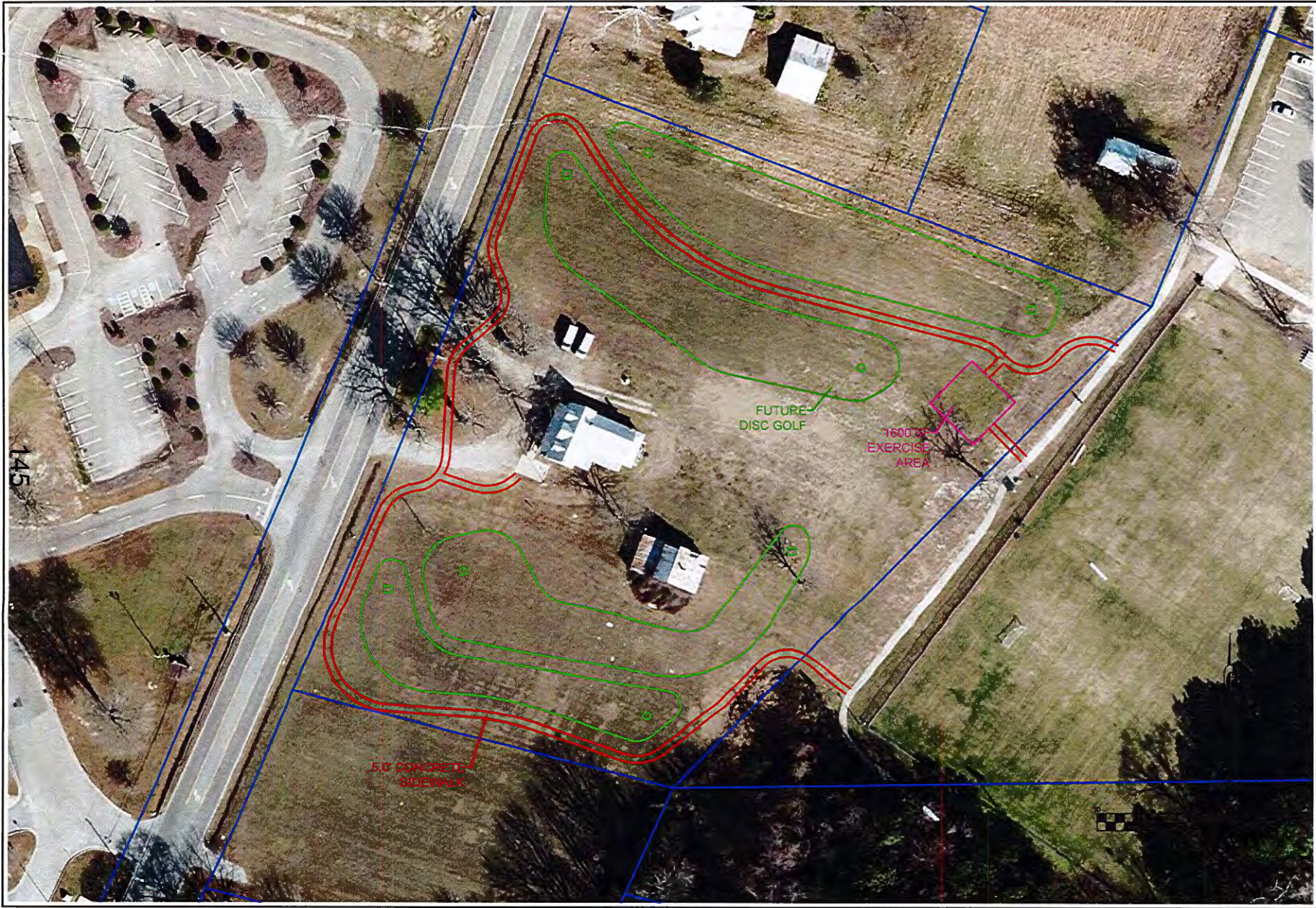
NOTES:

1. A GROOVE JOINT 1" DEEP W/ 1/8" RADIUS SHALL BE REQUIRED IN THE CONCRETE SIDEWALK AT 5' INTERVALS.
2. ONE 1/2" EXPANSION JOINT WILL BE REQUIRED AT 60' INTERVALS.
3. A 1/2" EXPANSION JOINT WILL BE REQUIRED WHERE THE SIDEWALK JOINS AND RIGID STRUCTURE.

SIDEWALK PAVING DETAIL

NTS





DM2
ENGINEERING, PLLC

7854 TRAP WAY
WILMINGTON, NC 28412
PHONE: (919) 818-2235

P.O. BOX 1448
ROANOKE RAPIDS, NC 27870
PHONE: (252) 532-2364

ENGINEERS SEAL AND SIGNATURE

**DAY TRAIL
AND FUTURE DISC GOLF**

SMITHFIELD,
NORTH CAROLINA

SKETCH PLAN

*** PRELIMINARY PLANS ***
**NOT FOR
CONSTRUCTION**

REVISIONS

NO.	BY	DATE	DESCRIPTION

DRAWN BY: NSR
DESIGNED BY: NSR
CHECKED BY: WWD
PROJECT NO: XXXXX
START DATE: 01-11-2019
SCALE: 1" = 30'

SHEET: C-X OF X

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It is understood that the unit rates in the Bid Form are all-inclusive including but not limited to mobilization, construction staking, grading, seed and mulch.

RESPONSIBILITY OF TOWN

- Provide access to the property.
- Provide final approval of facility locations prior to installation.
- Provide one key contact person from the Town.

BID FORM

DAV Trail

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
5-foot Sidewalk	1,520	LF	\$ <u>21.00</u>	\$ <u>31,920</u>
Exercise Pad	1,600	SF	\$ <u>4.50</u>	\$ <u>7,200.00</u>
Total Cost – DAV Trail:				\$ <u>39,120.00</u>

Total Unit Price for the DAV Trail and Exercise Pad as described within this Request for Proposal (in words and figures).

grade + pour concrete
Thirty nine Thousand one hundred + Twenty DOLLARS
 AND 00 CENTS (\$ _____)

Bid Alternate:

6-foot Sidewalk	1,520	LF	\$ <u>22.00</u>	\$ <u>33,440.00</u>
-----------------	-------	----	-----------------	---------------------

Talton Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	<u>1,200.00</u>	<u>1,200.00</u>
5-foot Sidewalk	25	LF	<u>21.00</u>	<u>\$ 525.00</u>
Total Cost – Talton Park:				\$ <u>1,725.00</u>

Bob Wallace Jaycee Kiddie Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	\$ 1,200.00	\$ 1,200
5-foot Sidewalk	24	LF	21.00	\$ 504.00
Total Cost – Bob Wallace Jaycee Kiddie Park:				<u>1,704.</u>

Gertrude Brady Johnson Memorial Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	\$ 1,200	\$ 1,200
5-foot Sidewalk	10	LF	21.00	\$ 210
Total Cost – Gertrude Brady Johnson Memorial Park:				<u>\$ 1,410</u>

Smith Collins Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	\$ 1,200	\$ 1,200
5-foot Sidewalk	148	LF	21.00	\$ 3,108
Total Cost – Smith Collins Park:				<u>\$ 4,308</u>

Total Unit Price for installation of the handicap parking pad and associated sidewalk for Talton Park, Bob Wallace Jaycee Kiddie Park, Gertrude Brady Johnson Memorial Park and Smith Collins Park as described within this Request for Proposal (in words and figures).

grade + pour sidewalk

Seven Thousand four hundred Twenty Two DOLLARS

AND — CENTS (\$ 00)

BID EXECUTION

Joint Venture Bids must be executed by Both Parties (see below).

Respectfully Submitted:

Bidder David Hinton Constr. Co. INC.

By (signature) David Hill

Title President/Owner

Address 11033 NC 222 hwy W

Middlesex, NC 27557

Telephone Number: 919) 868-5874

Attest: _____
DOT Cert
N.C. License No. 3824/49910

(Sealed - if bid is by
a corporation)

3/12/19
(DATE)

IF JOINT VENTURE:

Respectfully Submitted:

Bidder _____

By (signature) _____

Title _____

Address _____

Telephone Number: _____

Attest: _____

N.C. License No. _____

(Sealed - if bid is by
a corporation)

(DATE)

END DOCUMENT

It is understood that the unit rates in the Bid Form are all-inclusive including but not limited to mobilization, construction staking, grading, seed and mulch.

RESPONSIBILITY OF TOWN

- Provide access to the property.
- Provide final approval of facility locations prior to installation.
- Provide one key contact person from the Town.

BID FORM

DAV Trail

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
5-foot Sidewalk	1,520	LF	\$ <u>21.25</u>	\$ <u>32,300⁰⁰</u>
Exercise Pad	1,600	SF	\$ <u>8.66</u>	<u>13,856⁰⁰</u>
Total Cost - DAV Trail:				\$ <u>46,156⁰⁰</u>

Total Unit Price for the DAV Trail and Exercise Pad as described within this Request for Proposal (in words and figures).

FOURTY-SIX THOUSAND ONE HUNDRED - FIFTY-SIX DOLLARS

DOLLARS

AND ZERO CENTS (\$ 46,156⁰⁰)

Bid Alternate:

6-foot Sidewalk	1,520	LF	\$ <u>25.50</u>	\$ <u>38,760⁰⁰</u>
-----------------	-------	----	-----------------	-------------------------------

Talton Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	\$ <u>2,250⁰⁰</u>	\$ <u>2,250⁰⁰</u>
5-foot Sidewalk	25	LF	\$ <u>21.25</u>	\$ <u>531.25</u>
Total Cost - Talton Park:				\$ <u>2,781.25</u>

Bob Wallace Jaycee Kiddie Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	<u>\$2,250⁰⁰</u>	<u>\$2,250⁰⁰</u>
5-foot Sidewalk	24	LF	<u>\$21.25</u>	<u>\$510⁰⁰</u>
Total Cost – Bob Wallace Jaycee Kiddie Park:				<u>\$2,760⁰⁰</u>

Gertrude Brady Johnson Memorial Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	<u>\$2,250⁰⁰</u>	<u>\$2,250⁰⁰</u>
5-foot Sidewalk	10	LF	<u>\$21.25</u>	<u>\$212.50</u>
Total Cost – Gertrude Brady Johnson Memorial Park:				<u>\$2,462.50</u>

Smith Collins Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	<u>\$2,250⁰⁰</u>	<u>\$2,250⁰⁰</u>
5-foot Sidewalk	148	LF	<u>\$21.25</u>	<u>\$3,145⁰⁰</u>
Total Cost – Smith Collins Park:				<u>\$5,395⁰⁰</u>

Total Unit Price for installation of the handicap parking pad and associated sidewalk for Talton Park, Bob Wallace Jaycee Kiddie Park, Gertrude Brady Johnson Memorial Park and Smith Collins Park as described within this Request for Proposal (in words and figures).

THIRTEEN THOUSAND THREE HUNDRED NINETY^{-eight} DOLLARS
AND SEVENTY-FIVE CENTS (\$13,398.75)

BID EXECUTION

Joint Venture Bids must be executed by Both Parties (see below).

Respectfully Submitted:

Bidder FIRST CHOICE DBA LARRY DAVIS

By (signature) Shannon D. Hawey SHANNON D. HAWEY

Title PROJECT ENGINEER

Address P.O. BOX 779

ZEBULON, NC 27597

Telephone Number: 919-766-1588

Attest: _____

N.C. License No. _____

(Sealed - if bid is by
a corporation)

3/8/2019
(DATE)

IF JOINT VENTURE:

Respectfully Submitted:

Bidder _____

By (signature) [Signature]

Title _____

Address _____

Telephone Number: _____

Attest: _____

N.C. License No. _____

(Sealed - if bid is by
a corporation)

(DATE)

END DOCUMENT

It is understood that the unit rates in the Bid Form are all-inclusive including but not limited to mobilization, construction staking, grading, seed and mulch.

RESPONSIBILITY OF TOWN

- Provide access to the property.
- Provide final approval of facility locations prior to installation.
- Provide one key contact person from the Town.

