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Mayor Pro-Tem

Travis Scott

Council Members

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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, November 6, 2018

Meeting Time: 7:00 p.m.

Meeting Place: Town Hall Council Chambers

350 East Market Street

Smithfield, NC 27577



**TOWN OF SMITHFIELD
TOWN COUNCIL AGENDA
REGULAR MEETING NOVEMBER 6, 2018
7:00 PM**

Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

Page

Presentations:

- 1. Report Concerning Local Area Schools**
(Michael Scott –Town Manager) See attached information.....1
- 2. Town of Smithfield’s New Cell Phone App**
(Eric McDowell – IT Specialist) See attached information.....41

Public Hearings:

- 1. RZ-18-08 Johnston County:** The applicant is requesting to rezone a 24.50 acre tract of land from the Town of Smithfield R-20A (Residential-Agriculture) and B-3 (Highway Entrance Business) zoning districts to the O/I (Office/Institutional) zoning district. Portions of the property considered for rezoning are located on northwest and southwest quadrant of the intersection of a US Hwy 70 Business East and Yelverton Grove Road and another portion is located on the east side of Yelverton Grove Road approximately 790 feet north of its intersection with US Hwy 70 Business East. The property is further identified as Johnston County Tax ID# 15L11011.
(Planning Director – Stephen Wensman) See attached information.....43
- 2. ZA-18-09 Stephenson General Contractors:** The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 6, Section 6.5 Tables of Uses and Activities, to allow for Licensed Facilities: Child Care Center as a special use with supplemental standards in the O/I (Office/Institution) zoning district.
(Planning Director – Stephen Wensman) See attached information.....69

- 3. SUP-18-11 Durwood Stephenson:** The applicant is requesting a special use permit to operate a child care center on property located within an O/I (Office/Institution) zoning district. The property considered for approval is located on northwest side of intersection of Berkshire Road and West Edgerton Street. The property is further identified as Johnston County Tax ID# 15004199J (Planning Director – Stephen Wensman) See attached information.....77

- 4. Annexation Petition:** Navaho Investment Company, LLC, is requesting to annex approximately 21.26 acres of land into the Town of Smithfield’s corporate limits. The property considered for annexation on Galilee Road about 1900 feet south of Black Creek Road, near West Smithfield Elementary School. (Planning Director – Stephen Wensman) See attached information.....95

- 5. S-18-02 Last Investment LLC:** The applicant is requesting preliminary subdivision approval of a 110 lot residential development on approximately 100 acres of land located within an R-20A (Residential-Agricultural) zoning district. The property considered for preliminary subdivision approval is located on southwest side of the intersection of Swift Creek Road and Cleveland Road and further identified as Johnston County Tax ID# 15I08020. (Planning Director – Stephen Wensman) See attached information.....113

Citizens Comments

Consent Agenda Items

- 1. Approval of Minutes:**
 - a. October 2, 2018 – Regular Meeting.....139

- 2. Consideration and approval of Ordinance # 496 to amend Chapter 6, Cemeteries, Section 50 Mausoleums, to allow for personal mausoleums on lots purchased prior to June 5, 2001.**
(Town Manager – Michael Scott) See attached information.....147

- 3. Consideration and Approval to Adopt Resolution #629 (16-2018) accepting the Water Shortage Response Plan for the Town of Smithfield Water Service**
(Public Utilities Director – Ted Credle) See attached information.....151

- 4. Consideration and Approval to Adopt Resolution #630 (17-2018) accepting the Water Shortage Response Plan for the Smithfield South Water District Service Area**
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- 5. Bid Award to Barrs Recreation, LLC in the amount of \$48,673.01 and approval to enter into an agreement for the procurement and installation of playground equipment at Smith-Collins Park**
(Parks and Recreation Director – Gary Johnson) See attached information.....175

6. Police Department Temporary Promotion: Consideration and approval for a temporary promotion of a Sergeant to the Rank of Lieutenant due to the Lieutenant on C Squad being out on extended medical leave.
(Chief of Police – R. Keith Powell) See attached information.....181

7. Police Department Temporary Promotion: Consideration and approval for a temporary promotion of a Police Officer to the Rank of Sergeant due to the Lieutenant on C Squad being out on extended medical leave.
(Chief of Police – R. Keith Powell) See attached information.....183

8. Consideration and approval of acceptance of Lake Park Circle as a Town maintained street
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9. New Hire Report
(Human Resources Director/PIO – Tim Kerigan) See attached information.....191

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1. Consideration and Approval to Adopt Resolution #631 (18-2018) to begin the Upset Bid Process for property located at 916 Third Avenue in accordance with NCGS 160A-269
(Town Manager – Michael Scott) See attached information.....193

2. Bid Award to JP Edwards in the amount of \$32,323 and contract approval for the removal of the Eva Ennis Pool and adjacent structures
(Town Manager – Michael Scott) See attached information.....203

3. Consideration and Approval to adopt the 2019 Town Council Meeting Schedule
(Town Manager – Michael Scott) See attached information.....211

Councilmember’s Comments

Town Manager’s Report

- Financial Report (See attached information).....213
- Department Reports (See attached information).....217
- Manager’s Report (Will be provided at the meeting)

Close Session Pursuant to NCGS 143-318.11 (a)(6) – To discuss a personnel matter.

Reconvene in Open Session

Adjourn

Presentations





Request for Town Council Action

Presentations: Local Area
Schools
Date: 11/06/2018

Subject: Presentation regarding Johnston County Schools
Department: General Government
Presented by: Mark Dorosin
Presentation: Presentations

Issue Statement

Mark Dorosin of the Julius L. Chambers Center for Civil Rights will present his findings of a review of demographics and Johnston Public Schools operational effectiveness, as it pertains to Smithfield/Selma Schools as compared to other Johnston County Schools.

Financial Impact

None

Action Needed

None

Recommendation

Review support documentation provided and ask pertinent questions regarding Mr. Dorosin's findings.

Approved: Town Manager Town Attorney

Attachments:

1. Mark Dorosin Presentation and Findings.

A Study of High School Attendance Areas, Diversity, and Capacity in Johnston County, NC

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Introduction

Despite the gains made in interracial contact between African American and white students from 1954 to the late 1980s, since the early 1990s, a distinct resegregative trend has led to public schools being more segregated now than they were in the 1970s. According to the University of California's Civil Rights Project, 35.8% of black students and 41.8% of Latino students in the South¹ attend "intensely segregated" (90-100% non-white) schools. Predominantly non-white schools in North Carolina and across the South are also overwhelmingly high poverty schools.² As the resegregative trend spurred on by the demand for "choice," charter and "neighborhood" schools continues, we see that race and class remain determinative factors in the quality of educational resources available in public schools.

As discussed further below, over the last two decades, education and social science researchers have explored this trend's effect on overall school quality and student outcomes, and affirmed what James Coleman established more than 60 years ago: racially isolating students has wide-ranging adverse effects. In short, students in high poverty schools suffer significant deprivation of key educational resources, including experienced, certified teachers, quality facilities and curricula. Meanwhile, no matter what their individual socioeconomic status, students in predominantly middle class schools achieve at higher levels. Educational scholar and law professor Derek Black summarizes the research results this way:

Schools enjoy any number of important resources that they do not and cannot buy, such as the communities, public services, partnerships, and private industries surrounding them that support the educational environment. The more important and direct non-economic resource, however, is a school district's middle income students. Common sense and social science indicate that students learn not only from their teachers, but also from their peers. Middle-income peers (and their parents), in particular, bring a host of experiences, outside learning, and high expectations to schools that positively impact other students in their schools.³

Although poverty's critical role in determining school achievement has long been established, and although the location of school facilities and student assignment is within a school board's control, socioeconomic segregation within and across school districts is still widely viewed as an intractable inevitability. However, that view is inconsistent with reality. While school boards cannot control where students live, or

¹ Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia

² Schools where over 60% of the students are eligible for the federal Free or Reduced Lunch program (FRL) are considered high poverty schools.

³ See Derek W. Black, *Middle Income Peers as Educational Resources and the Constitutional Right to Equal Access*, 53 Boston College Law Rev. 373 (2012). Available at: <https://ssrn.com/abstract=2008731>.

whether their parents went to college, they can control who attends school with those students and the resources that will be available to them. And those are critical elements that chart a school's success.

This reality was recognized by the United States Supreme Court in its 2007 decision in *Parents Involved in Community Schools v. Seattle School District No. 1*. Regarding a school board's permissible consideration of race, Justice Kennedy wrote in his concurrence:

School boards may pursue the goal of bringing together students of diverse backgrounds and races through other means, including strategic site selection of new schools; drawing attendance zones with general recognition of the demographics of neighborhoods; allocating resources for special programs; recruiting students and faculty in a targeted fashion; and tracking enrollments, performance, and other statistics by race. These mechanisms are race conscious but do not lead to different treatment based on a classification that tells each student he or she is to be defined by race, so it is unlikely any of them would demand strict scrutiny to be found permissible. Executive and legislative branches, which for generations now have considered these types of policies and procedures, should be permitted to employ them with candor and with confidence that a constitutional violation does not occur whenever a decision maker considers the impact a given approach might have on students of different races.

Recognizing the need for clarity regarding what steps a school board can take in light of increasing school segregation's negative social and economic effects and unconstitutional deprivation of educational equity, in 2012 the United States Department of Education and the United States Department of Justice issued a *Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Primary and Secondary Schools*.⁴ The Guidance references the aforementioned research, stating that:

Racially diverse schools provide incalculable educational and civic benefits by promoting cross-racial understanding, breaking down racial and other stereotypes, and eliminating bias and prejudice. Our "nation's future depends upon leaders trained through wide exposure' to the ideas and mores of students as diverse as this Nation of many peoples." Conversely, where schools lack a diverse student body or are racially isolated (i.e., are composed overwhelmingly of students of one race), they may fail to provide the full panoply of benefits that K-12 schools can offer.

The Guidance lists considerations and offers approaches for school districts to achieve diversity and avoid racial isolation, including zoning, school and program siting, and

⁴ In July 2018, the U.S. Department of Education rescinded this Guidance, asserting that the Supreme Court decisions upon which they were based provide all necessary information for school districts. <https://www.edweek.org/ew/articles/2018/07/18/trump-rescinds-obama-era-guidance-on-diversity-at.html>

inter-and intra-district transfers. Before initiating the range of approaches available, school districts should first consider relevant data about the students they are serving, and carefully consider their overall educational goals, including the role that racial and socioeconomic integration plays in achieving those goals.

Study Purpose

The goal of this report is to look at demographic patterns in Johnston County and in the county school district to assess how the Johnston County Board of Education (BOE) could revise school assignment areas to improve school diversity, while also managing growth, school capacity, and facilities use. Using Geographic Information Systems (GIS) data and publicly available education statistics from the U.S. Census and the North Carolina Department of Education, this report analyzes race and other socio-economic metrics in current school assignment areas, as well as looking at an alternative assignment model that shows how such changes can be done effectively. Prioritizing consideration of demographic patterns in the county (past, current and future) as well as current school infrastructure (current school locations and capacities) in the drawing of school attendance areas and the siting decisions for new schools in Johnston County is a measure the BOE can take to enhance individual student and school performance, and increase educational equity across the district.

Sources of Data

Demographic patterns change over time, with migration (e.g. growth from Raleigh-Durham Urban Area employment, immigration policies, etc.), birth patterns (which groups are reproducing at what rates) and movement within counties (e.g., as housing becomes less affordable closer to employment centers). This study looked at patterns for the county's school-age population and school-specific populations. The high school age population is analyzed for those aged 15-19, whereas middle school populations are looked at for two groups: 10-14, as grouped by the census, and 12-to-14-year-olds, with each year's data added cumulatively.

Because we analyzed the distribution of the population and calculated that population over a variety of current school attendance areas to model possible alternative school attendance areas, geographic details took precedence over timeliness of data. Our geographically-based data source options were the Decennial Census and the American Community Survey (ACS). There are trade-offs with both sources. The smallest unit of measurement available is the census block, which represents a neighborhood. Census blocks are the geography used in reapportionment of voting districts because of their local precision. This level of detail is available in the Decennial Census, but not for variables in the ACS. In addition, there is no income data in the Decennial Census.

The next-largest unit of measurement are block groups, combinations of blocks in an area. The census tract (the next size of Census geographies) is inappropriate for assessing

distribution in rural areas such as much of eastern Johnston County, where the relative low population density results in much larger tracts. Therefore, we use block-group level data.

The Census aggregates data over five-year periods to lower the error and produce more reliable estimates. The 2012-2016 five-year estimates (the most current data available) provides the most detailed data on individual characteristics (race, age, etc.) and is used herein for this purpose.

The ACS provides data by age and by race/ethnicity at the block group level, but not age by race (e.g. % black for 10-14-yr-olds). While the ACS is “the premier source for detailed population and housing information about our nation,”⁵ it is based upon a sample of the population. The sampling error rates for its one-year data make it inappropriate for the purpose of this study. Therefore, for much of this analysis, we used the Decennial Census. Data sources are noted in each table and figure.

School attendance area data were obtained from the National Center for Education Statistics (<http://nces.ed.gov/ccd/elsi/>).

Factors Assessed

Racially isolated student bodies correlate with low test scores and other outcome measures, such as graduation rates. Conversely, racially-diverse schools foster positive outcomes.⁶

Racial integration has been shown to have positive economic consequences for students. In *Diversity Challenged* (2001), Janet Schofield lists the many benefits of integrated elementary and secondary schools, including their long-term economic advantages. She cites academic progress of African American and Hispanic students; reduction of the dropout rate (thus eliminating the substantial negative economic consequences of failing to complete high school); and improvement of long-term occupational consequences for African Americans. These consequences include “a) fostering higher occupational aspirations and more consistent career planning linked to these aspirations; b) increasing earnings modestly, and (c) increasing the likelihood that they will work in professions in which Blacks have traditionally been underrepresented.” These facts summarize several decades of research....⁷

⁵ <https://www.census.gov/programs-surveys/acs/> accessed 8/13/2018.

⁶ ACT Research and Policy, “Do race/ethnicity-based student achievement gaps grow over time?” March 2012. <https://forms.act.org/research/policymakers/pdf/RaceEthnicityReport.pdf> accessed 12/16/2017.

⁷ “The Effects of Racially and Economically Isolated Schools on Student Performance, Summary” *Poverty and Race*, PRRAC, September/October 2010. Vol. 19, No. 5, pp. 11-12.

Poverty cannot be separated from racial and ethnic segregation in schools, as attending a predominantly-minority⁸ school usually means attending a high-poverty school. Research shows a correlation of school success with higher incomes and lower performance with poverty. Concentrating students in poverty hurts the entire student body:

... prior research indicates that even after taking into account the effects of poverty on individual students, having a high concentration of low-income students within a school further depresses student learning outcomes in the school.⁹

The connection between poverty and academic results is one of the most enduring relationships in education research.¹⁰ Known as Economic Disadvantage, this is measured by schools using the qualification for Free and Reduced-Price Lunch Program (FRL). This report uses the metrics of race (percent African American) and Economic Disadvantage (through FRL) to assess the county's current and potential school attendance areas.

School infrastructure is another constraining factor. This includes location of current and potential schools and capacity of existing schools.

School attendance areas are – of necessity in a changing environment – in constant flux. These may be driven by growth or shrinkage, by the building or closure of schools, by the addition of magnet, charter or private schools, by political concerns (e.g. organization by parental groups submitting pressure on the school board), or by legal or outside governmental influence. As many of these factors are outside the area of demographic analysis, this study considered only the current public high schools with designated attendance areas.

When actual school attendance (or student count) is compared to school attendance areas, the result is an indication that the attendance area is *over- or under-subscribed*. Oversubscription occurs when the number of residents living in a specific attendance area is greater than the number of students who actually attend the assigned school.

When actual school attendance (or student count) is compared to school infrastructure capacity (classroom space), the result is an indication that the attendance area is *over- or under-capacity*. Overcapacity occurs when the number of students attending a school outnumbers the classroom space available in that school.

⁸ This report uses the term "minority" to refer to people of color (non-white), which is a term often used by demographers; we recognize however that the value of this term is subject to the changing racial and ethnic profile; and also that for many, the term is considered a mischaracterization of the role and contributions of people of color in our communities.

⁹ Gary T. Henry, Charles L. Thompson, Kathleen Brown, Elizabeth Cunningham, Kirsten Kainz, Bianca Montrosse, Adrienne Sgammato, and Yi Pan, "The High School Resource Allocation Study," Carolina Institute for Public Policy, University of North Carolina at Chapel Hill, February (2008).

¹⁰ Ansell, Susan, "Achievement Gap," Education Week, July 7, 2011.

<https://www.edweek.org/ew/issues/achievement-gap/index.html> accessed 12/16/2017.

Johnston County Schools

With approximately 36,000 students, Johnston County Schools (JCS) is the 9th largest district in the state. Growth in JCS has been rapid. The district grew by almost 20,000 students from 1994-2014, and 13 new schools were constructed during that period. The district has 46 schools: 23 elementary, 13 middle, and 10 high schools. Johnston County Schools is governed by a seven member board who are all elected at-large. The Board currently includes four white men, two white women, and one African American woman. There are no board members residing in the Smithfield/Selma area of the county.

With a few exceptions, student assignment in Johnston County is based on geographic attendance areas and feeder patterns (elementary-middle-high) determined by the BOE, based on criteria that it unilaterally establishes. These typically include proximity, capacity, and established neighborhood, political, or other geographic boundaries. The BOE can revise these boundaries at any time to meet its policy goals and priorities for enrollment, but attendance areas must always be revisited when a new school is added. Given the rapid student growth in Johnston, the Board has had to adjust attendance area boundaries numerous times over the past decade to accommodate new school construction.

In addition to attendance area changes, decisions on where to construct new schools also plays a critical role in the likely demographic makeup of the students that attend those schools. Often, school siting decisions merely follow development patterns. This has been the model in JCS, as nearly all of the new schools constructed over the last 15 years have been in the northern and western portion of the county. While “following the development” may help reduce transportation costs and time, such an approach can further entrench segregative housing patterns and fails to recognize that school siting decisions can both help drive economic development in communities and enhance opportunities for attracting a diverse student body.

1. Student and District Information

A strong correlation exists between racial and socio-economic segregation in schools and student achievement. As a result, students in more segregated schools are at greater risk of not receiving a “sound basic education” as required by the North Carolina Constitution. In order to evaluate whether students are getting a sound basic education, the N.C. Supreme Court’s *Leandro* opinions¹¹ instruct us to assess educational “outputs,” such as test scores and graduation rates, and “inputs,” such as experienced teachers and adequate facilities. While every student in North Carolina has the right to a sound basic education, the *Leandro* cases note that the State has been particularly deficient in protecting this right for “at-risk” students, which were defined as students for whom demographic

¹¹ *Leandro v. State*, 346 N.C. 336, 488 S.E.2d 249 (1997); *Hoke County v. State*, 358 N.C. 605, 599 S.E.2d 365 (2004)

factors--including poverty, limited English proficiency, racial/ethnic minority status, or parental education—may adversely impact access to equal educational opportunities.

a. **2018 Demographics**

The most recent census data shows that the population of Johnston County is 67.9% white, 16.5% black or African American, and 13.7% Hispanic or Latino.¹² The population of school-age students does not quite align with the county population on the whole, with 56.8% of enrolled students identified as white, 15.9% black or African American, and 22.8% Hispanic – 11% fewer white students than the county overall, and 9% more Hispanic students.¹³

As shown in Tables 1 and 2 below, the demographics of the schools themselves largely mirror those of the district and the county, with the exception of Smithfield-Selma High School (and its feeder schools, Smithfield and Selma Middle Schools); and Corinth Holders High and Princeton High. Typically in school desegregation legal analyses, if a school deviates from the district average by 15%, the court will consider the school racially isolated. The schools in the Smithfield-Selma area all exceed that metric, with Selma Middle by far the most segregated, deviating 45 points imbalanced white, 31 points Hispanic. White students in Selma Middle make up only 12% of the school population (compared to 57% of the district), and Hispanic students are at 54% (compared to 23% of the district). In contrast, the populations of Corinth Holders and Princeton High Schools are over 70% white students, putting them near or above 15% from the district average.

MIDDLE SCHOOLS	% WHITE	% BLACK	% HISPANIC	% TWO OR MORE	% INDIAN	% FRL
Benson Middle	48.67	14.99	32.03	3.49	3.49	65.62
Cleveland Middle	68.48	13.76	11.47	3.82	3.82	27.43
Four Oaks Middle	58.32	10.90	27.34	3.06	3.06	59.69
North Johnston Middle	54.62	11.94	29.46	3.18	3.18	64.72
McGee's Crossroads	65.93	10.66	18.62	3.86	3.86	64.72
Archer Lodge Middle	66.82	12.48	17.49	2.17	2.17	39.37
Riverwood Middle	65.02	17.70	10.95	4.36	4.36	26.58
Selma Middle School	12.16	31.76	54.26	1.27	1.27	87.52
Smithfield Middle	21.49	28.20	44.97	4.12	4.12	83.11
Clayton Middle	53.49	20.03	20.70	4.17	4.17	40.98

¹² U.S. Census, 2010 Census.

¹³ NC DPI, 2016-2017 Statistical Profile Online, Table 10.1 Pupils in Membership by Race and Sex <http://apps.schools.nc.gov/statisticalprofile>

HIGH SCHOOLS	% WHITE	% BLACK	% HISPANIC	% TWO OR MORE	% INDIAN	% FRL
Clayton High	54.28	25.93	14.57	3.89	3.89	32.06
Cleveland High	63.91	17.26	12.31	4.83	4.83	25.93
Corinth Holders High	70.73	10.68	14.25	3.01	3.01	23.85
North Johnston High	60.68	14.16	22.47	1.83	1.83	49.57
Princeton High	71.99	10.06	14.52	3.01	3.01	53.08
Smithfield-Selma	29.09	27.91	39.09	2.74	2.74	72.69
South Johnston High	61.58	11.78	23.31	2.44	2.44	49.59
West Johnston High	67.57	10.98	17.61	3.06	3.06	30.74
District Totals	56.79	15.94	22.88	3.27	3.27	47.67

In addition to being racially isolated, the predominantly nonwhite Smithfield-Selma area schools and the predominantly white schools like Corinth Holders and Cleveland High are also segregated socioeconomically.¹⁴ 47.6% of all students in Johnston County are FRL eligible. At Smithfield and Selma Middle Schools, over 80% of the students qualify for FRL. Selma Middle has the highest FRL percentage of all middle or high schools in the district, at 87%. Meanwhile, the FRL populations are all below 30% at Cleveland Middle, Cleveland High, Riverwood Middle and Corinth Holders High. This uneven distribution reflects a pattern of concentrated high poverty, racially isolated schools in the Smithfield-Selma area.

b. Student Performance¹⁵

As shown in the tables below, Smithfield-Selma area schools have among the lowest overall grade level proficiency among students, and also show significant racial achievement gaps. At Smithfield-Selma, 72.6% of white students are grade level proficient – on par with the higher performing schools in the district and higher than the district average of 64%. However, only 28% of black students are grade level proficient, which is substantially lower than the district average of 40%.¹⁶

¹⁴NC DPI, 2016-2017 FRL Application Data. <http://www.dpi.state.nc.us/fbs/resources/data/>

¹⁵ Student performance is measured by End of Grade tests for Elementary and Middle School students, and End of Class tests for High School students. In order to be considered “Grade Level Proficient”, a student must score at Level 3 or higher (or Level 4 or higher for College and Career Ready).

¹⁶ North Johnston Middle and South Johnston High also show serious performance deficiencies among black students.

Table 3. Overall EOG Scores, Grade 8¹⁷						
Percentage of Grade Level Proficient Students (Level 3 and above)						
School Name	Total	White	Black	Hispanic	EDS	LEP
Benson Middle	45.4	54.8	34.3	33.9	37.0	<5
Cleveland Middle	71.5	77.8	47.4	62.7	54.2	13.0
Four Oaks Middle	50.9	60.0	31.0	42.7	39.9	12.1
North Johnston Middle	42.9	54.1	17.8	34.9	33.7	7.9
McGee's Crossroads Middle	54.0	60.9	40.6	39.7	38.3	6.8
Archer Lodge Middle	57.0	64.8	39.1	40.0	41.4	11.2
Riverwood Middle	67.1	75.3	45.7	56.2	46.4	9.5
Selma Middle School	34.3	51.0	27.2	35.6	32.8	7.0
Smithfield Middle	46.3	53.4	36.7	48.1	43.4	20.4
Clayton Middle	53.5	63.6	36.2	45.6	37.7	15.9
District Totals	58	68.4	39.1	45.8	43.5	20.8

Table 4. Overall EOC Scores¹⁸						
Percentage of Grade Level Proficient Students (Level 3 and above)						
School Name	Total	White	Black	Hispanic	EDS	LEP
Clayton High	67.4	76.8	48.4	51.7	44.5	5.3
Cleveland High	72.1	79.8	50.3	58.3	50.0	14.8
Corinth Holders High	67.8	75.0	41.4	52.3	48.9	12.8
Princeton High	68.8	71.2	52.2	69.8	61.6	*
Smithfield-Selma High	45.6	72.6	28.1	40.1	38.7	5.7
South Johnston High	42.0	53.4	13.7	30.7	30.5	9.8
North Johnston High	49.1	58.3	26.5	40.8	35.6	17.4
West Johnston High	66.1	72.7	53.9	48.6	51.2	<5
District Totals	64.0	74.2	40.9	49.1	46.0	9.4

¹⁷ NC DPI, 2016-2017 Drilldown Performance Data, Overall EOC scores for High Schools, with percentages of students at Grade Level Proficiency, <http://www.ncpublicschools.org/accountability/reporting/> "EDS" means "economically disadvantaged" and "LEP" means "Limited English Proficiency."

¹⁸ NC DPI, 2016-2017 Drilldown Performance Data, Overall EOC scores for High Schools, with percentages of students at Grade Level Proficiency, <http://www.ncpublicschools.org/accountability/reporting/>. An * indicates a school does not have tested grades/sufficient data for reporting

School Name	Title I School	School Performance Grade (SPG)	SPG Score	EVAAS Growth Status
Benson Middle	Y	D	50	NotMet
Cleveland Middle		B	74	Met
Four Oaks Middle	Y	C	57	Met
North Johnston Middle	Y	D	50	Met
McGee's Crossroads		C	56	NotMet
Archer Lodge Middle		C	58	NotMet
Riverwood Middle		B	73	Exceeded
Selma Middle School	Y	D	40	NotMet
Smithfield Middle	Y	C	56	Exceeded
Clayton Middle		C	59	Met
Clayton High		B	75	NotMet
Cleveland High		B	76	NotMet
Corinth Holders High		B	77	Met
North Johnston High		C	64	NotMet
Princeton High		B	73	Exceeded
Smithfield-Selma High	Y	C	59	NotMet
South Johnston High		C	60	NotMet
West Johnston High		B	72	NotMet

North Carolina has established a School Performance Grade system that measures both student test outcomes and academic growth over the year according to the SAS Education Value-Added Assessment System (EVAAS). Smithfield Selma High has the lowest SPG score of any High School in the district, and Selma Middle of any Middle School. NC DPI expressly recognized the direct correlation between performance and concentrated school poverty, noting that 69% of schools that got a C, 92% that got a D, and 98% that got an F had over 50% FRL eligible students. All of the Smithfield Selma area schools are Title I schools, a federal designation that identifies high poverty schools and provides them with additional resources to address student outcomes.²⁰

Lower percentages of grade level proficient students do not necessarily translate to lower student graduation rates. While the district graduation average is 92% of the cohort that entered school in 2013-2014 graduating in 4 years, Smithfield-Selma had one of the lowest

¹⁹ "Performance and Growth of North Carolina Public Schools" www.ncpublicschools.org/docs/accountability/reporting/2017/documentation/exsumm17.pdf

²⁰ <https://www2.ed.gov/programs/titleiparta/index.html?exp=0>

graduation rates in the district, with 87.9%.²¹ In 2016-17, Smithfield-Selma had 44 students drop out before graduation, twice the number of the next highest school.²²

**Table 6.
Cohort Graduation Rate**

School Name	Total	White	Black	Hispanic	2 or More	EDV	LEP
Clayton High	>95	>95	>95	92%	92%	91.9	*
Cleveland High	>95	>95	>95	84.8	93.8	93	60
Corinth Holders High	93.7	>95	90.7	87.5	88.9	89.7	66.7
North Johnston High	90.5	91.4	86.2	89.7	*	91.6	77.8
Princeton High	88.9	89.2	85.7	87.5	*	83.3	*
Smithfield-Selma High	87.9	92.3	88.2	81.8	>95	85.3	66.7
South Johnston High	94.3	>95	92.5	90.4	*	92.5	80
West Johnston High	87.9	92.7	73.3	83	70	81.3	83.3
Johnston County Schools	92	94.7	89.1	86.9	88.6	88.2	73.8

c. Teachers

One “input” that the district maintains control over is student access to fully licensed, experienced teachers. Retaining those teachers equitably across the district should be the BOE’s goal. The district average for teachers with advanced degrees is 21% for middle schools and 27% for high schools, but the actual distribution of these teachers is varied. Smithfield Middle and Smithfield Selma High have fairly high rates of licensed teachers, and teachers with advanced degrees, although Selma Middle is below district averages. All of the teachers at Princeton High are fully licensed, with 35% of them also board certified, putting the school high above the district average. Clayton Middle has the lowest percentage of fully licensed teachers in the district, with only 83% of teachers being fully licensed, the lowest of any middle or high school in the district.

²¹ NC DPI, 4-Year Cohort Graduation Rate report, with percentage of students graduating in 2016-2017 or earlier. <http://www.ncpublicschools.org/accountability/reporting/cohortgradrate>.

²² NC DPI, 2016-2017 Annual Dropout Reports by School, Sex, and Race, <http://www.dpi.state.nc.us/research/dropout/reports/>

SCHOOL NAME	Classroom teachers	% Fully-licensed	% w/ Advanced Degree	Nat'l Board Certified	Exp: 0-3 yrs.	Exp: 4-10 yrs.	Exp: 10+ yrs.	Turn-over rate
Archer Lodge	59	88%	31%	4	17%	42%	41%	17%
Benson	32	94%	13%	1	28%	38%	34%	18%
Clayton	52	83%	15%	6	27%	35%	39%	10%
Cleveland	66	97%	26%	3	12%	33%	55%	3%
Four Oaks	33	94%	12%	2	36%	24%	39%	6%
McGees Crossroads	50	94%	22%	0	22%	34%	44%	13%
North Johnston	37	97%	19%	6	14%	32%	54%	7%
Riverwood	70	91%	24%	6	27%	41%	31%	15%
Selma	46	88%	17%	4	30%	33%	37%	16%
Smithfield	54	94%	22%	2	19%	30%	52%	19%
Districtwide	46	92%	21%	3	22%	35%	43%	12%
Statewide averages	41	92%	28%	5	23%	26%	51%	15%

Teacher turnover is another indicator of the District's willingness to commit to maintaining a quality learning environment and retain quality teachers. All the schools in the Smithfield-Selma area have a teacher turnover rate higher than the district average of 12%, with Smithfield Middle losing 19% of their teachers in 2017.

One factor that contributes to teacher turnover and retention is satisfaction with working conditions. In schools with a higher percentage of white students and fewer FRL students, like Corinth Holders (which has one of the lowest turnover rates in the district), the teachers expressed dissatisfaction with class sizes and facilities.²⁴ This likely reflects the continued overcrowding in this school (an additional factor, like diversity, that could be addressed by revising attendance area boundaries). In contrast, teachers in segregated schools have low satisfaction rates in areas relating to student discipline and professional development opportunities for teachers. Notably, the racially segregated schools in the Smithfield Selma area all have high rates of discipline, with over 20 suspensions per 100 students.²⁵

²³ NC DPI, 2016-2017 Report Cards, as compiled by <https://ncreportcards.ondemand.sas.com/landing.html>

²⁴ NC Teacher Working Conditions Survey 2018, <https://ncteachingconditions.org/results>

²⁵ NC DPI, 2016-2017 Short Term Suspensions by School, <http://www.ncpublicschools.org/research/discipline/reports/>

**Table 8.
HIGH SCHOOL TEACHER STATISTICS, 2016-2017**

SCHOOL NAME	Classroom Teachers	% Fully-Licensed	% w/ Advanced Degree	Nat'l Board Certified	Exp: 0-3 yrs.	Exp: 4-10 yrs.	Exp: 10+ yrs.	Turn-over rate
Clayton	94	94%	22%	8	18%	30%	52%	14%
Cleveland	86	97%	24%	8	16%	35%	49%	16%
Corinth Holders	105	87%	24%	11	22%	30%	49%	9%
North Johnston	56	96%	36%	7	11%	16%	73%	9%
Princeton	68	100%	35%	14	6%	18%	77%	8%
Smithfield Selma	90	92%	30%	9	18%	23%	59%	14%
South Johnston	79	92%	23%	9	22%	28%	51%	11%
West Johnston	83	94%	28%	8	19%	18%	63%	8%
District-wide	57	93%	27%	6	18%	27%	55%	12%
Statewide	53	90%	26%	7	21%	24%	55%	15%

e. Capacity and Enrollment

Responses in the Teacher Working Condition Surveys frequently cite concerns about both the capacity and the quality of facilities. In an overcrowded school or one with outdated resources, students and teachers both struggle to work productively. The newest schools in the district are Swift Creek Middle, which was opened in 2017, and Corinth Holders and Cleveland High Schools, which were both opened in 2010. All are in the western portion of the county. While high school capacity is discussed more fully later in this report, with regard to middle schools, Cleveland, Archer Lodge, and Riverwood are over capacity, while five middle schools are under 80% of capacity.²⁶ Moving students to under-enrolled schools could be a way to address efficient facilities use, racial and socioeconomic segregation, and bring additional resources to lower performing schools.

GROWTH AND SCHOOL ATTENDANCE AREAS

School growth and student distribution in Johnston County is driven by population change. According to the News & Observer in April, 2018:

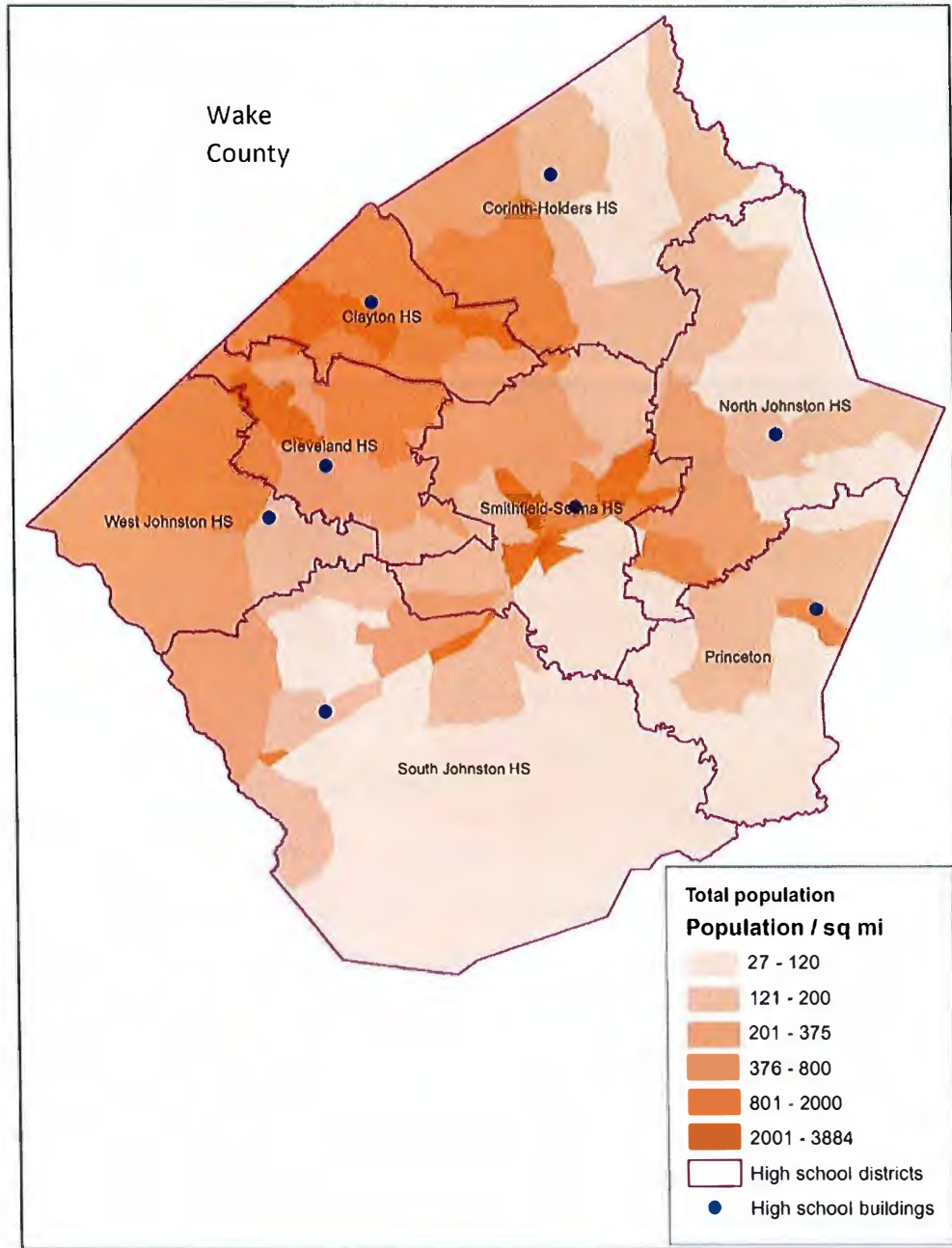
Johnston County was the third fastest-growing county in North Carolina last year, at 2.94 percent. Its growth outpaced that of Wake County, which was ninth at 2.2 percent. Much of the growth is happening in western Johnston, which borders Wake.²⁷

²⁶ JCS Out of Capacity Worksheets 2008 – 2018.