BID FORM

DAV Trail

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
5-foot Sidewalk	1,520	LF	<u>32</u>	<u>48,640</u>
Exercise Pad	1,600	SF	<u>7.50</u>	<u>12,000</u>
Total Cost – DAV Trail:				<u>60,640</u>

Total Unit Price for the DAV Trail and Exercise Pad as described within this Request for Proposal (in words and figures).

sixty thousand six hundred & forty
 _____ DOLLARS

AND zero CENTS (\$ 60,640)

Bid Alternate:

6-foot Sidewalk	1,520	LF	<u>38</u>	<u>57,760</u>
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Talton Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	<u>3,000</u>	<u>3,000</u>
5-foot Sidewalk	25	LF	<u>38</u>	<u>950</u>
Total Cost – Talton Park:				<u>3,950</u>

Bob Wallace Jaycee Kiddie Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	<u>3,000</u>	<u>3,000</u>
5-foot Sidewalk	24	LF	<u>38</u>	<u>912</u>
Total Cost – Bob Wallace Jaycee Kiddie Park:				<u>3,912</u>

Gertrude Brady Johnson Memorial Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	<u>3,000</u>	<u>3,000</u>
5-foot Sidewalk	10	LF	<u>38</u>	<u>380</u>
Total Cost – Gertrude Brady Johnson Memorial Park:				<u>3,380</u>

Smith Collins Park

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Cost</u>
13' x 20' HC Pad	1	EA	<u>3,000</u>	<u>3,000</u>
5-foot Sidewalk	148	LF	<u>33</u>	<u>4,884</u>
Total Cost – Smith Collins Park:				<u>7,884</u>

Total Unit Price for installation of the handicap parking pad and associated sidewalk for Talton Park, Bob Wallace Jaycee Kiddie Park, Gertrude Brady Johnson Memorial Park and Smith Collins Park as described within this Request for Proposal (in words and figures).

Nineteen thousand one hundred & twenty six
and 84 DOLLARS
 AND 84 CENTS (\$ 19,126.⁰⁰)

BID EXECUTION

Joint Venture Bids must be executed by Both Parties (see below).

Respectfully Submitted:

Bidder Hollins Construction Service, Inc

By (signature) [Signature]

Title President

Address 3650 Rogers Rd

Suite 320 Wake Forest NC 27587

Telephone Number: 919-761-3937

Attest: [Signature]

N.C. License No. 69738

(Sealed - if bid is by a corporation)

3-13-19
(DATE)

IF JOINT VENTURE:

Respectfully Submitted:

Bidder _____

By (signature) _____

Title _____

Address _____

Telephone Number: _____

Attest: _____

N.C. License No. _____

(Sealed - if bid is by a corporation)

(DATE)

END DOCUMENT



Request for Town Council Action

**Consent
Agenda Item:** Resolution
Date: 04/02/2019

Subject: Proclamation
Department: Non-Departmental/ General Government
Presented by: Town Manager - Michael Scott
Presentation: Consent

Issue Statement

The Downtown Smithfield Development Corporation (DSDC) is asking that the Council approve and support the attached proclamation for the support of passage of House Bill 399 to extend the Historic Preservation Tax Credit to ensure its continued availability as a tool to spur economic recovery in traditionally blighted or underutilized areas of North Carolina

Financial Impact

\$0

Action Needed

Approve Resolution

Recommendation

Approve Resolution

Approved: Town Manager Town Attorney

Attachments:

1. Copy of Resolution
2. Copy of House Bill 399 - 2019

**TOWN OF SMITHFIELD
RESOLUTION # 637 (04-2019)
RESOLUTION IN SUPPORT OF HOUSE BILL 399 - DISASTER AREA BUILDING REHABILITATION TAX
CREDIT BONUS**

WHEREAS, the Town of Smithfield and the Downtown Smithfield Development Corporation (DSDC) along with other local and regional partners are working towards the revitalization of our downtown area to establish it as a vital economic sector of the Town for the community's benefit; and

WHEREAS, the Town of Smithfield realizes that a healthy, vibrant downtown makes all other economic development initiatives in the community easier to achieve; and

WHEREAS, the Town of Smithfield, as well as many private investors, have made significant advancements towards downtown's improvement through strategic planning and reinvestment; and

WHEREAS, the Town of Smithfield understands that it is fortunate to retain historic commercial structures that offer unique opportunities by differentiating our community from other communities and thus, we wish to preserve them when appropriate for future use and reinvestment; and

WHEREAS, the Town of Smithfield recognizes that the highest concentration of our historic structure stock is in the downtown area and this area provides more tax base value per acre than any other segment of the community; and

WHEREAS, the Town of Smithfield is interested in building upon these established investments to strengthen our tax base thus decreasing the potential of future tax increases for our citizens to maintain existing levels of service throughout the community; and

WHEREAS, the historic commercial structures play a vital role in our capabilities to entice reinvestment and create our market niche; and

WHEREAS, the rehabilitation of historic structures is challenging in terms of acquiring needed bank financing, meeting building code regulations and overcoming general risks of unknown conditions and securing private investment for blighted properties; and

WHEREAS, the Town recognizes that the North Carolina Historic Preservation Tax Credit (HPTC) program offers an often necessary financial tool that levels the private investment risks and opportunities when competing for sites outside the built area and also provides the leverage needed to meet financial gaps experienced with traditional lending institutions; and

WHEREAS, the Town of Smithfield has experienced success with meeting these historic rehabilitation challenges due to the availability of the HPTC program and has experienced more than \$4.2 million of historic investments that utilized the HPTC program; and

WHEREAS, the Town of Smithfield believes that more of this type of reinvestment can occur with the availability of the HPTC and believes the HPTC program is a worthy leveraging tool to stimulate a specific area of our economy that will support the entire community; and

THEREFORE, BE IT RESOLVED that the Town of Smithfield endorses and supports passage of House Bill 399 to extend the Historic Preservation Tax Credit to ensure its continued availability as a tool to spur economic recovery in traditionally blighted or underutilized areas of North Carolina.

Adopted this 2nd day of April, 2019.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Parrish, Town Clerk

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

H

1

HOUSE BILL 399

Short Title: Disaster Area Bldg Rehab Tax Credit Bonus. (Public)

Sponsors: Representatives Ross, Bell, Warren, and Adams (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Commerce, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

March 21, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO INCENTIVIZE THE REHABILITATION OF BUILDINGS IN DISASTER
3 AREAS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 105-129.105 reads as rewritten:

6 "Article 3L.

7 "Historic Rehabilitation Tax Credits Investment Program.

8 **"§ 105-129.105. Credit for rehabilitating income-producing historic structure.**

9 (a) Credit. – A taxpayer who is allowed a federal income tax credit under section 47 of
10 the Code for making qualified rehabilitation expenditures for a certified historic structure located
11 in this State is allowed a credit equal to the sum of the following:

12 (1) Base amount. – The percentage of qualified rehabilitation expenditures at the
13 levels provided in the table below:

14 **Expenses**

15 Over	16 Up To	17 Rate
18 0	19 \$10-\$15 million	20 15.00%
21 \$10-\$15 million	22 \$20-\$25 million	23 10.00%

24 (2) Development tier bonus. – An amount equal to five percent (5%) of qualified
25 rehabilitation expenditures not exceeding ~~twenty~~ twenty-five million dollars
26 ~~(\$20,000,000)–(\$25,000,000)~~ if the certified historic structure is located in a
27 development tier one or two area.

28 (3) Targeted investment bonus. – An amount equal to five percent (5%) of
29 qualified rehabilitation expenditures not exceeding ~~twenty~~ twenty-five million
30 dollars ~~(\$20,000,000)–(\$25,000,000)~~ if the certified historic structure is
31 located on an eligible targeted investment site.

32 (4) Disaster relief bonus. – An amount equal to five percent (5%) of qualified
33 rehabilitation expenses not exceeding twenty-five million dollars
34 (\$25,000,000) if all of the following requirements are met:

35 a. The certified historic structure is located in a disaster area.

36 b. The qualified rehabilitation expenditure is incurred no more than five
37 years after the onset of the natural disaster resulting in the area being
38 declared a disaster area.

39 ...

40 (c) Definitions. – The following definitions apply in this section:



1 ...
2 (2a) Disaster area. – Any county that is the subject of a Type II or Type III
3 gubernatorial disaster declaration, as provided in G.S. 166A-19.21, as a result
4 of a natural disaster.

5"
6 **SECTION 2.** G.S. 105-129.110 reads as rewritten:

7 "**§ 105-129.110. Sunset.**
8 This Article expires for qualified rehabilitation expenditures and rehabilitation expenses
9 incurred on or after January 1, ~~2020~~-~~2030~~. For qualified rehabilitation expenditures and
10 rehabilitation expenses incurred prior to January 1, ~~2020~~,~~2030~~, this Article expires for property
11 not placed in service by January 1, ~~2028~~-~~2038~~."

12 **SECTION 3.** Section 1 of this act is effective for taxable years beginning on or after
13 January 1, 2019. The remainder of this act is effective when it becomes law.



Request for Town Council Action

**Consent
Agenda
Item:** **Advisory
Board
Appointments**

Date: 04/02/2019

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

Issue Statement

The Town Council is asked to consider a reappointment to the Library Board of trustees and the new appointments to the Appearance Commission

Financial Impact

N/A

Action Needed

The Council is ask to consider the reappointment of Carolyn Ennis to serve on the Library Board of Trustees. The Council is also asked to consider the new appointments of Robin Cook and Brandie Davis to the Appearance Commission.

Recommendation

Staff recommends approval of these appointments.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Carolyn Ennis – Board Application
3. Robin Cook – Board Application
4. Brandie Davis – Board Application



Staff Report

Consent **Advisory**
Agenda **Board**
Item **Appointments**

Current Board vacancies are as follows:

- Appearance Commission – 3 positions
- Board of Adjustment – 1 in Town Member and 1 In Town Alternate

Board Appointments

1. Carolyn Ennis has submitted an application for consideration to be reappointed to a fifth term on the Library Board of Trustees.
2. Robin Cook has submitted an application for consideration to be appointed to a first term on the Appearance Commission.
3. Brandie Davis has submitted an application for consideration to be appointed to a first term on the Appearance Commission.



Town of Smithfield
Board, Commission, or Committee
Application

Name: Ennis Carolyn G.

Home Address: (Last) 301 Pine Street (First) Smithfield, N.C. 27577

Business Name & Address: Johnston County Public Schools P.O. Box 1336, Smithfield, NC

Telephone Numbers: 919-934-8590 (Home) (Mobile) carlyennis@johnston.k12.nc.us (Email) 27577

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: Continued progress and competent service and leadership in the public library of Johnston County and Smithfield

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

Recent Job Experiences: Educator 50+ years

Civic or Service Organization Experience: Leader and follower more than 10 local and state organizations.

Town Boards previously served on and year(s) served: Public library of Johnston County and Smithfield 30+ years

Please list any other Boards/Commissions/Committees on which you currently serve: Hospice Board Heritage Commission

Why are you interested in serving on this Board/Commission/Committee? Experience is valuable.
Commitment to Service! and to serve others!

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: Carolyn G. Ennis
Signature: Carolyn M. Ennis Date: March 4, 2019

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

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



Town of Smithfield
Board, Commission, or Committee
Application

Name: Cook Robin

Home Address: 507 S Fourth St. Smithfield NC 27577

Business Name & Address:

Telephone Numbers: 919 300 1888 (Home) 919 594 8628 (Mobile)

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: working to improve the curb appeal of Smithfield

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

Recent Job Experiences: Currently employed full-time as a Project Manager for a Clinical Research Organization.

Civic or Service Organization Experience: through my church only

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

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

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

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: Robert Cook

Signature: [Handwritten Signature] Date: 18 MAR 2019

Return completed for to:

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

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



Town of Smithfield
Board, Commission, or Committee
Application

Name: Davis Brandie L.

Home Address: 910 E Lee St Apt E (MI)

Business Name & Address:

Telephone Numbers: (Home) (910) 441-8207 (Mobile) bdaviswcc@yahoo.com (Email)

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

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

Interests & Skills: creative endeavors, gardening, renovation, literacy programs

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

Recent Job Experiences: tutor, teacher, online sales

Civic or Service Organization Experience: Goldsboro High School Beautification Committee

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

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

Why are you interested in serving on this Board/Commission/Committee? I'd like to make Smithfield a better place to live.

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: Brandie L. Davis

Signature: 

Date: 3/21/19

Return completed for to:

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

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



Request for Town Council Action

**Consent
Agenda
Item** **DSDC Board
Appointments**
Date: 04/02/2019

Subject: Appointment to the Downtown Smithfield Development Corporation's Board of Directors

Department: General Government

Presented by: Shannan Parrish

Presentation: Consent Agenda

Issue Statement

The DSDC is requesting the Town Council appoint Dr. Kathleen Coates to serve on its Board of Directors filling the vacancy created by a resignation.

Financial Impact

There will be no impact to the budget.

Action Needed

Approve the appointment

Recommendation

Staff recommends approval of this appointment

Approved: Town Manager Town Attorney (not required)

Attachments:

1. Staff Report
2. Letter from DSDC Executive Director Sarah Edwards
3. Application – Dr. Kathleen Coates



Staff Report

**Consent
Agenda
Item: DSDC Board
Appointment**

The Downtown Smithfield Development Corporation's Board of Directors would like to recommend the appointment of Dr. Kathleen Coates to serve on the DSDC Board of Directors.

Pursuant to the Downtown Smithfield Development Corporation by-laws, any appointment to the Board must be approved by the Town Council.



March 19, 2019

Mrs. Shannan Parrish
Town Clerk
Town of Smithfield
PO Box 761
Smithfield, NC 27577

Re: DSDC Board Appointments

Dear Mrs. Parrish and the Smithfield Town Council,

As stated in Paragraph 8 of the Downtown Smithfield Development Corporation bylaws:

Vacancies on Board. When a vacancy shall occur on the Board of Directors, the remaining members of the Board shall nominate and elect a person to fill the vacancy and the nominee shall become a Director upon approval by resolution of the Smithfield Town Council.

The Board of Directors of the Downtown Smithfield Development Corporation would like to recommend that Dr. Kathleen Coates be appointed to the Downtown Smithfield Development Corporation board to fill the vacancy created by Cathie Shuler's resignation.

The Downtown Smithfield Development Corporation is formally requesting approval and asks that this be placed under the consent agenda for the Town Council's April meeting.

Thank you in advance for your consideration. Please feel free to contact me if you have any questions.

Sincerely,

Sarah Edwards
Executive Director



**Downtown Smithfield Development Corporation
Board of Directors Candidate Application**

Name Kathleen Coates
Business Coates Hearing Clinic, P.A.
Business Address 1652 E. Booker Dairy Rd
Email Kate@coateshearing.com Cell Phone 330-412-4405
Business Phone 919-300-5438 Home Phone N/A
Home Address 4215 NC Hwy 210, Smithfield, NC 27577

Brief Biography

I grew up in a small town in Ohio, where we knew everyone by name, and I was actively involved in town events. I moved to bigger cities in college to graduate school but realized the value of a smaller town feel through that experience. I wanted to start serving my own town (and no longer commuting to Raleigh) so my husband (Smithfield native) and I opened my private practice in town. I have met a great deal of people in town already and I love attending and supporting all the downtown events and businesses!

Specific Qualifications for DSDC Board of Directors

Leadership - I started the Smithfield Running Club to meet new people and promote downtown businesses through social events.
Local business owner - Coates Hearing Clinic, P.A., and

Skills:

Matthew U:15 Non-Profit (marketing, organization, networking)
Networking - I have already met and made friends with a few
downtown business owners but would love the opportunity to
represent the board and promote downtown.

Committee (indicate which committee best suits your interests):



Promotions

Marketing Downtown Smithfield through events and advertising to attract customers, potential investors, new businesses, residents, and visitors.



Design & Physical Improvement

Enhancing Downtown Smithfield's physical appearance through building rehabilitation, compatible new construction, public improvements, and design management systems.



Economic Development

Strengthening Downtown Smithfield's economic base and creating new opportunities through careful analysis and appropriate mixed-use development.

List three results you would like to see the DSDC accomplish

1. Smithfield Running Club to host downtown 5K in
collaboration with DSDC (promote safe greenway trail)
(annual) and health fair
2. More downtown businesses - I would like to help
promote outdoor recreation to help recruit/attract out-fitter/retailer
as in your work plan 2018-2019.
3. More local business downtown involvement in
downtown events (concert series, etc.) by staying open later,
providing specials, set up tent w/ food/drinks/give-aways, games,
etc.)

Membership in other organizations

Organization	Dates	Activities/Leadership
Smithfield-Selma Chamber	12/2018 to present	Member
Smithfield Running Club	7/2017 to present	President, organizer
American Academy of Audiology	8/2009 to present	Membership Fellow
NC Audiology Association	8/2017 to present	Membership/Social committee
Junior Women's League Smithfield	2018 only	Member

Please submit application to:

Downtown Smithfield Development Corporation
200 S. Front Street
Smithfield, NC 27577



Staff Report

**Consent
Agenda
Item:** **New
Hire /
Vacancy
Report**

Background

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

In addition, please find the following current vacancies:

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Licensed Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200
Police Officer I	Police	10-20-5100-5100-0200
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200

Action Requested

The Town Council is asked to acknowledge that the Town has successfully filled the following vacancies in accordance with the Adopted FY 17-18 Budget.

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Police Officer I	Police	10-20-5100-5100-0200	\$16.69/hr. (\$37,318.84/yr.)
Police Officer I	Police	10-20-5100-5100-0200	\$16.85/hr. (\$37,676.60/yr.)
Police Officer I	Police	10-20-5100-5100-0200	\$16.85/hr. (\$37,676.60/yr.)
P/T Admin Specialist	General Government	10-10-4100-5100-0200	\$12.75/hr.
		30-71-7220-5100-0200	
		31-72-7230-5100-0200	
P/T Athletic Staff	P&R – Recreation	10-60-6200-5100-0210	\$10.00/hr.
P/T Athletic Staff	P&R – Recreation	10-60-6200-5100-0210	\$10.00/hr.
P/T Pool Staff	P&R – SRAC	10-60-6220-5100-0220	\$7.50/hr.
P/T General Staff	PU – Water Plant	30-71-7200-5100-0200	
P/T SRAC Instructor	P&R – SRAC	10-60-6220-5100-0230	\$15.00/hr.
P/T SRAC Instructor	P&R – SRAC	10-60-6220-5100-0230	\$15.00/hr.
P/T SRAC Staff	P&R – SRAC	10-60-6220-5100-0230	\$8.50/hr.
P/T SRAC Staff	P&R – SRAC	10-60-6220-5100-0230	\$8.50/hr.
P/T SRAC Staff	P&R – SRAC	10-60-6220-5100-0230	\$9.00/hr.

Business Items



Request for Town Council Action

Business Item: Tethering Ordinance
Date: 04/02/2019

Subject: Tethering Ordinance
Department: Police Department
Presented by: Chief R.K. Powell/Jessica Zavalla(ACO)
Presentation: Business Item

Issue Statement

The Police Department presented Council with a proposed Tethering Ordinance during the March Council meeting. The Council asked for the proposal to be left open for thirty days to allow time for citizens comments. The proposed ordinance was modified to allow dogs to be tethered during certain times of the day as long as the animal is being monitored by the owner.

Financial Impact

None

Action Needed

Council to consider the change in the ordinance.

Recommendation

Adoption of the new ordinance attached.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Draft Ordinance # 498



Staff Report

Business Item: **Ordinance Amendment**

The Police Department has been approached by several citizens over the years to consider amending the current Town Ordinance which allows animals to be tethered. The Police Department is requesting the Town Council consider changing the ordinance to no longer allow animals to be tied, chained, fastened, or otherwise tethered to any stationary or inanimate object as a means of confinement unless the owner is able to monitor the animal. The ordinance does allow for animals to be tethered during specific times and weather permitting. Animals would be in an approved enclosure.

**TOWN OF SMITHFIELD
North Carolina**

ORDINANCE # 498

**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD CODE OF ORDINANCES,
CHAPTER 4, ANIMAL AND FOWL; SECTION 67, ANIMAL ABUSE PROHIBITED**

WHEREAS, Chapter 4 of the Town of Smithfield’s Code of Ordinances outlines the regulations concerning animals and fowl within the Town; and

WHEREAS, The Chief of Police, R. Keith Powell, is requesting the Ordinance be amended to prohibit tethering of animals in the Town.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Smithfield that Chapter 4, Animals and Fowl; Section 67, Animal Abuse Prohibited is rewritten as follows:

Sec. 4-67. – Animal Abuse Prohibited

- (a) Prohibited acts. All animals shall be kept and treated under sanitary and humane conditions and it shall be unlawful for any person to engage in one (1) or more of the following acts:
- (1) Failing to provide adequate feed, water and shelter or failing to maintain the animal in a clean and healthy environment. All animals, unless otherwise indicated in this chapter, shall be given adequate feed, adequate water and adequate shelter. Examples of shelter that is not adequate include, but are not limited to the following:
 - a. Underneath houses, outdoor steps, decks or stoops, or underneath motor vehicles;
 - b. Inside metal barrels or cardboard boxes;
 - c. Shelters prone to flood;
 - d. Shelters surrounded by debris, obstructions or impediments that may endanger an animal;
 - e. Confinement of the animal in storage rooms, sheds or other buildings without windows and proper ventilation.
 - (2) Failing to keep an animal under sanitary and humane conditions which are not detrimental to the animal's health and general welfare and which maintain a condition of good order and cleanliness and reduce the possibility of transmission of disease. **Both indoor and outdoor enclosures shall receive periodic cleanings to remove excreta and other waste material, dirt and trash so as to minimize disease, hazards and to reduce odors. These periodic cleanings shall not exceed a five-day period. If, however, more than one animal is held in one enclosure, these cleanings shall not exceed two days.**
 - (3) Failing or refusing to provide adequate medical attention for any sick, diseased or injured animal.
 - (4) Engaging in animal cruelty; animal cruelty means every act, omission, or act of neglect whereby unjustifiable pain, suffering or death is caused or permitted, or attempted to be caused or permitted against animals, and includes acts or attempted acts of beating, torturing, injuring, tormenting, mutilating, teasing, molesting, baiting, or harassing animals, the trapping of animals unlawfully, and overworking or overdriving animals. This shall not include the lawful taking of animals under the jurisdiction and regulation of the wildlife resources commission, lawful activities of organizations or agencies conducting or sponsoring biomedical research or training,

lawful activities for sport, the production of livestock or poultry, or the lawful destruction of any animal.

- (5) Promoting, staging, holding, managing, conducting, carrying on or attending any game, exhibition, contest, fight or combat between one or more animals or between animals and humans, or intentionally allowing animals to engage in a fight.
- (6) Permitting any exhibit, function or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or themselves. Animal control shall have the authority to inspect and to close down public exhibits of animals including those which are part of fairs, carnivals, festivals, fundraising events, petting zoos and any other activity or function carried out in the town if it is determined that animals are being cruelly treated or run the risk of causing injury to the public or themselves.
- (7) Poisoning, or exposing a domestic animal to any known poisonous substance or mixing a poisonous substance with food, so that it will likely be eaten by an animal. This does not include attempts or acts of persons to lawfully rid their own property of mice or rats or other vermin, nor does it include other acts permitted by the North Carolina Wildlife Department.
- (8) Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck, or allowing a choke or pinch collar to be used as a primary collar on an unsupervised animal, or chaining or tethering an animal to a stationary object. ~~for a period of time or under conditions that an animal control officer deems harmful or potentially harmful to the animal.~~ Examples of harmful or potentially harmful chaining or tethering include, but are not limited to the following:
 - a. Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal. A chain or tether should not be less than ten (10) feet long. Using a chain or tether that exceeds ten (10) percent of the animal's body weight shall be deemed not appropriate and potentially harmful.
 - b. An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement:
 1. Between the hours of 10 pm and 6 am
 2. In case of extreme weather conditions, including conditions in which:
 - a. the actual or effective outdoor temperature is below 32 degrees Fahrenheit
 - b. a heat advisory has been issued by a local or state authority or jurisdiction
 - c. a hurricane, tropical storm or tornado warning has been issued for the jurisdiction by the national weather service.
 - b. ~~Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter.~~
 - c. Outdoor storage. Every person having custody of domestic animals which are kept outdoors or in an unheated enclosure shall provide such an animal or animals with the following minimum standards of shelter:
 - (i) The shelter for a dog or any species of similar size shall include a moisture proof and wind-proof structure of suitable size to accommodate the animal and allow retention of body heat and shall be made of durable material. Such structures shall be provided with a sufficient quantity of suitable bedding material, consisting of hay, straw, cedar shavings or the equivalent, to provide insulation and protection against cold and

dampness and promote retention of body heat. When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight.