²⁷ Linford, Autumn, "Fast-growing Johnston County wants to build more schools, including a high school," News and Observer, April 23, 2018.

While Wake County and the Research Triangle are the employment driver, residential growth is moving into western Johnston County, as the housing there is much more affordable. The median list price per square foot in Johnston is \$114 vs. \$136 in the Raleigh Metro Area and \$150 in the City of Raleigh.²⁸ The pattern of overall growth in the areas closest to Wake County can be seen in Figure 1 (2012-2016 ACS).

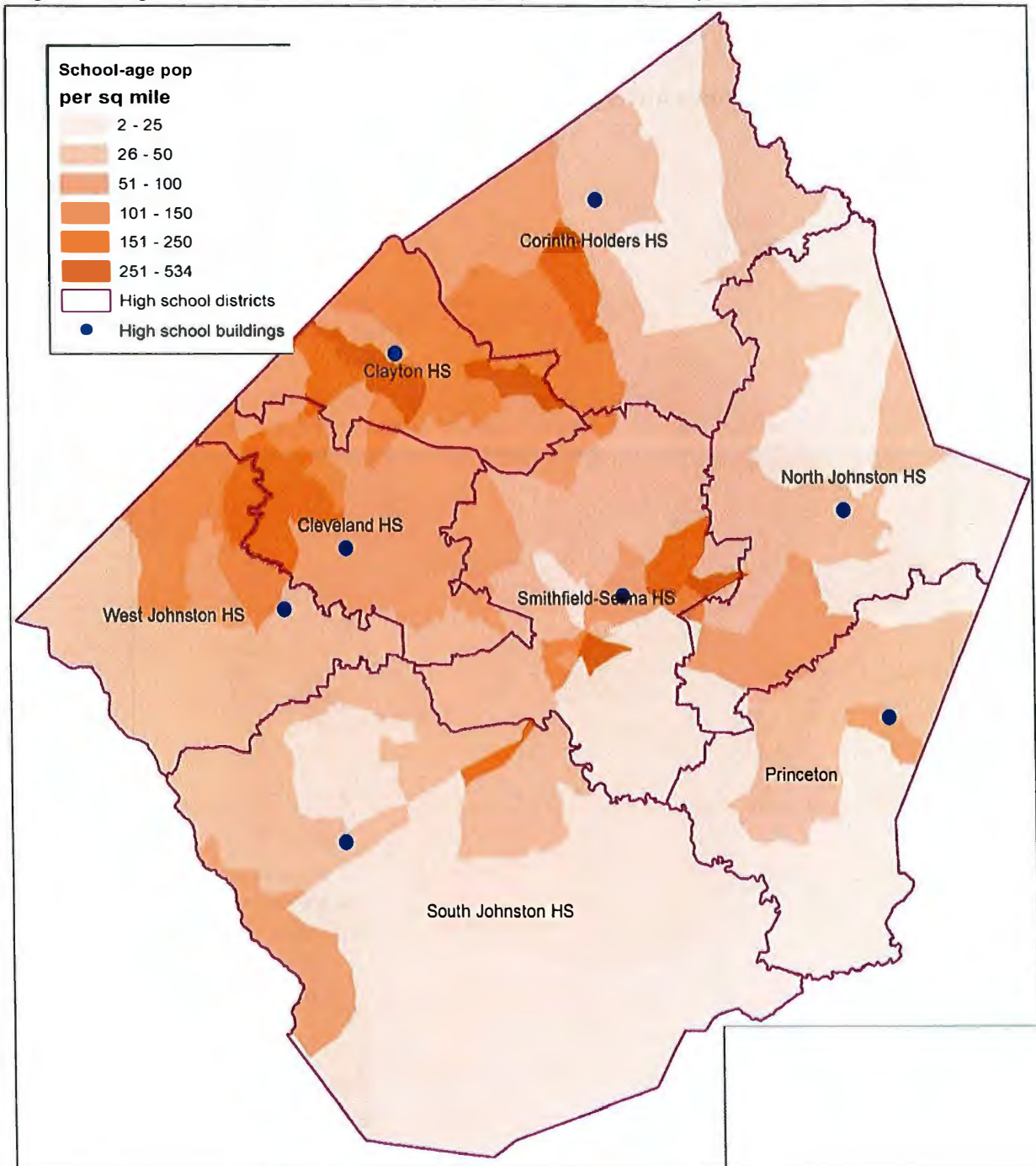
Figure 1. High School Attendance Areas (2016-17) x Total Population Density (2012-2016 ACS)



²⁸ Zillow, <https://www.zillow.com/johnston-county-nc/home-values/> accessed 6/12/2018.

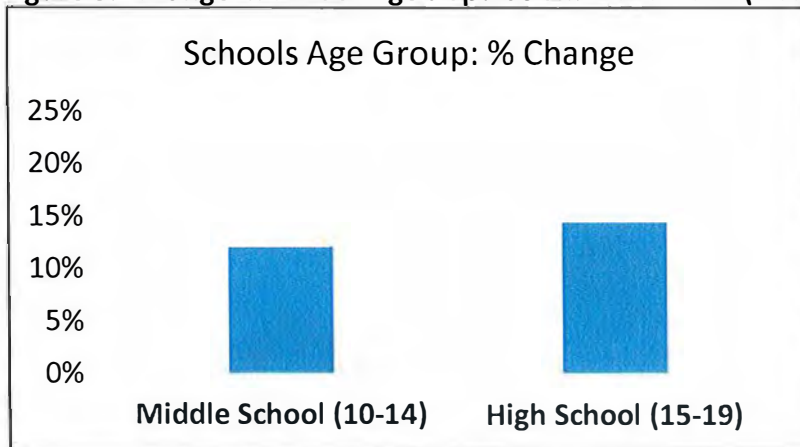
As shown below, the school-age population distribution continues to mirror the distribution of the total population:

Figure 2. High School Attendance Areas (2016-17) x School-Age Population Density (2012-2016 ACS)



While the population 10-to-14 years old is larger than the 15-to-19-year old population, the older group has been growing faster than the younger (averaging 2.0% per year versus 2.3% per year)

Figure 3: Change in School-Age Population: 2010-2016 (ACS)



In a 2015 report, Johnston County Schools Superintendent Ed Croom stated “We are growing about a school a year in this county.”²⁹ At that time, according to the report, 11 of Johnston County Schools’ 22 elementary schools were overcrowded, along with 7 out of 9 middle schools and 2 out of 11 high schools.

SCHOOLS OUT OF BALANCE

As the figures below show, Johnston County’s schools are significantly out-of-balance in relation to racial and socioeconomic demographics, attendance versus capacity, and residential assignment in attendance areas (that is, the number and demographics of students that live in the attendance area, which is a different metric than just looking at the number actually attending a school and the school building’s capacity—i.e., number of seats).

²⁹ WRAL, “Growth brings concern, overcrowding for Johnston County Schools,” Feb. 9, 2015. <https://www.wral.com/growth-brings-concern-overcrowding-for-johnston-county-schools/14436303/> accessed 8/15/2018.

Figure 4. Johnston County High Schools: Attendance Area % Minority (2010)

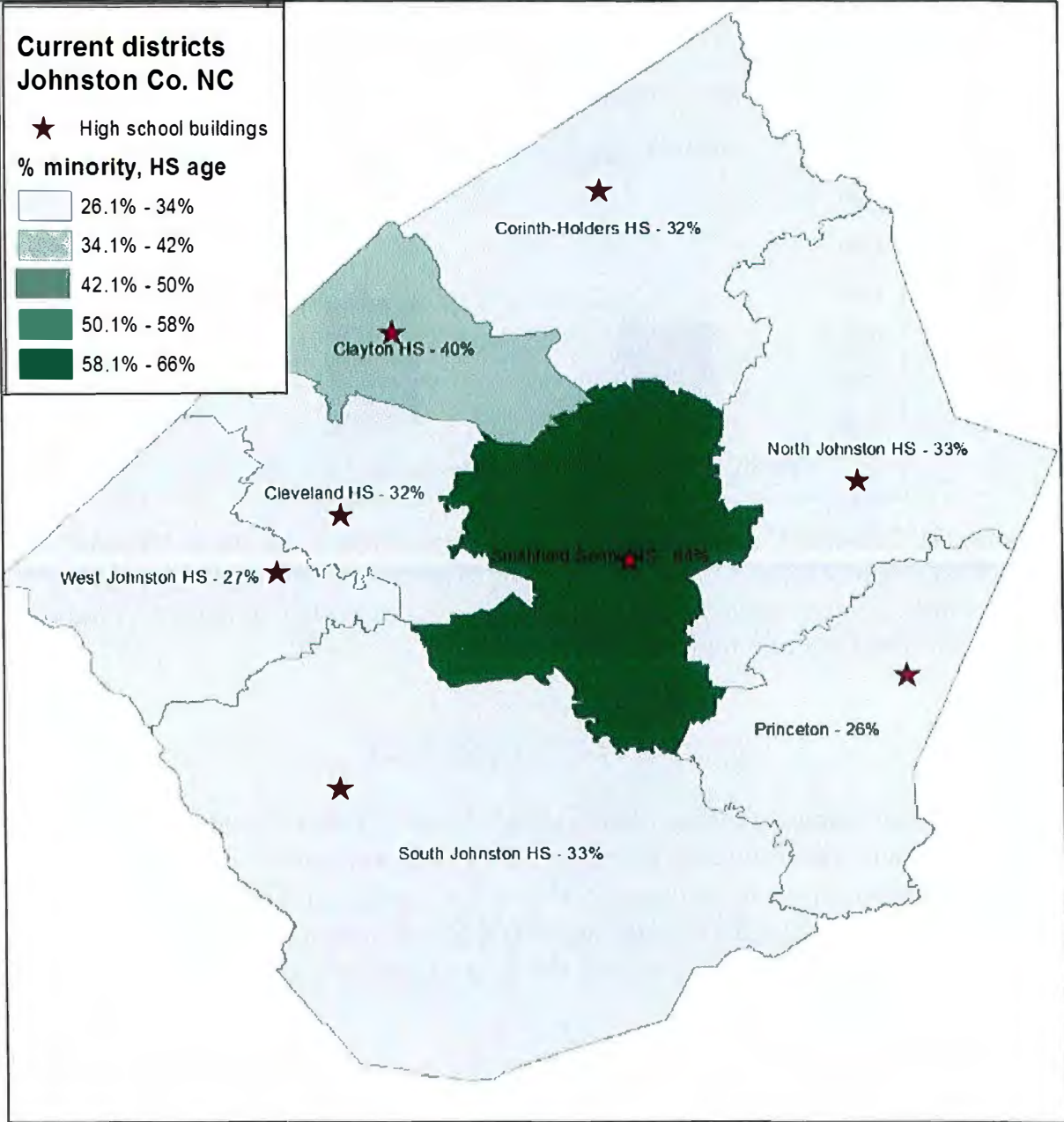
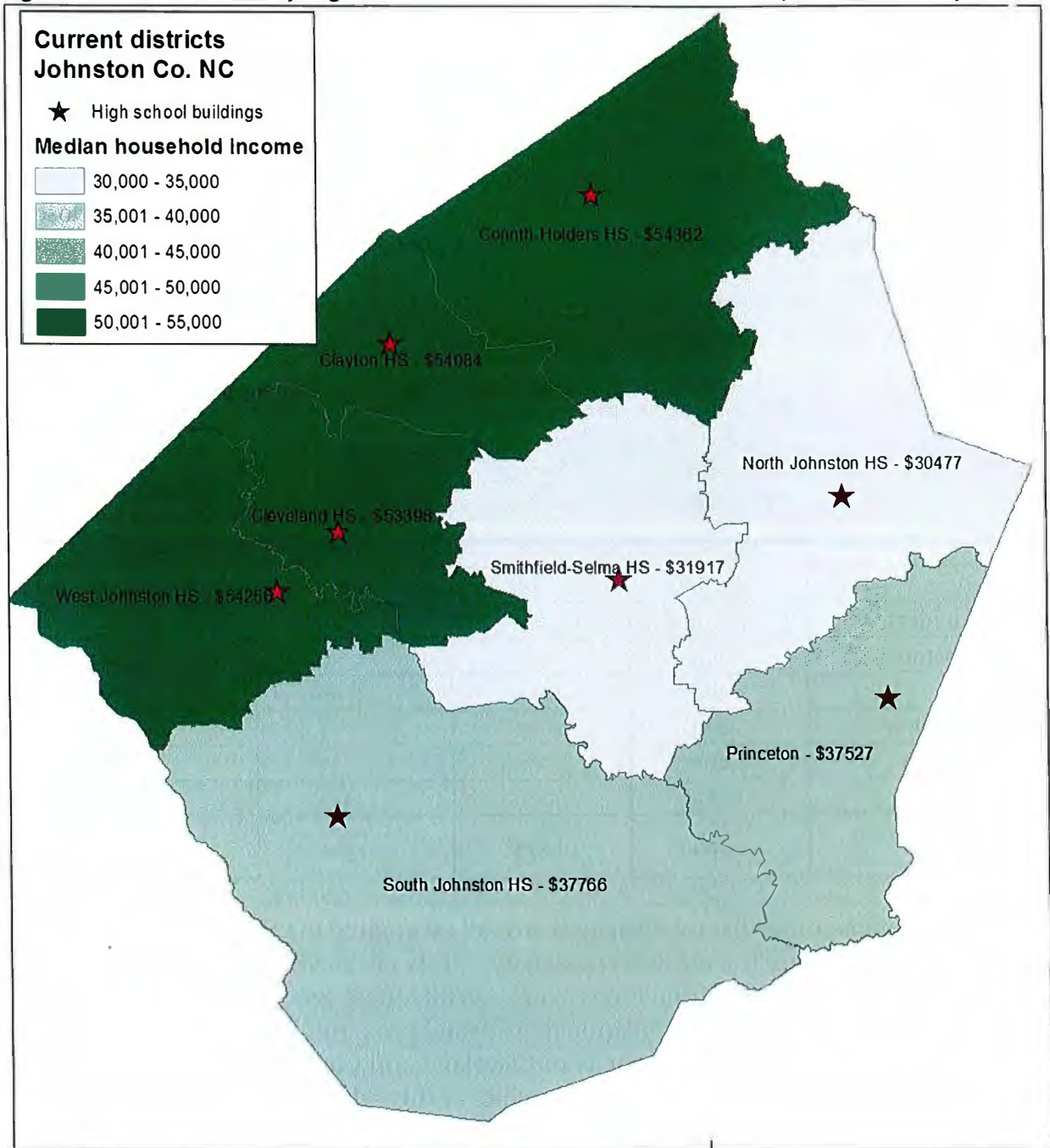


Figure 5. Johnston County High Schools: Median Household Income (2012-2016 ACS)



ATTENDANCE AREA AND SCHOOL CAPACITY

Capacity must be viewed through the lens of the students who live in the assignment area as well as the students who attend the public school located in that assignment area. As shown below, these are not the same thing. In addition to students who attend public magnet and public charter schools (which have no assignment area) and private schools, there is no one-to-one correlation between students living in the assignment area and

those attending the school because JCS historically maintained a modified open transfer policy.³⁰ The ramifications of this policy are analyzed below.

Both Corinth-Holders and Cleveland High Schools were built in 2010 to accommodate the growth in the northwestern section of the County. At that time, school attendance areas were re-drawn to include these new schools. By the most recent school year (2017-2018), both Cleveland and Corinth-Holders were both severely over-capacity (140% and 160%, respectively), while Clayton High (which lies between the new high schools and is closer to Raleigh) was only 88.8% of capacity.

Table 9 below illustrates the relationship between students who attended particular high schools in 2017-2018 and the capacity of those schools.

Table 9. Johnston County High Schools: Attendance and Capacity (2017-2018)³¹

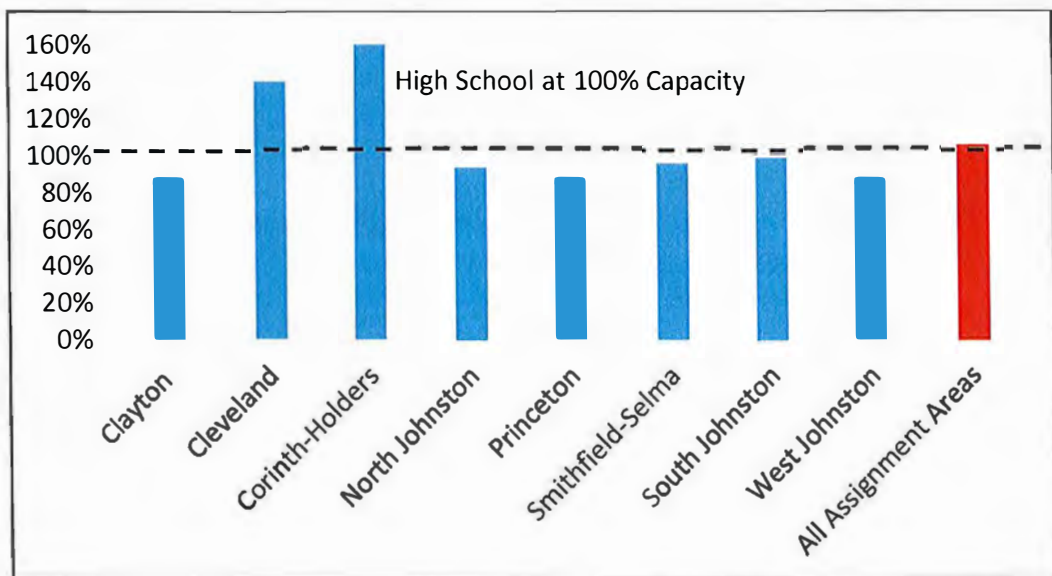
High School Attendance Area	2017-2018 Student Attendance	Current Capacity (2018)	Current Attendance v. School Capacity	Attendance as % of School Capacity (2017-2018)
Clayton	1,776	2,000	224	88.8%
Cleveland	1,678	1,200	-478	139.8%
Corinth-Holders	1,919	1,200	-719	159.9%
North Johnston	794	850	56	93.4%
Princeton	984	1,100	116	89.5%
Smithfield-Selma	1,293	1,350	57	95.8%
South Johnston	1,262	1,275	13	99.0%
West Johnston	1,423	1,600	177	88.9%
All HS Attendance Areas	11,129	10,575	-554	105.2%

While the system is somewhat over-capacity overall (averaging 105.2%), Cleveland and Corinth-Holders High are the most over-capacity. All six of the other high schools are approaching capacity, ranging from 89% to 99%. While there seems to be a clear correlation between school-age population density and proximity to Raleigh’s employment drivers and the over-capacity of Cleveland and Corinth-Holders High Schools, these factors do not explain the anomalies of this relationship in Clayton, Princeton and Smithfield-Selma High Schools, which all have unexpected excess capacity (Princeton has six grades as opposed to the other high schools’ four grades). A comparison of high-school-age residents living in each assignment area to actual student count is informative.

³⁰ Jackson, Drew, “Johnston alters transfer policy, caps 24 schools for next year,” News and Observer, April 3, 2017. <https://www.newsobserver.com/news/local/counties/johnston-county/article142344604.html> accessed 8/15/2018.

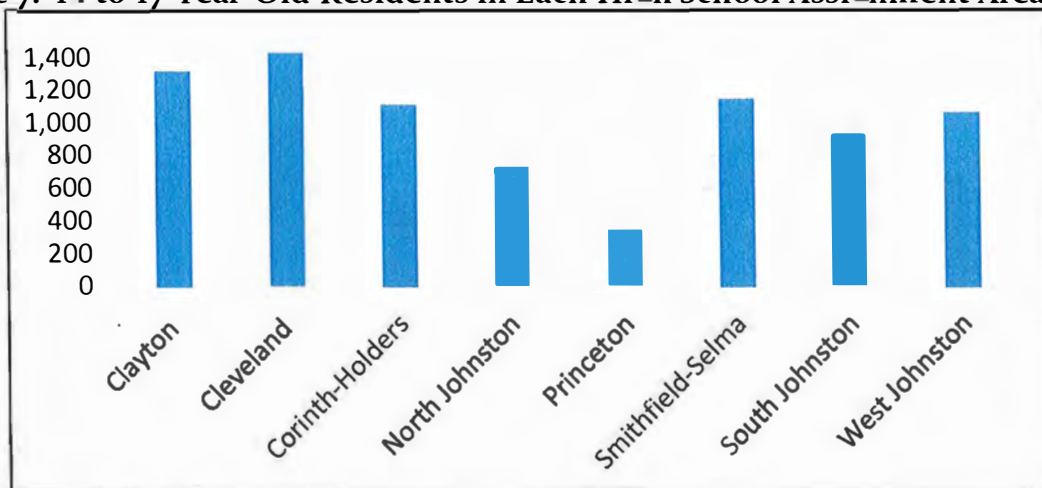
³¹ JCS Out of Capacity Worksheets 2008 – 2018.

Figure 6. Johnston County High Schools: Actual Attendance as a Percent of Capacity (2017-2018)



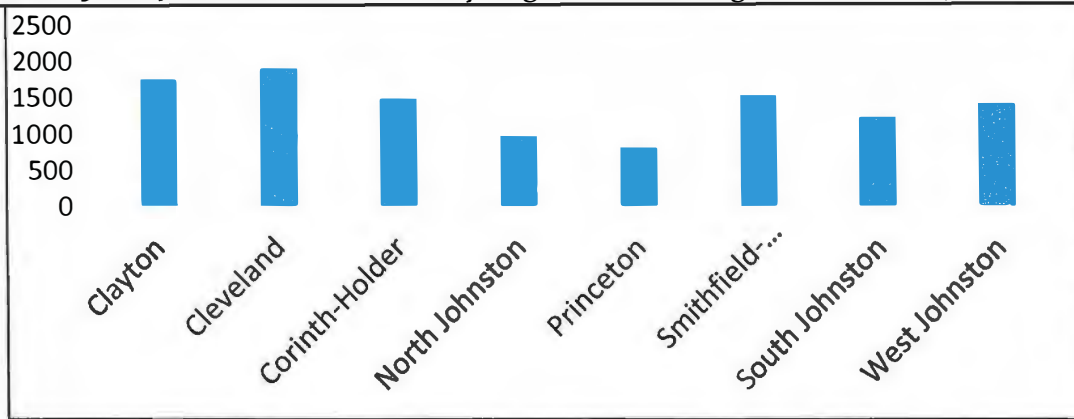
In 2010, the high school age residents living in Clayton High’s assignment area were almost equal to Cleveland’s and more than in Corinth-Holders.

Figure 7. 15-to-17-Year-Old Residents in Each High School Assignment Area (2010)



This pattern clearly holds when 2012-2016 ACS data is used and the data is scaled to represent four years for most high schools and seven years for Princeton (grades 6-12):

Figure 8. 15-to-17-Yr.-Old Residents by High School Assignment Areas (2012-2016 ACS)



Given the location of Clayton’s assignment area, one would expect it to share the over-capacity status experienced by Cleveland. Instead, that student body growth occurred only in Cleveland and Corinth-Holders. Princeton High, on the other hand, has more students than one would expect, given the low number of school age students living in the area in 2010, the density of the assignment area, and the distance from employment centers. This was achieved in part by holding Princeton’s assignment area stable but including seven grades (6-12) rather than the four like the other JCS high schools. Both Corinth-Holders and Princeton also both show significant (high white) racial imbalance.

Figure 9. Residential Assignment (2010 and 2012-2016) as a % of School Capacity

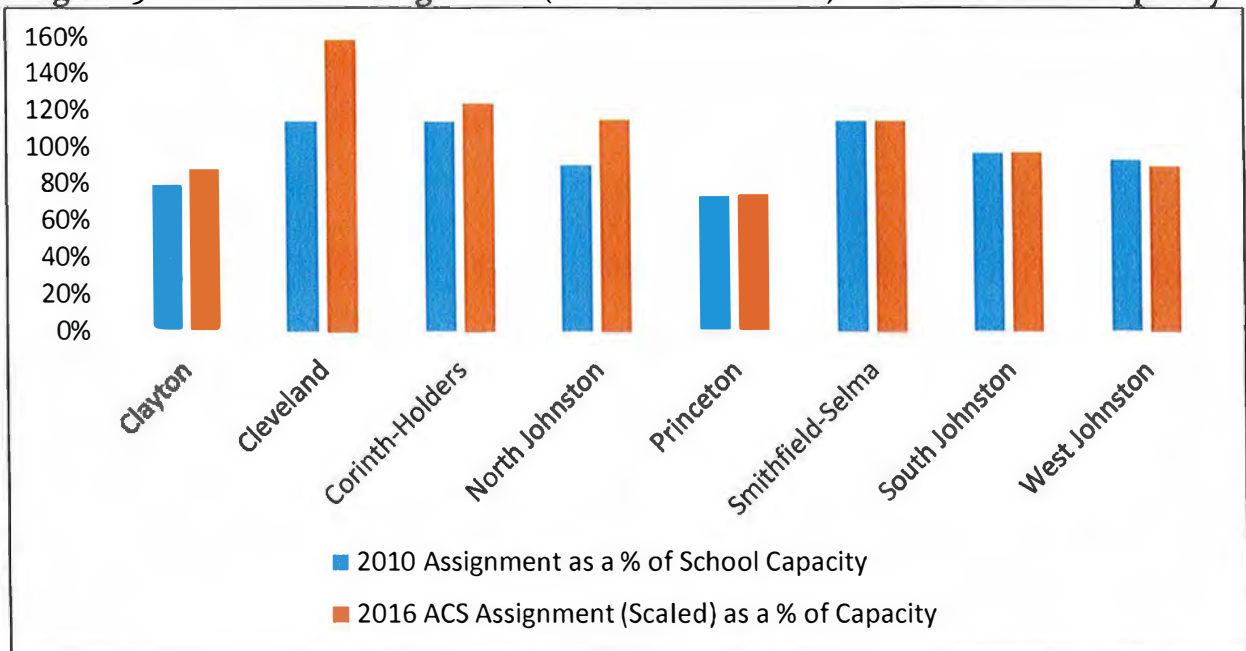


Table 10 and Figure 10 show these relationships for each school. It compares the current assignment area (2012-2016) as a % of capacity, 2017-2018 actual school attendance as a % of capacity, actual attendance (2017-2018) as a percent of assignment area, and provides each assignment area's % minority (2010).

Since the attendance areas have remained static since they were redrawn to accommodate the new high schools in 2010, numerical differences between school assignment area residents and school attendance is a function of growth and/or transfers into a school (students not living in a specific school's assignment area but attending that school, e.g. Corinth-Holders and Princeton) or transfers from a school (e.g. Smithfield Selma and Cleveland). In most schools, the over-capacity (grey line vs. dotted red line) is not due solely to the subscription by school assignment area, but also reflects that those schools do not accommodate all the students living in their assignment area. Oversubscription means there are more students in the attendance area than attend the school (which means those students are going somewhere else); undersubscription means there are fewer students in the attendance area than attend the school (which means students are coming in from outside the area). These descriptions are distinct from the question of the school's capacity, which is based on the number of students in the school and the number of seats available in the building.

Table 10. Current Attendance (2017-2018) in Relation to Residential Assignment (2012-2016) and Current Capacity and % Minority (2010)

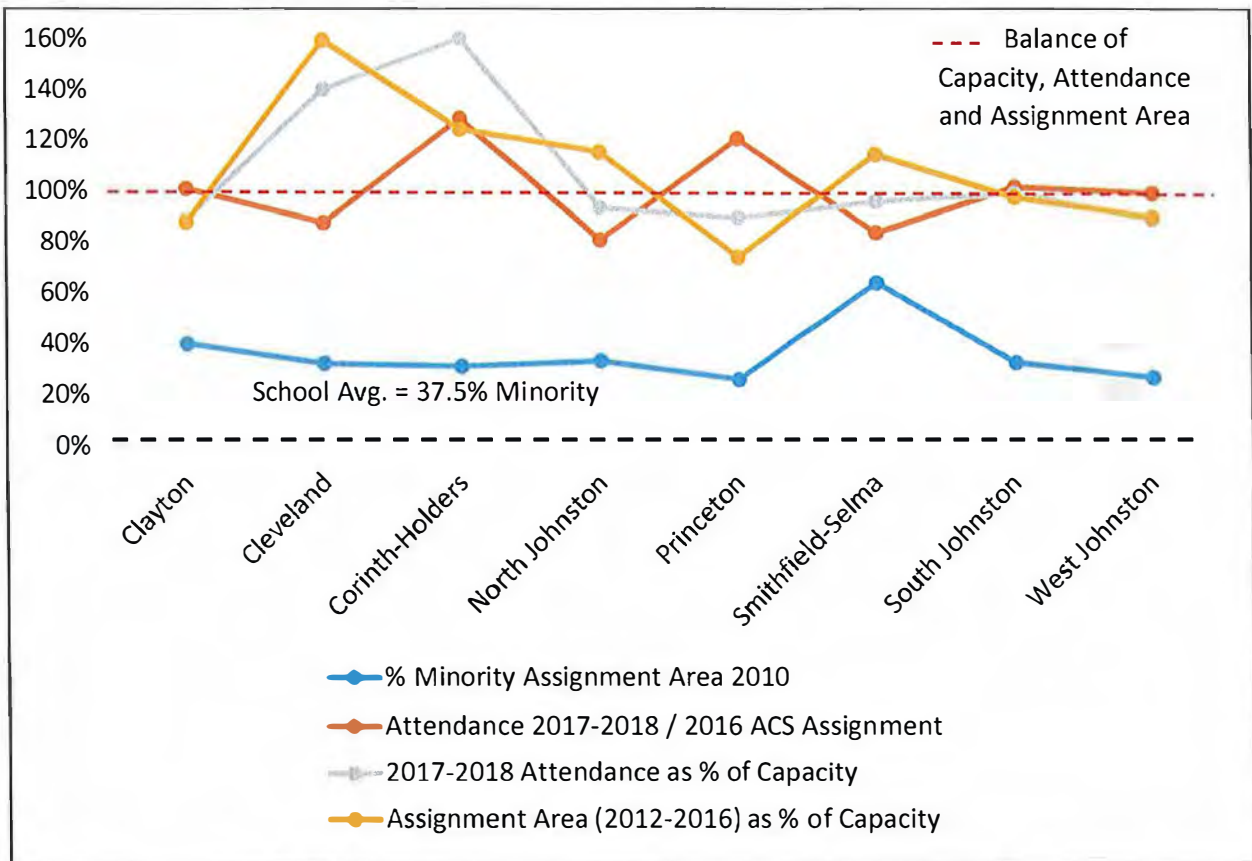
High Schools	% Minority Assignment Area 2010	Attendance 2017-2018 / 2016 ACS Assignment ³²	2017-2018 Attendance as % of Capacity ³³	Assignment Area (2012-2016) as % of Capacity ³⁴
Clayton	40.2%	101.1%	88.8%	87.9%
Cleveland	32.5%	87.8%	139.8%	159.3%
Corinth-Holders	31.4%	128.7%	159.9%	124.3%
North Johnston	33.5%	81.0%	93.4%	115.3%
Princeton	26.2%	120.6%	89.5%	74.2%
Smithfield-Selma	63.8%	83.8%	95.8%	114.3%
South Johnston	32.8%	101.6%	99.0%	97.4%
West Johnston	27.0%	99.2%	88.9%	89.7%

³² Student import/export through transfers, attendance of charter or private schools, or home-schooling.

³³ Over/under capacity given the attendance figures for the 2017-2018 school year.

³⁴ Over/under subscribed, given the residents living in the assignment area as compared to the capacity of the school.

Figure 10. Current Attendance (2017-2018) in Relation to Residential Assignment (2012-2016) and Current Capacity and % Minority (2010)



The stories told by this graph must be interpreted for each school:

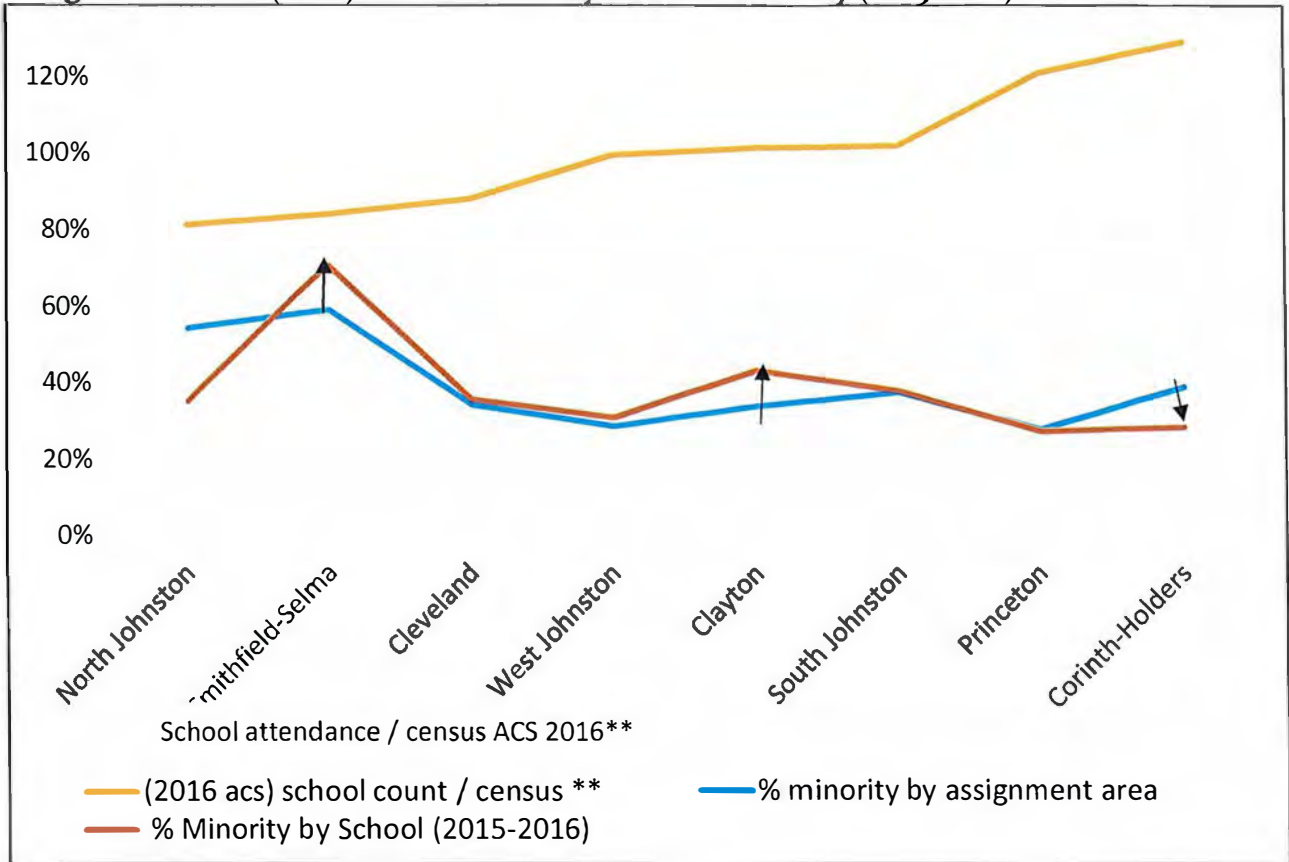
- **Clayton High** shows a similarity between attendance and assignment area, and both are under the high school's capacity. The school has the second-highest percentage of minority students of the County's high schools.
- **Cleveland High** is oversubscribed. Its actual attendance is only 88% of its assignment area numbers. This means that students are transferring out or attending charter or private schools. This may be partially a function of its over-capacity status (140%). The the assignment area was 114.2% of capacity in 2010, when it was built.
- **Corinth-Holders High** was also too small for the population of attendance area when built (113.9%), and this situation has only worsened: it is now at 128.7%. Attendance is even higher: 159.9%. of capacity. This shows a large import of students from other assignment areas.
- **North Johnston High** was near capacity (96.9%) when the two newest high schools were built. Attendance was only 81.0% of assignment area in 2017-2018, however – possibly because this is a low-performing school. While the assignment

area residents are 115.3% of the school's capacity, actual attendance is only 93.4% of capacity (again, because of an export of students).