(ii) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical conditioning. The animal should be able to sit, stand, turn, and lie without obstruction. Adequate space for food and water containers must be provided. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavioral patterns. Animals shall not be tied, chained, fastened, or otherwise tethered to any stationary or inanimate object as a means of confinement or restraint to property, but must be in an approved enclosure.

- (9) Carrying or causing to be carried in or upon the open area of a truck or other motor vehicle any animal that is not secured, in an animal carrier or by a harness or other device, such that the animal cannot fall, jump, or be thrown from the vehicle.
- (10) Unless otherwise permitted by law, giving away or offering any animal as a prize, premium or advertising device for or as an inducement to enter any contest, game or other competition involving skill or chance.
- (11) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability or death. If an animal is discovered in a motor vehicle under such conditions, the procedures specified in section 4-134(d) should be followed.
- (b) Exceptions. Nothing in this section shall be deemed to prohibit the humane transportation of horses, cattle, sheep, poultry or other livestock in trailers or other vehicles designed, constructed, and adequate for the size and number of animals being transported. Nothing in this section shall be construed to prohibit the town department, division, or employee designated to enforce the provisions of this chapter or veterinarians from euthanizing dangerous, unwanted, injured or diseased animals in a humane manner; nor to prohibit slaughterhouses or medical facilities from the proper, humane and lawful carrying out of their activities or duties.
- (c) Inspections. Animal control officers shall have the authority to conduct inspections of pet shops, kennels, dealers, or breeders, to the extent not preempted by state law, in order to determine if there is any abuse of animals. Pet shops, kennels, dealers, and breeders are subject to the state laws concerning rabies control abuse of animals shall include any act described in this section or any other act which is detrimental to the well-being of the animal. It shall be unlawful for any owner or employee of any pet shop or kennel or any dealers or breeders to violate this section.

This ordinance shall be effective upon adoption

Adopted by motion made by Councilman _____, seconded by
Councilman _____, and approved on a vote of ____ in favor and ____ against.

The is the _____ day of _____, 2019

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

Financial Report

the 1990s, the number of people with diabetes has increased in all industrialized countries. In the Netherlands, the prevalence of diabetes is estimated to be 6.5% in 1995, which corresponds to 1.5 million people (1).

Diabetes is a chronic disease with a high prevalence of complications. The most common complications are retinopathy, nephropathy, neuropathy, and cardiovascular disease. The prevalence of these complications is high, and the risk of complications is increased in people with diabetes who are not treated with insulin (2).

The aim of this study was to determine the prevalence of diabetes in the Netherlands in 1995. The study was part of the National Health Survey (NHS) 1995, which is a representative cross-sectional survey of the Dutch population. The NHS 1995 was conducted by the National Institute for Public Health and the Environment (RIVM) and the Dutch Ministry of Health, Welfare and Sport (VWS).

The NHS 1995 was a representative cross-sectional survey of the Dutch population. The survey was conducted in 1995 and included a questionnaire and a physical examination. The questionnaire included questions about demographic characteristics, lifestyle, and health. The physical examination included measurements of height, weight, blood pressure, and blood glucose.

The prevalence of diabetes was determined by the presence of self-reported diabetes or by a fasting blood glucose level of ≥ 126 mg/dL (7.0 mmol/L) or a hemoglobin A1c level of $\geq 6.5\%$. The prevalence of diabetes was higher in men than in women, and higher in people with a higher education level than in people with a lower education level.

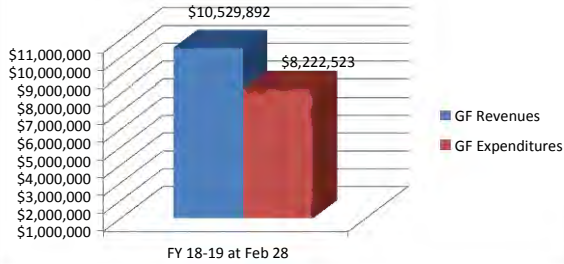
The prevalence of diabetes in the Netherlands in 1995 was 6.5%. The prevalence of diabetes was higher in men than in women, and higher in people with a higher education level than in people with a lower education level. The prevalence of diabetes was also higher in people who were overweight or obese than in people who were not overweight or obese.

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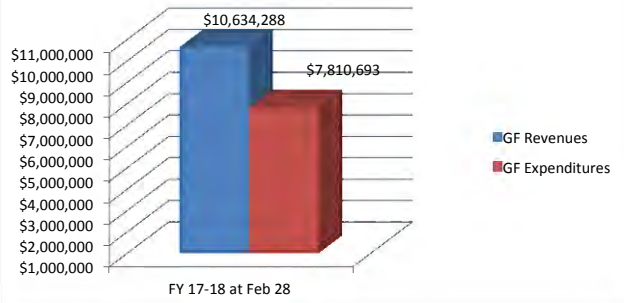
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Town of Smithfield Revenues vs. Expenditures

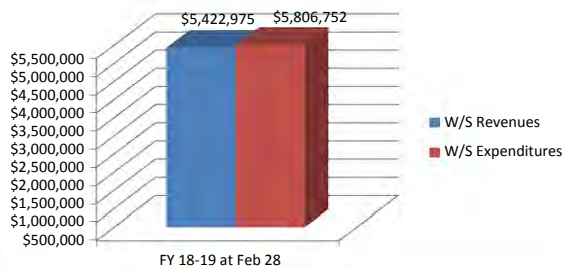
**2019 YTD GF Revenues vs.
Expenditures**



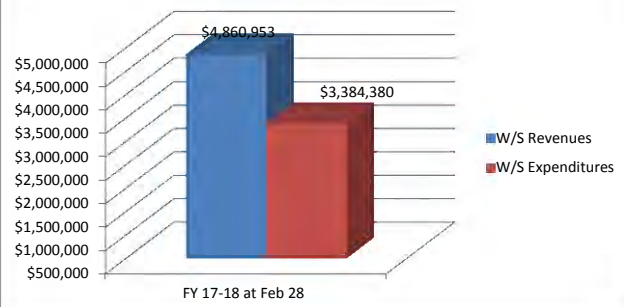
2018 GF Same Period



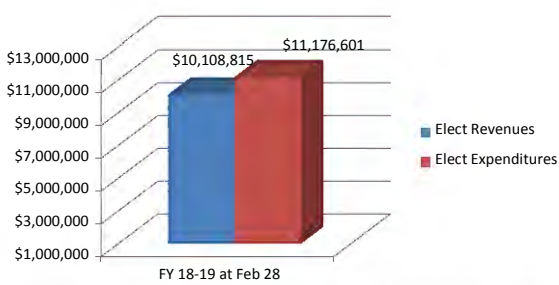
**2019 YTD W/S Revenues vs.
Expenditures**



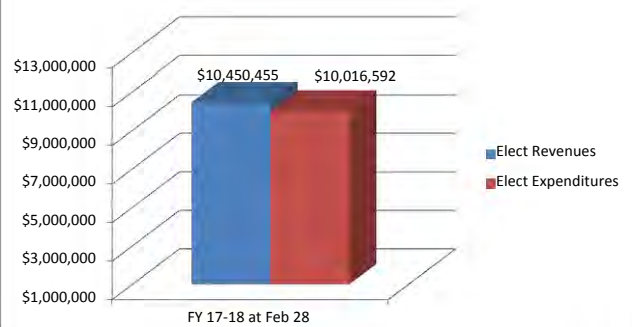
2018 W/S Same Period



**2019 YTD Electric Revenues vs.
Expenditures**



2018 Electric Same Period



TOWN OF SMITHFIELD
MAJOR FUNDS FINANCIAL SUMMARY REPORT
February 28, 2019
Gauge: 8/12 or 66.7 Percent

66.67%

GENERAL FUND

	Frequency	Actual to Date		Budget		Actual to Date		YTD %
		FY '17-18	FY '18-19	FY '18-19	FY '18-19	FY '18-19	Collected	
Revenues								
Current & Prior Year Property Taxes	Monthly	\$ 5,547,499	\$ 5,663,000	\$ 5,545,457				97.92%
Motor Vehicle Taxes	Monthly	348,906	515,000	367,382				71.34%
Utility Franchise Taxes	Quarterly	486,787	975,000	495,553				50.83%
Local Option Sales Taxes	Monthly	1,244,801	2,200,000	1,336,431				60.75%
Aquatic and Other Recreation	Monthly	487,558	877,500	443,307				50.52%
Sanitation	Monthly	798,134	1,305,500	803,998				61.59%
Grants		49,649	85,115	180,259				
All Other Revenues		1,670,954	1,239,881	1,095,891				88.39%
Loan Proceeds		-	88,500	-				0.00%
Transfers (Electric and Fire Dist.)		-	261,614	261,614				100.00%
Fund Balance Appropriated		-	1,374,837	-				0.00%
Total		\$ 10,634,288	\$ 14,585,947	\$ 10,529,892				72.19%

	Actual		Budget		Actual to Date		YTD %
	FY '17-18	FY '18-19	FY '18-19	FY '18-19	FY '18-19	Collected	
Expenditures							
General Gov.-Governing Body	\$ 247,283	\$ 488,406	\$ 272,290				55.75%
Non Departmental	538,281	840,906	546,541				64.99%
Debt Service	1,001,268	1,003,781	979,894				97.62%
Finance	59,805	105,501	62,126				58.89%
Planning	182,449	646,927	310,436				47.99%
Police	2,159,311	3,790,500	2,100,033				55.40%
Fire	1,145,955	2,106,953	1,431,403				67.94%
EMS	-	-	-				#DIV/0!
General Services/Public Works	297,103	546,914	304,034				55.59%
Streets	287,647	905,643	258,464				28.54%
Motor Pool/Garage	39,983	92,582	49,272				53.22%
Powell Bill	30,325	582,725	20,939				3.59%
Sanitation	666,729	1,116,768	708,139				63.41%
Parks and Rec	564,723	1,012,771	557,897				55.09%
SRAC	589,831	969,779	605,868				62.47%
Sarah Yard Center	-	40,600	15,187				37.41%
Contingency	-	335,191	-				0.00%
Appropriations/Contributions	-	-	-				0.00%
Total	\$ 7,810,693	\$ 14,585,947	\$ 8,222,523				56.37%

YTD Fund Balance Increase (Decrease)

- -

66.67%

WATER AND SEWER FUND

	Actual		Budget		Actual to Date		YTD %
	FY '17-18		FY '18-19		FY '18-19		Collected
Revenues							
Water Charges	\$ 1,546,195	\$	2,852,000	\$	1,637,953		57.43%
Water Sales (Wholesale)	816,275	\$	1,200,000	\$	934,325		77.86%
Sewer Charges	2,213,597		3,800,000		2,611,136		68.71%
Tap Fees	8,650		13,000		700		5.38%
All Other Revenues (Includes Grants)	276,236		599,000		90,774		15.15%
Grants			-		148,087		#DIV/0!
Loan Proceeds	-		-		-		#DIV/0!
Fund Balance Appropriated	-		626,432		-		0.00%
Total	\$ 4,860,953	\$	9,090,432	\$	5,422,975		59.66%

	Actual		Budget		Actual to Date		YTD %
	FY '17-18		FY '18-19		FY '18-19		Collected
Expenditures							
Water Plant (Less Transfers)	\$ 1,108,790	\$	1,811,936	\$	1,114,554		61.51%
Water Distribution/Sewer Coll (Less Transfers)	1,844,221		4,231,837		2,724,254		64.38%
Transfer to General Fund	-		-		-		#DIV/0!
Transfer to W/S Capital Proj. Fund	-		1,467,000		1,350,000		92.02%
Debt Service	431,369		1,382,896		617,944		44.68%
Contingency	-		196,763		-		0.00%
Total	\$ 3,384,380	\$	9,090,432	\$	5,806,752		63.88%

ELECTRIC FUND

	Actual		Budget		Actual to Date		YTD %
	FY '17-18		FY '18-19		FY '18-19		Collected
Revenues							
Electric Sales	\$ 10,142,605	\$	16,400,000	\$	9,887,072		60.29%
Penalties	255,183		320,000		94,691		29.59%
All Other Revenues	52,667		59,000		127,052		215.34%
Loan Proceeds	-		-		-		
Fund Balance Appropriated	-		120,075		-		
Total	\$ 10,450,455	\$	16,899,075	\$	10,108,815		59.82%

	Actual		Budget		Actual to Date		YTD %
	FY '17-18		FY '18-19		FY '18-19		Collected
Expenditures							
Administration/Operations	\$ 1,250,207	\$	2,195,899	\$	1,355,932		61.75%
Purchased Power - Non Demand	3,910,400		12,600,000		3,235,991		25.68%
Purchased Power - Demand	3,727,517		-		4,276,402		#DIV/0!
Purchased Power - Debt	770,784		-		770,784		#DIV/0!
Debt Service	351,278		359,972		351,278		97.58%
Capital Outlay	6,406		-		-		
Contingency	-		441,990		-		
Transfers to Electric Capital Proj Fund			1,215,000		1,100,000		
Transfer to Electric Capital Reserve			-		-		
Transfers to General Fund	-		86,214		86,214		100.00%
Total	\$ 10,016,592	\$	16,899,075	\$	11,176,601		66.14%

CASH AND INVESTMENTS

General Fund (Includes P. Bill)	12,805,870			
Water and Sewer Fund	6,720,045			
Electric Fund*	8,811,951			Interest Rate
JB George Endowment (40)	132,434			
Water Plant Expansion (43)	(286,380)			
Booker Dairy Road Fund (44)	448,851			
Capital Project Fund: Wtr/Sewer (45)	790,045	1st CITIZENS	24,414,773	0.3% (Earn
Capital Project Fund: General (46)	508,666	NCCMT	2,328,408	1.960%
Capital Project Fund: Electric (47)	1,502,031	STIFEL	-	Market
Firemen Relief Fund (50)	141,952	KS BANK	3,730,387	1.75%
Fire District Fund (51)	8,390	UNITED COMM	1,290,135	95.00%
General Capital Reserve Fund (72)	179,848	PNC BANK	-	0.00%
Total	\$31,763,703		\$ 31,763,703	

*Plug

Account Balances Confirmed By Finance Director on 3/18/2019

Department Reports

the 1990s, the number of people in the UK who are aged 65 and over has increased from 10.5 million to 13.5 million, and the number of people aged 75 and over has increased from 4.5 million to 6.5 million (Office for National Statistics 2002).

There is a growing awareness of the need to address the needs of older people, and the need to ensure that the health care system is able to meet the needs of older people. The Department of Health (2000) has set out a strategy for the health care system, which includes a commitment to improve the health care system for older people. The strategy includes a commitment to improve the health care system for older people, and to ensure that the health care system is able to meet the needs of older people.

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Smithfield Economic Development Implementation Activities JAN2019/MAR 2019

1. BRE – Follow-up visit with Mike Buzard of BDSI. At an earlier meeting, Mike cited the need for training in several safety related areas. Much of the training he noted was once provided by the NC Industrial Commission, but they no longer offer those services. A provider of the desired training was identified, and the follow-up visit centered on delivering and discussing the company's contact information and services offered. Mike was appreciative and stated that there were several courses in which he had interest.
2. Internal/External Marketing – The proposal for the design and production of a marketing booklet for the town was received from Emery Advertising. The proposal gave options for a 16- and 12-page booklet. After discussing the proposal with Ray Emery, it was decided to seek approval to move ahead with a 12-page booklet. The booklet's pages will address the town's economic development focus areas-industrial, commercial, retail, residential, as well as general information about Smithfield. It is hoped that the project can move ahead in earnest by the first of April.
3. Downtown Development/OTH – A discussion was held with Bob Spence on the Old Town Hall Property. Bob explained the status of the property, what condemnation of the property entailed, and possible next steps. There was general agreement that it would be in the best interests of all parties to have the building restored, creating a positive economic impact for the town. Several ideas were discussed, and follow-up items identified.
4. Downtown Development/Brewery Attraction – A meeting with the local restaurant owners, who have expressed a desire to establish a brewery in the old Roses' building, the building owner, Allen Wellons, the town, and the DSDC was scheduled for later in the month of March.
5. Product Development
 - a. WH Industrial Park - discussed the NC Certified Site items that would be necessary to recertify the park, located off Buffalo Road adjacent to US 70, with Aric Geda of Modulus Engineering. A new Phase I Environmental Assessment, Wetlands Identification, along with updating of the infrastructure availability letters are the only items that should be required. The 60+/- acre site can be configured to accommodate multiple buildings that could support over 500,000 square feet of space. It is our opinion that the site provides very solid economic development opportunities and the decision was made to seek approval to move forward on recertification of the property
 - b. West Smithfield Industrial Park – discussed the current zoning of the property and the process necessary to have the parcels rezoned with Stephen Wensman. Stephen was provided the PINs for all parcels within the industrial park. A letter stating this, meeting the requirements of certification, was included in the certification packet. The one missing item for full certification is a letter from the State Historical Properties Office, that is expected any day, and in plenty of time for the next meeting of the Certified Sites Steering Committee, in April.

6. Internal/External Marketing/Product Development/Downtown Development – Tim and Rocky met with Mike Scott to discuss several economic development projects including the marketing booklet proposal, the OTH, and West Smithfield and WH Industrial Parks.

SMITHFIELD STRATEGIC PLAN IMPLEMENTATION-March 25 2019

ACTIVITY		TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
Develop overall support for the Economic Development Program		Develop and increase support for the Town's economic development efforts	Smithfield-Selma Chamber of Commerce		Good contact and support established with the organization. Tim attends Chamber meetings regularly	
			Commercial Realtors		Maintaining on-going contact with realtors.	
			SEDAC		Maintaining on-going contact with SEDAC.	
			East Smithfield		Met with Tony Nixon to discuss needs, challenges, and opportunities in the community.	Received a listing of East Smithfield concerns submitted to the former town manager by the East Smithfield Improvement Organization.
			Business Community		Meeting with business community via BRE program.	Additional meetings with the business community are being scheduled via BRE activities.
Existing Business & Industry Support						
	Reestablish the Existing Industry Outreach Program					
		Develop a contact directory of Existing Industries			Initial Directory completed and will be updated regularly.	

ACTIVITY	TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
	Developing an introductory letter to be mailed by January 2017			Visitations are on-going.	Contacted several companies via phone to discuss the town's renewed emphasis on BRE.
	Schedule visitations				Met with Mike Buzard of BDSI to deliver and discuss some information about a safety training service provider.
	Determine Recognition Activities			Options discussed and being considered.	
New Business Recruitment	Attract new business investment and jobs	JCED		Met with Chris Johnson and discussed business attraction and expansion issues, including product and workforce.	
				Met with Durwood Stephenson regarding an initiative that would be of great benefit to the town, and would assist in the recruitment of other businesses.	Met with Chris Johnson to discuss needs of new locations and expansions that are coming to the county. The number one need is product-buildings. Cold Storage facilities were identified as a specific need.
Town Image/Gateways	Gateways				

ACTIVITY	TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
	Identify areas for improvement	SEDAC		Meetings to be scheduled in conjunction with Visioning/Branding and the development of the Strategic Communication Plan (SCP) to more fully discuss the issue.	Met with a developer who expressed developing a parcel located a one of Smithfield's gateways. The developer has been involved in many successful projects and what the vision he expressed for the property would greatly enhance the area and improve the aesthetics. We will follow up with the developer to identify ways that we can encourage him to make his vision a reality.
		East Smithfield - Tony Nixon		Tony Nixon of the East Smithfield Improvement organization was identified as the best person to contact re: to East Smithfield issues.	Information will be gathered on the different areas of the town, including East Smithfield, in the development of the SCP and Visioning/Branding efforts.
		Business Community			
Conduct a Visioning/Branding process		ElectriCities/ Business Community/ SEDAC/East Smithfield		Town Council agreed to move forward with the development of the Strategic Communication Plan at their 07MAR17 meeting and a draft is being prepared by ElectriCities for review.	Received a draft strategic communications plan from Michelle Vaught, VP of Marketing for ElectriCities.

ACTIVITY		TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
					A decision on what level of Visioning/Branding effort the town feels is appropriate will be made after a review of the SCP.	
Product Development		Increase the Town's product inventory	County and SEDAC		A decision on what level of Visioning/Branding effort the town feels is appropriate will be made after a review of the SCP.	
	Industrial Sites and Buildings	Increase the Town's product inventory	County and SEDAC		Contacted one of the Wellons-Howell property owners to discuss recertification. Reached out to owners of other properties identified as suitable for development as industrial sites. Searching for other suitable properties for evaluations and inclusion in the town's product inventory	Discussed the certified site items needed to recertify the WH Industrial Park with Aric Geda of Modulus Engineering. The items needed would include a new Phase I Environmental Assessment, a Wetlands Identification, and updated utility availability letters. Tim and Rocky discussed the recertification of WH with Mike Scott.

ACTIVITY	TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
				<p>The town is partnering with Johnston County Economic Development on assembling properties for an industrial park that will then be certified. Five parcels lie within the town's corporate limits. Land owners will be contacted to secure the properties for the project.</p>	
					<p>Met with Stephen Wensman to discuss the rezoning of the West Smithfield Industrial Park properties. Provided Stephen with PINs for all parcels within West Smithfield.</p>
					<p>The additional information requested by SHPO has been submitted and it is anticipated that final approval of certification of West Smithfield Industrial Park will be granted at the April Steering Committee meeting.</p>
Infrastructure Improvements					

ACTIVITY		TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
		Golden LEAF Grant	Public Works Department- Johnston County		The county has received, or will receive grant funding for economic development related projects from the Golden LEAF Foundation. One of the projects identified is the extension improvement of water/sewer lines along the U.S. 70 corridor, which will serve the new industrial park. The GL Board will approve the projects at their April meeting.	Estimates for the number of jobs that West Smithfield Industrial Park could support and the average wage of those jobs are being prepared to be included in a follow up information request from the Golden LEAF in support of the grant.
100 Downtown Redevelopment		Redevelopment of the former Town Hall			The final report on the redevelopment of the Old Town Hall by the UNC SOG graduate student class was presented on 30NOV17.	Condemnation proceedings have been initiated on the property. It is still hoped that some scenario can be developed to ensure that the facility can be rehabilitated and become a positive for the town.
	Renovation and redevelopment of Downtown properties					Spoke with Bob Spence about what condemnation of the OTH means and the current status of the proceedings.

ACTIVITY	TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
					A meeting with Allen Wellons, the town, the DSDC, and the local restaurant owners who have an expressed desire to establish a brewery/restaurant in the old Roses' building was scheduled for late March.
					Discussed the status of the brewery recruitment with Sarah Edwards and Mike Fleming. Several items were identified for follow-up
Internal/External Marketing					
197	Internal			Identify the Economic Development Program Spokesman	Met with the Chamber's Economic Development Committee to give an update on the town's economic development efforts.
				Develop a newsletter	Exploring options for newsletter.
	External			Develop Marketing Materials	The Electricities Smart Communities Grant Award was received and will be used to enhance the town's marketing materials.
	Internal/External				

ACTIVITY	TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
	Strategic Communications Plan			Received a draft strategic communications plan, social media presentation, social media content calendar, and references to additional resources for social media.	Discussed the proposal for a marketing booklet from Emery Advertising with Ray Emery. It was determined that a 12-page booklet would serve the town's needs and we will seek approval to move ahead with the project. Tim and Rocky discussed the promotional booklet with Mike Scott.
Johnston Community College					
	Identify JCC needs that can be translated into economic development activities	JCC		Follow up meeting with Dr. Johnson and Dr. McGraw to continue earlier discussion and identify other areas of collaboration.	
Incentives	Review the Town's Incentives to assess the Town's competitiveness			A list of typical incentive practices was developed for consideration of incentive proposals for current and future prospects	Tim, Mike Scott, and Rocky discussed what options may be available for the redevelopment of the OTH. Incentives the town may be willing to consider for the project, the recruitment of a brewery, and other economic development projects were discussed.
Retirement Development					

ACTIVITY		TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
Residential Development		Determine interest in advancing this initiative				
		Assess Housing Stock	Tax Office Planning Department Local Realtors		Working with the SEDAC Redevelopment Committee to explore options of increasing/enhancing the housing stock in the town limits, primarily near downtown.	Met with Sarah Edwards and Mike Fleming to revisit Mike's idea of promoting redevelopment or renovation of housing in the areas near downtown. Several communities that have had success in this area were identified and the practices and methods that they used to achieve this success will be researched.
						Tim, Stephen Wensman, and Rocky met with Brooks Moore, Construction Management Officer to discuss Smithfield Residential Development and new school construction.
Retail Development		Expanding the Retail offerings of the Town	ElectriCities-Retail Strategies		Discussions were held with a retail developer that has an interest in the town for a project.	Reviewed a social media promotion that supported retail in a nearby community. It was decided to approach the Chamber to support a similar initiative to promote retail in Smithfield. Met with the Principles of Adventure Development to discuss their plans for the redevelopment/renovations of the Pine Needles Shopping Center. We offered in support for their efforts.