- If only those residents living in **Princeton High's** assignment area attended the school (for all seven grades served 2012-2016), it would have been at 74.21% of the school's capacity. However, attendance was 120.6% of the assignment area for 2017-2018 (indicating many transfers into the school), but this still only brought the school to only 89.5% of its capacity. Princeton is one of the most out-of-balance schools in the system, and the lowest percent minority (26.2%).
- If all of the high-school-age residents in **Smithfield Selma High** attended the school, the school would be over-capacity (114.3% attendance area vs. school capacity), yet the two newest high schools were placed so that they were unlikely to draw students from this high school (other than transfer students who could provide their own transportation. The school is over-subscribed: attendance is only 83.8% of the attendance area. It is also the school with the highest percent minority assignment area (63.8%) and the highest percent minority student body (71%), showing white flight.
- **South Johnson and West Johnson High Schools** have assignment areas that are somewhat whiter than the district (32.8% and 27.0% vs. 37.5% district average for students of color), and the size of their student bodies closely resembles the number of residents in their assignment areas. South Johnston is essentially at full capacity (99.0% 2017-2018) and West Johnston – which lies further from the growth area of the county – is at 88.9%.

We see that Princeton, Corinth-Holders and Smithfield-Selma are the most out-of-balance schools. The comparison of their attendance to their assignment areas shows this is not solely a function of growth. What accounts for the disparities shown above? The District's transfer policy, discussed above, allows some students to choose a school other than their assigned "home" school. This tends to advantage those who have the means to provide their own transportation. This group is more likely to be those who are higher-income and more likely to be white. This is reflected in the racial and ethnic balance and imbalance of the County's schools.

Figure 11. Over-subscription (ACS 2012-2016) by % Minority of Residents in Assignment Area (2010) and % Minority in Student Body (2015-2016)



By drawing assignment areas which are predominantly-white (e.g. Corinth-Holders) and others which are predominantly-non-white (e.g. Smithfield-Selma,) and by its transfer policy, JCS sets up a situation where some schools become even more segregated over time (↕).³⁵ This is illustrated in Figure 11, above.

What is not considered in the graph above is residential choice (families which chose their home's location based upon school assignment area). Studies have shown that predominantly white schools are perceived as better-performing (and often are, due to factors such as education of parents, language spoken in the home, higher family incomes, etc.).³⁶ Those who can afford it choose to live near those predominantly white

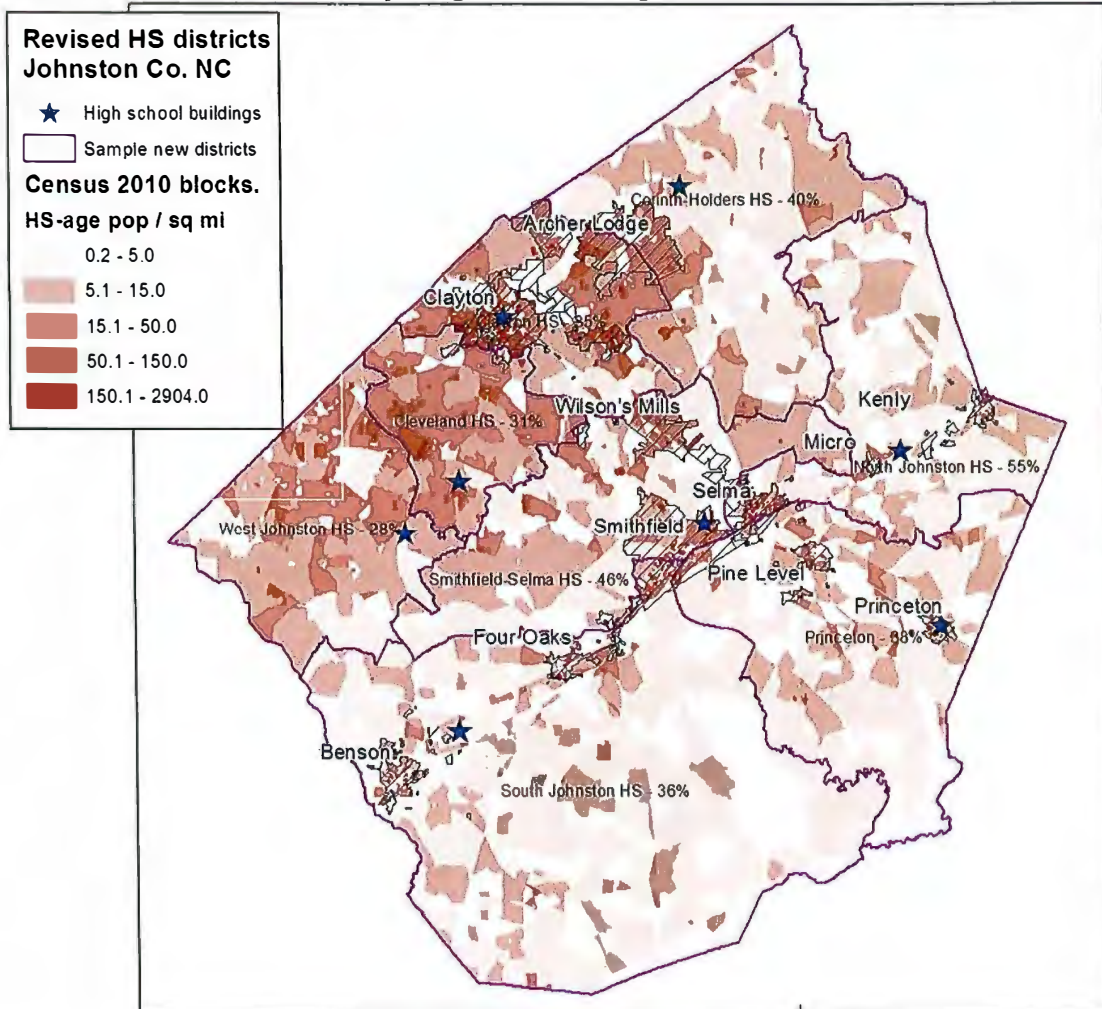
³⁵ Data provided by the school district shows that this policy impacted facility use, student demographics, and racial segregation in the Smithfield-Selma area schools. Student transfer data provided show significant numbers of students transferring out of the Smithfield-Selma attendance area each year from 2004-05 through 2014-15, which accounted for approximately 20% of all transfers across the district. During the period when the district also monitored the race of transfer students, the data show that white students accounted for the vast majority-- over 75% each year-- of transfers out of the Smithfield-Selma area.

³⁶ Barton, P., and Coley, R. (2009). Parsing the Achievement Gap II. Princeton, NJ: Educational Testing Service.

schools, further segregating the District. This is why the Board must take positive steps to draw attendance areas and site schools to prioritize demographic diversity, as well as limit intra-district transfers. Such measures give the Board a higher degree of control over school segregation, facilities use, and related educational outcomes.

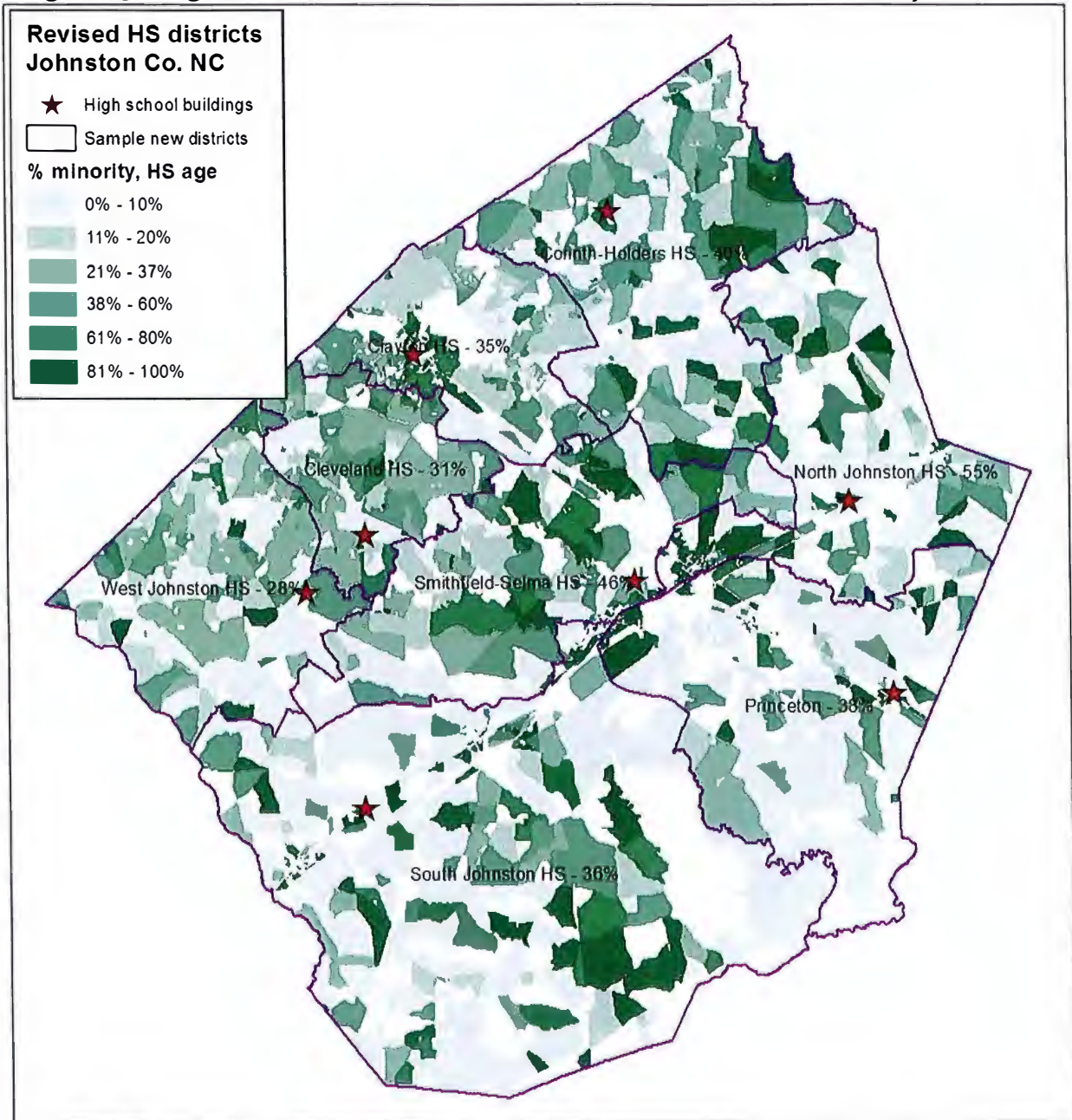
Because the growth of the county is spread across its northwestern section and the original urban population resides in the center of the county, it is not hard to re-balance the school assignment areas, as illustrated in this sample revision.

Figure 12. Johnston County: High School Population (14-to-17) Per Square Mile (2010)



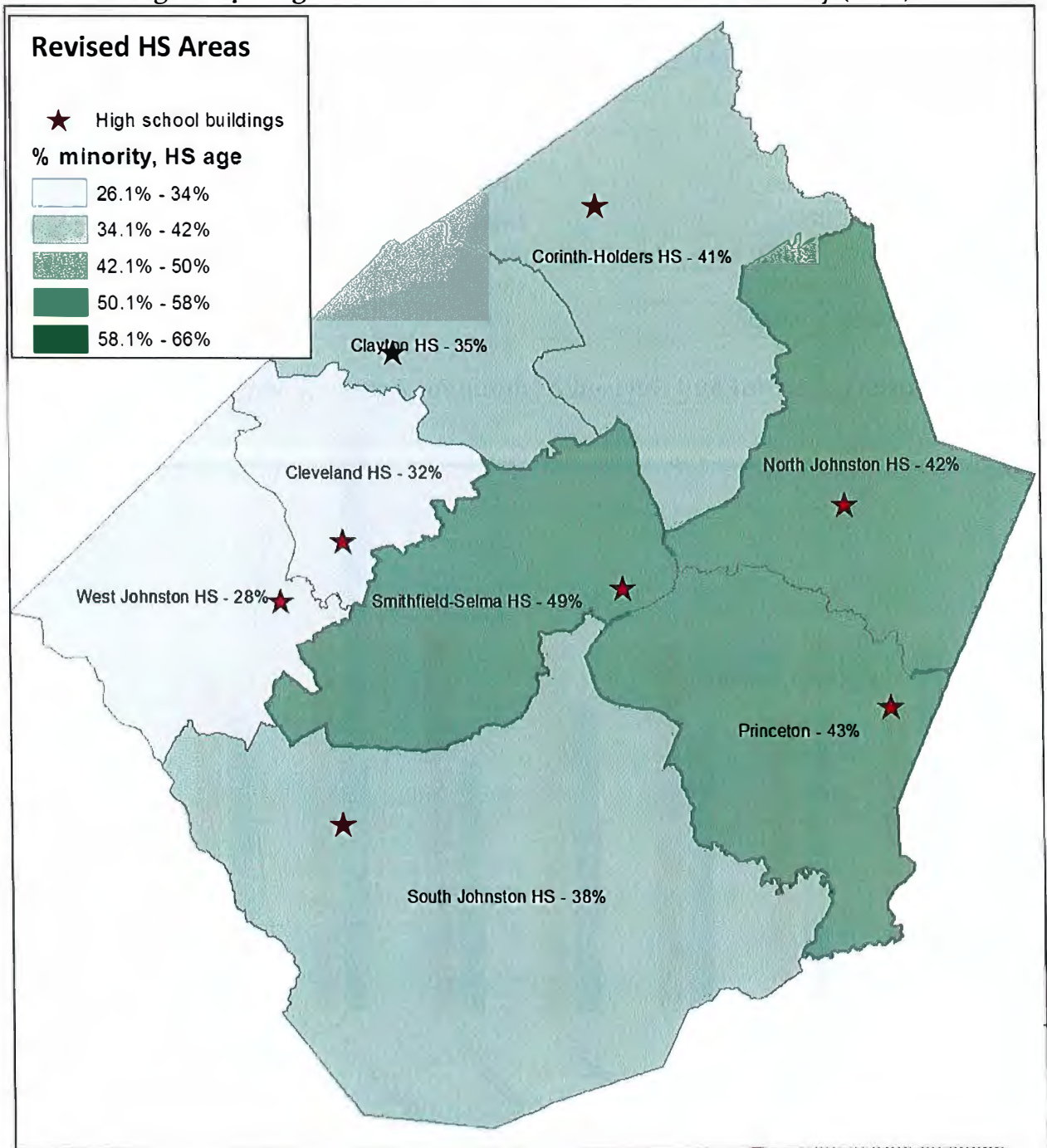
Similarly, the distribution of non-white residents facilitates balancing the schools. Current technology (Geographic Information Systems or GIS) allows the creation of scenarios which consider population by age, race and income (or any other factor of interest measured at the block group level). Figure 13 below illustrates one such scenario for Johnston County:

Figure 13. High School District Revision and Distribution of Minority Residents



This scenario shows the ease with which one can change the balance of the County's schools.

Figure 14. High School District Revision and % Minority (2010)

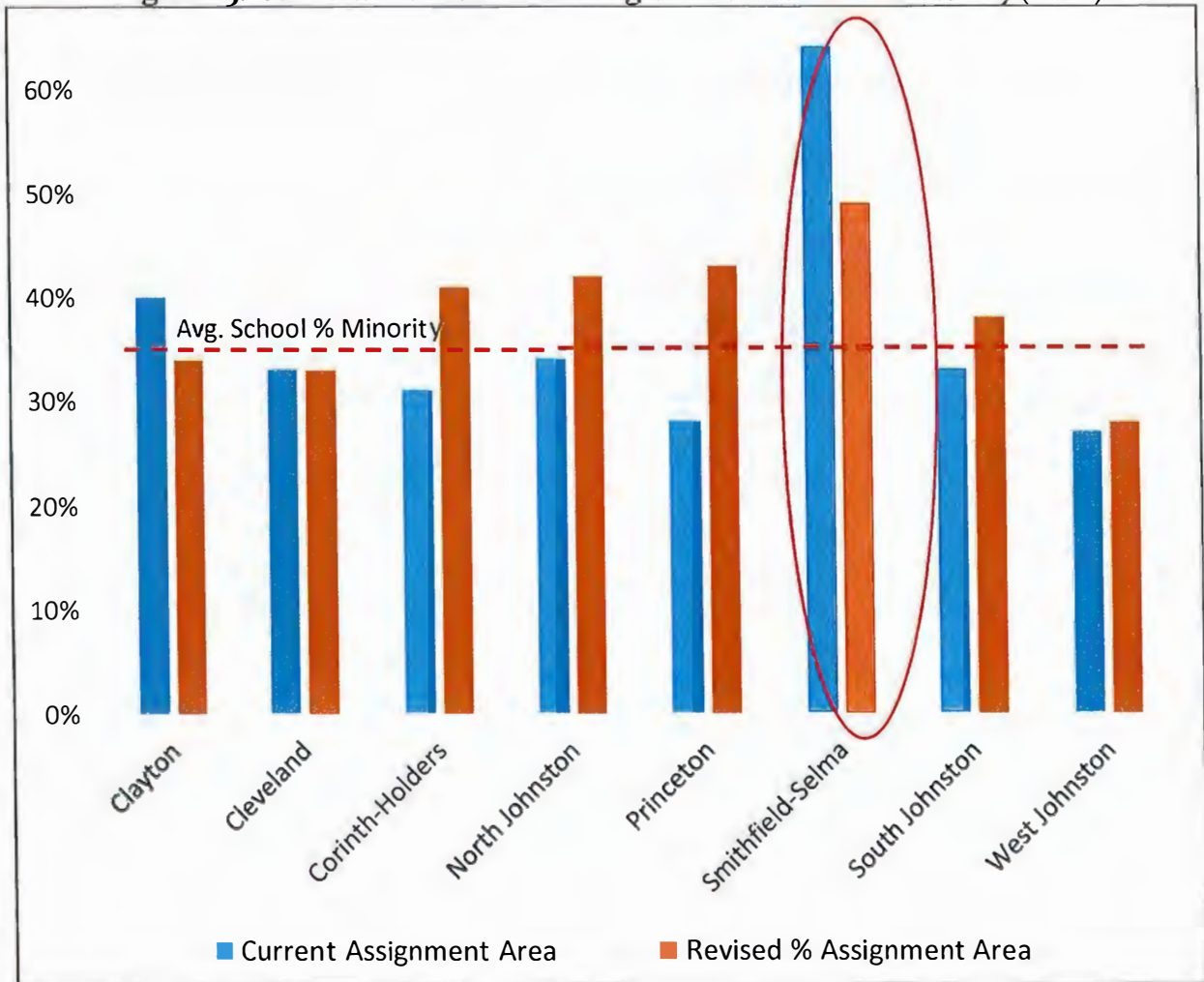


The scenario above prioritized reducing the minority percentage assigned to Smithfield-Selma High School, which at 64% minority in the assignment area apparently exceeds a “tipping point” at which white flight occurs (while the assignment area was 64% minority, school attendance was 71% minority in 2015-2016).

Table 11. Current and Revised Assignment Areas: % Minority (2010)

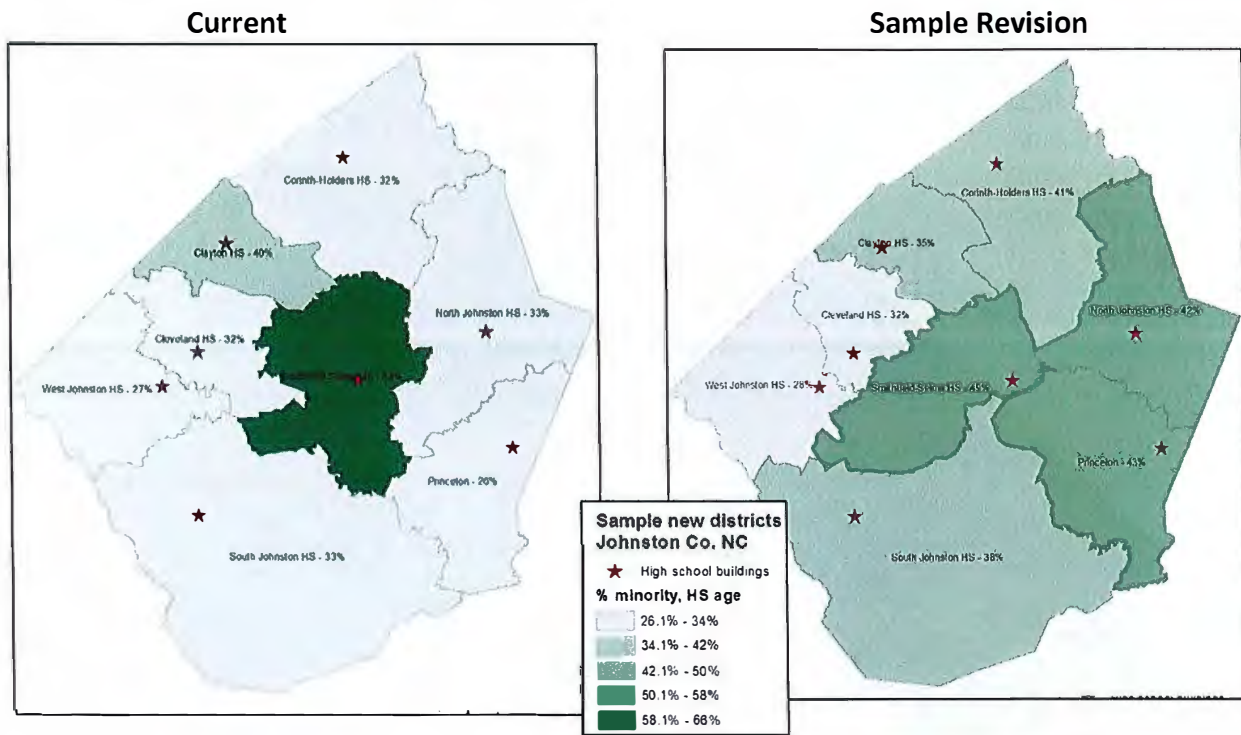
High School	% Minority	
	Current Assignment Area	Revised Assignment Area
Clayton	40%	34%
Cleveland	33%	33%
Corinth-Holders	31%	41%
North Johnston	34%	42%
Princeton	28%	43%
Smithfield-Selma	64%	49%
South Johnston	33%	38%
West Johnston	27%	28%

Figure 15. Current and Revised Assignment Areas: % Minority (2010)



Figures 16, 17, and 18 illustrate these changes in assignment areas.

Figure 16. Current and Revised Assignment Areas: % Minority (2010)



Such revisions must consider other factors which affect performance, such as income and school capacity. The figures below illustrate the effect this sample revision would have on median household income for each assignment area.

Figure 17. Current Assignment Areas: Median Household Income (2012-2016)

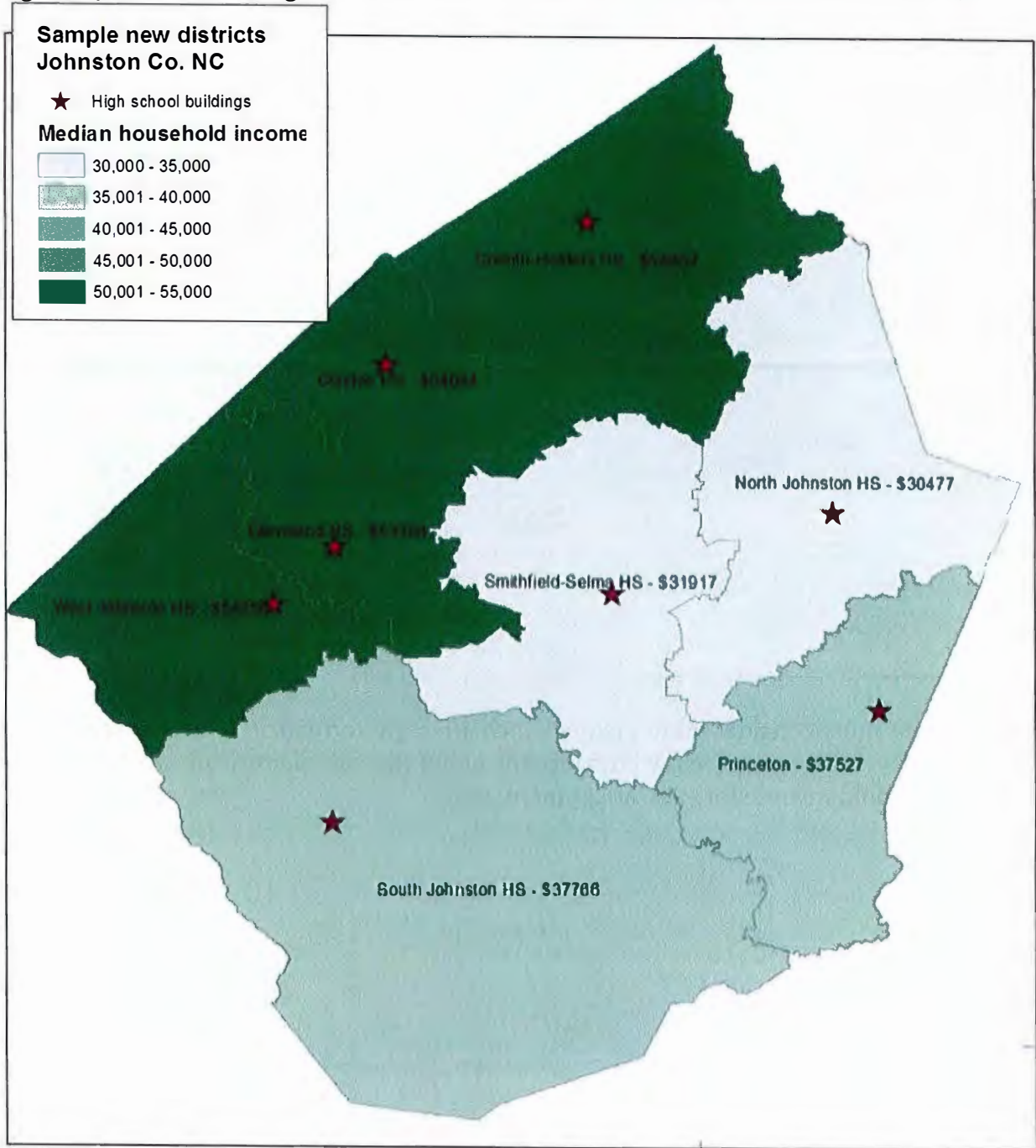
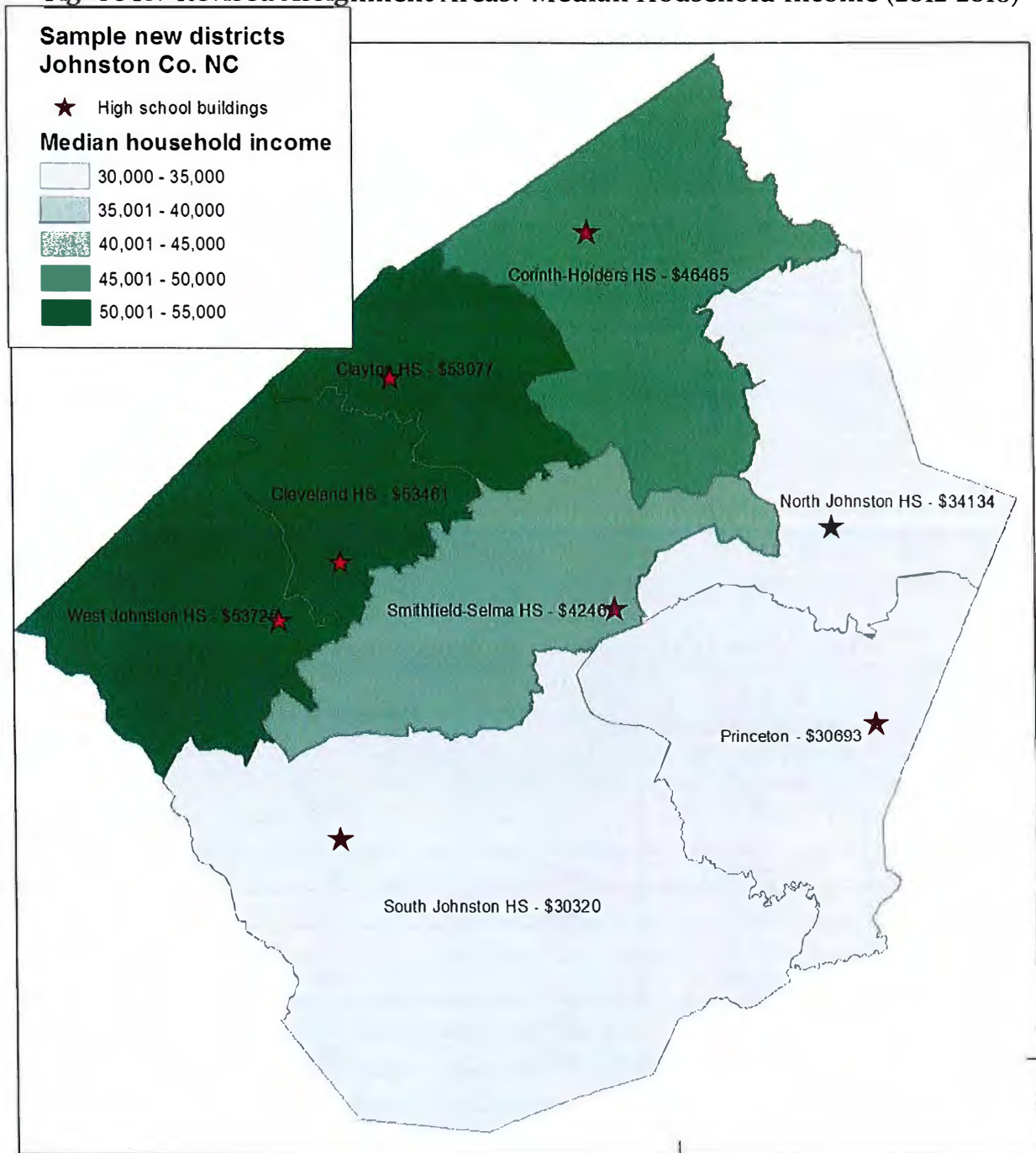


Figure 18. Revised Assignment Areas: Median Household Income (2012-2016)



Changes in assignment area effect capacity levels in each school. The sample revision shown here also has the benefit of more evenly balancing the over-capacity of the County's high schools (to the extent that these are a function of assignment area) by spreading out the significant over-capacity at Cleveland and Corinth-Holders:

Table 12. County High Schools % Capacity: Capacity (2017-2018), Assignment Area as % of Capacity (2012-2016) and Revised

High School	2017-2018 Attendance as % of Capacity	Current Assignment Area (2012-2016)	Revised Assignment Area
Clayton	89%	88%	88%
Cleveland	140%	159%	121%
Corinth-Holders	160%	124%	89%
North Johnston	93%	115%	82%
Princeton	90%	74%	113%
Smithfield-Selma	96%	114%	103%
South Johnston	99%	97%	102%
West Johnston	89%	90%	96%

JCS must soon add another high school. Tables 13 and 14, and Figures 19 and 20 illustrates what this might look like when prioritizing balanced attendance areas by demographics and capacity and socio-economic issues:

Table 13. Nine High School Attendance Areas: % Capacity

High School	2017-2018 Attendance as % of Capacity	Current Assignment Area (2012-2016)	Revised 8-HS Assignment Area	Revised 9-HS Assignment Area
Clayton	89%	88%	88%	69%
Cleveland	140%	159%	121%	89%
Corinth-Holders	160%	124%	89%	79%
North Johnston	93%	115%	82%	78%
Princeton	90%	74%	113%	96%
Smithfield-Selma	95.8%	114%	103%	94%
South Johnston	99%	97%	102%	96%
West Johnston	89%	90%	96%	101%
New School				93%*

Figure 19. Nine High School Attendance Areas: % Minority (2010)

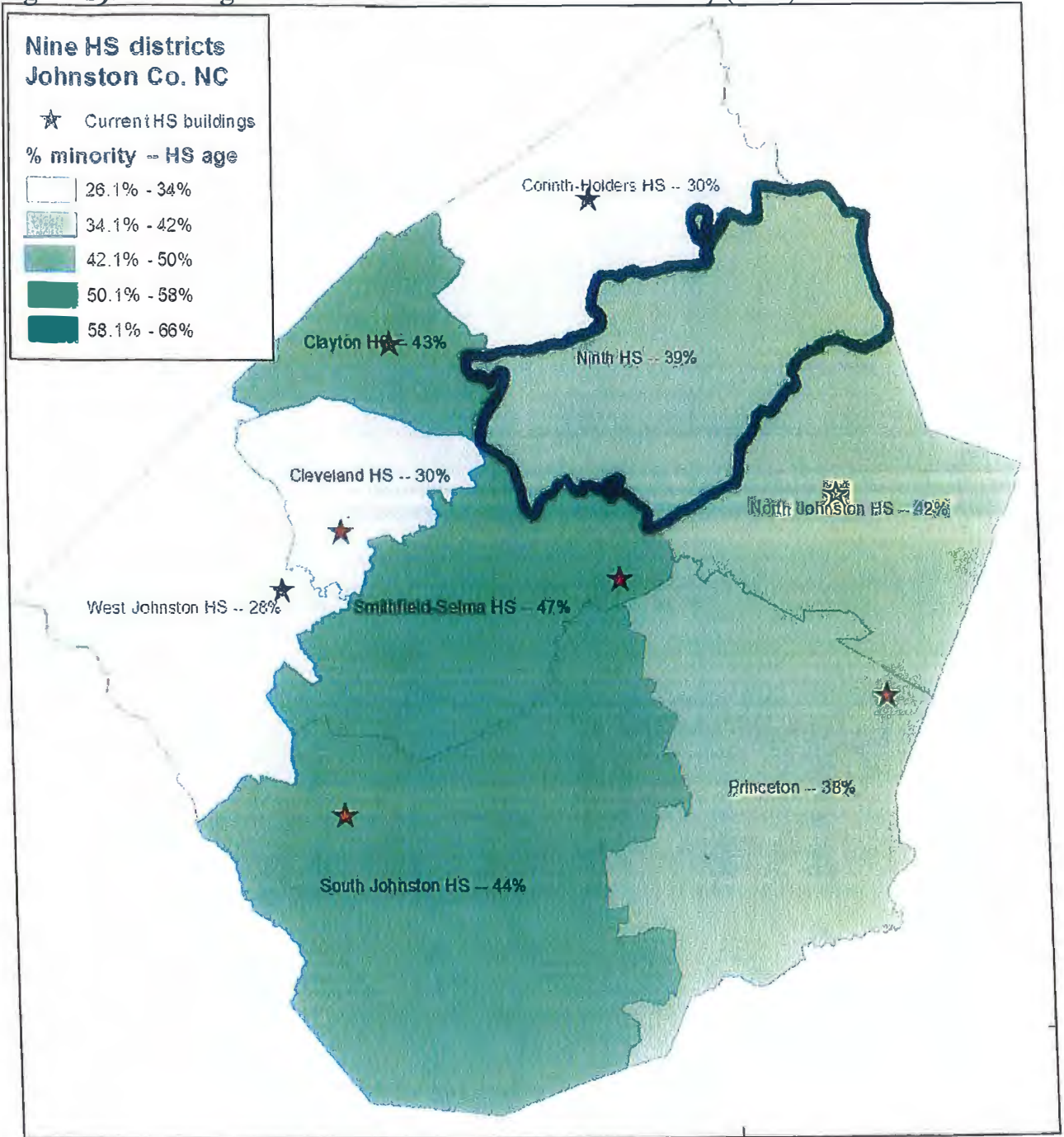
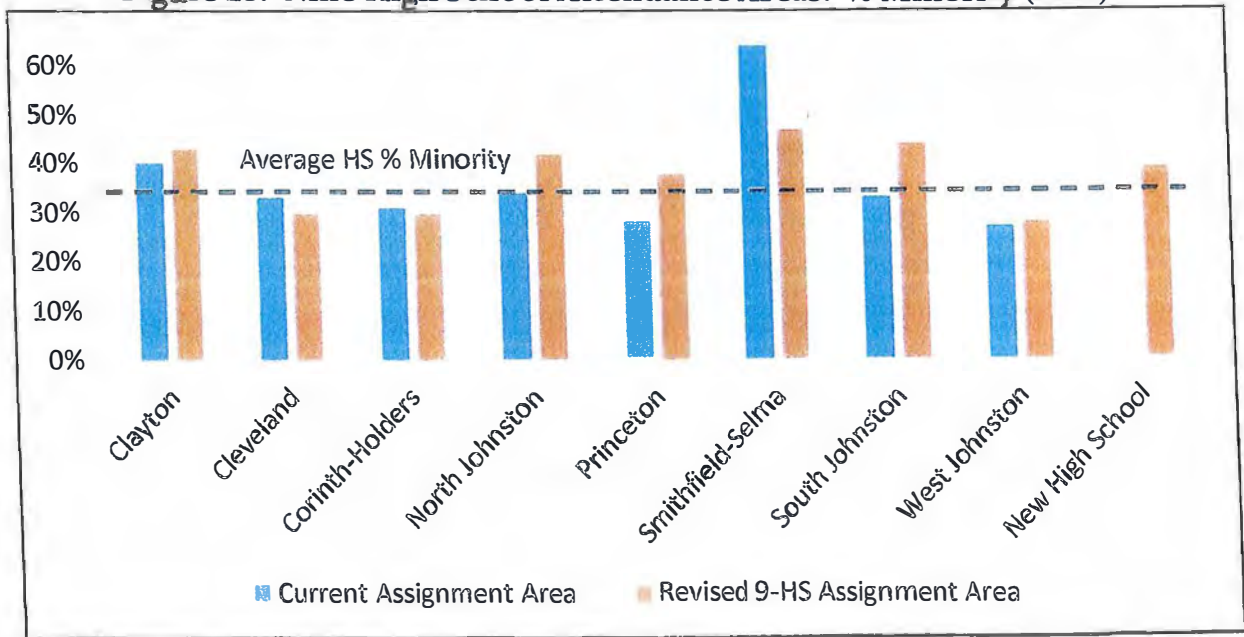


Table 14. Nine High School Attendance Areas: % Minority (2010)

High School	% Minority		
	Current Assignment Area	Revised 8-HS Assignment Area	Revised 9-HS Assignment Area
Clayton	40%	34%	43%
Cleveland	33%	33%	30%
Corinth-Holders	31%	41%	30%
North Johnston	34%	42%	42%
Princeton	28%	43%	38%
Smithfield-Selma	64%	49%	47%
South Johnston	33%	38%	44%
West Johnston	27%	28%	28%
New High School			39%

Figure 20. Nine High School Attendance Areas: % Minority (2010)

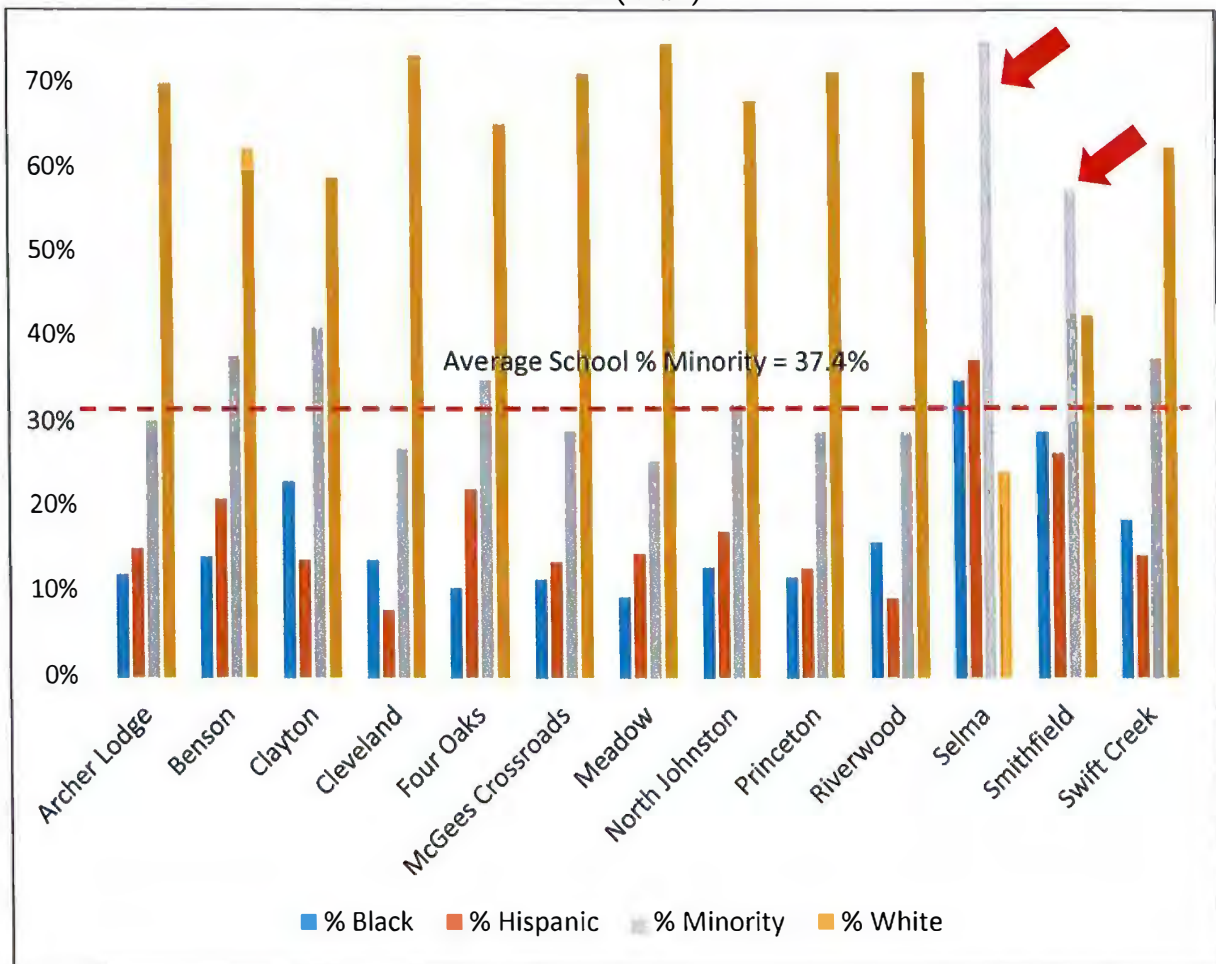


These issues also exist in JCS's Middle Schools, as shown in Table 15 and Figure 21. While the middle schools which feed the high schools are not an exact match in all cases, it is clear that the two schools (Smithfield and Selma) which feed the most segregated high school (Smithfield-Selma) are also the most segregated middle schools.