ACTIVITY		TASK	PARTNER	RESOURCES NEEDED	STATUS	NOTES
						Also met with the principles of Adventure Development to discuss their interest in developing a East Market Street parcel. The asking price is too high to make the project financially feasible. Some ideas that would mitigate the cost were discussed and we will follow-up on those strategies and get back to the developers.
Public Education						Tim, Stephen Wensman, and Rocky met with Brooks Moore, Construction Management Officer to discuss Smithfield Residential Development and new school construction.
200						



FINANCE DEPARTMENTAL REPORT FOR FEBRUARY, 2019

SUMMARY OF ACTIVITIES:

Daily Collections/Property Taxes/Other	\$2,560,952
Franchise Tax.....	0
Sales & Use Tax.....	239,937
Powel Bill.....	0
Total Revenue	\$2,800,889

Expenditures: General, Water, Electric and Firemen’s Fund..... \$2,691,170

FINANCE:

- Compiled and submitted monthly retirement report on 2/28//2019
- Issued 47 purchase orders
- Processed 641 vendor invoices for payment and issued 317 accounts payable checks
- Prepared and processed 2 regular payrolls. Remitted federal and state payroll taxes on 2/8/2019 and 2/22/2019
- Issued 0 new privilege licenses (new law change in effect 7/1/2015)
- Sent 0 past due notices for delinquent privilege license
- Issued 0 peddler license
- Collected \$0 on past due privilege license fees. **NOTE:** Total collected now at \$10,789. The past due collections are the result of mailing some 287 past due notices to local businesses. Approximately 40 second notices were sent
- Sent 0 notices for grass cutting
- Collected \$0 in grass cutting invoices. Total collected to date is \$8,216
- Processed 9 NSF Checks (Utility and SRAC)
- Bad debt calendar year-to-date collections total \$11,184.10 (EMS = \$3,470.27; SRAC = \$1,117.67; Utility= \$6,596.16; and Other = \$0).
- Invoiced 4 grave opening for a total of \$2,800.
- Invoiced Smithfield Housing Authority, Johnston Community College, Johnston County Schools and Neuse Charter School for Police Security
- Earned \$4,853.78 in interest from FCB and paid 0 in fees on the central depository account
- Paid \$3,305.63 to PNC Bank for credit/debit card fees

FINANCE DIRECTOR

- Attended Town Council Meeting on February 5, 2019
- Responded to auditors questions Feb 5-7, 2019
- Completed System for Award Management (SAM) renewal on February 20, 2019
- Held conference call with Phillip Anderson of LGC regarding approval process for Hurricane Matthew acquisitions and elevations loan
- Completed First Citizens Bank loan documents for 88K rolling stock loan on February 20, 2019
- Completed AFIR water/sewer data for John O’Keefe of TPSA on February 21, 2019
- Provided water/sewer data to Wooten and Wooten on Feb. 21, 2019
- Requested one-time principal payment check of \$500,000 for BBT’s Booker Diary Loan
- Attended ElectriCities Connections Summit on February 23, 2019
- Attended Department Head Meetings on Feb. 5 and 19, 2019



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 - 2019

February

Town Council

Zoning Map Ammendments	2
Special Use Permit	1
Zoning Ordinance Amendments	2
Major Subdivisions	0
Annexations	0
Special Events	1
Site Plan	0

Planning Board

Zoning Map Amendments	2
Zoning Ordinance Ammendments	3
Major Subdivisions	0

Board of Adjustment

Variance	0
Admin Appeal	0

Historic Properties Commission

Certificate of Appropriateness	0
Historic Landmarks	0



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Permit Issued for February 2019

			Permit Fees	Permits Issued
Site Plan	Major Site Plan		100.00	1
Site Plan	Minor Site Plan		\$100.00	1
Zoning	Land Use		\$700.00	7
Zoning	Sign		\$300.00	6
Total:			\$1,200.00	15
Fiscal YTD Total:			\$12,525.00	163
Z19-000022	Zoning	Land Use	Bangin Bites	320 Stencil Street
SP19-000010	Site Plan	Major Site Plan	College Plaza / Retail Shopping Center	1547 East Market Highway
Z19-000023	Zoning	Sign	Law Office of Glenn Gray	527 South Brightleaf Boulevard
Z19-000024	Zoning	Sign	Billboard Sign Reconstruction	2241 Wal-Pat Road
Z19-000026	Zoning	Sign	Clayton General Store	1025 Outlet Center Dr Ste 270
Z19-000025	Zoning	Land Use	Wellness Center	129 North Third Street
Z19-000027	Zoning	Land Use	Tobacco Warehouse	2816 South Brightleaf Boulevard
Z19-000028	Zoning	Land Use	Stan B Treatment Services, Inc.	104 Computer Drive
SP19-000011	Site Plan	Minor Site Plan	Cox Auto Repair Buildings	568 West MARKET Street
Z19-000029	Zoning	Land Use	Absolute Driven Performance, LLC	953 North Brightleaf Boulevard
Z19-000030	Zoning	Sign	Twisted Sister Restaurant & Bar	709 South Third Street
Z19-000031	Zoning	Sign	Compare Foods	826 South Third Street
Z19-000032	Zoning	Land Use	True Barber Shop	208 Bridge Street Suite 2
Z18-000173	Zoning	Land Use	Kaotic Kreations	107 North Fourth Street
Z19-000033	Zoning	Sign	Venero's Pizzeria Restaurant	519 Outlet Center Drive



**TOWN OF SMITHFIELD
POLICE DEPARTMENT
MONTHLY REPORT
MONTH ENDING Feb. 28, 2019**

I. STATISTICAL SECTION

Month Ending Feb. 28, 2019	Feb 19	Feb 18	Total 2019	Total 2018	YTD Difference
Calls For Service	1424	1700	3132	3526	-400
Incident Reports Completed	132	138	248	279	-31
Cases Closed	94	93	175	191	-16
Accident Reports	71	53	149	130	19
Arrest Reports	88	96	162	200	-38
Burglaries Reported	5	2	14	11	3
Drug Charges	25	28	50	60	-10
DWI Charges	8	8	15	11	4
Citations Issued	163	170	356	382	-26
Speeding	38	46	77	98	-21
No Operator License	30	31	85	76	9
Registration Violations	19	34	49	65	-16

II. PERSONNEL UPDATE

The police department is currently short 3 positions at this time. Officer Adams has been rehired and four other officers are starting field training. Three of the new hires have previous law enforcement experience.

III. MISCELLANEOUS

Mandatory in-service training was continued in February. Most of the agency's training is being done on line. The Police Department continues to be very busy with community projects. The agency has recently just finished an internship with a student from Meredith College and several more are scheduled with other colleges.

REPORTED UCR OFFENSES FOR THE MONTH OF FEBRUARY 2019

PART I CRIMES	February	February	+/-	Percent	Year-To-Date		+/-	Percent
	2018	2019		Changed	2018	2019		Changed
MURDER	0	0	0	N.C.	0	0	0	N.C.
RAPE	0	0	0	N.C.	0	0	0	N.C.
ROBBERY	2	1	-1	-50%	4	1	-3	-75%
Commercial	0	1	1	N.C.	1	1	0	0%
Individual	2	0	-2	-100%	3	0	-3	-100%
ASSAULT	1	11	10	1000%	6	18	12	200%
* VIOLENT *	3	12	9	300%	10	19	9	90%
BURGLARY	2	5	3	150%	11	12	1	9%
Residential	1	4	3	300%	6	10	4	67%
Non-Resident.	1	1	0	0%	5	2	-3	-60%
LARCENY	35	14	-21	-60%	74	36	-38	-51%
AUTO THEFT	0	0	0	N.C.	1	0	-1	-100%
ARSON	0	0	0	N.C.	0	0	0	N.C.
* PROPERTY *	37	19	-18	-49%	86	48	-38	-44%
PART I TOTAL:	40	31	-9	-23%	96	67	-29	-30%
PART II CRIMES								
Drug	35	17	-18	-51%	62	41	-21	-34%
Assault Simple	12	7	-5	-42%	22	12	-10	-45%
Forgery/Counterfeit	3	3	0	0%	8	7	-1	-13%
Fraud	3	0	-3	-100%	9	4	-5	-56%
Embezzlement	0	1	1	N.C.	0	1	1	N.C.
Stolen Property	2	0	-2	-100%	4	1	-3	-75%
Vandalism	3	4	1	33%	5	6	1	20%
Weapons	0	1	1	N.C.	4	1	-3	-75%
Prostitution	0	0	0	N.C.	0	0	0	N.C.
All Other Sex Offens	0	0	0	N.C.	0	0	0	N.C.
Gambling	0	0	0	N.C.	0	0	0	N.C.
Offn Agnst Faml/Chld	1	2	1	100%	1	2	1	100%
D. W. I.	8	10	2	25%	10	17	7	70%
Liquor Law Violation	0	4	4	N.C.	1	4	3	300%
Disorderly Conduct	0	0	0	N.C.	0	0	0	N.C.
Obscenity	0	0	0	N.C.	1	0	-1	-100%
Kidnap	0	0	0	N.C.	0	1	1	N.C.
All Other Offenses	7	33	26	371%	12	59	47	392%
PART II TOTAL:	74	82	8	11%	139	156	17	12%
=====								
GRAND TOTAL:	114	113	-1	-1%	235	223	-12	-5%

N.C. = Not Calculable



**Town of Smithfield
Fire Department
February, 2019**

I. Statistical Section

Responded to	2019 Feb	Feb IN	Feb OUT	2018 Feb	2019 IN	2019 OUT	2019 YTD	2018 YTD
Total Structure Fires Dispatched	10	6	4	9	11	14	25	27
Confirmed Structure Fires (Our District)	2	2	0	1	6	0	6	8
Confirmed Structure Fires (Other Districts)	3	0	0	0	0	0	7	1
EMS/Rescue Calls	111	103	8	166	219	13	232	301
Vehicle Fires	0	0	0	2	0	1	1	5
Motor Vehicle Accidents	18	17	1	14	36	1	37	31
Fire Alarms (Actual)	8	8	0	7	15	0	15	24
Fire Alarms (False)	9	9	0	10	16	1	17	23
Misc./Other Calls	29	26	3	14	46	4	50	39
Mutual Aid (Received)	6	0	0	1	0	0	11	12
Mutual Aid (Given)	4	0	0	9	0	0	14	16
Overlapping Calls (Calls at the same time)	36	0	0	32	0	0	73	65
TOTAL EMERGENCY RESPONSES	180	168	12	222	341	24	365	450

* Denotes the breakdown of calls, these are not calculated into the totals *
IN/OUT denotes in and out of the Town, not outside the fire district. When we respond to another fire district (Mutual Aid), which is outside of our total fire district boundaries that is reported in (**Other Districts**).

	Feb	YTD
Fire Inspections/Compliance Inspections	19	84
Public Fire Education Programs	1	2
Children in Attendance	0	279
Adults in Attendance	12	34
Plans Review Construction/Renovation Projects	5	12
Fire Code Citations	1	1
Fire Lane Citations	0	0
Consultation/Walk Through	1	7
Re-Inspections	8	22

II. Major Revenues

	Feb	YTD
Inspections	\$1,575.00	\$3,025.00
False Alarms	\$525.00	\$625.00
Fire Recovery USA	\$792.00	\$792.00
EMS Debt Setoff	\$0.00	\$0.00

Major Expenses for the Month:

III. Personnel Update:

- Volunteer Fire Captain, Chris Hicks was recognized by the Rotary Club of Johnston County for being “Firefighter of the Year”.

IV. Narrative of monthly departmental activities:

- We participated in a Fire prevention/Training program in the month of February:
 - West Smithfield Elementary- Fire Extinguisher training for the staff

**Town of Smithfield
Public Works Department
Feb. 28, 2019**



159 Total Work Orders completed by the Public Works Department

5 Burials, at \$700.00 each = \$3,500.00

0 Cremation Burial, \$400.00 each = \$0

1 Sunset Cemetery Lot Sales = \$4,000.00

\$0 Riverside Extension Cemetery Lot Sales

347.50 tons of household waste collected

120 tons of yard waste collected

1.75 tons of recycling collected

Town of Smithfield
Public Works Appearance Division
Cemetery, Landscapes, and Grounds Maintenance
Buildings, Facilities, and Sign Division
Monthly Report
Feb. 28, 2019



I. Statistical Section

5 Burials

5 Works Orders – Buildings & Facilities Division

7 Work Orders – Grounds Division

60 Work Orders – Sign Division

II. Major Revenues

Sunset Cemetery Lot Sales: \$ 4,000.00

Riverside Ext Cemetery Lot Sales: \$ 0.00

Grave Opening Fees: \$ 3,500.00

Total Revenue: \$ 7,500.00

III. Major Expenses for the Month:

Paid \$671.66 American Tires Distributers, for a Set of tires.

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The overall duties include daily maintenance on cemeteries, landscapes, right-of-ways, buildings and facilities. The Public Works Department safety meeting was on "Confined Spaces", with Jaime Pearce, Corporate Health Consultant - Wellness Works of Johnston Health. 3 estimates for roof repairs for Mausoleum at Sunset Memorial.

3 estimates for black chain link fence for Public Works recycling front gate.

**Town of Smithfield
Public Works Drainage/Street Division
Monthly Report
Feb. 28, 2019**



I. Statistical Section

- a. All catch basins in problem areas were cleaned on a weekly basis
- b. 3 Work Orders – 16.86 Tons of Asphalt was placed in 3x152 utility cut.
- c. 4 Work Orders - 200 Linear Feet of ditches were cleaned
- d. 1 Work Order - 20 Linear Feet of lines blew out and cleaned
- e. 54 Work Orders – 2550 lbs. of Cold Patch was used for 104 Potholes.

II. Major Revenues

None for the month

III. Major Expenses for the Month:

Paid \$3,444.02 to Carolina tractor and equipment / Southern Vac. for 1 pallet of sweeper brooms for sweeper. Paid \$660.00 to Quality Equipment LLC for cutting guide arm, water tank kit and \$990.00 for a STIHL TS 420 14 inch CutQuick saw. Paid \$1,675.00 to Road Safe Traffic Systems for 36" Traffic cones. Paid \$526.60 to Stone Truck Parts for power steering gear box for truck #405.

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The Public Works Department safety meeting was on "Confined Spaces", with Jaime Pearce, Corporate Health Consultant - Wellness Works of Johnston Health. 2019 Ford Crew Cab F250 has been ordered.

**Town of Smithfield
Public Works Department
Feb. 2019 Drainage Report**

Location: 1109, 1025, and 1051 Outlet Center Dr., 907 Venture Dr., 303 McCullers St., 1202 First St., Vermont and Turlington St., 110 Riverside Dr., Brogden Rd. and 5th, 5th and Lee, 3rd and Rose St., Woodsdale Dr. & Bookerdairy Rd., Berkshire Rd. & Edgerton St., 735 Equity Dr., 255 Equity Dr., 150 Equity Dr., 26 Peedin Rd., 108 Dail St., Midway St. 2nd Second Ave, 810-A Third Ave., East St. & South Ave., Maple & Cherry St., 869 Berkshire Rd., North St. & Eight St., 10th St. & North St., 9th & Hancock Street , Caswell St. & 7th St., Vermont St. & Langdon Ave., Wilson St. & Bright Leaf Blvd., Chestnut St. & Hood St., Hazelwood Ct. & Woodsale Dr., 51 Brookwood Dr., 13 Eden Dr., 8 Sherwood Ct., Sunset Cemetery, 601 N. 7th St., 5th St. & Crump St., Berkshire Rd. & Hospital Rd., 231 Hospital Rd., 42 Peedin Rd., 32 Peedin Rd., 46 Peedin Rd., North St. & Buffalo Rd., 114 Henley Pl., 1109 Outlet Ctr. Dr., 1051 Outlet Ctr. Dr., 911 Outlet Ctr. Dr., Martin Luther King Jr. Dr. & Furlong Dr., 13 N. & Sussex Dr., 7 N. Sussex Dr., 230 N. Equity Dr., 250 N. Equity Dr., 275 N. Equity Dr., 735 N. Equity Dr., Third & Johnson St.

Starting Date: 2/1/2019
Completion Date: 2/28/2019
Description: Repair potholes with Perma Patch asphalt
Man-hours: 11.67
Equipment: Truck #401 and Pickups hand tools
Materials: 42.25 Bags of Perma Patch asphalt

Location: 4th St. at Spring Branch
Starting Date: 2/4/2019
Completion Date: 2/4/2019
Description: Clean out culvert
Man-hours: 1 hrs.
Equipment: 401 Truck
Materials: hand tools

Location: 311 Shady Lane.
Starting Date: 2/4/2019
Completion Date: 2/4/2019
Description: Jet clean out 50ft. of ditch
Man-hours: 2 hrs.
Equipment: 403 Jet Truck, 401 Truck, and Unit 411 backhoe
Materials: none

Location: 109 Campbell St.
Starting Date: 2/5/2019
Completion Date: 2/5/2019
Description: Standing Water, Clean out 10ft. of ditch
Man-hours: .83 hrs.
Equipment: 401 Truck, Unit 411 Backhoe
Materials: none

Location: Behind Zaxby's
Starting Date: 2/6/2019
Completion Date: 2/7/2019
Description: Hauled 3 loads of Debris to Spain Farm Nursery and backfilled low areas
Man-hours: 12 hrs.
Equipment: 408 Flat bed and Unit 411 Backhoe
Materials: Two loads of dirt

Location: 406 Laurel Dr.
Starting Date: 2/6/2019
Completion Date: 2/6/2019
Description: Blew out 20 ft. of drive way pipe
Man-hours: 1.5 Man hrs.
Equipment: Water & Sewer Jet truck & 401 Truck
Materials: none

Location: 1213 Walnut St.
Starting Date: 2/13/2019
Completion Date: 2/13/2019
Description: Cut out 3' x 152' bad area in the asphalt that dropped below curb
Man-hours: 35 hrs.
Equipment: 402 Truck, 405 Dump Truck, 408 Flat bed and Unit # 411 backhoe
Materials: 16.86 tons of Asphalt

Location: Martin Luther King Jr. Dr.
Starting Date: 2/18/2019
Completion Date: 2/18/2019
Description: Busted up beaver dam in 24 inch drain pipe opening
Man-hours: 2 Man hrs.
Equipment: Unit 411 Backhoe
Materials: none

Location: Caswell St. between 6th & 7th St
Starting Date: 2/19/2019
Completion Date: 2/19/2019
Description: Clean Out 60ft. of stopped up ditch
Man-hours: 1 hrs.
Equipment: 408 Dump truck and Unit 411 Backhoe
Materials: none

Location: 314, 316, 318 Pace St.
Starting Date: 2/19/2019
Completion Date: 2/19/2019
Description: Clean out leaves out of the ditch.
Man-hours: 2 hrs.
Equipment: 401 Truck and 905 Truck
Materials: Blower and Rakes

Location: First St. from Heath Ave. to Langdon Ave., First St. from Heath Ave. to Crestview, Gaston St., First St. from Langdon Ave. to Caroline Ave., Crescent from Caroline Ave. to Underwood Ave.
Starting Date: 2/20/2019
Completion Date: 2/21/2019
Description: Rework dirt streets. Put rock to fill in low areas.
Man-hours: 14.50 Man hrs.
Equipment: 405 Truck
Materials: 71.39 Tons of 57 Stone

Location: 305 Wilson St.
Starting Date: 2/25/2019
Completion Date: 2/25/2019
Description: Sink hole
Man-hours: .67 Man hrs.
Equipment: 401 Truck
Materials: 80Lb. bag of concrete and one bucket of topsoil

Location: 412 Durham St.
Starting Date: 2/17/2019
Completion Date: 2/17/2019
Description: Rework and drag the path to the dead end of the street.
Man-hours: 3 Man hrs.
Equipment: 405 Dump Truck, 401 Truck
Materials: 14.52 Tons of 57 Stone

Location: 508 Caswell St.
Starting Date: 3/1/2019
Completion Date: 2/28/2019
Description: Clean out 80ft of the ditch.
Man-hours: 3 Man hrs.
Equipment: 408 Dump Truck., Unit 410/420 backhoe
Materials: none

**Town of Smithfield
Public Works Fleet Maintenance Division
Monthly Report
Feb. 28, 2019**



I. Statistical Section

8 Preventive Maintenances

0 North Carolina Inspections

23 Work Orders

II. Major Revenues

None for the month

III. Major Expenses for the Month:

None for the month

IV. Personnel Update:

None for the month.

V. Narrative of monthly departmental activities:

The shop employee performed preventive maintenances on all Town owned generators. The Public Works Department safety meeting was on "Confined Spaces", with Jaime Pearce, Corporate Health Consultant - Wellness Works of Johnston Health.

Town of Smithfield
Public Works Sanitation Division
Monthly Report
Feb. 28, 2019



I. Statistical Section

The Division collected from approximately 4100 homes, 4 times during the month

- a. Sanitation forces completed 33 work orders
- b. Sanitation forces collected tons 347.50 of household waste
- c. Sanitation forces disposed of 60 loads of yard waste and debris at Spain Farms Nursery
- d. Recycled 0 tons of clean wood waste (pallets) at Convenient Site Center
- e. Town's forces collected 0 tons of construction debris (C&D)
- f. Town disposed of 0 scrap tires that was collected at Convenient Site Center
- g. Recycling forces collected 0 tons of recyclable plastic
- h. Recycled 0 lbs. of cardboard material from the Convenient Site Center
- i. A total of 0 gals of cooking oil were collected at the Convenient Site Center
- j. Recycled 1900 lbs. of plastics & glass (co-mingle) from the Convenient Site Center

II. Major Revenues

- a. Received \$1500 from Sonoco Products for cardboard material
- b. Sold 0 lbs. of aluminum cans \$0
- c. Sold 1640 lbs. of shredder steel for \$0 to Omni Source

III. Major Expenses for the Month:

Spain Farms Nursery was paid \$2508.00 for disposal of yard waste and debris. Paid \$1,000.00 to Cope Equipment. Co. for Labor and service charge. Paid \$1,848.00 to Sampson blades oil Co. Inc. for Hydraulic Fluid for sanitation vehicles. Paid Smithfield Diesel repair \$4,497.92 for EGR Cooler, hose gasket, sensor truck 311#.

IV. Personnel Update:

Abraham Pomales Jr. was hired 2/18/2019 as a Sanitation Equipment Operator

V. Narrative of monthly departmental activities:

The department worked closely with Parks & Recreation providing traffic control devices and event containers for special events held at the SRAC. The Public Works Department safety meeting was on "Confined Spaces", with Jaime Pearce, Corporate Health. MLK Parade set out cones and Cans 2/16/2019. Safety training 2/13/2019 Consultant - Wellness Works of Johnston Health. 1Temp. Labor Mitchell's Temporary. Community Service Workers worked 5 hrs.