Table 15. Johnston County Middle Schools: Assignment Area Demographics by Block (2010)

Middle School	% Black	% Hispanic	% Minority	% White
Archer Lodge	12.1%	15.1%	30.2%	69.8%
Benson	14.3%	20.9%	37.8%	62.2%
Clayton MS	23.1%	13.8%	41.2%	58.8%
Cleveland	13.9%	7.9%	26.8%	73.2%
Four Oaks	10.6%	22.0%	34.9%	65.1%
McGees Crossroads	11.6%	13.6%	29.0%	71.0%
Meadow	9.5%	14.5%	25.5%	74.5%
North Johnston	13.0%	17.1%	32.1%	67.9%
Princeton	11.8%	12.8%	28.8%	71.2%
Riverwood	16.0%	9.4%	28.8%	71.2%
Selma	34.9%	37.3%	75.9%	24.1%
Smithfield	28.9%	26.3%	57.4%	42.6%
Swift Creek	18.6%	14.4%	37.6%	62.4%

Figure 21. Johnston County Middle Schools: Assignment Area Demographics by Block (2010)



Conclusion

School siting decisions and the drawing of attendance areas can either support and encourage diversity or reflect and reinforce segregative housing patterns. In Johnston County, the available data shows that school board decisions about siting and assignment areas have had a critical impact. Newer schools in the western part of the county became an additional lure for parents with the means to take advantage of the open transfer policy, leaving behind schools with higher percentages of nonwhite and low wealth students. As the pattern repeats, resegregation – and the adverse educational impacts that follow—worsens. Also, as those high poverty schools lose students, they become under-enrolled, creating additional challenges to providing adequate resources and opportunities.

None of this “just happens.” It is the foreseeable and anticipated result of decisions made by elected officials who fail to prioritize the educational and community benefits of inclusion and diversity in schools—benefits that the U.S. Supreme Court has recognized school boards have the authority to pursue. The alternative assignment scenario presented here is an example of how the school board could improve diversity, inclusion, and facilities use by adjusting attendance area boundaries.

This is a general scenario based on publicly available census data, an imprecise but nonetheless instructive tool for identifying such possibilities. Much more precise alternative boundaries could be produced by the Operations Research/Education Laboratory (OR/Ed) at NC State, using the comprehensive and detailed JCS student node data, which includes a wide range of demographics factors as well as student performance metrics. While districts often direct OR/Ed to look only at capacity and proximity, OR/Ed’s own promotion materials specifically note it can create attendance areas (or identify new school locations) to meet “school board policies pertaining to such matters as school capacity, socio-economic balance, demographic balance, and grade structure.”

This call to action is for the board to adopt policies and goals that recognize the value of racial and socioeconomic diversity as vital elements to ensure that every student in JCS receives the sound basic education that our constitution requires. As the district anticipates building new schools in the near future, and as our school-age population demographics continue to become more diverse, this is an opportune time to engage the community in a transparent and public process to establish those goals. Now is the time to develop a strategy to engage the whole community in embracing and implementing diversity goals in time for the next round of school openings and the related reassignment of students.



Request for Town Council Action

Presentations: **Mobile
Application**
Date: 11/06/2018

Subject: Presentation regarding Mobile Application
Department: General Government
Presented by: Eric McDowell, IT Specialist
Presentation: Presentations

Issue Statement

IT Specialist Eric McDowell will announce the Town's newly available mobile application feature. All departments have worked toward this goal, but it has greatly been overseen and created by Mr. McDowell and our website developer EZ Task.

Financial Impact

\$4,500 for the first year for setup, configuration and 12 months of service. \$2,025 in the second year, which includes updates, maintenance and unlimited support. Each will be paid through our PEG funds (10-61-4110-5300-5716).

Action Needed

None

Recommendation

Review support documentation provided in print/presentation

Approved: Town Manager Town Attorney

Attachments:

1. Mailer insert

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Town of Smithfield



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- Acceso a la página de Facebook y Twitter de La Ciudad
- Y más ...



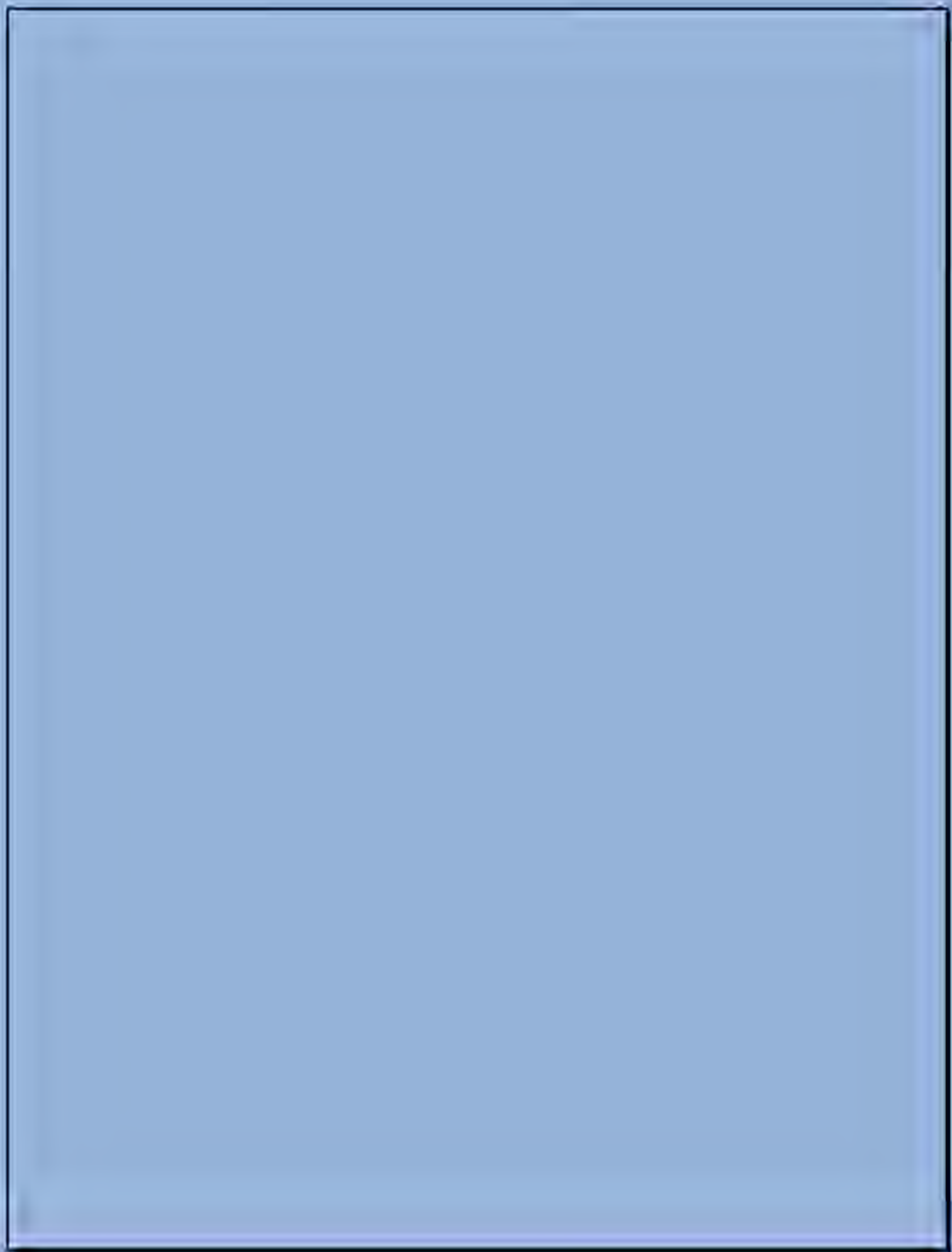
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Ciudad de Smithfield



Public Hearings





Request for Town Council Action

**Public
Hearing:** RZ-18-08
Date: 11/06/2018

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

Issue Statement

Johnston County is requesting to a 24.50 acre tract of land from the Town of Smithfield R-20A (Residential-Agriculture) and B-3 (Highway Entrance Business) zoning districts to the O/I (Office/Institutional) zoning district.

Financial Impact

There will be no financial impact to the Town.

Action Needed

To review the application for rezoning, hold a public hearing and make a decision whether to approve or deny the request with a statement declaring its consistency with the Town of Smithfield Comprehensive Growth Management Plan and whether it's reasonable and in the public interest.

Recommendation

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

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Application
3. Consistency Statement
4. Adjacent Property Owners List
5. Adjacent Property Owners Mailing Certification
6. Maps



Staff Report

**Public
Hearing: RZ-18-08**

Application Number: RZ-18-08
Project Name: Johnston County Rezoning
TAX ID number: 15L11011
City Limits / ETJ: ETJ
Applicant: Johnston County
Owners: Old Brogden Farms, LLC
Agents: Dan Simmons, McGill and Associates
Neighborhood Meeting: none

PROJECT LOCATION: The property is located on northwest and southwest quadrant of the intersection of a US Hwy 70 Business East and Yelverton Grove Road and another portion is located on the east side of Yelverton Grove Road approximately 790 feet north of its intersection with US Hwy 70 Business East.

REQUEST: The applicant is requesting to rezone approximately 24.50 acre tract of land from the Town of Smithfield R-20A (Residential-Agriculture) and B-3 (Highway Entrance Business) zoning districts to the O/I (Office/Institutional) zoning district.

SITE DATA:

Acreage: 24.50 acres
Present Zoning: R-20A (residential-agricultural) & B-3 (Highway Entrance Business)
Proposed Zoning: O/I (Office/Institutional)
Existing Use: Farm land / Pasture
Proposed Use: Government Institution / Safety Center - All uses permitted within the O/I (Office / Institutional) zoning district can be considered for future approval.

OTHER DATA:

Fire District: Town of Smithfield
School Impacts: NA
Parks and Recreation: NA

Access/Streets: All the portions of land could have access points from US 70 Business West and Yelverton Grove Road
 Water and Sewer Provider: Town of Smithfield
 Electric Provider: Town of Smithfield

ENVIRONMENTAL:

The applicant has indicated that a portion of the property contains wetlands. If the applicant chooses to conduct land disturbing activities in this area, a 401 permit issued by the North Carolina Department of Environmental Quality would first need to be secured prior to site plan approval and issuance of a valid zoning permit.

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

	Zoning	Existing Land Uses
North	R-20A (Residential-Agricultural)	Woodlands Agriculture
South	R-20A (Residential-Agricultural)	AgCarolina Farm Credit Voluntarily Annexed in 2007
East	R-20A (Residential-Agricultural & B-3 (Highway Entrance Business)	Woodlands Manufactured Home park
West	R-20A (Residential-Agricultural) & LI (Light Industrial)	Yelverton Grove Free Will Baptist Church

STAFF ANALYSIS AND COMMENTARY:

The property considered for rezoning has a single parcel number but can really be thought of as three distinct tracts of land that were created by default when the right-of-ways of US 70 Business and Yelverton Grove Road were originally recorded.

The largest tract being approximately 16.84 acres in area with approximately 768 feet of road frontage on US Highway 70 Business East and 300 feet of road frontage along Yelverton Grove Road. The property is immediately adjacent to East Coast Equipment, LLC located to the south and an existing manufactured home park to the east. There does not appear to be any environmentally sensitive areas to include wetlands or floodplain on the property. However, there is a cross country power line with a 100 foot utility easement that intersects the northwest corner of the property. Principle and accessory structures are not be permitted within this 100 foot utility easement. Water and sewer services are available at or near the site considered for rezoning.

The portion of property located on the northwest quadrant of US Hwy 70 Business and Yelverton Grove is approximately 5.23 acres in size. It is a corner lot with access to both US Hwy 70 Business and Yelverton Grove Road. There does not appear to be any environmentally sensitive areas to include wetlands or floodplain. Water and sewer services are available at or near the site considered for rezoning.

The smallest portion of the parcel is located on the southeast quadrant of US Hwy 70 Business and Yelverton Grove is approximately 2.31 acres in size. The property does contain a 100 foot utility easement but does appear to be a buildable lot providing all structures are located outside of this easement.

If the property is rezoned to OI (Office / Institutional) zoning district, all permitted uses allowed in the OI zoning district could be considered for future approval to include governmental buildings, governmental uses such as fire, police, sheriff offices, parks, recreational facilities and restaurants which are all uses by right and can be administratively approved.

PLANNING BOARD REVIEW:

The Planning Board reviewed the zoning request at its meeting on October 4, 2018. The Board raised questions about how the rezoning was in the public interest and if it might be considered spot zoning. The Board was satisfied with Staff's response and unanimously recommended approval of the rezoning.

CONSISTENCY STATEMENT:

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

- **Consistency with the Comprehensive Growth Management Plan** -The Future Land Use Map has identified this property as guided for low density residential land uses. However, the area is zoned for mix of R-20A and B-3, of which, the B-3 zoning district is not consistent with the land use plan. Adjacent properties within this corridor are currently zoned and developed as commercial so the use of this site for non-residential is contextually consistent and appropriate.
- **Consistency with the Unified Development Code** - The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance as all existing land uses on the subject property are permitted in the O/I (Office / Institutional) and, all future land uses will be permitted in accordance with Article 6 of the Town of Smithfield Unified Development Ordinance.
- **Compatibility with Surrounding Land Uses** - The property considered for a rezoning is immediately adjacent to B-3 (Highway Entrance Business) zoned properties. Compatibility issues are unlikely provided that any future redevelopment in the area is non-residential in nature.

RECOMMENDATIONS:

The Planning Department and the Planning Board find the application is consistent with applicable adopted plans, policies and ordinances and recommend approval of the rezoning request.

ACTION REQUESTED:

To review the application for rezoning, hold a public hearing and make a decision whether to approve or deny the request with a statement declaring its consistency with the Town of Smithfield Comprehensive Growth Management Plan and whether it's reasonable and in the public interest



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

REZONING APPLICATION

Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached), (1) electronic submittal and the application fee. 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: JOHNSTON COUNTY PUBLIC SAFETY CENTER **Acreeage of Property:** 24.50

Parcel ID Number: 260300-67-6920 **Tax ID:** 15L11011

Deed Book: 5178 **Deed Page(s):** 843 - 852

Address: _____

Location: INTERSECTION OF US HWY 70 BUS AND YELVERTONE GROVE ROAD

Existing Use: AGRICULTURE / WOODED **Proposed Use:** GOVERNMENT USES

Existing Zoning District: B-3 / RA-20

Requested Zoning District O # 1

Is project within a Planned Development: Yes No

Planned Development District (if applicable): _____

Is project within an Overlay District: Yes No

Overlay District (if applicable): _____

FOR OFFICE USE ONLY

File Number: _____	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.

Rick Hester
Print Name

[Signature]
Signature of Applicant

9-7-18
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

JOHNSTON COUNTY
 Name of Project: PUBLIC SAFETY CENTER Submittal Date: _____

OWNERS AUTHORIZATION

I hereby give CONSENT to Rick Hester / Johnston County (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.

Alex P. Smith Alexander P. Smith 10/2/18
 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] Rick J Hester 10-2-18
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Parcel ID Number: _____

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
RZ-18-08**

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-18-08 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-18-08 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
Smithfield Planning Board Minutes
Thursday, October 4, 2018
6:00 P.M., Town Hall, Council Chambers

Members Present:

Chairman Stephen Upton
Michael Taylor
Teresa Daughtry
Oliver Johnson
Mark Lane

Members Absent:

Ashley Spain

Staff Present:

Mark Helmer, Senior Planner
Shannan Parrish, Town Clerk

Staff Absent:

Stephen Wensman, Director
Julie Edmonds, Administrative Support Specialist

CALL TO ORDER

Chairman Stephen Upton asked the Planning Board members to identify themselves and he identified Town staff.

APPROVAL OF THE AGENDA WITH AMENDMENTS

Michael Johnson made a motion, seconded by Dr. Oliver Johnson, to amend the agenda as follows:

- Remove swearing in of new members due to their absence
- Nomination of Board Chairman and Board Vice Chairman
- Move RZ-18-08 Johnston County to the first case to be heard by the Planning Board.

Unanimously approved.

APPROVAL OF MINUTES from September 6, 2018

Mark Lane made a motion, seconded by Teresa Daughtry, to approve the minutes as written.

Unanimously approved

NEW BUSINESS

RZ-18-08 Johnston County: The applicant was requesting to rezone a 24.50 acre tract of land from R-20A (Residential-Agriculture) and B-3 (Highway Entrance Business) zoning districts to the O/I (Office/Institutional) zoning district. Portions of the property considered for rezoning were located on northwest and southwest quadrant of the intersection of a US Hwy 70 Business East and Yelverton Grove Road and another portion is located on the east side of Yelverton Grove Road approximately 790 feet north of its intersection with US Hwy 70 Business East. The property was further identified as Johnston County Tax ID# 15L11011.

Senior Planner Mark Helmer addressed the members of the Planning Board on a request made by Johnston County to rezone a 24.50 acre tract of land from the R-20A (Residential-

Agriculture) and B-3 (Highway Entrance Business) zoning districts to the O/I (Office/Institutional) zoning district. The current use was farm land. The proposed use, as stated by the applicant, will be Government Institution, Safety Center. Mr. Helmer explained the property considered for rezoning had a single parcel number but could really be thought of as three distinct tracts of land that were created by default when the right-of-ways of US 70 Business and Yelverton Grove Road were originally recorded. The largest tract being approximately 16.84 acres in area with approximately 768 feet of road frontage on US Highway 70 Business East and 300 feet of road frontage along Yelverton Grove Road. The portion of property located on the northwest quadrant of US Hwy 70 Business and Yelverton Grove is approximately 5.23 acres in size. It was a corner lot with access to both US Hwy 70 Business and Yelverton Grove Road. The smallest portion of the parcel was located on the southeast quadrant of US Hwy 70 Business and Yelverton Grove approximately 2.31 acres in size. If the property was rezoned to OI (Office / Institutional) zoning district, all permitted uses allowed in the OI zoning district could be considered for future approval. This would include governmental buildings, governmental uses such as fire, police, sheriff offices, parks, recreational facilities and restaurants which are all uses by right and can be administratively approved.

Mr. Helmer further explained the Future Land Use Map identifies this property as guided for low density residential land uses. However, the area was zoned for mix of R-20A and B-3, of which, the B-3 zoning district is not consistent with the land use plan. Adjacent properties within this corridor were currently zoned and developed as commercial so the use of this site for non-residential is contextually consistent and appropriate. The rezoning would be consistent with the Town of Smithfield Unified Development Ordinance as all existing land uses on the subject property are permitted in the O/I (Office / Institutional) and, all future land uses would be permitted in accordance with Article 6 of the Town of Smithfield Unified Development Ordinance. The property considered for a rezoning was immediately adjacent to B-3 (Highway Entrance Business) zoned properties. Compatibility issues were unlikely provided that any future redevelopment in the area is non-residential in nature.

The Planning Department found the application to be consistent with applicable adopted plans, policies and ordinances and recommended approval of the rezoning request. The Planning Board was asked to review the application for rezoning and make a recommendation to Town Council whether to approve or deny the request with a statement declaring its consistency with the Town of Smithfield Comprehensive Growth Management Plan and whether it's reasonable and in the public interest.

Chairman Upton reminded the members of the Planning Board the action needed was to review the application for rezoning. The final decision would be made by Town Council on November 6, 2018. Rezoning was not applicable for one type of use but all permitted uses within the zoning district.

Mark Lane asked for an explanation of how the petition was reasonable and in the public interest. Mr. Helmer responded the request was deemed reasonable based on Town policy which had occurred over the years. When the Town of Smithfield extended its Extraterritorial

Jurisdiction (ETJ), this area was already zoned by Johnston County for commercial uses. The Town simply adopted the zoning already in place by the County.

Mr. Lane asked for clarification on what was meant by “in the public interest”. Mr. Helmer responded the petition was in the public interest because it was fair and just and in accordance with the Town’s policy and procedures which had been in place since the property was brought into the Town’s ETJ.

Teresa Daughtry questioned if approving this rezoning would put this area in a donut hole. Mr. Helmer responded the Town could accept as much satellite annexation as it wished. There was a possibility that in the future, some properties could be annexed into the Town while others would not. Mrs. Daughtry further questioned if, in the future, there would be issues with spot zoning. Mr. Helmer responded that this corridor was in a transition phase and it was reasonable that the corridor would be open to more commercial and mixed uses.

Mr. Lane questioned if conditions could be placed on the request. Mr. Helmer responded no conditions could be placed on the request. Mr. Lane further questioned if the Planning Board could make a recommendation to the Council to place conditions on the request. Mr. Helmer responded that straight rezonings could not be conditionalized. Mr. Lane stated the Planning Board used to be able to make a recommendation to the Council to require the applicant to conduct a traffic study. Mr. Helmer responded zoning does not generate traffic; only future development generated traffic. The Planning Board must look at the table of permitted uses and if the board felt these uses were inappropriate for the area, then they should vote accordingly.

Chairman Upton questioned if there was anyone in the audience that wished to speak on the matter.

Dan Simmons of McGill and Associates informed the members of the Planning Board that his firm had conducted the preliminary investigation of the land for Johnston County. Mr. Simmons pointed out that the wooded area on the property was delineated as wetlands and could not be disturbed. Mr. Simmons explained there have been preliminary discussions with NCDOT. Once developed, NCDOT would require a left turn lane on US Highway 70 East as far from the intersection as possible. Should there be any connectivity to Yelverton Grove Road; it would be discussed with NCDOT when a site plan was completed. Mr. Simmons stated since Johnston County does not pay taxes, it would not be advantageous for the Town of Smithfield to request satellite annexation of the property.

Mr. Lane questioned why this property was chosen instead of the property across the street. Mr. Simmons responded the County could only purchase property for sale. Mr. Lane questioned how the building would be constructed on the property. Mr. Simmons responded there were preliminary lay-outs, but nothing definitive at this time. The building would have to be constructed behind the delineated woodland area. Mr. Lane questioned if the driveway would be constructed off US Highway 70 East or Yelverton Grove Road. Mr. Simmons responded it would be constructed off US Highway 70 East. Mr. Lane asked Mr. Simmons to elaborate on

NCDOT's statements concerning traffic on that particular portion of roadway. Mr. Simmons responded there were approximately 7,000 cars per day traveling on that portion of roadway. The North Carolina General Statutes mandate a left turn lane requirement when the roadway exceeds 4,000 cars per day. Mr. Simmons further stated that 7,000 car per day was not a large number. Mr. Lane responded he lived on Yelverton Grove Road and it was difficult getting off of or onto US Highway 70 East at 8:30 am and 5:30 pm. Mr. Lane further questioned the amount of people that would be employed at this facility. Mr. Simmons stated he could not answer that question.

Chairman Upton questioned if the facility would be located behind the wooded area. Mr. Simmons responded in the affirmative. Chairman Upton further requested if there would be an ingress and egress on Yelverton Grove Road. Mr. Simmons responded it was too early in the planning stage to answer that question, but stated they would comply with NCDOT's mandates.

Mr. Lane stated his only concern was the traffic and congestion in the area. Mr. Simmons responded if there was substantial traffic and congestion, NCDOT may require in the future the installation of a stop light at the intersection.

Mrs. Daughtry stated the Planning Board had already discussed that this area was going to be a major thoroughfare for O/I and commercial uses. The Town would be servicing the area with water, sewer and electric at out of Town rates. As for traffic, NCDOT would determine what was best for the area.

Mr. Lane asked that consideration be made for the high volume traffic times of 7:00 am – 8:30 am and 5:00 – 5:30 pm

Chairman Upton recognized Johnston County officials in attendance.

Teresa Daughtry made a motion, seconded by Dr. Oliver Johnson, to make a recommendation to the Town Council to approve rezoning request RZ-18-08 with a statement declaring its consistency with the Town of Smithfield Comprehensive Growth Management Plan and that it's reasonable and in the public interest. Unanimously approved.

ZA-18-09 Stephenson General Contractors: The applicant was requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 6, Section 6.5 Tables of Uses and Activities, to allow for Licensed Facilities: Child Care Facilities as a special use with supplemental standards in the O/I (Office/Institution) zoning district.

Senior Planner Mark Helmer informed the members of the Planning Board that Mr. Stephenson would not be in attendance for tonight's meeting due to a medical condition.

Senior Planner Mark Helmer addressed the members of the Planning Board on a request made by Durwood Stephenson for an amendment to the Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities to allow licensed child care centers in the

Office/Institutional zoning district as special uses with supplementary standards. Mr. Helmer explained that currently the list of permitted uses in the O/I zoning district included: adult daycare facilities, medical offices and financial institutions. Staff believes child care facilities were omitted in the O/I zoning district in error because over the years, there have been quite a few requests for child care facilities in the O/I zoning district. Also, there tended to be more suitable buildings for child care facilities in the O/I zoning district. By approving the O/I zoning district to child care facilities, it would allow more space to become available in the B-3 zoning district for retail type uses since child care facilities are approved by right in the B-3 zoning district. Planning Staff recommended approval of this text amendment.

Teresa Daughtry stated it seemed the Planning Board was recommending amendments to the UDO every time a meeting was held. Mr. Helmer responded this request was different in that it was citizen driven and not staff driven. As a property owner, Mr. Stephenson had a right to request an amendment to the zoning map or text. The Town Council and the Town Manager were trying to determine the best way to move forward with staff suggested amendments to the UDO.

Mr. Daughtry stated that while she did not have any issues with this request, she was concerned about not moving forward with the proposed meetings for correcting and amending the UDO. She further stated the Planning Board and Town Council should begin the process of reviewing and amending the UDO as soon as possible.

Chairman Upton stated the UDO Committee spent their time correcting the previous UDO and now the Planning Board and Town Council were being faced with an excessive amount of amendments. He requested staff to expedite the process and to provide an agenda of how to proceed with reviewing and revising the current UDO.

Mr. Lane suggested that only text amendment requests from citizens be brought before the board for consideration. All staff driven requests should be tabled until meetings with the Planning Board and Town Council could be conducted.

Chairman Upton asked if there were any additional questions or comments. There were none.

Mark Lane made a motion, seconded by Teresa Daughtry, to recommend to the Town Council to approve ZA-18-09 amending the Town of Smithfield Unified Development Code, Article 6, Section 6.5 Table of Uses and Activities to allow licensed child care centers in the O/ I zoning district as a special use with supplemental standards, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment was reasonable and in the public interest. Unanimously approved.

S-18-02 Last Investment LLC: The applicant was requesting preliminary subdivision approval of a 110 lot residential development on approximately 100 acres of land located within an R-20A (Residential-Agricultural) zoning district. The property considered for preliminary subdivision

approval is located on southwest side of the intersection of Swift Creek Road and Cleveland Road and further identified as Johnston County Tax ID# 15I08020.

Mr. Helmer explained the review of preliminary subdivision plats was new for the Planning Board and he intended to be thorough.

Senior Planner Mark Helmer addressed the members of the Planning Board on a request made by Last Investments, LLC for approval of a Preliminary Subdivision Plat for Swift Creek Road Tract, a proposed 110 lot single-family detached residential development on a 97.57 acre parcel in the R-20A zoning district located at 1337 Cleveland Road. Mr. Helmer explained water would be provided by the Town of Smithfield, sewer would be on-site septic systems and the electric provided would be Duke Energy Progress. The property was currently located in the ETJ and there was no request for voluntary annexation. The developer had not specifically identified a phasing plan, but had indicated the first phase would likely consist of about 20 lots.

Mr. Helmer explained the property generally sloped away from Swift Creek and Cleveland Roads towards a riparian area at the southwest property line. In addition, a drainage ditch crosses near the center the property in an east-west direction. A second riparian area existed near the south-eastern corner of the property near Swift Creek Road. The property was mostly open farm field with some wooded area near the edges and in low areas. A small cemetery was shown on the survey about 750 feet south of Cleveland Road on the west property line. Access to the cemetery was shown to be from Cleveland Road over a 30 ft. wide access easement centered on the west property line.

The applicant was proposing a preliminary plat of 110 detached single-family residential homes on the 97.57 acre parcel with a gross density of 1.13 units per acre. The lots ranged in size from 0.46 acres to 1.72 acres in size. The UDO Article 10, Section 10.110.1.4.1.1 required a minimum lot size of 20,000 sq. ft. (0.46 acres) for on-site septic. All lots met this requirement. The minimum lot dimensions were 100 ft. x 200 ft. Lot 86 is slightly less than 200 ft. long, but met the requirements otherwise. Lots 92 and 93 do not meet the Town's lot requirements. UDO Section 10.108.1.4.3. stated that lot size, shape, and location shall be made with due consideration to topographic conditions, contemplated use, and the surrounding area. Staff believed the hook shapes would be an issue for surrounding properties. These areas would be difficult to maintain and may not be maintained appropriately so nearly detached from the main parcel. In addition, the County does not enforce nuisance complaints, so the hook lots were likely going to be an enforcement issue for the surrounding homeowners. UDO Section 10.108.1.4.6. requires side lot lines to be substantially at right angles or radial to street lines. The hook lots do not conform to this code provision. The minimum frontage for cul-de-sacs was 25'. All the cul-de-sac lots conform to this requirement.

The development property contained a low wetland area on the southwest corner of the property and a blue line stream near the southeast corner of the property. The required 50 ft. riparian buffer was shown on the preliminary plans. There was also an existing ditch crossing the property in a north-south direction with an area of poor draining soils. There were several lots in the development that appear to be located on poorly draining soils that may not be

suitable for on-site septic. The applicant has not yet conducted soil borings to verify adequate septic sites for each lot. It is likely that the applicant will lose some lots once the soils investigations are complete.

There was a cemetery on the north edge of the property. Access to the cemetery was shown to be over a 30 ft. wide easement centered on the property line. Planning Staff did receive comments from a member of the Avera family claiming the 30' access easement was not properly executed. Staff researched the County recorder's files for the easement and could not find a recorded deed of easement. A recommended condition of approval was to require the developer to provide documentation of a legal easement to the cemetery.

The development would be served by Town of Smithfield water with a master meter on the County's water line as an out-of-town customer. Each lot would have on-site septic systems to treat sewage. Electricity would be provided by Duke Energy Progress (DEP).

The proposed road access to the development was from a single access on Sift Creek Road about 525 feet north of the Swift Creek Road and Cleveland Road intersection. According to the applicant, NCDOT preferred the single entrance in that location because of safety considerations. NCDOT was conducting a traffic count on Swift Creek Road to determine whether a turn lane would be needed to help mitigate the traffic the future development was expected to generate. An NCDOT access permit would be needed for the road access.

The threshold for a traffic impact study was 800 cars per day. The proposed development was very near that threshold, but none will be required by Planning Staff. The NCDOT was conducting its own traffic counts and would most likely require turn lanes. A traffic impact study was unnecessary.

The applicant was proposing 8,031 lineal feet of public street. The road surface would be 20 ft. wide public streets with drainage swales and a 5 ft. public sidewalk on one side of the street in a 60 ft. right-of-way consistent with UDO requirements. Five ft. sidewalks would also be constructed along Swift Creek and Cleveland Roads.

The preliminary plat, when first submitted, showed lateral access to both the north and south sides of the plat as required. The lateral access on the south side led to a blue line stream. Staff had this access removed from the plans. The entire south edge of the plat appears to be wet lowland and the adjacent area most likely unbuildable. The lateral access to the north will provide an appropriate access to the adjacent property should it develop in the future. The adjacent property to the north is outside the Town's ETJ.

The proposed preliminary plat showed 11.93 acres of open space containing the wetland and mostly within the 100 year flood elevation. The open space would be owned in common by a homeowner's association. A provided access strip was 20 feet wide shown between Lots 25 and 26. The developer has not provided any HOA documents for review by the Town Attorney as required. A condition of approval has been added to the recommendation requiring submittal of HOA documents for Town Attorney review.

The applicant had submitted a sediment and erosion control plan with proposed grading. A sediment and erosion control permit would be required from the NCDEQ.

The applicant submitted a stormwater management plan indicating the development would be exempt from stormwater retention because the impervious area will be under the 15% impervious threshold. The applicant would be required to purchase nitrogen credits in lieu of managing stormwater quality on site. The individual lots would be limited to 3,803.8 sq. ft. of impervious surface (home, driveway, sidewalk, patio and shed, etc.).

There were no specific landscaping and tree preservation standards for single family residential development. No landscaping or tree preservation plans have been provided.

Mark Lane questioned if that was the standard for landscaping for subdivisions. Mr. Helmer responded there were no landscaping or buffer requirements for subdivisions in the UDO.

Mr. Helmer further explained that no lighting plan had been provided. A lighting plan was required to comply with the UDO.

The applicant had not proposed any subdivision entrance signs. Such signs would require a sign permit prior to construction and would need to comply with the Town of Smithfield UDO.

Mr. Lane asked for an explanation on the phasing plan. Mr. Helmer responded that a lot of time, the developer would build a portion of houses, sell those houses to determine the future development of the subdivision. The Town's subdivision regulations required for the phase plan to be shown on that plat so staff would know which phases would be built in which order. Mr. Lane further questioned what the developer could do with the property should the phases not be built out. Mr. Helmer responded minor changes could be made in the future with a revised plan, but any major changes would have to come back to the Planning Board for review and consideration.

Teresa Daughtry questioned if the nitrogen credit would be done during the phases. Mr. Helmer responded it was the Town's requirement that each phase stand on its own.

Mrs. Daughtry further questioned if the applicant had addressed the seven proposed conditions. Mr. Helmer responded these conditions were typical and had yet to be addressed. Mrs. Daughtry asked if this subdivision would likely be annexed into the Town. Mr. Helmer responded it was unlikely.

Mr. Helmer stated the Planning Department's recommendation to the Planning Board was to recommend approval of the preliminary plat of the Swift Creek Tract (S-18-02) with the following conditions:

1. That the suitability for on-site septic be proven for each lot prior to final plat.
2. That the preliminary plat be revised to eliminate the hook lots, Lots 93 and 94.

3. That the open space be either owned in common by a homeowners association with community access or broken up into private ownership by extending the lot lines of lots 25-34.
4. That HOA documents be submitted for review by the Town Attorney prior to final plat approval.
5. That a lighting plan be submitted for Town review prior to construction.
6. That a phasing plan be provided.
7. That the applicant obtains a NCDOT Permit for the access to Swift Creek Road prior to construction.
8. That the applicant provides proof of legal access to the cemetery.

Mrs. Daughtry questioned if a recommendation would be made to have utilities stubbed out between lots 18 and 19 for future development. Mr. Helmer responded staff could make a recommendation that this be completed during future revisions to the plan.

Mr. Helmer reiterated that the open space shown on the plan would either be owned in common by a homeowner's association with a community access or by private ownership by extending the lot lines. After speaking with the engineer, they were working on the HOA documents and Mr. Helmer assumed the open space would be managed by the HOA

Dr. Oliver Johnson inquired why the Planning Department would recommend one condition that appeared to be inclusive and one condition that appeared to be exclusive. Mr. Helmer responded that in regards to open space, it has to be managed by the HOA or the property owner. Dr. Johnson stated the better option would be to have it managed by the HOA. Mr. Helmer agreed.

Mrs. Daughtry questioned the sole entrance into the subdivision expressing safety concerns in the event of an emergency. Mr. Helmer responded it was a good policy to have two entrances, but the requirement was not currently in the UDO. Mr. Lane questioned if the Town of Smithfield's Fire Chief would have to review the plan. Mr. Helmer responded the Fire Chief would review the plan and typically was an advocate for two entrances. Mr. Helmer further responded the Planning Board could make a recommendation that another entrance be required.

Mrs. Daughtry stated if the Town was to be business friendly, then recommendations should be made before the developer spends funds developing plans.

Chairman Upton informed the members the Planning Board was requested to review the preliminary plat application and make a recommendation to the Town Council. He stated for the record that landscaping and buffering be brought to the attention of the Planning Department for their finalization.

Richie Hines of 638 Parkway, Fuquay Varina, Engineer for the Project addressed the members of the Planning Board as the representative for the developers. Mr. Hines explained a lot of

work had already been completed for the preliminary plat and construction drawings were currently being reviewed by the different agencies responsible for approval.

Mr. Hines explained the Johnston County Health Department would be responsible for review of each lot for suitable soil for septic and repair. Preliminary soil testing was completed and the results determined the layout of the subdivision.

Mr. Hines stated there was a recommendation to eliminate hook lots 93 and 94. He asked the Planning Board to allow the developer to revisit the request once the soil investigation had been completed.

Mr. Hines explained that a HOA agreement was being drafted and would be submitted to the Town Attorney for review. The developer utilized a management company to enforce the rules of the HOA. Mrs. Daughtry questioned if the HOA would be in existence for only 25 years or would it automatically renew. The developer responded, the HOA agreement would automatically renew.

Mr. Hines explained the open space was in the 100 year flood plain and the Planning Director did not feel comfortable recommending the area to be considered as open space. Mr. Hines proposed for the area to remain as a protected undisturbed area, but it would not be considered open space. The reason for leaving the area undisturbed would be part of the storm water plan/ nutrient strategy. The strategy allowed the developer to avoid nitrogen offset payments. There would be an access space and right of way maintained by the HOA.

Mr. Hines explained he would not submit any layout of the subdivision to Duke Energy Progress (DEP) until they knew exactly where the lot line would be located. The lot lines would be determined once the Johnston County Health Department completed their review. Once the lot lines had been defined, Mr. Hines will send a plan to DEP and their engineers with develop a lighting plan. If he sent the plan in now and the lot lines changed, he would be incur a charge from DEP which he wished to avoid.

Mr. Hines explained that since the height of construction season had passed, the developer had proposed the first phase of construction to be 20-25 homes. The phase would be determined based on a marketing and building stand point.

Mr. Hines explained he had applied for an NCDOT permit. After taking more recent traffic counts, NCDOT would require a turn lane for the entrance. Mr. Hines was beginning the design work for the turn lane. Mr. Hines further explained why a second entrance was not proposed. It was because there was not space for another entrance. The farther one moved down Swift Creek Road and away from the Cleveland School Road intersection, the vertical alignment and the horizontal alignment make areas where you would lose site of a vehicle. NCDOT required 500-600 feet between entrances; therefore, there wasn't a safe location where another access could be developed.

Mr. Lane questioned if the engineer was familiar with a crash gate. This would be a dedicated access for emergency vehicles to utilize in emergency situations. Mrs. Daughtry expressed her concerns about the safety of the residents with only one access. Mr. Hines responded they may be able to consider an emergency access as long as it wasn't a full access. Mr. Hines informed the Planning Board he had already received some utility comments and expected to receive comments from the Fire Department.

Mr. Hines explained that proof of legal access to the cemetery was being discussed. Mr. Lane questioned if there was any thoughts to protecting the cemetery. Mr. Hines responded there was currently a fence protecting the cemetery.

Mr. Hines explained the utilities would be constructed to the property line. Stopping utilities 10-15 feet short would make it easier for the next developer to tie into the lines.

Chairman Upton inquired if there were any plans for landscaping even though it was not required. Mr. Hines responded there would be just enough to meet the certificate of occupancy. Mr. Helmer stated there were landscape requirements in the previous version of the UDO, but those requirements were removed during the revision.

Mrs. Daughtry questioned if the developer would have to come to the Planning Department for the construction of a subdivision entrance sign. Mr. Helmer responded it was a different permitting process, but having a sign was not a requirement in the code. Mrs. Daughtry further questioned if there was a proposed sign in the plan. The developer responded no sign was being proposed.

Teresa Daughtry made a motion, seconded by Mark Lane to recommend approval of the preliminary plat of the Swift Creek Tract (S-18-02) with the following conditions:

1. That the suitability for on-site septic be proven for each lot prior to final plat.
2. That the preliminary plat be revised to eliminate the hook lots, Lots 93 and 94.
3. That the open space be either owned in common by a homeowners association with community access or broken up into private ownership by extending the lot lines of lots 25-34.
4. That HOA documents be submitted for review by the Town Attorney prior to final plat approval.
5. That a lighting plan be submitted for Town review prior to construction.
6. That a phasing plan be provided.
7. That the applicant obtains a NCDOT Permit for the access to Swift Creek Road prior to construction.
8. That the applicant provide proof of legal access to the cemetery.
9. Second driveway be reviewed and investigated If a second entrance is not feasible then a crash gate be investigated

Unanimously approved.

Mrs. Daughtry stated since landscaping was required for commercial development it should also be required for residential subdivisions. Also, it should be a requirement that all residential subdivisions have a monument sign at the entrance.

Chairman Upton responded the Planning Board could discuss these issues, but nothing would be finalized until the Planning Department takes heed and brings recommendations to the Planning Board. The process of reviewing and amending the UDO needs to be expedited.

Nomination of Chairman and Vice Chairman

Chairman

Chairman Upton asked for a nomination for the Planning Board Chairman.

Dr. Oliver Johnson made a motion, seconded by Teresa Daughtry, to nominate Stephen Upton to serve as the Planning Board's chairman. Unanimously approved.

Vice Chairman

Chairman Upton asked for nominations for the Planning Board Vice Chairman

Michael Johnson made a motion, seconded by Dr. Oliver Johnson, to nominate Mark Lane to serve as the Planning Board's Vice Chairman. Unanimously approved.

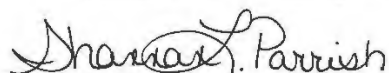
Old Business

There was none

Adjournment

Being no further business, Dr. Oliver Johnson made a motion seconded by Teresa Daughtry to adjourn the meeting. Unanimous approved. The meeting adjourned at approximately 7:52 pm.

Respectfully Submitted,



Shannan L. Parrish
Town Clerk

TAX ID#	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15L10042A	260300-79-3253	GARDNER, RONNIE WAYNE	789 DITCHBANK ROAD	GOLDSBORO	NC	27534-0000
15L11010B	260300-58-5398	YELVERTON GROVE F W CHURCH	1094 YELVERTON GROVE RD	SMITHFIELD	NC	27577-0000
15L11011C	260300-67-0764	LANGSTON, MARJORIE DICKINSON	PO BOX 659	SMITHFIELD	NC	27577-0659
15L11009A	260300-58-1246	ROBERTS & WELLONS INC	PO BOX 986	SMITHFIELD	NC	27577-0986
15L11014G	260300-68-8078	COX, LARRY E	110 WILSONS MILLS RD	SMITHFIELD	NC	27577-3244
15L11012	260300-46-7578	HUGHES, JOHN TIMOTHY	2435 US HIGHWAY 70 BUS E	SMITHFIELD	NC	27577-7788
15L11014	260300-77-0312	COX, LARRY E	110 WILSONS MILL RD	SMITHFIELD	NC	27577-9153
15L10013F	260300-88-4008	SUTTON, BEVERLY ALLEN	2705 SUNNY CORNERS CT	RALEIGH	NC	27614-8095
15L11011	260300-67-6920	OLD BROGDEN FARMS LLC	6317 BAYSWATER TRAIL, LLC	RALEIGH	NC	27621-6608
		Mr. Rick Hester	PO Box 1049	Smithfield	NC	27577



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-18-08, were notified by First Class Mail on 10-26-18.



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

25th day of October, 2018



Notary Public Signature

Julianne Edmonds

Notary Public Name

My Commission expires on 1-15-2023



2800 Block of US Hwy 70 Business East



Project Name:
Johnston
County Public
Safety Center

Proposed Use:
County Jail

File Number:
RZ-18-08

Property Owner:
Old Brogden
Farms LLC

Applicant:
Johnston County

Location:
US 70 Bus East &
Yelverton Grove
Road

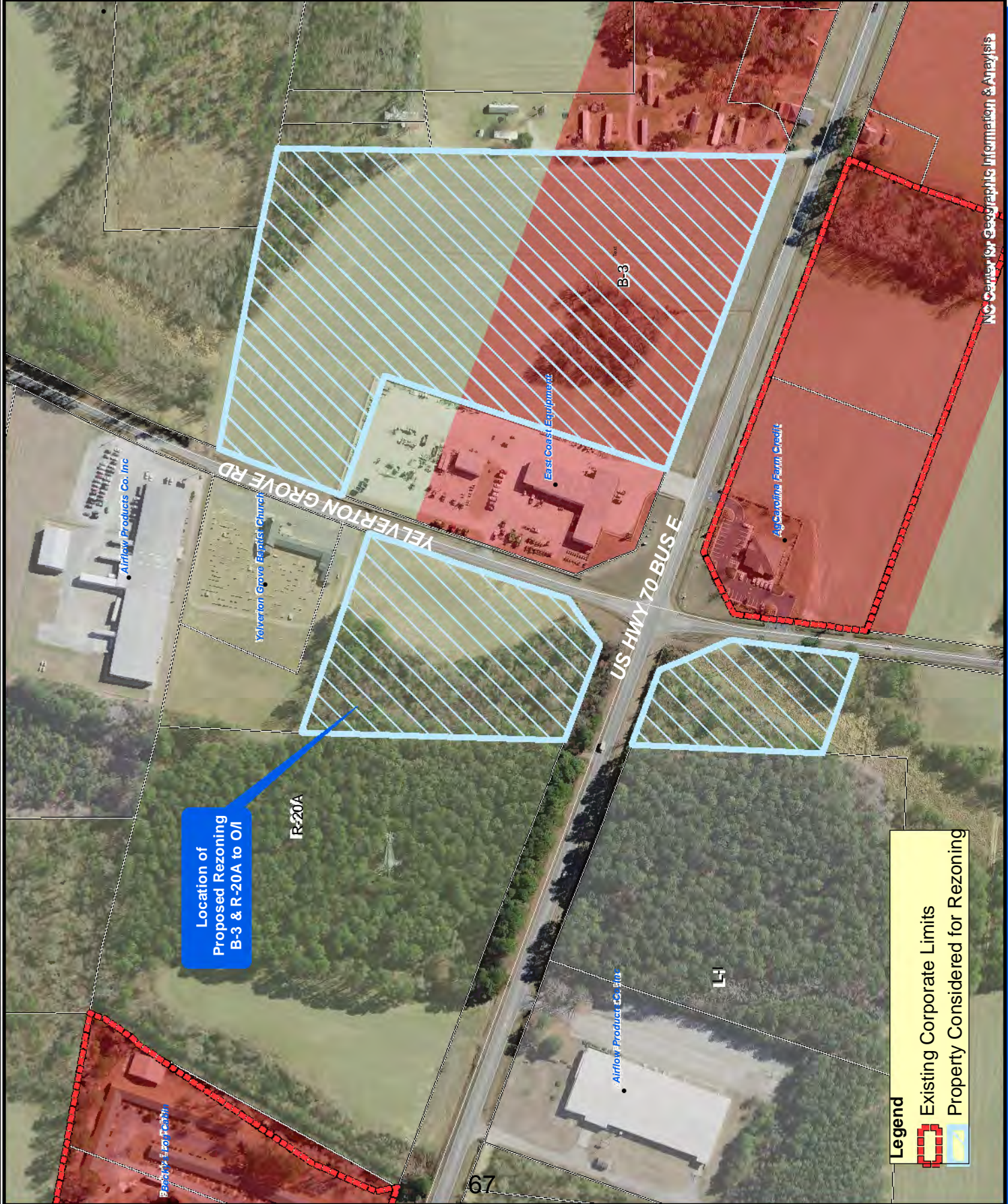
Tax ID#
15L11011

Zoning District:
B-3 (Highway
Entrance Business) &
R-20A (Residential-
Agriculture)

Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 9/18/2018



1 inch = 300 feet



Location of
Proposed Rezoning
B-3 & R-20A to O/I

Legend

- Existing Corporate Limits
- Property Considered for Rezoning

NC Center for Geographic Information & Analysis

I, ADRIAN J. BALL III, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN EXISTING RECORDS AS NOTED; THAT THE RATION OF PRECISION AS CALCULATED IS 1:10000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 31ST DAY OF JULY 2018 AD.



ADRIAN J. BALL III, PROFESSIONAL LAND SURVEYOR No. L-3687

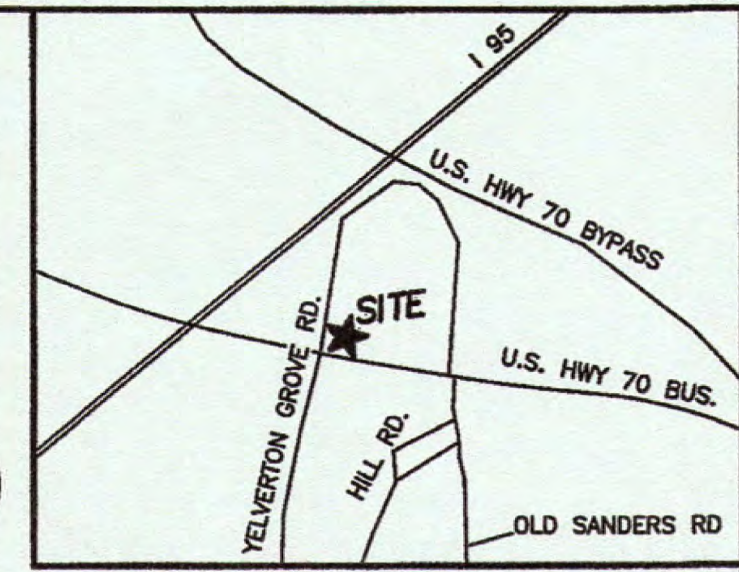
RONNIE WAYNE GARDNER DB 756, PG. 212

RONNIE WAYNE GARDNER DB 756, PG. 212

BEVERLY ALLEN SUTTON CAROLYN ALLEN DAVIS DB 2845, PG. 489

NC GRID 83/2011 COORDS.
N 638367.05
E 220624.99

NC GRID NORTH (NAD 83 2011)



VICINITY MAP - NO SCALE

LEGEND

- EMN EXISTING MAG NAIL
- EIP EXISTING IRON PIPE
- EIS EXISTING IRON STAKE
- ISS IRON STAKE SET
- R/W RIGHT-OF-WAY
- PKS PK NAIL SET
- F/O FIBER OPTIC WITNESS

AREAS ARE COMPUTED BY COORDINATE METHOD. UNLESS OTHERWISE NOTED ALL DISTANCES SHOWN ARE GROUND HORIZONTAL DISTANCES. NO NCGS MONUMENTS FOUND WITHIN 2000 FEET.

NO WETLAND SURVEY WAS PERFORMED FOR THE PREPARATION OF THIS PLAT.

NO UNDERGROUND UTILITIES WERE LOCATED AS A PART OF THIS SURVEY

BEING A SURVEY AND MAP OF ALL THE PROPERTY SHOWN AS TRACT 1 IN D.B. 5178, PGS 843-852 OF THE JOHNSTON COUNTY REGISTER OF DEEDS OFFICE.

PARCEL #15L11011

PLAT REFERENCES:

1. PB 38, PG. 359
2. PB 50, PG. 495
3. PB 69, PG. 458
4. OLD R/W PLANS FROM GOLDSBORO NCDOT OFFICE OF YELVERTON GROVE AND US 70 INTERSECTION.

THIS PLAT IS A CORRECT REPRESENTATION OF THE LANDS SURVEYED; HOWEVER A NORTH CAROLINA LICENSED ATTORNEY SHOULD BE CONSULTED CONCERNING CORRECT OWNERSHIP, WIDTH AND LOCATION OF ANY EASEMENTS, ANY CEMETERIES, OR FAMILY BURIAL GROUNDS NOT SHOWN ON RECORDED MAPS OR DEEDS MADE AVAILABLE TO THIS SURVEYOR BY THE RECENT OWNERS AT THE TIME OF THIS SURVEY AND OTHER TITLE QUESTIONS REVEALED BY TITLE EXAMINATION. NO RESPONSIBILITY OF ANY NATURE IS ASSUMED BY THIS SURVEYOR FOR ANY CONDITIONS WHICH MAY EXIST BUT ARE UNKNOWN, SUCH AS: CEMETERIES, FAMILY BURIAL GROUNDS, TOXIC OR HAZARDOUS WASTE MATERIAL, UNDERGROUND TANKS, ETC.

LARRY COX D.B. 3831 PG.907

STATE OF NORTH CAROLINA, JOHNSTON COUNTY
FILED FOR REGISTRATION AT _____ M., _____ IN THE REGISTER
OF DEEDS OFFICE. _____ PAGE _____
RECORDED IN BOOK _____
CRAIG OLIVE
REGISTER OF DEEDS

BY: _____

OWNER: OLD BROGDEN FARMS, LLC.
POB 916
GOLDSBORO NC 27533

CORP. C-3000

SURVEY FOR
THE COUNTY OF JOHNSTON
ON THE PROPERTY OF
OLD BROGDEN FARMS, LLC.
SMITHFIELD JOHNSTON COUNTY NORTH CAROLINA
SCALE: 1" = 200'
TOWNSHIP DWN. BY: LSS
07-18-18

JERRY BALL LAND SURVEYING, P.C.
205 S. POLLOCK ST.
SELMA, N. C. 27576
(919) 965-0077

A PORTION OF THE PROPERTY SHOWN IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA/FIRM COMMUNITY PANEL NO. 3720280200 K. REVISED 6-20-18.

ADRIAN J. BALL III, PROFESSIONAL LAND SURVEYOR No. L-3687

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSES OF THIS SUBSECTION, AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE, LEGAL DESCRIPTION OR LEGALLY CONVEYED TO A NEW OWNER BY DEED IN ITS EXISTING CONFIGURATION.

ADRIAN J. BALL III, PROFESSIONAL LAND SURVEYOR No. L-3687

5.721 ACRES INCLUDING R/W SR 2301
5.223 ACRES EXCLUDING R/W SR 2301

JANE P SMITH D.B. 4203 PG. 90
17.045 ACRES INCLUDING R/W SR 2301
17.836 ACRES INCLUDING R/W SR 2301

2.627 ACRES INCLUDING R/W SR 2508
2.232 ACRES EXCLUDING R/W SR 2508

JOHN TIMOTHY HUGHS JAMES WILLIAM HUGHS D.B. 1355, PG. 974

AG CAROLINA FARM CREDIT FLCA DB 3172, PG. 232

AG CAROLINA FARM CREDIT FLCA DB 3147, PG. 71



Request for Town Council Action

Public Hearing: **Zoning Text Amendment**
Date: 11/06/2018

Subject: Zoning Text Amendment
Department: Planning
Presented by: Stephen Wensman
Presentation: Public Hearing

Issue Statement

Durwood Stephenson is requesting an amendment to the Unified Development Ordinance (UDO) to allow licensed child care centers in the Office/Institutional zoning district as special uses with supplementary standards.

Financial Impact

None

Action Needed

To review the zoning text amendment, ZA-18-09, hold a public hearing, and make a decision whether to deny, approve or approve with changes.

Recommendation

Planning Staff and the Planning Board recommend approval of zoning text amendment ZA-18-09 with a consistency statement declaring the request is consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Application
3. Consistency Statement
4. Draft Ordinance Amendment



Staff Report

Public Hearing: **Zoning Text Amendment**

REQUEST:

Durwood Stephenson is requesting an amendment to the Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities to allow licensed child care centers in the Office/Institutional zoning district as special uses with supplementary standards.

ANALYSIS:

The UDO allows licensed child care centers in the commercial business districts and industrial districts. Licensed child care centers will be as compatible or more compatible with permitted uses in the O/I zoning district as compared with permitted uses in those commercial and industrial zoning districts. For instance, most typically, daycare uses in industrial districts are only allowed as accessory to a principal use. Daycare in the O/I zoning district will not displace retail activities (pedestrian and vehicular traffic) as it often does in commercial business districts.

Licensed child care center use is supportive of office and institutional uses by providing child care services for workers in the area and nearby residential areas without causing disruption.

PLANNING BOARD REVIEW:

The Planning Board reviewed the application at the October 4, 2018 meeting and unanimously recommended approval. No members of the public were present or commented on the request.

CONSISTENCY STATEMENT:

The zoning text amendment as proposed is consistency with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

RECOMMENDATION:

Planning Staff and the Planning Board recommend approval of zoning text amendment ZA-18-09 with a consistency statement declaring the request is consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.



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

Petition for Amendment to the Unified Development Ordinance

Pursuant to Article 4 of the Town of Smithfield 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. The application for any amendment shall contain a description of the proposed zoning regulation.

APPLICANT INFORMATION:

M. Durwood Stephenson - Berkshire Road I, LLC	Post Office Box 1187
Petitioner's Name	Address or PO Box
Smithfield, NC 27577	919-934-6651
City, State, Zip Code	Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:
Allow childcare facility as licensed by State of N.C. in O & I zoning jurisdiction
 (Attach additional sheets as necessary)

This application must be accompanied by a Statement of Justification which addresses the following:

1. How the amendment proposed would serve the public interest or correct an obvious error in the existing ordinance. See Attached
2. How the amendment proposed will enhance or promote the purposes and goals of the adopted plans and policies of the governing body. See Attached

The undersigned hereby authorizes the filing of this petition and certifies that the information contained herein stands alone based on the merits of this request and is accurate to the best of their knowledge and belief.

Berkshire Road I, LLC

 Signature of Petitioner
 M. Durwood Stephenson
 September 19, 2018
 Date

FOR OFFICE USE ONLY

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

ATTACHMENT
PETITION FOR AMENDMENT TO UNIFIED DEVELOPMENT ORDINANCE
DATED SEPTEMBER 19, 2018
FORM 2/2017

Address: 861 Berkshire Road
Smithfield, North Carolina 27577

Zoning: O & I

1. An amendment to allow childcare facilities within O & I would conform to several objectives of permitted uses of O & I Zoning and would enhance the community and not be disruptive to the neighborhood nor any of the permitted uses. Ref. Office and Institutional District "A" is intended to encourage structures with ample open space i.e. playground and for facilities rendering specialized services including public and private schools, community centers and community services.
2. Allowing child care facilities will enhance the community and serve the public interest by providing childcare activities for office workers and/or residents of permitted R-6 residential. In lieu of disruption of any permitted activities, child care facilities would enhance and support neighborhood rendering specialized services in a safe, neighborhood friendly environment.

COMMENT

It appears the failure to include child care as a permitted use with O & I was an oversight as it is obvious this service would provide a necessary and invaluable service, but without any disruptive or negative neighborhood impacts.

We have made numerous inquiries regarding O & I permitted uses and find it is generally a permitted use in most jurisdictions.

Thank you for your consideration.

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
ZA-18-09**

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

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

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

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

That the final action regarding zoning ordinance amendment ZA-18-09 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the regularly scheduled meeting of Town Council; and

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

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

That the final action regarding zoning ordinance amendment ZA-18-09 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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

**DRAFT ORDINANCE # ZA-18-09
 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, Zoning Districts, Section 6.5 Table of Uses and Activities to allow for Child Care Centers as a special use with supplemental standards within the O/I (Office and Institutional) Zoning District.]

Excerpt of Article 6, Zoning Districts, Section 6.5 Table of Uses and Activities to be amended as follows.

Uses	O/I	B-1	B-2	B-3	LI	HI	Supplemental Regulations
Child care center	<u>SS</u>	SS	SS	SS	SS	SS	Section 7.41

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.

Duly adopted this the ___ day of _____, 20__.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

DRAFT



Request for Town Council Action

**Application
for
Special
Use Permit**
Public Hearing: **Date:** 11/06/2018

Subject: Request for Special Use Permit
Department: Planning
Presented by: Stephen Wensman
Presentation: Public Hearing

Issue Statement

Mr. Durwood Stephenson is requesting a Special Use Permit to operate a daycare on a property located at 861 Berkshire Road in the O/I - Office/Institutional Zoning District

Financial Impact

None

Action Needed

To approve or deny the Special Use Permit application.

Recommendation

Staff recommends approval of the Special Use Permit, SUP-18-11, with the following conditions:

1. The landscape plan shall be updated to include the shading over **child's** play area.
2. Any plants identified on the landscape plan that are dead or missing shall be replaced.
3. That a sign permit be obtained prior to making any changes to the signs for the child care center.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Application
3. Finding of Fact
4. Adjacent Property Owners List
5. Adjacent Property Owners Mailing Certification
6. Proposed Site Plan
7. Map



Staff Report

**Public SUP-18-11
Hearing:**

Application Number: SUP-18-011
Project Name: Bright Start Daycare
TAX ID number: 15J11023A
NC PIN: 169416-93-6924 Town
Town Limits/ETJ: Limits Durwood
Applicant: Stephenson Berkshire
Owners: Road I, LLC Durwood
Agents: Stephenson

PROJECT LOCATION: 861 Berkshire Road.

REQUEST:

The applicant is requesting a Special Use Permit to operate a daycare on a 1.17 acre property located at 861 Berkshire Road in the O/I - Office/Institutional Zoning District.

SITE DATA:

Acreage: 1.17 acres
Present Zoning: O/I -Office/Institutional Zoning District
Proposed Zoning: N/A
Existing Use: Office/Vacant
Proposed Use: Child Care Center
Water Service: Town of Smithfield
Sewer Service: Town of Smithfield
Electrical Service: Town of Smithfield

ADJACENT ZONING AND LAND USES:

North:	Zoning	Existing Use
	R-20A Residential	Vacant (unbuildable)
South:	O/I – Office Institutional	Senior Living Residential Facility
West:	O/I – Office Institutional	Vacant Lot
East:	O/I – Office Institutional	Office Building

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

STAFF ANALYSIS AND COMMENTARY:

The applicant is proposing to adapt the existing office building for use as a licensed child care center for up to 30 children; modifying the front parking lot with a drop-off area and adding a 2,250 sq. ft. fenced play area to the rear of the structure.

With the approval of Zoning Text Amendment, ZA-18-09, child care centers in the O/I Zoning District require a special use permit complying with the supplementary standards for child care centers found in Article 7, Section 7.4.

Shaded Play Area. The supplementary standard 7.4.1.1 requires an outdoor play area that is 75 sq. ft. per child and that it is shaded by a building, awnings, trees or other methods. The play area is sized appropriately, but no shade has been shown for the play area. The applicant has indicated that shade trees will be planted 30 ft. on center inside the fenced play area. The landscape plan should be amended to show required shade over the play area.

No. of Employees. The childcare center will have up to seven employees on duty when the center is at capacity.

Hours of Operation. The childcare center proposes to be open Monday – Friday, 6 AM to midnight.

Parking. The childcare center licensed for 30 children is required to have 9 parking stalls. The site plan shows 19 parking stalls, one of which is shown to be handicap accessible.

Stormwater Management. The site was first developed prior to the stormwater management ordinance. The child care center will not increase the impervious conditions of the site, so no stormwater management will be required.

Landscaping Plan. The landscaping on site was installed with the original site development. A revised plan should address the shade requirement of Article 7, Section 7.4. and any dead or missing plants should be replaced.

Sign. An existing ground sign is located near the street entrance. This sign will be repurposed for the childcare center. Any modifications to the signs for the facility require a separate sign permit issued by the Planning Department.

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

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. ***The proposed child care center will not significantly change the site from what it is currently. There is adequate open space for the child play area and adequate parking. The hours of operation will not have an impact on adjacent properties.***
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 child care center will be in harmony as it is similar to other permitted uses in the O/I such as schools, family child care homes family care homes.***
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 surrounding properties are all developed but for the one to the south. The use of this site for a child care center will have no impact on the normal and orderly development or improvements of surrounding properties.***
4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided. ***Utilities to the site will be unchanged from what exists presently.***
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. ***Ingress and egress to the site will remain unchanged.***
6. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. ***Yes, all regulations have been conformed with, or will be conformed with prior to issuance of a permit.***
7. Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern. ***The access conforms to plans.***
8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council. ***The access conforms to plans.***

PLANNING DEPARTMENT RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit, SUP-18-11, with the following conditions:

1. The landscape plan shall be updated to include the shading over child's play area.

2. Any plants identified on the landscape plan that are dead or missing shall be replaced.
 3. That a sign permit be obtained prior to making any changes to the signs for the child care center. That a sign permit be obtained prior to making any changes to the signs for the child care center.
-

TOWN COUNCIL ACTION REQUESTED:

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



Town of Smithfield
 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: BRIGHT START DAYCARE Acreage of Property: 1.172 ACS.
 Parcel ID Number: 169416-93-6924 Tax ID: _____
 Deed Book: 03347 Deed Page(s): 0523
 Address: 861 BERKSHIRE RD., SMITHFIELD, N.C. 27577
 Location: _____

Existing Use: VACANT Proposed Use: DAYCARE
 Existing Zoning District: O/I

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

FOR OFFICE USE ONLY

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

REQUIRED FINDING OF FACT

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

- 1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
NO HAZARDOUS OR DETREMENTAL ACTIVITIES TO IMPACT SURROUNDING NEIGHBORS
- 2) The special use will be in harmony with the existing development and uses within the area in which it is to be located.
BUILDING IS EXISTING AND IS COMPATIBLE WITH SURROUNDING STRUCTURES IN STYLE & APPEARANCE.
- 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.
NO IMPACT EXPECTED
- 4) Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
ALL IS EXISTING - SERVED PREVIOUS BUSINESS ACTIVITY.
- 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.
EXISTING DRIVES & PARKING ARE ADEQUATE
- 6) The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
PLANS TO BE DEVELOPED FOR INTERIOR ALTERATIONS - NO CHANGES OR ADDITIONS TO STRUCTURE FOOTPRINT.
- 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.
EXISTING PARKING TO MEET TOWN ORDINANCE
- 8) The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.
NO CONFLICTS IDENTIFIED

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.

M. Durwood Stephenson
Print Name

M. Durwood Stephenson
Signature of Applicant

8/28/18
Date

OWNER'S CONSENT FORM

Name of Project: BRIGHT START DAYCARE Submittal Date: 8-27-18

OWNERS AUTHORIZATION

I hereby give CONSENT to PAUL EMBLER (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.

M. Durwood Stephenson Berkshire Road I, LLC
Signature of Owner *Print Name* *Manager/Member* 8-27-18
Signature of Owner *Print Name* *Manager/Member* *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.

M. Durwood Stephenson Berkshire Road I, LLC
Signature of Owner/Applicant *Print Name* *Manager/Member* 8-27-18
Signature of Owner/Applicant *Print Name* *Manager/Member* *Date*

FOR OFFICE USE ONLY

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

EXHIBIT "A"

Attachment To Special Use Permit Application Page 2 of 6 – Statement of Justification

The property owner, Berkshire Road I, LLC has agreed to retrofit this facility to be operated as a childcare facility and has agreed, contingent upon approval of this application to lease to an existing operation of a childcare facility located in close proximity to this location in an old, dated building. The current location is situated on U.S. 301 Business with a center median which impedes safe ingress and egress.

The proposed site, located at 861 Berkshire Road, has safer access on an arterial secondary street with only minimal traffic. This site also has 32 parking spaces. The existing facility has no paved parking and can accommodate only 8 to 10 vehicles on the gravel lot.

The building located at 861 Berkshire Road also is modern, aesthetically pleasing with modern flooring, plumbing fixtures, mechanical equipment and electrical wiring. Modern fenestration and ventilation enhances the efficient operation of this facility.

The adjacent building has a similar appearance utilizing comparable exterior materials.

This location is compatible with the neighborhood and provides a safer, cleaner environment for caring for children.

It should be noted there are 3 competing childcare facilities in the immediate vicinity, but all are older with more difficult, congested access and less favorable playgrounds. This facility is also located near Johnston – UNC Health where several parents are employed on shift work.

Approval of this application will provide a safer, modern facility and will be more economical for operation.

There are no negative impacts imposed by approval of this Special Use Permit.

Thank you for your consideration.

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

Application Number: SUP-18-11 **Name:** Bright Start Daycare

Request: Applicant seeks a special use permit to operate a childcare center on property located within an O/I (Office/Institutional) zoning district.

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

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

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

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

Motion to Approve: *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to approve Special Use Permit Application # SUP-18-11 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-18-11 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-18-11 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 6th day of November, 2018 while in regular session.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Parrish, Town Clerk

TAX ID#	PIN	NAME1	ADDRESS2	CITY	STATE	ZIPCODE
15004199E	169416-94-7056	BERKSHIRE ROAD I LLC	P O BOX 1187	SMITHFIELD	NC	27577-1187
15004199J	169416-93-6924	BERKSHIRE ROAD I LLC	P O BOX 1187	SMITHFIELD	NC	27577-1187
15004021G	169416-93-4883	FAIRFIELD DEVELOPMENT CO	PO BOX 150	SMITHFIELD	NC	27577-0000
15004020A	260409-05-5629	TOWN OF SMITHFIELD	P O BOX 761	SMITHFIELD	NC	27577-0000



PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, SUP-18-11, were notified by First Class Mail on 10-26-18.