PARKS AND RECREATION

MONTHLY REPORT FOR FEBRUARY, 2019

PROGRAMS STATISTICS

NUMBER OF PROGRAMS	10	9
TOTAL ATHLETICS PARTICIPANTS	238	370
TOTAL NON/ATHLETIC PARTICIPANTS	373	352
SARAH YARD COMMUNITY CENTER	243	
NUMBER OF GAMES PLAYED	76	56
TOTAL NUMBER OF PLAYERS (GAMES)	1,520	1,480
NUMBER OF PRACTICES	85	65
TOTAL NUMBER OF PLAYER(S) PRACTICES	890	650

	FEBRUARY, 2019	18/19 FY YTD	FEBRUARY, 2018	17/18 FY YTD
PARKS RENTALS	61	267	18	138
USERS (PARKS RENTALS)	887	10,530	264	13,278
TOTAL UNIQUE CONTACTS	3,913		2,746	

FINANCIAL STATISTICS

	FEBRUARY, 2019	18/19 FY YTD	FEBRUARY, 2018	17/18 FY YTD
PARKS AND RECREATION REVENUES	\$ 7,939.00	\$ 41,040.00	\$ 6,482.10	\$ 57,592.30
PARKS AND RECREATION EXPENDITURES (OPERATIONS)	\$ 48,645.00	\$ 461,891.00	\$ 30,800.24	\$ 432,261.00
PARKS AND RECREATION EXPENDITURE (CAPITAL OUTLAY EQUIP)	\$ 511.00	\$ 73,714.00	\$ 76,159.32	\$ 132,461.55
SARAH YARD COMMUNITY CENTER	\$ 1,701.00	\$ 15,186.00		

HIGHLIGHTS

YOUTH BASKETBALL PROGRAMS (7 AGE GROUPS)
 HOSTED THE ANNUAL DADDY DAUGHTER DANCE
 HOSTED THE 8TH ANNUAL HIGH SCHOOL SCRIMMAGES FOR MIRACLE LEAGUES



**SMITHFIELD RECREATION
AND AQUATICS CENTER**

SRAC MONTHLY REPORT FOR FEBRUARY, 2019

PROGRAMS STATISTICS

NUMBER OF PROGRAMS	24	24
TOTAL CONTACT WITH PROGRAM PARTICIPANTS	3099	2261

	FEBRUARY, 2019	18/19 FY YTD	FEBRUARY, 2018	17/18 FY YTD
SRAC MEMBER VISITS	3758	38470	4815	39527
DAY PASSES	561	5817	487	5743
RENTALS (SRAC)	65	416	38	389
USERS (SRAC RENTALS)	2716	26482	992	24518
TOTAL UNIQUE CONTACTS	9,573	95,387	8,068	85,814

FINANCIAL STATISTICS

	FEBRUARY, 2019	18/19 FY YTD	FEBRUARY, 2018	17/18 FY YTD
SRAC REVENUES	\$ 42,028.00	\$ 402,266.00	\$ 50,657.90	\$ 428,561.00
SRAC EXPENDITURES	\$ 58,626.00	\$ 605,868.00	\$ 79,723.35	\$ 589,831.31
SRAC MEMBERSHIPS	1884			

HIGHLIGHTS

CONDUCTED LIFE GUARD TRAINING CLASSES
 ALLIGATOR STEPS PROGRAM TOPPED 1200 ATTENDEES
 HOSTED 5 JONSTON COMMUNITY COLLEGE BASKETBALL GAMES



- **Statistical Section**

- Electric CP Demand 24,078 Kw relative to January's demand of 25,834 Kw.
- Electric System Reliability for was 99.999%, with two (2) recorded outage; relative to January's 99.998%.
- Raw water treated on a daily average was 3.503 MG relative to 3.460 MG for January; with maximum demand of 4.000 MG relative to January's 3.958 MG.
- Total finished water to the system was 92.499 MG relative to January's 102.451 MG. Average daily for the month was 2.984 MG relative to January's 3.305 MG. Daily maximum was 3.537 MG (February 12th) relative to January's 3.606 MG. Daily minimum was 2.768 (February 27th), relative to January's 2.914 MG.

- **Miscellaneous Revenues**

- Water sales were \$235,424 relative to January's \$210,787
- Sewer sales were \$347,433 relative to January's \$345,519
- Electrical sales were \$1,359,353 relative to January's sales of \$1,307,931
- Johnston County Water purchases were \$115,250 for 57.625 MG relative to January's \$131,640 for 65.820 MG.

- **Major Expenses for the Month**

- Electricity purchases were \$965,769 relative to January's \$1,070,351.
- Johnston County sewer charge was \$272,666 for 81.096 MG relative to January's \$288,813 for 86.131 MG.

- **Personnel Changes –**

- Wyatt Johnson began employment as a Utility Line Mechanic on February 4
-



**Town of Smithfield
Electric Department
Monthly Report
February, 2019**

I. Statistical Section

- Street Lights repaired -21
- Area Lights repaired -11
- Service calls - 38
- Underground Electric Locates -129
- Poles changed out, installed or removed-1
- Underground Services Installed/Repaired -0

II. Major Revenues

- N/A

III. Major Expenses for the Month:

- N/A

IV. Personnel Update:

- Utility Dept. had 2 Safety meetings, Flagger Training & Driver Safety.

V. Miscellaneous Activities:

- Continuing conversion work on the south side of Town. (Holding St. to Wellons St.)
- Directional Boring Crew has finished bores for upgrading primary lines to 25kv for conversion in the area of Baker, Rosewood, Cedarwood Streets.
- Started installing new service at 200 Kellie Dr. Assisted Living Facility.



WATER & SEWER FEBRUARY 2019 MONTHLY REPORT

● DISCONNECT WATER	6
● RECONNECT WATER	0
● TEST METER	2
● TEMPORARY METER SET	0
● DISCOLORED WATER CALLS	2
● LOW PRESSURE CALLS	6
● NEW/RENEW SERVICE INSTALLS	0
● LEAK DETECTION	12
● METER CHECKS	25
● METER REPAIRS	10
● WATER MAIN/SERVICE REPAIRS	8
● STREET CUTS	4
● REPLACE EXISTING METERS	11
● INSTALL NEW METERS	5
● FIRE HYDRANTS REPAIRED	1
● FIRE HYDRANTS REPLACED	1
● SEWER REPAIRS	18
● CLEANOUTS INSTALLED	8
● INSPECTIONS	10
● SEWER MAIN CLEANED	4509LF

- SERVICE LATERALS CLEANED 655LF
- SERVICE CALLS 119
- LOCATES 155

- SERVICE AND MAINTAINED ALL 18 LIFT STATIONS 2 TIMES PER WEEK
- INSPECTED ALL AERIAL SEWERS ONE TIME
- INSPECTED HIGH PRIORITY MANHOLES WEEKLY

MAJOR EXPENSES FOR THE MONTH OF FEBRUARY

- McClung's finished installing the cabinet at SLS #1.
- McClung's finished SLS #2.
- McClung's finished SLS #9. We install new 6" check valve and uniflange pump #1 outlet. We also had to replace inner pump workings on pump #2.
- McClung's finished installing the cabinet at SLS #1.

PERSONNEL UPDATES

UPCOMING PROJECTS FOR THE MONTH OF MARCH

- Braswell will be continuing to work on Kellie Dr. water and sewer installation.
- JF Wilkerson is continuing the 16" water main extension on Durwood Stephenson, they should be finishing this month.
- McClung's has started installing the cabinet at SLS #6.
- Corbett will be starting the upgrades at SLS #5 on 3/11/19.



MONTHLY WATER LOSS REPORT

FEBRUARY, 2019

(2) Meters with slow washer leaks

3/4" line, 1/16" hole, 2 months (could not find)

¾" Line, Full Flow – 1hrs

(3)1" Line, 1/8" hole – 1hr

2" Line, 1/16" hole – 3day

6" Line, 1/4" hole – 4days

Fire Hydrant slow drip

Smithfield Water Plant
Distribution Sampling Site Plan

Hydrant Flushing

Street Name	Date	Chlorine	Time	Gallons	Psi	Street Name	Date	Chlorine	Time	Gallons	PSI
Stephson Drive	02/11/19	2.4	15	7965	10	North Street	02/12/19	3.2	15	17820	40
Computer Drive	02/11/19	3.4	15	31860	10	West Street	02/12/19	3.4	15	78030	50
Castle Drive	02/11/19	2.6	15	7965	10	Regency Drive	02/11/19	3	15	63720	60
Parkway Drive	02/11/19	3.4	15	63720	40	Randers Court	02/11/19	3.4	15	15930	40
Garner Drive	02/11/19	2.6	15	63723	40	Noble Street	02/11/19	3.2	15	15930	40
Hwy 210 LIFT ST.	02/11/19	2.6	15	15930	40	Fieldale Dr#1(L)	02/11/19	3.2	15	63720	40
Skyland Drive	02/11/19	3.2	15	7965	10	Fieldale Dr#2(R)	02/11/19	3.2	15	63720	40
Bradford Street	02/11/19	3.2	15	15930	10	Heather Court	02/11/19	3.4	15	15930	40
Kellie Drive	02/11/19	3.2	15	7965	10	Reeding Place	02/11/19	3.4	15	15930	40
Edgewater	02/11/19	2.8	15	7965	10	East Street	02/12/19	3.4	15	63720	40
Edgecombe	02/11/19	2.4	15	15930	40	Smith Street	02/12/19	3.2	15	63720	40
Valley Wood	02/11/19	3.2	15	63720	40	Wellons Street	02/12/19	1.6	15	63720	40
Creek Wood	02/11/19	3.2	15	63720	40	Kay Drive	02/11/19	3.2	15	38985	15
White Oak Drive	02/11/19	3.4	15	7965	10	Huntington Place	02/11/19	1.2	15	38985	15
Brookwood Drive	02/11/19	2.4	15	22515	5	N. Lakeside Drive	02/11/19	1.4	15	9750	15
Runnymede Place	02/11/19	2.6	15	31860	10	Cypress Point	02/11/19	1.4	15	34890	12
Nottingham Place	02/11/19	2.8	15	38985	10	Quail Run	02/11/19	1.6	15	8715	12
Heritage Drive	02/11/19	2.6	15	38985	10	British Court	02/11/19	1.2	15	8715	12
Noble Plaza #1	02/12/19	2.8	15	9750	10	Tyler Street	02/11/19	1.2	15	78030	60
Noble Plaza #2	02/12/19	2.8	15	9750	10	Yelverton Road	02/11/19	1.6	15	63720	40
Pinecrest Street	02/12/19	2.6	15	19500	10	Ava Gardner	02/11/19	3	15	63720	40
S. Sussex Drive	02/12/19	3.2	15	31860	10	Waddell Drive	02/11/19	3.4	15	7965	10
Elm Drive	02/12/19	2.6	15	9750	10	Henly Place	02/06/19	3.4	15	8715	12
						Birch Street	02/06/19	3.2	15	34890	12
Coor Farm Supply	02/12/19	3.4	15	7965	10	Pine Street	02/06/19	3.4	15	38985	15
Old Goldsboro Rd.	02/12/19	3.4	15	7965	10	Oak Drive	02/06/19	3.4	15	37695	14
Hillcrest Drive	02/12/19	3.2	15	31860	10	Cedar Drive	02/06/19	3.2	15	31860	10
Eason Street	02/11/19	3.4	15	38985	40	Aspen Drive	02/06/19	3.2	15	34890	12
Magnolia circle	02/11/19	1.6	15	78030	40	Furlonge Street	02/06/19	3.4	15	34890	12
Rainbow Drive	02/11/19	1.6	15	19500	60	Golden Corral	02/06/19	3.4	15	40290	16
Rainbow Circle	02/11/19	1.6	15	19500	60	Holland Drive	02/06/19	3.2	15	9750	15
Moonbeam Circle	02/11/19	1.6	15	19500	60	Davis Street	02/06/19	3	15	34890	12
Ray Drive	02/12/19	3.2	15	15930	60	Caroline Ave.	02/06/19	3.4	15	31860	10
Will Drive	02/12/19	3.2	15	63720	40	Johnston Street	02/06/19	3.4	15	38985	15
Michael Lane	02/12/19	3.4	15	63720	40	Ryans	02/06/19	3	90	9750	15
Ward Street	02/12/19	3.4	15	15930	40						