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

25th day of October, 2018

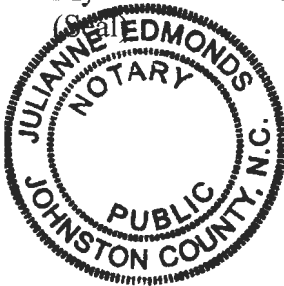


Notary Public Signature

Julianne Edmonds

Notary Public Name

My Commission expires on 1.15.2023



800 Block of Berkshire Road



Project Name:
Bright Start
Daycare

Proposed Use:
Child Care
Center

File Number:
SUP-18-11

Property Owner:
Berkshire
Road I, LLC

Applicant:
Mr Durwood
Stephenson

Location:
861 Berkshire
Road

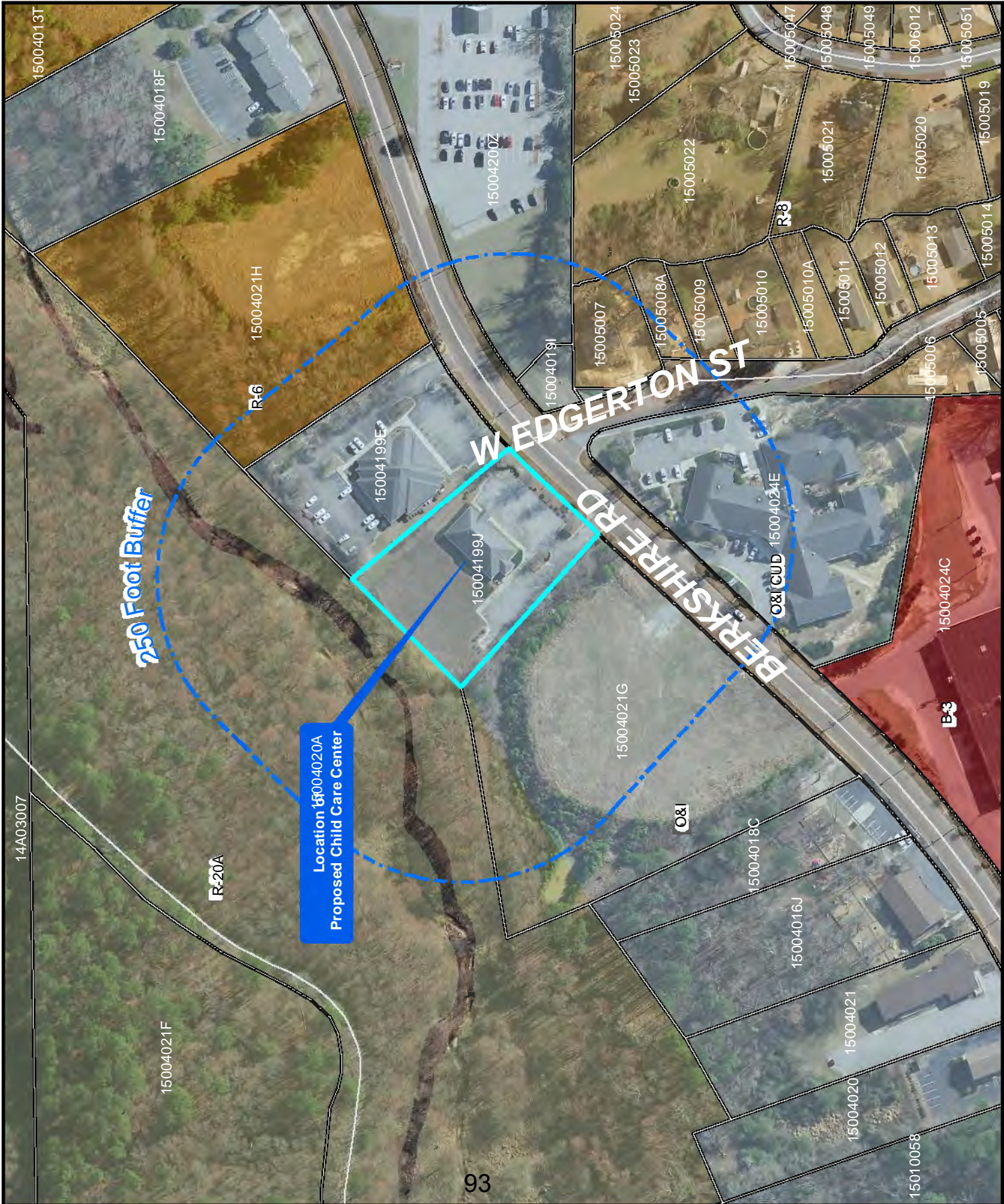
Tax ID#
15004199J

Zoning District:
O/I (Office
Institutional)



0 50 100 Feet

Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 10/29/2018



OWNER:
 BERKSHIRE ROAD I, LLC
 PO BOX 1187
 SMITHFIELD, NC 27577
 PH. 919.934.6651

APPLICANT:
 M. DURWOOD STEPHENSON & ASSOCIATES, INC.
 T/A STEPHENSON GENERAL CONTRACTORS
 PO BOX 1187
 1090 W. MARKET STREET
 SMITHFIELD, NC 27577

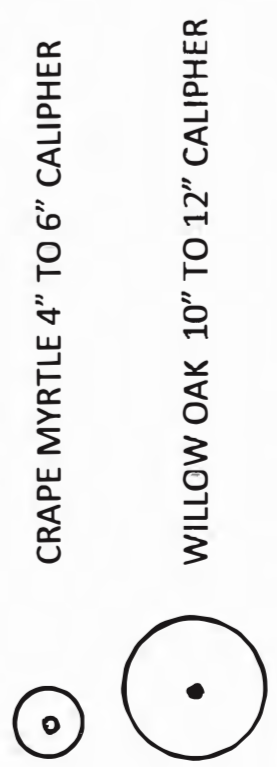
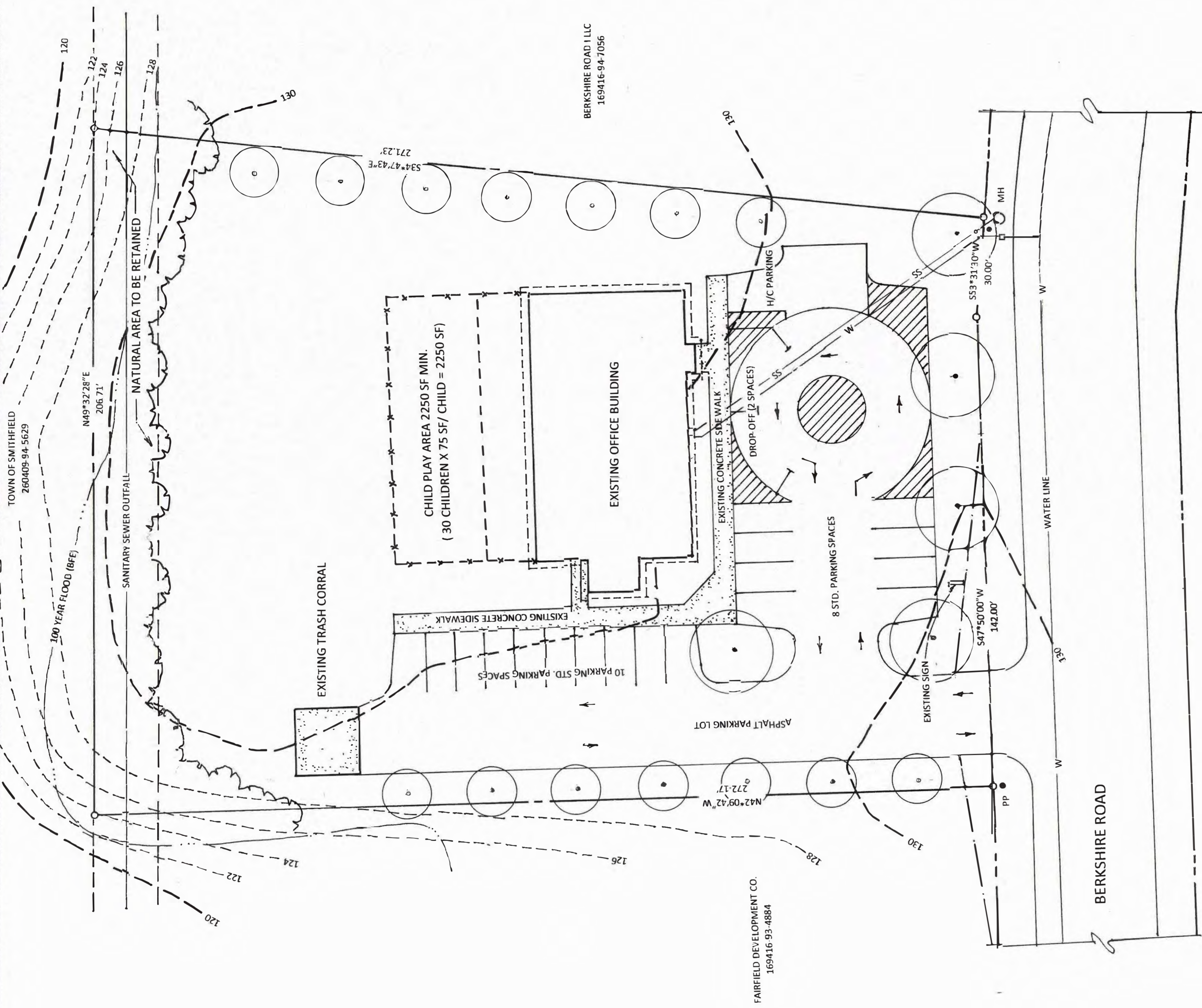
DEED BOOK/PAGE:
 BOOK 03347 PAGE 0523

NCPIN:
 169416-93-6924

ZONING:
 OFFICE AND INSTITUTIONAL (O&I)

SITE DATA:

- MIN. FRONT YARD SETBACK = 25'
- MIN. SITE YARD SETBACK = 8'
- MIN. REAR YARD SETBACK = 15'
- EXISTING AREA OF LOT = 51,052 SF
- EXISTING OF IMPERVIOUS AREA = 17,995 SF
- EXISTING AREA OF LANDSCAPING = 30,897 SF
- EXISTING NATURAL AREA = 2200 SF
- EXISTING PARKING 30 STD. SPACES, 2 H/C SPACES TOTAL OF 32 SPACES
- PROPOSED AREA OF LOT = 51,052 SF
- PROPOSED AREA OF IMPERVIOUS AREA = 17,995 SF
- PROPOSED AREA OF LANDSCAPING = 28,647 SF
- PROPOSED CHILD PLAY AREA = 2,250 SF
- PROPOSED NATURAL AREA = 2,200 SF
- PROPOSED PARKING 18 STD. SPACES, 1 H/C SPACE, 2 DROP-OFF SPACES



***NOTE:** THERE IS NO EXISTING STORM WATER MANAGEMENT FACILITY BECAUSE THE ORIGINAL DESIGN AND CONSTRUCTION OCCURRED PRIOR TO THE TOWN OF SMITHFIELD ADOPTING THE CURRENT STORMWATER ORDINANCE. THEREFORE, SINCE THERE IS NO INCREASE IN IMPERVIOUS AREA THERE IS NO REQUIREMENT FOR A STORMWATER MANAGEMENT FACILITY TO CONVERT THE EXISTING USE FROM OFFICE TO A CHILD DAYCARE FACILITY.

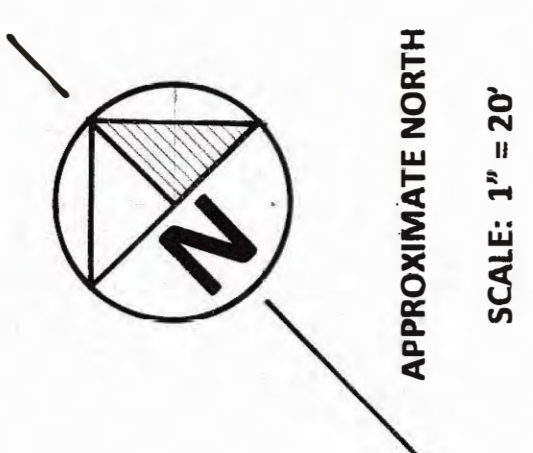
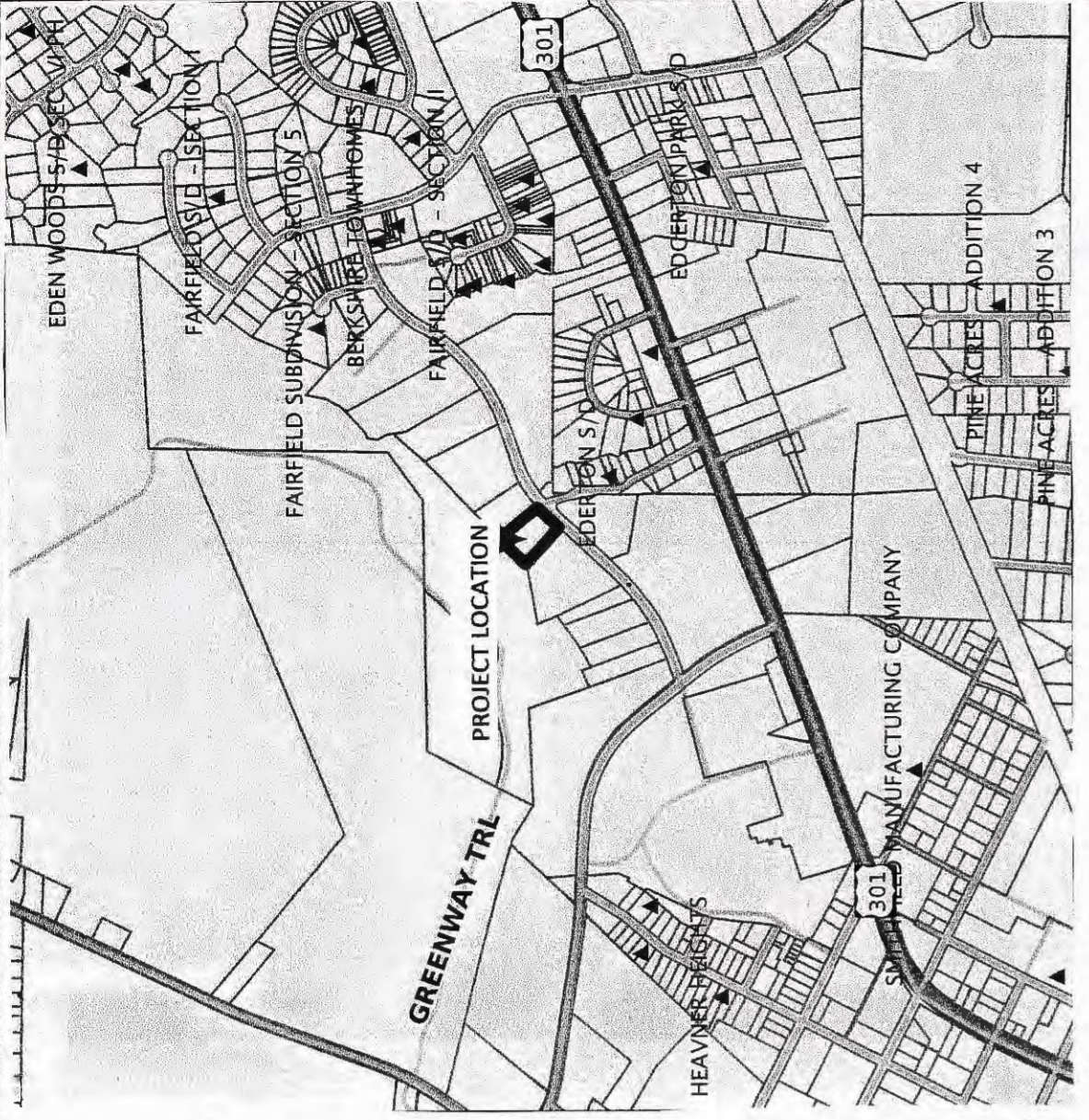


Bright Start Daycare
 861 Berkshire Road
 Smithfield, North Carolina 27577

DATE	DESCRIPTION	REV.
9/15/18	SPECIAL USE PERMIT APPL.	

TerraEden Landscape & Design, LLC
 11 Kentwood Drive
 Smithfield, N.C. 27577
 919.219.3410

Drawing Number
S-1



HCRI N.C. PROPERTIES, III
 169416-93-6996

TOWN OF SMITHFIELD
 169416938847



Request for Town Council Action

Public Hearing: Noncontiguous Annexation
Date: 11/06/2018

Subject: Non-contiguous Annexation Petition
Department: Planning & Administration
Presented by: Planning Director – Stephen Wensman
Presentation: Public Hearing

Issue Statement

The applicant, Navaho Investment Company, LLC, is requesting to annex approximately 21.26 acres of land into the Town of Smithfield's corporate limits. The property considered for annexation on Galilee Road about 1900 feet south of Black Creek Road, near West Smithfield Elementary School. The property is partially within the ETJ and partially outside.

Financial Impact

Approving the annexation would increase the tax base

Action Needed

The Town Council is asked to consider adoption of Ordinance #497 extending the Corporate Limits of the Town of Smithfield. This can be done immediately or within six months.

Recommendation

Consider adopting Ordinance #497 Extending the Corporate Limits of the Town of Smithfield

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Annexation Petition
3. North Carolina General Statutes
4. Ordinance #497
5. Maps
6. Legal Advertisement



Staff Report

**Public Noncontiguous
Hearing Annexation**

The Town of Smithfield received a request from Navaho Investment Company, LLC. to annex approximately 21.26 acres on Galilee Road. The applicant is also requesting water and sewer services.

At the September 4, 2018 meeting, the Town Council passed Resolution # (625) 12-2018, directing the Town Clerk to investigate the sufficiency of the petition should the Council wish to move forward with the annexation of the property into the corporate Town limits. The Town Clerk has investigated the petition and has determined it to be valid.

At the October 3, 2018 meeting, the Town Council approved Resolution # 628 (15-2018) setting the date for the Public Hearing.

Pursuant to NCGS 160A-58.2, the Town Council will accept public comments and consider adopting Ordinance # 497 extending the Corporate Limits of the Town of Smithfield. The Ordinance may be adopted immediately or within six months.

The Town Council has three options:

1. Approve the noncontiguous annexation petition and adopt Ordinance #497
2. Table the decision for no longer than 6 months
3. Deny the annexation petition

ANALYSIS:

The 32.79 acre parcel with the Johnston County Property ID# 15I09011B received preliminary plat approval by the Johnston County Board of Commissioners around 2007-2008. The development of the property did not move forward due to the economic recession at **that time and the plat became void.** Since then, the Town of Smithfield's ETJ was expanded to include the 11.53 acre portion of the property and was rezoned to R-20A. **The remainder of the property, 21.26 acres, remains in the County's jurisdiction with the zoning designation AR.** In 2018, the portion of the property located in the County was **preliminary platted into 62 lots meeting the County's zoning and subdivision standards.** The applicant intends to develop the entire property after annexation into the Town and **rezoning of the 21.26 acres in the County's jurisdiction**

Utilities. Smithfield will provide sewer and water utilities with a master meter on Johnston County's service lines and electricity will be provided by Duke Energy. Johnston

County Utilities has requested that the entire development be served by the Town of Smithfield.

Vested Rights. The area proposed for rezoning, if annexed, will be annexed with preliminary plat entitlements. The preliminary plat conforms to the County's AR district zoning and the Johnston County subdivision regulations. The lots will not be in conformance with the Town's R20-A zoning regulations and will be deemed legal nonconforming if annexed. The Town's regulations require sidewalks on one side of each residential street and a minimum lot area of 15,000 sq. ft. The approved preliminary plat has a minimum lot size of around 7,000 sq. ft., and will be developed without sidewalks or curb and gutter. There may be other nonconformities associated with the development that are at present unknown.

Town Services. The Town Police Department and Public Works have indicated that they are able to service the area if annexed into the Town without adding additional staff or much additional cost. The area is already within the Town's fire district.



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

Annexation Petition
 Submittal Checklist

<p>Please include all of the following (check off). If any information is missing from the application package, you will be asked to complete the application and re-submit the petition, so please check the list below carefully before you submit:</p>			
<input checked="" type="checkbox"/>	<p>Electronic Word document of the written metes and bounds must be e-mailed to: Stephen.Wensman@smithfield-nc.com or Mark.Helmer@smithfield-nc.com.</p>		
<input checked="" type="checkbox"/>	<p>Survey or Plat showing above written metes and bounds description of the property to be annexed must be submitted electronically in .pdf format, if possible.</p>		
<input checked="" type="checkbox"/>	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"> <p>Copy of Approved Preliminary Site Plan or Final Site Plan showing Town Permit number (Z-__-__, etc.) or</p> </td> <td style="width: 50%;"> <p>Copy of Subdivision Plat submitted for lot recording approval with Town file number (S-__-__, etc.)</p> </td> </tr> </table>	<p>Copy of Approved Preliminary Site Plan or Final Site Plan showing Town Permit number (Z-__-__, etc.) or</p>	<p>Copy of Subdivision Plat submitted for lot recording approval with Town file number (S-__-__, etc.)</p>
<p>Copy of Approved Preliminary Site Plan or Final Site Plan showing Town Permit number (Z-__-__, etc.) or</p>	<p>Copy of Subdivision Plat submitted for lot recording approval with Town file number (S-__-__, etc.)</p>		
<input checked="" type="checkbox"/>	<p>Projected Market Value of Development at build-out (land and improvements).</p>		
<input checked="" type="checkbox"/>	<p>General Annexation Area Data: Linear feet of public streets, total annexation area acreage, number of proposed residential units or square footage of commercial space, type of utility connections involved, specific land uses proposed.</p>		
<input checked="" type="checkbox"/>	<p>This application form completed, <u>dated</u> and <u>signed</u> by the property owner(s) and attested submitted by the deadlines noted in section B of this application, page 2.</p>		
<p>Required, but often missing information. Please make sure to include the following:</p>			
<input checked="" type="checkbox"/>	<p>Correct Parcel Identification Number(s) (PIN). Call Johnston County Geographic Information Services at 919-989-5153, if there is any question about the parcel identifier. This is very important. Please indicate if the property being requested for annexation is only a portion of an existing parcel.</p>		
<input checked="" type="checkbox"/>	<p>Owner's Signatures and Date of Signatures. See page 3 of this application. All real property owners must sign the application, and the <u>date of signature MUST be filled in!</u></p>		
<input checked="" type="checkbox"/>	<p>Corporate Seal for property owned by a corporation.</p>		
<input checked="" type="checkbox"/>	<p><u>Rezoning Application</u>, if the property is currently outside Town of Smithfield.</p>		

Annexation Petition

Submittal Deadlines

Petitions for annexation are accepted by the Town of Smithfield Planning Department at any time. There is no fee required for submittal of an annexation petition. **The annexation will become effective immediately upon adoption of the annexation ordinance at the scheduled public hearing unless notified otherwise by the Town Clerk.**

(The Town of Smithfield reserves the right to make exceptions to this general processing schedule when necessary.)

Section C Summary Information / Metes and Bounds Descriptions

Development Project Name
TWIN CREEKS

Street Address
6054 BLACK CREEK ROAD SMITHFIELD, NC 27577

Town of Smithfield Subdivision approval # (S- _____ - _____) or	Building Permit Transaction # _____ or	Site Plan approval # for multi-family (SP- _____ - _____)
--	--	--

Johnston County Property Identification Number(s) list below

P.I.N. 167300-56-5565	P.I.N. _____	P.I.N. _____
P.I.N.	P.I.N. <input type="checkbox"/>	P.I.N. <input type="checkbox"/>

Acreage of Annexation Site 32.888 ACRES	Linear Feet of Public Streets within Annexation Boundaries 3,765 LF
---	---

Annexation site is requesting Town of Smithfield Water and/or Sewer

Number of proposed dwelling units

Type of Units: 91	Single Family 91	Townhouse _____	Condo _____	Apartment _____
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Building Square Footage of Non-Residential Space

Specific proposed use (office, retail, warehouse, school, etc.)
Residential

Projected market value at build-out (land and improvements) \$
23,660,000

Person to contact if there are questions about the petition

Name
MICHAEL STEWART, PE

Address
319 CHAPANOKE ROAD SUITE 106 RALEIGH, NC 27603

Phone 919-779-1855	Fax # 919-779-1661	Email STEWARTPE@AOL.COM
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Annexation Petition

State of North Carolina, County of Johnston, Petition of Annexation of Property to the Town of Smithfield, North Carolina

Part 1 The undersigned, being all the owners of the real property described in this application (Section C) respectfully request the annexation of said property to the Town of Smithfield, North Carolina. **The petitioners understand and agree that all streets and utilities within the annexed area will be constructed and installed by the developer according to the Unified Development Ordinance and any utilities that must be extended to the annexed area are the responsibility of the developers or successive property owners.** The property to be annexed is:

Contiguous to the present corporate limits of the Town Of Smithfield, North Carolina, or

Not Contiguous to the municipal limits of the Town of Smithfield, North Carolina, not closer to the limits of any other municipality and is located within three miles of the municipal limits of the Town of Smithfield, North Carolina (pursuant to Chapter 989 of the Sessions Law of North Carolina, 1967)

Part 2 NC General Statutes require petitioners of both contiguous and satellite annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S.160A-385.1 or 153A-344.1 for properties subject to the petition.

Do you declare such vested rights for the property subject to this petition? Yes No

If yes, please submit proof that vested rights have been granted by governing board. I hereby declare that my failure to disclose existence of a vested right terminates any vested right previously acquired for this property.

Signed this 2nd day of August, 2018 by the owners of the property described in Section C.

Owner's Signature(s)
 Signature James A. Lucas, Jr. Date 8-2-18
 Signature _____ Date _____
 Signature _____ Date _____
 Signature _____ Date _____

Corporate Seal

Print owner name(s) and information
 Name NAVAHO INVESTMENT COMPANY LLC ^{OWNER} ~~OWNER~~ JAMES A. LUCAS JR.
 Address 4909 WESTERN BLVD, STE 200 RALEIGH, NC 27606
 Name _____ Phone _____
 Address _____
 Name _____ Phone _____
 Address _____
 Name _____ Phone _____
 Address _____

Above signature(s) attested by MICHAEL C. STEWART *[Signature]*

Received by the Town of Smithfield, North Carolina, this _____ day of _____, 20____, at a Council meeting duly held.
 Signature of Town Clerk _____

Deed Description for Annexation

Lying and being situated in Johnston County, North Carolina and being more particularly described as follows:

Being that certain tract of land in Smithfield, Johnston County, North Carolina and lying between Black Creek Road (N.C.S.R. 1162) and Galilee Road (N.C.S.R. 1341) and being Tract "1" recorded in Deed Book 3276, Page 267 at the Johnston County Registry and being more particularly described as follows:

Beginning at an existing railroad spike in the center of Galilee Rd (N.C.S.R. 1341); thence leaving said road South 74°40'07" West 741.84 feet to an existing iron pipe; thence South 74°39'51" West 456.07 feet to an existing iron pipe; thence South 01°41'30" West 368.00 feet to an existing iron pipe; thence South 62°43'26" West 37.26 feet to a point; thence North 22°39'40" West 55.38 feet to a point; thence North 52°36'15" West 69.91 feet to a point; thence North 58°25'21" West 91.28 feet to a point; thence North 49°33'53" West 117.07 feet to a point; thence North 58°22'01" West 47.73 feet to an existing iron pipe; thence North 67°32'42" West 143.13 feet to a point; thence North 64°36'55" West 139.41 feet to an existing iron pipe; thence North 68°02'16" West 84.32 feet to an existing iron pipe; thence North 79°47'30" West 61.67 feet to an existing iron pipe; thence North 86°39'18" West 201.99 feet to a point; thence North 79°19'02" West 55.94 feet to a point, thence North 09°52'10" East 19.11 feet to a point; thence North 80°16'25" West 20.73 feet to a point; thence North 78°50'43" West 246.89 feet to an existing iron pipe; thence South 40°39'53" West 168.02 feet to an existing iron pipe; thence North 66°46'57" West 242.10 feet to an existing iron pipe; thence North 25°17'15" West 86.30 feet to an existing railroad spike in the center of Black Creek Road (N.C.S.R. 1162); thence with the center of said road South 64°08'00" West 210.91 feet to an existing railroad spike; thence leaving said road South 72°31'45" East 551.61 feet to an existing railroad spike in tree; thence South 44°07'00" East 1415.74 feet to an existing iron pipe; thence South 24°37'51" East 247.53 feet to an existing iron pipe; thence North 58°02'55" East 223.26 feet to an existing iron pipe; thence North 58°09'04" East 90.52 feet to a point in creek; thence along said creek North 00°09'10" West 242.70 feet; thence North 02°57'17" West 266.80; thence North 28°49'37" West 64.94 feet; thence North 10°56'25" West 93.95 feet; thence North 08°12'11" West 39.95 feet; thence leaving said creek North 35°19'16" East 142.44 to a point; thence North 74°31'13" East 1090.63 feet to an existing railroad spike in Galilee Road (N.C.S.R. 1341); thence along and with said road North 01°27'40" East 392.24 feet to the point and place of beginning and being a total of 33.01 acres to be annexed, of which 0.13 acres lies within the right-of-way of Black Creek Road (N.C.S.R. 1162) and 0.27 acres lies within the right-of-way of Galilee Road (N.C.S.R. 1341).

North Carolina General Statutes

Part 4. Annexation of Noncontiguous Areas.

§ 160A-58. Definitions.

The words and phrases defined in this section have the meanings indicated when used in this Part unless the context clearly requires another meaning:

- (1) "City" means any city, town, or village without regard to population, except cities not qualified to receive gasoline tax allocations under G.S. 136-41.2.
- (2) "Primary corporate limits" means the corporate limits of a city as defined in its charter, enlarged or diminished by subsequent annexations or exclusions of contiguous territory pursuant to Parts 1, 2, and 3 of this Article or local acts of the General Assembly.
- (3) "Satellite corporate limits" means the corporate limits of a noncontiguous area annexed pursuant to this Part or a local act authorizing or effecting noncontiguous annexations. (1973, c. 1173, s. 2.)

§ 160A-58.1. Petition for annexation; standards.

(a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations. A petition is not valid in any of the following circumstances:

- (1) It is unsigned.
- (2) It is signed by the city for the annexation of property the city does not own or have a legal interest in. For the purpose of this subdivision, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.
- (3) It is for the annexation of property for which a signature is not required and the property owner objects to the annexation.

(b) A noncontiguous area proposed for annexation must meet all of the following standards:

- (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
- (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section.

- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- (4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
- (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Franklin, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level, Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Hope Mills, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Ocean Isle Beach, Pembroke, Pine Level, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Siler City, Smithfield, Spencer, Spring Lake, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Wilson's Mills, Windsor, Yadkinville, and Zebulon.

(b1) Repealed by Session Laws 2004-203, ss. 13(a) and 13(d), effective August 17, 2004.

(b2) A city may annex a noncontiguous area that does not meet the standard set out in subdivision (b)(2) of this section if the city has entered into an annexation agreement pursuant to Part 6 of this Article with the city to which a point on the proposed satellite corporate limits is closer and the agreement states that the other city will not annex the area but does not say that the annexing city will not annex the area. The annexing city shall comply with all other requirements of this section.

(c) The petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits (except owners not required to sign by subsection (a)), shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation

with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the area may be closer to another city than to the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city. The city council may prescribe the form of the petition.

(d) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested rights shall be terminated. (1973, c. 1173, s. 2; 1989 (Reg. Sess., 1990), c. 996, s. 4; 1997-2, s. 1; 2001-37, s. 1; 2001-72, s. 1; 2001-438, s. 1; 2002-121, s. 1; 2003-30, s. 1; 2004-203, s. 13(a), (c); 2004-57, s. 1; 2004-99, s. 1; 2004-203, ss. 13(a)-(d); 2005-52, s. 1; 2005-71, s. 1; 2005-79, s. 1; 2005-173, s. 1; 2005-433, s. 9; 2006-62, s. 1; 2006-122, s. 1; 2006-130, s. 1; 2007-17, s. 1; 2007-26, ss. 1, 2(a); 2007-62, s. 1; 2007-225, s. 1; 2007-311, s. 1; 2007-342, s. 1; 2008-24, s. 1; 2008-30, s. 1; 2009-40, s. 2; 2009-53, s. 1; 2009-111, s. 1; 2009-156, s. 1; 2009-298, s. 1; 2009-323, s. 1; 2011-57, s. 1; 2012-96, s. 1; 2013-248, s. 1; 2014-30, s. 2(a); 2015-80, s. 1; 2015-81, s. 2(a); 2015-172, s. 2; 2016-48, s. 2.)

§ 160A-58.2. Public hearing.

Upon receipt of a petition for annexation under this Part, the city council shall cause the city clerk to investigate the petition, and to certify the results of his investigation. If the clerk certifies that upon investigation the petition appears to be valid, the council shall fix a date for a public hearing on the annexation. Notice of the hearing shall be published once at least 10 days before the date of hearing.

At the hearing, any person residing in or owning property in the area proposed for annexation and any resident of the annexing city may appear and be heard on the questions of the sufficiency of the petition and the desirability of the annexation. If the council then finds and determines that (i) the area described in the petition meets all of the standards set out in G.S. 160A-58.1(b), (ii) the petition bears the signatures of all of the owners of real property within the area proposed for annexation (except those not required to sign by G.S. 160A-58.1(a)), (iii) the petition is otherwise valid, and (iv) the public health, safety and welfare of the inhabitants of the city and of the area proposed for annexation will be best served by the annexation, the council may adopt an ordinance annexing the area described in the petition. The ordinance may be made effective immediately or on any specified date within six months from the date of passage. (1973, c. 1173, s. 2.)

ORDINANCE #497 TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF SMITHFIELD, NORTH CAROLINA

WHEREAS, the Town Council has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Council Chambers of the Smithfield Town Hall at 7:00 pm on November 6, 2018 after due notice by publication in the Zone Edition of the News and Observer on October 26, 2018; and

WHEREAS, the Town Council finds that the area described therein meets the standards of G.S. 160A-58.1 (b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town [or indicate that, although closer to another municipality, there is an annexation agreement in place that allows the annexation of the propose satellite];
- c. The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. By virtue of an act of the General Assembly, The Town of Smithfield is exempt from exceeding ten percent (10%) of the area within the primary corporate limits of the Town, and

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of the real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Smithfield, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Smithfield, as of (effective date):

Lying and being situated in Johnston County, North Carolina and being more particularly described as follows:

Being that certain tract of land in Smithfield, Johnston County, North Carolina and lying between Black Creek Road (N.C.S.R. 1162) and Galilee Road (N.C.S.R. 1341) and being Tract "1" recorded in Deed Book 3276, Page 267 at the Johnston County Registry and being more particularly described as follows:

Beginning at an existing railroad spike in the center of Galilee Rd (N.C.S.R. 1341); thence leaving said road South 74°40'07" West 741.84 feet to an existing iron pipe; thence South 74°39'51" West 456.07 feet to an existing iron pipe; thence South 01°41'30" West 368.00 feet to an existing iron pipe; thence South 62°43'26" West 37.26 feet to a point; thence North 22°39'40" West 55.38 feet to a point; thence North 52°36'15" West 69.91 feet to a point; thence North 58°25'21" West 91.28 feet to a point; thence North 49°33'53" West 117.07 feet to a point; thence North 58°22'01" West 47.73 feet to an existing iron pipe; thence North 67°32'42" West 143.13 feet to a point; thence North 64°36'55" West 139.41 feet to an existing iron pipe; thence North 68°02'16" West 84.32 feet to an existing iron pipe; thence North 79°47'30" West 61.67 feet to an existing iron pipe; thence North 86°39'18" West 201.99 feet to a point; thence North 79°19'02" West 55.94 feet to a point, thence North 09°52'10" East 19.11 feet to a point; thence North 80°16'25" West 20.73 feet to a point; thence North 78°50'43" West 246.89 feet to an existing iron pipe; thence South 40°39'53" West 168.02 feet to an existing iron pipe; thence North 66°46'57" West 242.10 feet to an existing iron pipe; thence North 25°17'15" West 86.30 feet to an existing railroad spike in the center of Black Creek Road (N.C.S.R. 1162); thence with the center of said road South 64°08'00" West 210.91 feet to an existing railroad spike; thence leaving said road South 72°31'45" East 551.61 feet to an existing railroad spike in tree; thence South 44°07'00" East 1415.74 feet to an existing iron pipe; thence South 24°37'51" East 247.53 feet to an existing iron pipe; thence North 58°02'55" East 223.26 feet to an existing iron pipe; thence North 58°09'04" East 90.52 feet to a point in creek; thence along said creek North 00°09'10" West 242.70 feet; thence North 02°57'17" West 266.80; thence North 28°49'37" West 64.94 feet; thence North 10°56'25" West 93.95 feet; thence North 08°12'11" West 39.95 feet; thence leaving said creek North 35°19'16" East 142.44 to a point; thence North 74°31'13" East 1090.63 feet to an existing railroad spike in Galilee Road (N.C.S.R. 1341); thence along and with said road North 01°27'40" East 392.24 feet to the point and place of beginning and being a total of 33.01 acres to be annexed, of which 0.13 acres lies within the right-of-way of Black Creek Road (N.C.S.R. 1162) and 0.27 acres lies within the right-of-way of Galilee Road (N.C.S.R. 1341).

Section 2. Upon and after (effective date), the above described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Smithfield and shall be entitled to the same privileges and benefits as other parts of the Town of Smithfield. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Smithfield shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy this ordinance. Such a map shall also be delivered to the Town Board of Elections, as required by G.S. 163-288.1.

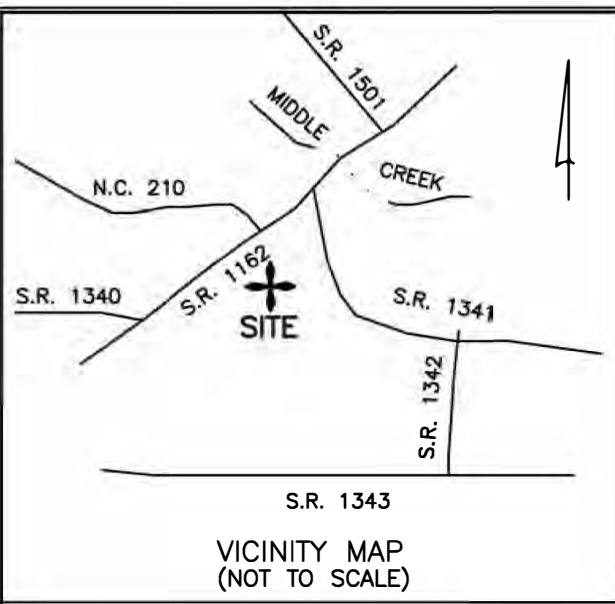
Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Smithfield.

Adopted this _____ day of _____, 2____.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

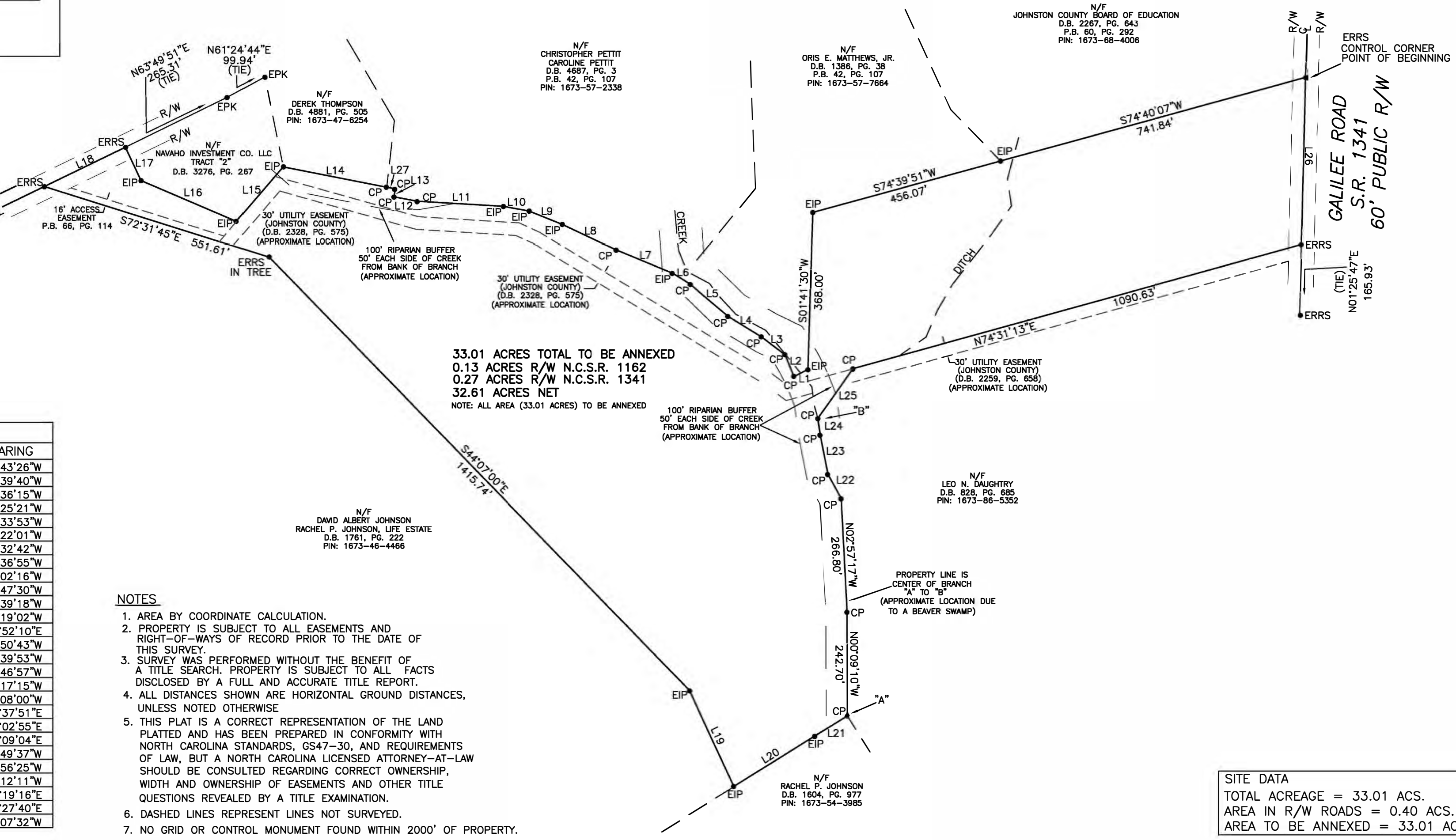


CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS
 NORTH CAROLINA
 FILED FOR REGISTRATION ON THE _____ DAY OF _____ (AM/PM)
 AND DULY RECORDED IN PLAT CABINET _____, PAGE _____
 REGISTER OF DEEDS

NOTE: PRIOR TO ANY LAND DISTURBING ACTIVITIES OWNER SHOULD CONTACT N.C.D.E.N.R. (DWO) TO VERIFY STREAM BUFFERS AND OTHER ENVIRONMENTAL CONCERNS.
 THIS PROPERTY IS NOT LOCATED IN A F.E.M.A. 100 YEAR FLOOD HAZARD AREA. REFERENCE: F.E.M.A. COMMUNITY PANEL NO. 3720168200K DATE: 06-20-2018

LEGEND
 EIP = EXISTING IRON PIPE
 EIS = EXISTING IRON STAKE
 ERB = EXISTING RE-BAR
 EPK = EXISTING P.K. NAIL
 CP = COMPUTED POINT (NOT FOUND OR SET)
 IPS = IRON PIPE SET
 N/F = NOW OR FORMERLY
 R/W = RIGHT-OF-WAY
 C = CENTERLINE OF ROAD

BLACK CREEK ROAD
 S.R. 1162
 60' PUBLIC R/W



33.01 ACRES TOTAL TO BE ANNEXED
 0.13 ACRES R/W N.C.S.R. 1162
 0.27 ACRES R/W N.C.S.R. 1341
 32.61 ACRES NET
 NOTE: ALL AREA (33.01 ACRES) TO BE ANNEXED

LINE	LENGTH	BEARING
L1	37.26	S62°43'26"W
L2	55.38	N22°39'40"W
L3	69.91	N52°36'15"W
L4	91.28	N58°25'21"W
L5	117.07	N49°33'53"W
L6	47.73	N58°22'01"W
L7	143.13	N67°32'42"W
L8	139.41	N64°36'55"W
L9	84.32	N68°02'16"W
L10	61.67	N79°47'30"W
L11	201.99	N86°39'18"W
L12	55.94	N79°19'02"W
L13	19.11	N09°52'10"E
L14	246.89	N78°50'43"W
L15	168.02	S40°39'53"W
L16	242.10	N66°46'57"W
L17	86.30	N25°17'15"W
L18	210.91	S64°08'00"W
L19	247.53	S24°37'51"E
L20	223.26	N58°02'55"E
L21	90.52	N58°09'04"E
L22	64.94	N28°49'37"W
L23	93.95	N10°56'25"W
L24	39.95	N08°12'11"W
L25	142.44	N35°19'16"E
L26	392.24	N01°27'40"E
L27	20.73	N80°07'32"W

- NOTES**
1. AREA BY COORDINATE CALCULATION.
 2. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAYS OF RECORD PRIOR TO THE DATE OF THIS SURVEY.
 3. SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH. PROPERTY IS SUBJECT TO ALL FACTS DISCLOSED BY A FULL AND ACCURATE TITLE REPORT.
 4. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES, UNLESS NOTED OTHERWISE.
 5. THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH NORTH CAROLINA STANDARDS, GS47-30, AND REQUIREMENTS OF LAW, BUT A NORTH CAROLINA LICENSED ATTORNEY-AT-LAW SHOULD BE CONSULTED REGARDING CORRECT OWNERSHIP, WIDTH AND OWNERSHIP OF EASEMENTS AND OTHER TITLE QUESTIONS REVEALED BY A TITLE EXAMINATION.
 6. DASHED LINES REPRESENT LINES NOT SURVEYED.
 7. NO GRID OR CONTROL MONUMENT FOUND WITHIN 2000' OF PROPERTY.

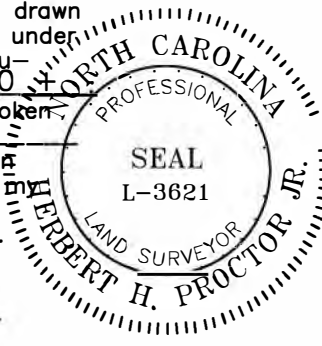
SITE DATA
 TOTAL ACREAGE = 33.01 ACS.
 AREA IN R/W ROADS = 0.40 ACS.
 AREA TO BE ANNEXED = 33.01 ACS.

I, Herbert H. Proctor Jr., certify that this survey is an existing parcel of land and does not create a new street or change an existing street.

I, Herbert H. Proctor Jr., certify that this survey is an existing parcel of land and does not create a new street or change an existing street.

I, Herbert H. Proctor Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the ratio of precision as calculated by latitudes and departures is 1/10,000; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____ page _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 1ST day of AUGUST, 2018.

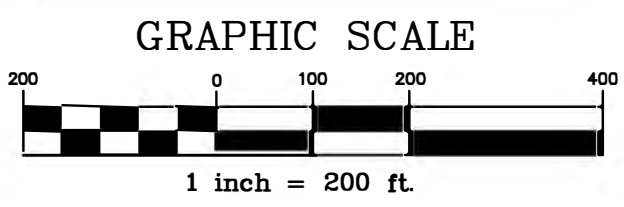
Professional Land Surveyor L-3621



NOTE:
 NO DETERMINATION HAS BEEN MADE BY THE SURVEYOR AS TO THE EXISTENCE OF THE FOLLOWING:
 - WETLANDS
 - UNDER GROUND UTILITIES
 - UNDER GROUND STORAGE FACILITIES
 - CEMETERIES OR BURIAL GROUNDS
 - HAZARDOUS WASTE

REFERENCES
 DEED BOOK 3276, PAGE 267
 PLAT BOOK 66, PAGE 114
 ALL DEEDS AND PLATS SHOWN ON SURVEY JOHNSTON COUNTY GIS

STATE OF NORTH CAROLINA
 COUNTY OF JOHNSTON
 I, _____ REVIEW OFFICER OF JOHNSTON COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 REVIEW OFFICER _____ DATE _____



PRELIMINARY PLAT. NOT FOR RECORDATION, SALES OR CONVEYANCES.

STEWART-PROCTOR, PLLC ENGINEERING and SURVEYING (LICENSE NUMBER P-0148) 319 CHAPANOKE ROAD SUITE 106 RALEIGH, NC 27603 TEL. 919 779-1855 FAX 919 779-1661		OWNER: NAVAHO INVESTMENT CO. LLC 4909 WESTERN BLVD. RALEIGH, N.C. 27606	ANNEXATION PLAT FOR NAVAHO INVESTMENT COMPANY, LLC TRACT "1" SOURCE OF TITLE: DEED BOOK 3276, PAGE 267 IN THE JOHNSTON COUNTY REGISTRY	
DATE: 08/01/2018	SURVEYED BY	JOB	SMITHFIELD TOWNSHIP	NORTH CAROLINA
SCALE 1"=200'	DRAWN BY	DWG. NO. JJ-SMITHFIELD REZONE200SCALE*	JOHNSTON COUNTY	PROPERTY ADDRESS: 6054 BLACK CREEK ROAD
			ZONED: AR AND R-20A	PIN: 1673-56-5565

Annexation Request



Project Name:
Twin Creeks

Proposed Use:
Single Family
Dwellings

File Number:
ANX-18-01

Property Owner:
Navaho Investment
Co. LLC

Applicant:
Michael Stewart, PE

Location:
Black Creek Road

Tax ID#
15109011B

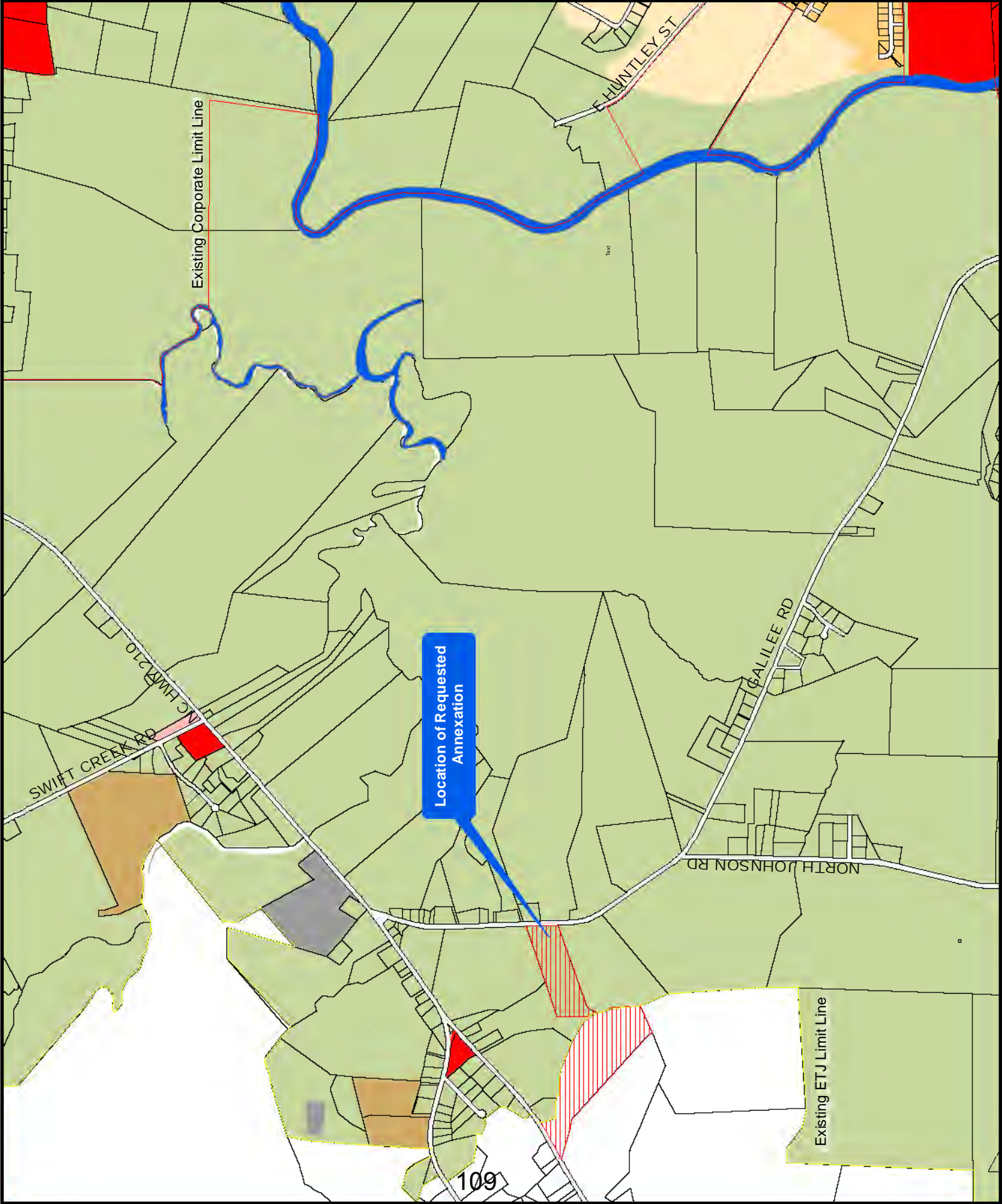
Zoning District:
Johnston County
AR (Agriculture
-Residential)

Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 8/28/2018

- Legend
- Corporate Limit Line
 - water_nad83
 - ETJ Limit Line
 - Subject Parcel



1 inch = 1,600 feet



109

**TOWN OF SMITHFIELD
NOTICE OF PUBLIC HEARING ON A REQUEST
FOR NONCONTIGUOUS ANNEXATION**

The public will take notice that the Town Council of the Town of Smithfield has called a public hearing at 7:00 pm on Tuesday, November 6, 2018 in the Town Hall Council Chambers located at 350 East Market Street, Smithfield, North Carolina on the question of annexing the following described noncontiguous territory, requested by petition filed pursuant to NCGS 160A-58.1:

Deed Description for Annexation

Lying and being situated in Johnston County, North Carolina and being more particularly described as follows:

Being that certain tract of land in Smithfield, Johnston County, North Carolina and lying between Black Creek Road (N.C.S.R. 1162) and Galilee Road (N.C.S.R. 1341) and being Tract "1" recorded in Deed Book 3276, Page 267 at the Johnston County Registry and being more particularly described as follows:

Beginning at an existing railroad spike in the center of Galilee Rd (N.C.S.R. 1341); thence leaving said road South 74°40'07" West 741.84 feet to an existing iron pipe; thence South 74°39'51" West 456.07 feet to an existing iron pipe; thence South 01°41'30" West 368.00 feet to an existing iron pipe; thence South 62°43'26" West 37.26 feet to a point; thence North 22°39'40" West 55.38 feet to a point; thence North 52°36'15" West 69.91 feet to a point; thence North 58°25'21" West 91.28 feet to a point; thence North 49°33'53" West 117.07 feet to a point; thence North 58°22'01" West 47.73 feet to an existing iron pipe; thence North 67°32'42" West 143.13 feet to a point; thence North 64°36'55" West 139.41 feet to an existing iron pipe; thence North 68°02'16" West 84.32 feet to an existing iron pipe; thence North 79°47'30" West 61.67 feet to an existing iron pipe; thence North 86°39'18" West 201.99 feet to a point; thence North 79°19'02" West 55.94 feet to a point, thence North 09°52'10" East 19.11 feet to a point; thence North 80°16'25" West 20.73 feet to a point; thence North 78°50'43" West 246.89 feet to an existing iron pipe; thence South 40°39'53" West 168.02 feet to an existing iron pipe; thence North 66°46'57" West 242.10 feet to an existing iron pipe; thence North 25°17'15" West 86.30 feet to an existing railroad spike in the center of Black Creek Road (N.C.S.R. 1162); thence with the center of said road South 64°08'00" West 210.91 feet to an existing railroad spike; thence leaving said road South 72°31'45" East 551.61 feet to an existing railroad spike in tree; thence South 44°07'00" East 1415.74 feet to an existing iron pipe; thence South 24°37'51" East 247.53 feet to an existing iron pipe; thence North 58°02'55" East 223.26 feet to an existing iron pipe; thence North 58°09'04" East 90.52 feet to a point in creek; thence along said creek North 00°09'10" West 242.70 feet; thence North 02°57'17" West 266.80; thence North 28°49'37" West 64.94 feet; thence North 10°56'25" West 93.95 feet; thence North 08°12'11" West 39.95 feet; thence leaving said creek North 35°19'16" East 142.44 to a point; thence North 74°31'13" East

1090.63 feet to an existing railroad spike in Galilee Road (N.C.S.R. 1341); thence along and with said road North 01°27'40" East 392.24 feet to the point and place of beginning and being a total of 33.01 acres to be annexed, of which 0.13 acres lies within the right-of-way of Black Creek Road (N.C.S.R. 1162) and 0.27 acres lies within the right-of-way of Galilee Road (N.C.S.R. 1341).

All interested persons are invited to attend or submit written comments or suggestions to the Town of Smithfield, P.O. Box 761, Smithfield, NC 27577.

Please run in the N & O Zone Edition on Friday, October 26, 2018



Request for Town Council Action

**Public
Hearing: S-18-02**
Date: 11/06/2018

Subject: Preliminary Subdivision Plat
Department: Planning
Presented by: Stephen Wensman, Planning Director
Presentation: Public Hearing

Issue Statement

Last Investments, LLC is requesting a Preliminary Subdivision Plat for Swift Creek Road Tract, a proposed 110 lot single-family detached residential development on a 97.57 acre parcel in the R-20A zoning district located at 1337 Cleveland Road.

Financial Impact

The Utility Department will provide water to the development at the out of town rate.

Action Needed

To review the Preliminary Subdivision Plat application, hold a public hearing and decision whether to approve the request with conditions or deny the request.

Recommendation

Planning Staff and the Planning Board recommend approval of the Swift Creek Tract subdivision with the 8 conditions of approval.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Application
3. Preliminary Plat and Plans



Staff Report

Public Hearing: S-18-02

Application Number: S-18-02
Project Name: Swift Creek Tract Preliminary Plat
TAX ID number: 15I08020
NCPin number: 167400-55-9454
Town Limits/ETJ: ETJ
Applicant: Last Investments, LLC
Property Owner: Ira Telfair Ogburn Stewardship Trust
Agents: Lee. R. Hines, Jr., PE

LOCATION: 1337 Cleveland Road (SE corner of Cleveland Road and Swift Creek Road)

REQUEST: Last Investments, LLC is requesting a Preliminary Subdivision Plat for Swift Creek Road Tract, a proposed 110 lot single-family detached residential development on a 97.57 acre parcel in the R-20A zoning district.

SITE/DEVELOPMENT DATA:

Address: 1337 Cleveland Road
Tax ID: 15I08020
Acreage: 97.57 acres
Present Zoning: R-20A District
Existing Uses: Agricultural/Residential
Proposed Use: Single-family detached residential subdivision
Fire Protection: Town of Smithfield
School Impacts: Potentially adding students to the schools.
Parks and Recreation: Fee in lieu of parkland
Access: Swift Creek Road
Water Provider: Town of Smithfield
Sewer Provider: Individual on-site septic systems
Electric Provider: Duke Energy

ADJACENT ZONING AND LAND USES:

	Zoning	Existing Use
North	R20-A Residential/Agriculture	Agriculture
South	R20-A Residential/Agriculture	Agriculture
East	R20-A Residential/Agriculture	Agriculture
West	AR Residential/Agriculture (County Zoning)	Agriculture/Cemetery

EXISTING CONDITIONS:

The 97.57 acre tract is currently used for agriculture. The property generally slopes away from Swift Creek and Cleveland Roads towards a riparian area at the southwest property line. In addition, a drainage ditch crosses near the center the property in an east-west direction. A second riparian area exists near the south-eastern corner of the property near Swift Creek Road. The property is mostly open farm field with some wooded area near the edges and in low areas. A small fenced cemetery is shown on the survey about 750 feet south of Cleveland Road on the west property line. Access to the cemetery is shown to be from Cleveland Road over a 30 ft. wide access easement centered on the west property line.

PRELIMINARY PLAT/PLANS ANALYSIS:

Annexation. The developer is not proposing annexation at this time. Since the initial discussions with the developer, Town investigations resulted in the discovery that the Town of Smithfield is exempt from the 10% remote annexation rule. This has an impact on the Town's approach to Town annexation policy and access to Town utilities. The Town has the ability to restrict access to Town utilities to only development that request annexation, however in this case, if the Town refuses to provide water service, the County would be willing and able to provide the service.

Unit Type/Density/Lot Size. The applicant is proposing to preliminary plat 110 detached single-family residential homes on the 97.57 acre parcel with a gross density of 1.13 units per acre. The lots range in size from 0.46 acres to 1.72 acres in size. The UDO Article 10, Section 10.110.1.4.1.1 requires a minimum lot size of 20,000 sq. ft. (0.46 acres) for on-site septic. All the lots meet this requirement. The minimum lot dimensions are 100 ft. x 200 ft. Lots 92 and 93 do not meet the Town's lot requirements. UDO Section 10.108.1.4.3. states that lot size, shape, and location shall be made with due consideration to topographic conditions, contemplated use, and the surrounding area. Staff believes the hook shapes are an issue for surrounding properties. These areas will be difficult to maintain and may not be maintained appropriately so nearly detached from the main parcel. In addition, the County does not enforce nuisance complaints, so the hooks are likely going to be an enforcement issue for the surrounding homeowners. UDO Section 10.108.1.4.6. requires that side lot lines be substantially at right angles or radial to street lines. The hook lots do not conform to this code provision. The minimum frontage for cul-de-sacs is 25'. All the cul-de-sac lots conform to this requirement.

Environmental. The development property contains a low wetland area on the southwest corner of the property and a blueline stream near the southeast corner of the property. The required 50 ft. riparian buffer is shown on the preliminary plans. There is also an existing ditch crossing the property in a north-south direction with an area of poor draining soils. There are several lots in the development that appear to be located on poorly draining soils that may not be suitable for on-site septic. The applicant has not yet conducted soil borings to verify adequate septic sites for each lot. It is likely that the applicant will lose some lots once the soils investigations are complete.

Cemetery. There is a cemetery on the north edge of the property. Access to the cemetery is shown to be over a 30 ft. wide easement centered on the property line. Planning Staff did receive comments from a member of the Avera family claiming that the 30' access easement was not properly executed. Staff researched the County recorder's files for the easement and could not find a recorded deed of easement. A condition of approval is recommended requiring the developer to provide documentation that there is a legal easement to the cemetery.

Utilities. The development will be served by Town of Smithfield water with a master meter on the County's water line as an out-of-town customer. Each lot will have on-site septic systems to treat sewage (See Environmental above). Electricity will be provided by Duke Progress Energy.

Road Access. The proposed road access to the development is from a single access on Sift Creek Road about 525 feet north of the Swift Creek Road and Cleveland Road intersection. The NCDOT prefers the single entrance to this development because of the safety considerations. NCDOT is conducting a traffic count on Swift Creek Road to determine whether a turn lane will be needed to help mitigate the traffic the future development is expected to generate. An NCDOT access permit will be needed for the road access. If the Town prefers a second entrance, the NCDOT would prefer to have emergency accesses with a gate rather than two accesses for this subdivision. A condition of approval requiring a second access with a crash gate has been added.

Traffic Impact Study. The threshold for a traffic impact study is 800 cars per day. The proposed development is very near that threshold, but none will be required by Planning Staff. The NCDOT is conducting its own traffic counts and will most likely be requiring turn lanes. A traffic impact study is therefore unnecessary.

Streets and Sidewalks. The applicant is proposing 8,031 lineal feet of public street. The road surface will be 20 foot wide public streets with drainage swales and a 5 ft. public sidewalk on one side of the street in a 60 ft. right-of-way consistent with UDO requirements. Five foot sidewalks will also be constructed along Swift Creek and Cleveland Roads.

Lateral Street Access. The preliminary plat when first submitted showed lateral access to both the north and south sides of the plat as required. The lateral access on the south side led to a blue line stream. Staff had this access removed from the plans. The entire south edge of the plat appears to be wet lowland and the adjacent area most likely unbuildable. The lateral access to the north will provide an appropriate access to the adjacent property should it develop in the future. The adjacent property to the north is outside the Town's ETJ.

Park Dedication. According to the UDO, Section 10.112.3, at least one fifty-seventh of an acre (1/57) shall be dedicated for each dwelling unit planned or provided for in the subdivision plan. Alternatively, the Town can accept a fee in lieu of parkland. There are no Town plans for parks in this area and the applicant is proposing fee in lieu of parkland dedication. The fee in lieu will be due prior to recording the final plat, based on the number of lots within each platted phase.

Open Space. The proposed preliminary plat shows 11.93 acres of open space containing the wetland and mostly within the 100 year flood elevation. The open space will be owned in common by a homeowner's association. An access strip has been provided that is 20 feet wide shown between Lots 25 and 26. The developer has not provided any HOA documents for review by the Town Attorney as required. A condition of approval has been added to the recommendation requiring submittal of HOA documents for Town Attorney review.

Grading and Erosion Control. The applicant has submitted a sediment and erosion control plan with proposed grading. A sediment and erosion control permit will be required from the NCDEQ.

Stormwater Management. The applicant has submitted a stormwater management plan that indicates the development will be exempt from stormwater retention because the impervious area will be under the 15% impervious threshold. The applicant will be required to purchase nitrogen credits in lieu of managing stormwater quality on site. The individual lots will be limited to 3,803.8 sq. ft. of impervious surface (home, driveway, sidewalk, patio and shed, etc.).

Landscaping and Tree Preservation. There are no specific landscaping and tree preservation standards for single family residential development. No landscaping or tree preservation plans have been provided.

Lighting. No lighting plan has been provided. A lighting plan is required complying with the Town's UDO. In this case, Duke will be providing the lighting for the development

Phasing. The developer has not specifically identified a phasing plan, but has indicated that the first phase will likely consist of about 20 lots.

Signs. The applicant has not proposed any subdivision entrance signs. Such signs will require a sign permit prior to construction and will need to comply with the Town of Smithfield Unified Development Ordinance.

PLANNING BOARD REVIEW:

The Planning Board reviewed the application on October 4th, 2018. The Planning Board expressed concern about the lack of a phasing plan, subdivision signs and landscaping, and that the development has only one entrance off of Swift Creek Road. The Planning Board recommended approval with eight staff recommended conditions and an additional condition:

- Second driveway be reviewed and investigated. If a second entrance is not feasible then a crash gate be investigated.

As stated in this report, Staff checked with the NCDOT about a second entrance and if the Town prefers a second entrance, the NCDOT would prefer to have emergency accesses with a gate rather than two accesses for this subdivision. A condition requiring a second entrance with a crash gate was added in the event the Town Council desires the second access for emergencies.

A ninth condition of approval was added since the Planning Board review pertaining to annexation.

PLANNING DEPARTMENT RECOMMENDATIONS:

The Planning Department recommends the Planning Board recommend approval of the preliminary plat of the Swift Creek Tract (S-18-02) with the following conditions:

1. That the suitability for on-site septic be proven for each lot prior to construction.
2. That the preliminary plat be revised to eliminate the hook lots, Lots 92 and 93.
3. That HOA documents be submitted for review by the Town Attorney prior to final plat approval that ensure HOA ownership and maintenance of common amenities and open space.
4. That a lighting plan be submitted for Town review prior to construction.
5. That a phasing plan be provided.
6. That the applicant obtains a NCDOT Permit for the access to Swift Creek Road prior to construction.
7. That the applicant provides proof of legal access to the cemetery.
8. That the applicant provides an emergency entrance onto Swift Creek Road with a crash gate.

ACTION REQUESTED:

The Town Council is respectfully requested to review the Preliminary Subdivision Plat application, hold a public hearing and make decision whether to approve the request with conditions or deny the request.



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

**Preliminary Subdivision Application
 General Information**

Development Name **Swift Creek Road Tract**

Proposed Use **Residential Subdivision**

Property Address(es) **1337 Cleveland School Road
 Smithfield, NC 27577**

Johnston County Property Identification Number(s) and Tax ID Number (s) for each parcel to which these guidelines will apply:

PIN# **167400-55-9495** TAX ID# **15108020**

Project type? Single Family Townhouse Multi-Family Non-Residential Planned Unit Development (PUD)

OWNER/DEVELOPER INFORMATION

Company Name **LAST Investments, LLC** Owner/Developer Name **Scott and Laura Lee**

Address **104 State Avenue, Suite 103 Clayton, NC 27520**

Phone **919 369 1937** Email **scott@scottleehomes.com** Fax **919**

CONSULTANT/CONTACT PERSON FOR PLANS

Company Name **Lee R. Hines, Jr., PE** Contact Name **Richie Hines**

Address **630 Aiken Parkway Fuquay-Varina, NC 27526**

Phone **919 422 8011** Email **richiehinespe@nc.rr.com** Fax **N/A**

DEVELOPMENT TYPE AND SITE DATE TABLE (Applicable to all developments)

ZONING INFORMATION

Zoning District(s) **R-20A**

If more than one district, provide the acreage of each: **N/A**

Overlay District? Yes No

Inside City Limits? Yes No

FOR OFFICE USE ONLY

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

STORMWATER INFORMATION

Existing Impervious Surface	<u>0</u> acres/sf acres	Flood Hazard Area	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Proposed Impervious Surface	<u>14.64</u> acres/sf acres	Neuse River Buffer	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Watershed protection Area	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Wetlands	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If in a Flood Hazard Area, provide the FEMA Map Panel # and Base Flood Elevation 3720167400 K | 2014-04-30; 126.0

NUMBER OF LOTS AND DENSITY

Total # of Single Family Lots	<u>110</u>	Overall Unit(s)/Acre Densities Per Zoning Districts
Total # of Townhouse Lots	<u>0</u>	Acreage in active open space <u>0</u>
Total # of All Lots	<u>110</u>	Acreage in passive open space <u>0</u>

SIGNATURE BLOCK (Applicable to all developments)

In filing this plan as the property owner(s), I/we do hereby agree and firmly bind ourselves, my/our heirs, executors, administrators, successors and assigns jointly and severally to construct all improvements and make all dedications as shown on this proposed subdivision plan as approved by the Town.

I hereby designate Lee R. Hines, Jr. (Richie), PE to serve as my agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf, and to represent me in any public meeting regarding this application.

I/we have read, acknowledge, and affirm that this project is conforming to all application requirements applicable with the proposed development use.

Signature Date 8-28-18
 Signature Date 8-28-18

REVIEW FEES

<input checked="" type="checkbox"/> Major Subdivision (Submit 7 paper copies & 1 Digital copy on CD)	\$250.00 + \$5.00 a lot \$255.00 minimum
<input type="checkbox"/> Minor Subdivision (Submit 4 paper copies & 1 Digital copy on CD)	\$50.00 + \$5.00 a lot \$55.00 minimum
<input type="checkbox"/> Recombination Plat (Submit 2 paper copies & 1 Digital copy on CD)	\$50.00

FOR OFFICE USE ONLY

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

INFORMATION TO BE PROVIDED ON PRELIMINARY AND FINAL PLATS.

The preliminary and final plats shall depict or contain the information indicated in the following table. An "X" indicates that the information is required.

Information	Preliminary Plat	Final Plat
Vicinity map (6" W x 4" H) showing location of subdivision in relation to neighboring tracts, subdivision, roads, and waterways (to include streets and lots of adjacent developed or platted properties). Also include corporate limits, Town boundaries, county lines if on or near subdivision tract.	X	
Boundaries of tract and portion to be subdivided, including total acreage to be subdivided, distinctly and accurately represented with all bearings and distances shown.	X	X
Proposed street layout and right-of-way width, lot layout and size of each lot. Number lots consecutively throughout the subdivision.	X	X
Name of proposed subdivision.	X	X
Statement from the Johnston County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other onsite water or wastewater systems are to be used in the subdivision, AND/OR statement from the County Public Utilities that application has been made for public water and/or sewer permits.	X	
Graphic scale.	X	X
North arrow and orientation.	X	X
Concurrent with submission of the Preliminary Plat to the Town, the subdivider or planner shall submit copies of the Preliminary Plat and any accompanying material to any other applicable agencies concerned with new development, including, but not limited to: District Highway Engineer, County Board of Education, U.S. Army Corps of Engineers, State Department of Natural Resources and Community Development, for review and recommendation.	X	
List the proposed construction sequence.	X	
Storm water plan – see Article 10, Part VI.	X	
Show existing contour lines with no larger than five-foot contour intervals.	X	
New contour lines resulting from earth movement (shown as solid lines) with no larger than five-foot contour intervals (existing lines should be shown as dotted lines).	X	
Survey plat, date(s) survey was conducted and plat prepared, the name, address, phone number, registration number and seal of the Registered Land Surveyor.	X	X
Names, addresses, and telephone numbers of all owners, mortgagees, land planners, architects, landscape architects and professional engineers responsible for the subdivision (include registration numbers and seals, where applicable).	X	X
Date of the drawing(s) and latest revision date(s).	X	X

Information	Preliminary Plat	Final Plat
The owner's name(s) of adjoining properties and Zoning District of each parcel within 100' of the proposed site.	X	
State on plans any variance request(s).	X	
Show existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining. Show wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site.	X	
The exact location of the flood hazard, floodway and floodway fringe areas from the community's FHBM or FIRM maps (FEMA). State the base flood elevation data for subdivision.	X	X
Show the minimum building setback lines for each lot.	X	X
Provide grading and landscape plans. Proposed plantings or construction of other devices to comply with the screening requirements of Article 10, Part II.	X	
Show location of all proposed entrance or subdivision signage (see Section 10.23.1).	X	
Show pump station detail including any tower, if applicable.	X	
Show area which will not be disturbed of natural vegetation (percentage of total site).	X	
Label all buffer areas, if any, and provide percentage of total site.	X	X
Show all riparian buffer areas.	X	X
Show all watershed protection and management areas per Article 10, Part VI.	X	X
Soil erosion plan.	X	
Show temporary construction access pad.	X	
Outdoor illumination with lighting fixtures and name of electricity provider.	X	
The following data concerning proposed streets:		
Streets, labeled by classification (see Town of Smithfield construction standards) and street name showing linear feet, whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths, approximate grades and typical street cross-sections. Private roads in subdivisions shall also be shown and clearly labeled as such.	X	X
Traffic signage location and detail.	X	
Design engineering data for all corners and curves.	X	X
For office review; a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage.	X	

Information	Preliminary Plat	Final Plat
Type of street dedication; all streets must be designated public. (Where public streets are involved which will be dedicated to the Town, the subdivider must submit all street plans to the UDO Administrator for approval prior to preliminary plat approval).	X	X
When streets have been accepted into the municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with the Town of Smithfield construction standards.	X	X
If any street is proposed to intersect with a state maintained road, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveway Regulations. (1) Evidence that the subdivider has applied for such approval. (2) Evidence that the subdivider has obtained such approval.	X X X	
The location and dimensions of all:		
Utility and other easements.	X	X
Pedestrian and bicycle paths.	X	X
Areas to be dedicated to or reserved for public use.	X	X
The future ownership (dedication or reservation for public use to governmental body or for owners to duly constituted homeowners' association) of recreation and open space lands.	X	X
Required riparian and stream buffer per Article 10, Part VI.	X	X
The site/civil plans for utility layouts including:		
Sanitary sewers, invert elevations at manhole (include profiles).	X	
Storm sewers, invert elevations at manhole (include profiles).	X	
Best management practices (BMPs)	X	
Stormwater control structures	X	
Other drainage facilities, if any.	X	
Impervious surface ratios	X	
Water distribution lines, including line sizes, the location of fire hydrants, blow offs, manholes, force mains, and gate valves.	X	
Gas lines.	X	
Telephone lines.	X	
Electric lines.	X	
Plans for individual water supply and sewage disposal systems, if any.	X	
Provide site calculations including:		
Acreage in buffering/recreation/open space requirements.	X	X
Linear feet in streets and acreage.	X	X
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Department of Interior's National Register of Historic Places.	X	X

<i>Information</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles and tangent distance for the center line of curved property lines that is not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.	X	X
The accurate locations and descriptions of all monuments, markers, and control points.	X	X
Proposed deed restrictions or covenants to be imposed upon newly created lots. Such restrictions are mandatory when private recreation areas are established. Must include statement of compliance with state, local, and federal regulations.	X	X
A copy of the erosion control plan submitted to the Regional Office of NC-DNRCD, when land disturbing activity amounts to one acre or more.	X	
All certifications required in Section 10.117.	X	X
Any other information considered by either the subdivider, UDO Administrator, Planning Board, or Town Council to be pertinent to the review of the plat.	X	X
Improvements guarantees (see Section 5.8.2.6).		X

FOR OFFICE USE ONLY			
File Number: _____	Date Submitted: _____	Date Received: _____	Amount Paid: _____

Project Narrative

As part of a complete application, a written project narrative that provides detailed information regarding your proposal must be included. On a separate sheet of paper, please address each of the lettered items listed below (answers must be submitted in both hard copy and electronic copy using the Adobe .PDF or MS Word .DOCX file formats):

- a) A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;
- b) A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PIN), and current legal description(s);
- c) A listing of general information including: the proposed name of the subdivision, the number of proposed lots, acreage dedicated for open space or public use, acreage dedicated within rights of way;
- d) A narrative explaining the intent of the project and/or your original or revised vision for the finished product;
- e) A statement showing the proposed density of the project with the method of calculating said density shown;
- f) Discuss proposed infrastructure improvements and phasing thereof (i.e. proposed roadways, sewer systems, water systems, sidewalks/trails, parking, etc.) necessary to serve the subdivision;
- g) A narrative addressing concerns/issues raised by neighboring properties (discussing your proposal with the neighboring land owners is recommended to get a sense of what issues may arise as your application is processed);
- h) A description of how conflicts with nearby land uses (livability, value, potential future development, etc.) and/or disturbances to wetlands or natural areas are being avoided or mitigated;
- i) Provide justification that the proposal will not place an excessive burden on roads (traffic), sewage, water supply, parks, schools, fire, police, or other public facilities/services (including traffic flows) in the area;
- j) A description of proposed parks and/or open space. Please include a brief statement on the proposed ownership and maintenance of said areas;
- k) A proposed development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).

**The Swift Creek Road Tract
Project Narrative**

a) Owner of Record

Ira Telfair Ogburn StewardshipTrust
3900 South Overland Avenue
Springfield, MO 65807

Developer

Scott and Laura Lee
Last Investments, LLC
104 State Avenue, Suite 103
Clayton, NC 27520-5116

Engineer

Lee. R. Hines, Jr., PE
630 Aiken Parkway
Fuquay-Varina, NC. 27526
919 422 8011

Surveyor

Jerry Ball Land Surveying, PPC
205 South Pollock Street
Selma, NC 27576-3023
919 965-0077

b) 1337 Cleveland Road
Smithfield, NC 27577

R20-A
97.57 Acres (4,250,149.2 sf)
PIN 167400-55-9495
Legal Description

c) The Swift Creek Road Tract
110 lots
Fee is Proposed In Lieu of Open Space
11.14 Acres in Right of Way

d) The Developer proposes a community of 110 single family lots constructed along approximately 8,031 linear feet of street. The subdivision will be served by water provided by the Town of Smithfield and will have sidewalk along one side of the proposed streets, as well as sidewalk on Cleveland School Road and Swift Creek Road.

e) There are 110 lots proposed on the 97.57 acre parcel, which is a yield of approximately 1.13 units per acre.

The Swift Creek Road Tract Project Narrative

f) The Developer proposes approximately 8,031 lf of streets, 8,071 lf of waterline, and individual septic tanks permitted by Johnston County. Concrete sidewalks five feet in width are proposed on one side of each roadway to help accommodate pedestrians within the subdivision. The Developer may elect to do a small first phase of approximately twenty lots.

g) There are no known concerns or issues with neighboring property owners.

h) Stub streets have been provided to adjacent properties to the north and south that appear to be suitable for future development. There are no conflicts expected with nearby land use. Impact to the riparian buffers and wetlands are avoided in this development by extending the right of way line to the adjacent property, but stopping the actual street short of these areas.

i) There is not a driveway access proposed on Cleveland School Road so that traffic impacts on that route can be minimized. The DOT is obtaining current traffic counts on Swift Creek Road to determine if a turn lane will be necessary for the proposed driveway access to help mitigate the traffic the site is expected to generate. The Engineer has been in contact with the Department of Transportation to discuss the safest location for the proposed driveway. It was also determined that there is not a very safe location for an additional driveway access along Swift Creek Road, so the site will be served by one driveway. It is not expected that a subdivision of this size will place an excessive burden on water supply, parks, schools, police, or other public facilities in the area.

j) A fee is proposed in lieu of open space because there are no areas that lend themselves to either active or passive activities.

k) The Developer proposes to begin construction in the fall of 2018 and should complete it in the spring of 2019.

Storm Water Permit Application

Development/Site Name: SWIFT CREEK TRACT
Owner/Developer Name: LAST INVESTMENTS, LLC
Address: 104 STATE AVENUE, SUITE 103 CLAYTON, NC 27520
Phone: 919 553-2085 Contact Person: SCOTT LEE
Fax: _____ No. of acres to be disturbed: 17.3
Email: scott@scottleehomes.com No. of acres in development: 97.57

Type of Development: (circle one)

Fee

Residential

\$30/acre (\$500 minimum)

Non-Residential

\$75/acre (\$500 minimum)

I hereby certify that all information contained within this Storm Water Management application is accurate and complete to the best of my knowledge and conforms to the Town of Smithfield's Storm Water Management Ordinance and storm water design criteria. The Town of Smithfield has the right to inspect all storm water facilities on this site.

SCOTT LEE

Type or Printed Name

[Signature]

Signature of Owner/Developer

9-6-18

Date

I assume responsibility for inspections, maintenance and operation of all storm water facilities/Best Management Practices in accordance with the Inspection and Maintenance Agreement enclosed and with the Storm Water Management Permit.

SCOTT LEE

Type or Printed Name

[Signature]

*Signature

9-6-18

Date

Acting as an agent for: _____

*Note: Responsibility for the continued operation and maintenance of the storm water facilities can be assumed from the developer by an individual landowner or Home Owner's Association. In the event that a Home Owner's Association assumes responsibility, the signature shall be of an individual acting as an agent for the Home Owner's Association.

Submit the completed application along with detailed plans, Inspection and Maintenance Agreement, easements, supporting design information and the associated fee to:

**Storm Water Administrator, Town of Smithfield
PO Box 761
230 Hospital Road
Smithfield, NC 27577**

If you have any questions or need more information, contact the SW Administrator at 919-934-2545.

August 23, 2018

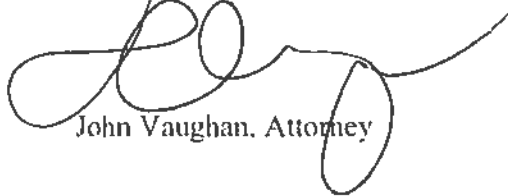
North Carolina Department of Environmental Quality
217 W Jones Street
Raleigh, NC 27603

RE: 1337 Cleveland Road, Smithfield, NC - Permission

To Whom It May Concern:

Assemblies of God Foundation, as Trustee of the Ira T. and Debbie W. Ogburn Charitable Remainder Unitrust #2, and owner of the property referenced above, does hereby provide this letter of consent to North Carolina Department of Environmental Quality. The intent of this letter is to grant to Last Investments, LLC, as potential purchaser of the property referenced above, rights to pursue permitting the land disturbance on the property to pursue due diligence and other inspections before closing of the purchase of the above referenced property.

Sincerely,



John Vaughan, Attorney

APPLICATION ID, LOCATION	N.C. DEPARTMENT OF TRANSPORTATION
Driveway Permit No. _____	STREET AND DRIVEWAY ACCESS PERMIT APPLICATION
Date of Application _____	
County: Johnston	
Development Name: Swift Creek Road Tract	

LOCATION OF PROPERTY:

Route/Road: SR 1501 (Swift Creek Road)
Exact Distance 0.10 <input checked="" type="checkbox"/> Miles N S E W <input type="checkbox"/> Feet <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
From the Intersection of Route No. SR 1501 and Route No. SR 1010 Toward NC 210

Property Will Be Used For: Residential /Subdivision Commercial Educational Facilities TND Emergency Services Other
Property: is is not within Smithfield City Zoning Area.

AGREEMENT

- I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.
- I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.
- I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT.
- I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.
- I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary.
- I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.
- I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".
- I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied.
- I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.
- I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.
- I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.
- I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.
- I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.
- The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point.
- I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees.
- **I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.**

JOHNSTON COUNTY ENVIRONMENTAL HEALTH
SUBDIVISION APPLICATION

309 East Market, Smithfield, NC 27577

Phone: 919-989-5180

Fax: 919-989-5190



Application and Plan Submittal

A completed application, fee, and three (3) folded, 18x24 or larger, copies of subdivision plans shall be submitted to the Johnston County Environmental Health Office. The application packet may be submitted in person, by U.S. Mail, FedEx, UPS or another mail or courier service. If the application is incomplete, the entire package will be returned with a list of deficiencies.

APPLICANT INFORMATION

Date Submitted: _____
Subdivision Name: Swift Creek Road Tract
Property Owner Name: Ira Telfair Ogburn Stewardship Trust Phone: _____
Developer Name: LAST Investments, LLC Phone: 919 553 2085
Surveyor/Engineer: Lee R. Hines, Jr., PE Phone: 919 422 8011
Email: richiehinespe@nc.rr.com Fax: _____

SITE DATA

Location: SR 1010 (Cleveland School Road) and SR 1501 (Swift Creek Road), Hectors Creek Township
(State Road & Number, Township)
Tax ID: 15108020 Total Acreage: 97.57 acres
Number of Lots: 110
County/City Minimum Building Setbacks:
Front- 30 Ft Side- 10 Ft Rear- 25 Ft
Other Setbacks: _____
Are Open Space, Wetlands & Buffers Areas Delineated? Yes
Intended Use: 3 Bedroom Single-Family Dwellings 110 Other _____ (Explain: _____)
Type of Water Supply: Town of Smithfield On-Site Sewage Disposal Systems: Conventional

SUBMITTAL REQUIREMENTS

1. Completed Application
2. Fee: (Number of Lots x \$100.00 per Lot)
3. Three (3) Folded 18 x 24 (or larger) copies of the Preliminary Plat (with metes & bounds, parcel area, location of proposed home site)
4. Soils Report from LSS, if available.
5. Submit any preliminary soil/site plans to assist in the evaluation
6. Stormwater Statement

All owners/agents of property to be considered for this application must sign below this statement indicating their knowledge and agreement that all of - or a portion of - their property is being considered for potential development. Property owners/agents will allow County staff access to the property while conducting the review of this proposal development.

Owner/Agent Signature: _____ Date: 8-28-18
[Signature] _____ 8-28-18

Staff Use Only:
FEE: _____ SUBMITTAL DATE: _____

Please copy for your records



LEE R. HINES, JR., PE

Civil Engineering
Land Planning & Development
Project Management

630 Aiken Parkway
Fuquay-Varina, NC 27526

Phone 919-422 8011
Email richiehinespe@nc.rr.com



September 6, 2018

Mr. Stephen Wensman, AICP/RLA, Planning Director

1214

LAST INVESTMENTS, LLC

DATE 8-28-18 66-505/531

PAY TO THE ORDER OF Town of Smithfield \$ 800.00

Eight Hundred and 00/100 DOLLARS

FOR Major Subdivision Review Fee - Swift Creek

FOUR OAKS BANK
For Check Verification Call:
Local 919-963-6257
Toll Free 1-877-953-6257

[Signature]

1219

LAST INVESTMENTS, LLC

DATE 9-6-18 66-505/531

PAY TO THE ORDER OF Storm Water Administrator, Town of Smithfield \$ 2940.00

Two thousand Nine Hundred Forty and 00/100 DOLLARS

FOR SWIFT CREEK TRACT

FOUR OAKS BANK
For Check Verification Call:
Local 919-963-6257
Toll Free 1-877-953-6257

[Signature]

Swift Creek Preliminary Subdivision



Project Name:
Swift Creek
Subdivision

Proposed Use:
110 lot Residential
Subdivision

File Number:
S-18-02

Property Owner:
Last Investment, LLC

Applicant:
Lee R. Hines, Jr., PE

Location:
Swift Creek Road

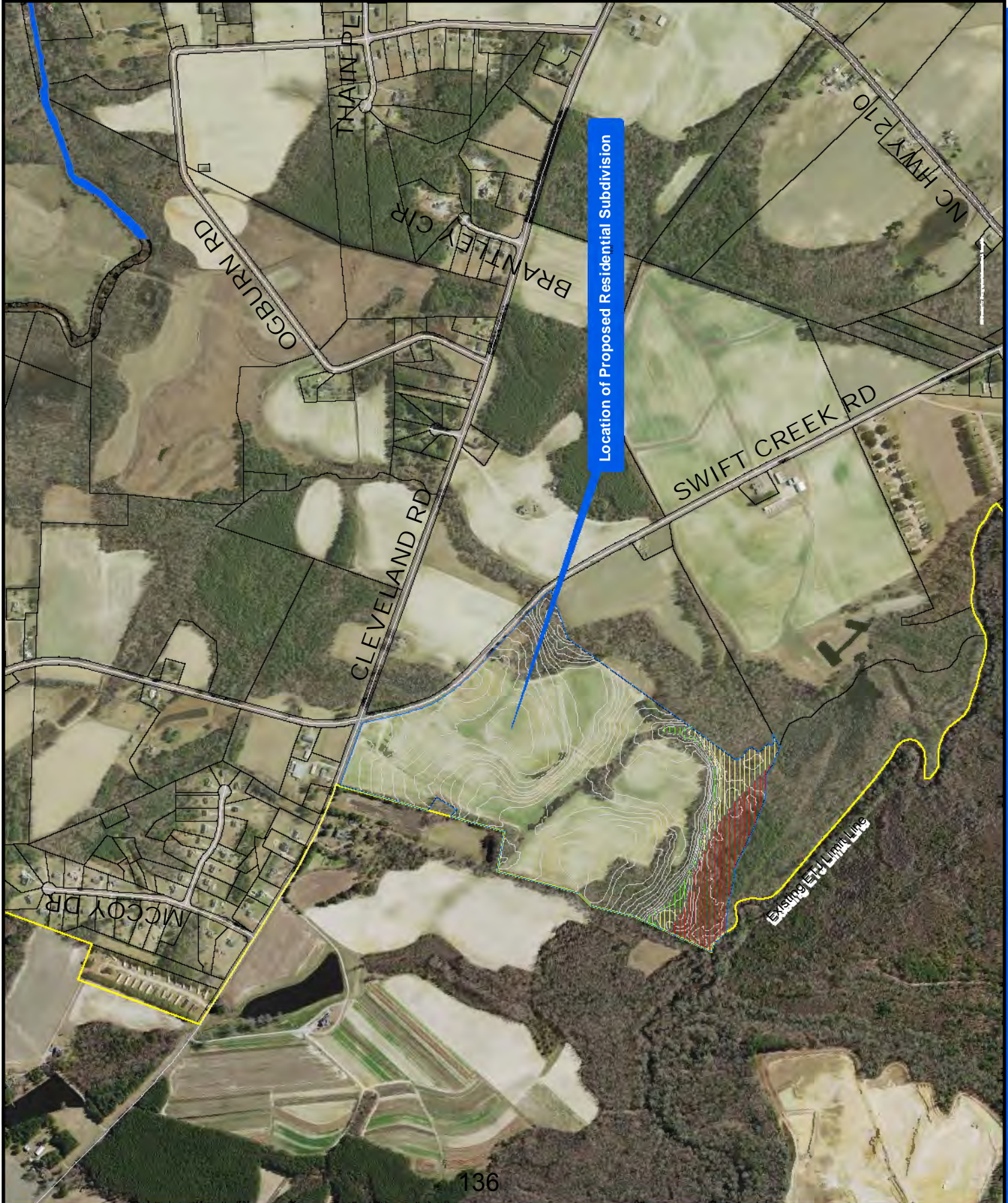
Tax ID#
15108020

Zoning District:
R-20A
(Residential-
Agriculture)

- Project Location
- ETJ Limit Line
 - 2ft contours
 - 100 Year Flood
 - 500 Year Flood
 - Floodway



1 inch = 1,000 feet
Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 9/20/2018





PLANNING DEPARTMENT

Mark E. Helmer, Senior Planner

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, November 6, 2018 in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

ZA-18-09 Stephenson General Contractors: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 6, Section 6.5 Tables of Uses and Activities, to allow for Licensed Facilities: Child Care Center as a special use with supplemental standards in the O/I (Office/Institution) zoning district.

SUP-18-11 Mr. Durwood Stephenson: The applicant is requesting a special use permit to operate a child care center on property located within an O/I (Office/Institution) zoning district. The property considered for approval is located on northwest side of intersection of Berkshire Road and West Edgerton Street. The property is further identified as Johnston County Tax ID# 15004199J.

S-18-02 Last Investment LLC: The applicant is requesting preliminary subdivision approval of a 110 lot residential development on approximately 100 acres of land located within an R-20A (Residential-Agricultural) zoning district. The property considered for preliminary subdivision approval is located on southwest side of the intersection of Swift Creek Road and Cleveland Road and further identified as Johnston County Tax ID# 15I08020.

RZ-18-08 Johnston County: The applicant is requesting to rezone a 24.50 acre tract of land from the Town of Smithfield R-20A (Residential-Agriculture) and B-3 (Highway Entrance Business) zoning districts to the O/I (Office/Institutional) zoning district. Portions of the property considered for rezoning are located on northwest and southwest quadrant of the intersection of a US Hwy 70 Business East and Yelverton Grove Road and another portion is located on the east side of Yelverton Grove Road approximately 790 feet north of its intersection with US Hwy 70 Business East. The property is further identified as Johnston County Tax ID# 15L11011.

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

Run Legal “ad” in the Zone Edition of the News and Observer 10/26/18 and 11/02/2018

Consent Agenda Items

The Smithfield Town Council met in regular session on Tuesday, October 2, 2018, at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor Pro- Tem Travis Scott 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

M. Andy Moore, Mayor
Marlon Lee, District 1

Administrative Staff Present

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

Present:

Bob Spence, Town Attorney
Bill Dreitzler, Town Engineer

Administrative Staff Absent

CALL TO ORDER

Mayor Pro-Tem Scott called the meeting to order at 7:00.

INVOCATION

The invocation was given by Councilman Dunn followed by the Pledge of Allegiance.

APPROVAL OF AGENDA:

Councilman Ashley made a motion, seconded by Councilman Stevens, to amend the agenda as follows:

Add the following to the Consent Agenda:

- Special Event: Powers & Thomas Midway Entertainment is requesting to operate a carnival at the Carolina Premium Outlets located at 1025 Outlet Center Drive. Set-up would take place October 1st-4th, the carnival would operate October 5th-14th and removal dates would be October 15th-16th
- Special Event: First Baptist Church is requesting to hold their Fall Festival at 202 S. Fourth Street on October 21, 2018 from 4:00 pm to 6:00 pm. This event will not have amplified sound. Smithfield Police will not be needed. They would like to close Johnston Street between Fourth and Fifth Streets during this event. First Baptist Church would like this to become an annual event.
- Consideration and Approval of a proclamation supporting the bond referendum for Johnston County School and Johnston Community College

Unanimously approved.

PRESENTATION:

1. Proclamation – In Memory of Daniel Sanders and his dedicated service to the Planning Board and Parks and Recreation Advisory Commission

Mayor Pro-Tem Scott presented Regina Sanders, wife of Daniel Sanders, with a Proclamation honoring Mr. Sanders service to the Town of Smithfield

**PROCLAMATION
In Memory of Daniel Lionel Sander's
Dedicated Service to the
Town of Smithfield**

WHEREAS, on behalf of the Town of Smithfield, we wish to extend our sincere condolences over the passing of Daniel Lionel Sanders on September 10, 2018; and

WHEREAS, Daniel Lionel Sander's passing leaves our community with a deep feeling of sorrow for the loss of such an honored and respected citizen; and

WHEREAS, Daniel Lionel Sanders faithfully served the Town of Smithfield as a member of the Planning Board for eleven years and a member of the Parks and Recreation Advisory Commission for eight years; and

WHEREAS, Daniel Lionel Sanders demonstrated his concern for the welfare and well-being of his fellow citizens by his actions both in his private life and by his participation in various civic organizations; and

WHEREAS, Daniel Lionel Sanders's service was given with such devotion that he earned the respect, admiration and friendship of the citizens and Town Staff through his humble leadership and kindness; and

WHEREAS, The Town of Smithfield is grateful for his many contributions to our community.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield along with the members of the Town Council, in recognition of Daniel Lionel Sanders's many contributions to our Town and its citizens, we hereby express our deep appreciation for his dedication to the progress of this community and extend to his family our sincere sympathy upon his passing.

2. Proclamation – Recognizing Regina Sanders's dedicated service to the Appearance Commission

Mayor Pro-Tem Scott presented Regina Sanders with a Proclamation honoring her service to the Town of Smithfield

**PROCLAMATION
In Honor of Regina Sander's
Dedicated Service to the
Town of Smithfield's Appearance Commission**

WHEREAS, Regina Sanders a long time resident of the Town of Smithfield has dedicated her time and attention by serving on the Appearance Commission for over eleven years; and

WHEREAS, during her tenure, Regina Sanders served as the 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, Regina Sanders has demonstrated in many ways her deep and genuine love for the community; and

WHEREAS, Regina Sanders has been instrumental in changing the overall beauty of the Town of Smithfield; and

WHEREAS, The Town of Smithfield will greatly miss Regina Sander's historical knowledge of 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 Regina Sanders for her distinguished service to the Town of Smithfield

3. Administering Oath of Office to New Police Officer Bryant Jimenez

Mayor Pro-Tem Scott administered the Oath of Office to newly Police Officer Bryant Jimenez and welcomed him to the Town of Smithfield

4. Annual Economic Development Update

Economic Development Liaison Tim Kerigan introduced Rocky Lane from Sanford Holshouser. Mr. Lane reviewed the annual economic development activities.

5. Wayfinding Update

Planning Director Stephen Wensman provided an update to the Council on the Wayfinding Project.

6. Neuse Amphitheater Update

Parks and Recreation Director Gary Johnson provided an update to the Council on proposed renovations to the Neuse Amphitheater. Mr. Johnson explained the current structure was antiquated and not handicapped accessible. At the April 3,2018, the Council approved using tourism funds to hire an engineering firm for a redesign of the amphitheater. Shweta Nanekar from Withers and Ravenel explained to the Council the conceptual redesign of the amphitheater. The estimated cost to completely renovate the area was \$961,000

PUBLIC HEARINGS: NONE

CITIZENS' COMMENTS:

- Emma Gemmel of 207 Hancock Street requested that the Council consider landscaping around the Neuse Amphitheater when it was renovated.
- James Coleman of 104 Heritage Drive informed the Council that Edith Dail had recently passed away. She was the wife of former Mayor John Dail.
- Dr. Debra Hooker, Phyllis LeFevre and Pat LeGrand of Citizens Climate Lobby informed the Council of their mission to bring about climate change. They requested the Council issue a Proclamation supporting their carbon fee and dividend policy.
- John Meller of 1010 North Street informed the Council of increased crime in his neighborhood. He asked that police patrols be increased.

CONSENT AGENDA:

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

1. The following minutes were approved
 - September 4, 2018 – Regular Meeting
 - September 4, 2018 – Close Session
 - September 20, 2018 – Special Meeting
2. Approval was granted to enter into an easement agreement with Fleming Family Farm LLC for the placement of a gateway wayfinding sign

{Attached hereto and made a part of these official minutes is the agreement between the Town of Smithfield and Fleming Family Farm LLC }

3. Approval was granted to enter into an agreement with Atkins Global for Hazardous Mitigation and

Disaster Recovery Services as related to Hurricane Matthew

{Attached hereto and made a part of these official minutes is the agreement between the Town of Smithfield and Atkins Global}

4. Bid was awarded to JF Wilkerson Contracting Company in the amount not to exceed \$750,000.00 for the construction of 16" water line along the northern right-of-way of Durwood Stephenson Highway. Bids received were as follows:

• JF Wilkerson	\$674,700.00
• Temple Grading	\$689,000.00
• R.D. Braswell	\$715,414.75
• Riverworks	\$729,900.00
• Sandford Contracting	\$749,667.75
• Ralph Hodge	\$778,201.00
• Central Builders	\$945,412.00
• Jymco	\$1,072,437.50

5. Approval was granted to accept amendments to the Downtown Smithfield Development Corporation's Bylaws

{Attached hereto and made a part of these official minutes is the Downtown Smithfield Development Corporation's Bylaws}

6. Approval was granted to promote an employee in the Public Utilities Water Plant from a Water Plant Trainee to a Water Plant Operator I.

7. The following advisory board appointments were approved:

- Alisa Bizzell was appointed to a first term on the Planning Board as an In-Town Member and to the Parks and Recreation Advisory Commission.
- Leslie Lazarus was appointed to a first term on the Planning Board as an In-Town Member and to the Appearance Commission.
- Deanna Simmons was appointed to a first term on the Historic Properties Commission
- Roger Wood was appointed to a first term on the Parks and Recreation Advisory Commission.

8. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Admin Support Specialist	Fire	10-20-5300-5100-0210	\$14.17/hr.
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200	\$13.47/hr. (\$28,014.60/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Facility Maintenance Specialist	Public Works – General Services	10-60-5500-5100-0200
Communications Specialist	General Government	10-10-4100-5100-0200
Police Officer I	Police	10-20-5100-5100-0200
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200

9. Special Event – Powers & Thomas Midway Entertainment gained approval to operate a carnival at the Carolina Premium Outlets located at 1025 Outlet Center Drive. Set-up would take place October 1st-4th, the carnival would operate October 5th-14th and removal dates would be October 15th-16th

10. Special Event - First Baptist Church gained approval to hold a Fall Festival at 202 S. Fourth Street on October 21, 2018 from 4:00 pm to 6:00 pm. This event will have a street closure on Johnston Street between Fourth and Fifth Street. The event was also approved as an annual event.
11. Proclamation – In Support of the Bond referendum for Johnston County School and Johnston Community College.

PROCLAMATION
Support of Bond Referenda Johnston County Board of Education Johnston Community College November 6, 2018

WHEREAS, the Town of Smithfield is dedicated to maintaining a strong and supportive working relationship with Johnston County Public Schools to provide superior academic instruction and outstanding educational opportunities to its youth; and

WHEREAS, the Town of Smithfield is also dedicated to maintaining a strong, viable community college program so that graduates of Johnston County Public Schools can continue their educational careers and adults from all walks of life can engage in continuing education; and

WHEREAS, the Town of Smithfield is committed to attaining and preserving the highest quality of life for its citizenry through its partnership with the local Board of Education and Johnston Community College; and

WHEREAS, the school population of Johnston County continues to grow at an accelerated rate requiring additional school facilities; and

WHEREAS, the people of Smithfield and all of Johnston County have been dedicated to the cause of new construction for schools to accommodate this growth; and

WHEREAS, the Town of Smithfield desires to assist the Board of Education in meeting its facility needs for the benefit of our youth, our citizens and our community; and

WHEREAS, the Town of Smithfield recognizes that a commitment to quality education results in an elite work-force which attracts commerce and spurs economic development at the benefit of the town's people;

Additionally, the Town of Smithfield urges all citizens to vote for both the public school bond and the community college bond.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield along with the members of the Town Council, supports the Johnston County Board of Education and Johnston Community College and goes on record in support of the school facilities bond issue in the amount of \$76 million.

Unanimously approved.

Business Items

1. Final Report and closing out the State awarded Asset Inventory & Assessment (AIA) grant for water inventory

Public Utilities Director Ted Credle presented the final report of the AIA grant. In 2016, the Town applied for and was rewarded the North Carolina Division of Environmental Quality (NCDEQ) Clean Water State Revolving Fund (CWSRF) Asset Inventory and Assessment (AIA) grant in the amount of \$150,000. The intent of the grant was to fund a project that would physically locate the Town's water valves & hydrants and incorporate the infrastructure into the Town's official Service Map. This accurate location would enhance the Town service by reducing service response time. Further the Town would create a water model of the Town to see where potential issues may arise, plan for future growth and lay out a long-term plan to upgrade the Town's water infrastructure. After 24 months, the work on this project has been completed, and the grant is to

be closed out.

- 2. Approval to Adopt Resolution # 628 (15-2018)** Fixing the date of Public Hearing on Question of Annexation pursuant to NCGS 160A-58.2 and accepting the Town Clerk's Certificate of Sufficiency.

Town Manager Michael Scott informed the Council that the applicant, Navaho Investment Company, LLC, was requesting to annex approximately 21.26 acres of land into the Town of Smithfield's corporate limits. The property considered for annexation was on Galilee Road about 1900 feet south of Black Creek Road, near West Smithfield Elementary School. The property was partially within the ETJ and partially outside. The applicant was also requesting water and sewer services. The Town Clerk has certified the sufficiency of petition and the next step would be to adopt the Resolution setting the date for public hearing. The Town Manager stated that while reviewing the statute, it was determined that the Town of Smithfield was a part of a local act that exempts the Town from the 10% standard of noncontiguous annexation. This means the Town could approve as much noncontiguous annexation as they would like.

Councilman Barbour made a motion, seconded by Councilman Stevens, to adopt Resolution #628 setting the date for public hearing on the question of noncontiguous annexation. Unanimously approved.

**TOWN OF SMITHFIELD
RESOLUTION # 628 (15-2018)
FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
PURSUANT TO G.S. 160A-58.2**

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Town Council has by Resolution # 625 (12-2018) directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1: A public hearing on the question of annexation of the non-contiguous area described herein will be held in the Council Chambers of the Town Hall located at 350 East Market Street, Smithfield North Carolina at 7:00 pm on November 6, 2018.

Section 2: The area proposed for annexation is described as follows:

Lying and being situated in Johnston County, North Carolina and being more particularly described as follows:

Being that certain tract of land in Smithfield, Johnston County, North Carolina and lying between Black Creek Road (N.C.S.R. 1162) and Galilee Road (N.C.S.R. 1341) and being Tract "1" recorded in Deed Book 3276, Page 267 at the Johnston County Registry and being more particularly described as follows:

Beginning at a point on the western right-of-way of Galilee Rd (N.C.S.R. 1341); thence leaving said right-of-way South 74°40'07" West 710.50 feet to an existing iron pipe; thence South 74°39'51" West 456.07 feet to an existing iron pipe; thence South 01°41'30" West 368.00 feet to an existing iron pipe; thence South 62°43'26" West 37.26 feet to a point; thence North 22°39'40" West 55.38 feet to a point; thence North 52°36'15" West 69.91 feet to a point; thence North 58°25'21" West 91.28 feet to a point; thence North 49°33'53" West 117.07 feet to a point; thence North 58°22'01" West 47.73 feet to an existing iron pipe; thence North 67°32'42" West 143.13 feet to a point; thence North 64°36'55" West 139.41

feet to an existing iron pipe; thence North 68°02'16" West 84.32 feet to an existing iron pipe; thence North 79°47'30" West 61.67 feet to an existing iron pipe; thence North 86°39'18" West 201.99 feet to a point; thence North 79°19'02" West 55.94 feet to a point, thence North 09°52'10" East 19.11 feet to a point; thence North 80°16'25" West 20.73 feet to a point; thence North 78°50'43" West 246.89 feet to an existing iron pipe; thence South 40°39'53" West 168.02 feet to an existing iron pipe; thence North 66°46'57" West 242.10 feet to an existing iron pipe; thence North 25°17'15" West 56.30 feet to a point on the eastern right-of-way of Black Creek Road (N.C.S.R. 1162); thence along and with said right-of-way South 64°08'00" West 178.81 feet to a point on said right-of-way; thence leaving said right-of-way South 72°31'45" East 507.90 feet to an existing railroad spike in tree; thence South 44°07'00" East 1415.74 feet to an existing iron pipe; thence South 24°37'51" East 247.53 feet to an existing iron pipe; thence North 58°02'55" East 223.26 feet to an existing iron pipe; thence North 58°09'04" East 90.52 feet to a point in creek; thence along said creek North 00°09'10" West 242.70 feet; thence North 02°57'17" West 266.80; thence North 28°49'37" West 64.94 feet; thence North 10°56'25" West 93.95 feet; thence North 08°12'11" West 39.95 feet; thence leaving said creek North 35°19'16" East 142.44 to a point; thence North 74°31'13" East 1059.27 feet to a point on the western right-of-way of Galilee Road (N.C.S.R. 1341); thence along and with said right-of-way North 01°27'40" East 392.33 feet to the point and place of beginning and being a total of 32.61 acres to be rezoned.

Section 3: Notice of the public hearing shall be published once in the News and Observer Zone Edition, a newspaper having general circulation in the Town of Smithfield, at least ten (10) days prior to the date of the public hearing.

Councilmembers Comments

- Councilman Ashley explained the incredible efforts made by Emergency Management during storm events. He explained there was a lot of hard work that happened behind the scenes.
- Councilman Stevens expressed his appreciation to Public Works and Public Utilities staff for their hard work during Hurricane Florence

Town Manager's Report:

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

- Mosquito Spraying: The Town was continuing to spray and Johnston County would be doing the same..
- Dog Park: The dog park created at Civitan Field is operational and being used. Water stations are being added soon, as well as a sidewalk
- Halloween: Trick or Treat is scheduled in Smithfield for Wednesday, October 31st from 5:00 pm to 8:00 pm.
- Trunk or Treat: Trunk or Treat is scheduled for Saturday, October 27th from 4:00 pm to 6:00 pm at Community Park. Encourage the community's young people to come and have a good time.
- Fire Prevention Week: Fire Prevention Week is scheduled for October 8th through October 12th. Take some time to be prepared for a fire in your home and check those smoke detector batteries.
- Touch a Truck: The annual Touch a Truck event, sponsored by the Junior Women's League of Smithfield is scheduled to take place on Saturday, October 27th from 9:00 am to 4:00 pm in the South 3rd and Johnston Street area of Town.

Department Reports

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

Adjourn

Councilman Ashley made a motion, seconded by Councilman Barbour, to adjourn the meeting. The meeting adjourned at approximately 8:25 pm.

ATTEST:

Travis Scott, Mayor Pro-Tem

Shannan L. Parrish, Town Clerk



Request for Town Council Action

**Consent
Agenda
Item:** Ordinance
Change
Date: 11/06/2018

Subject: Ordinance Change - Mausoleums
Department: General Government
Presented by: Town Manager - Michael Scott
Presentation: Consent Agenda

Issue Statement

The Town Manager is recommending the attached changes to Smithfield "Cemeteries" Ordinance 6-50

Financial Impact

None.

Action Needed

Approve Ordinance amendment.

Recommendation

Staff recommends approval of the Ordinance Amendment to 6-50, as attached.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Draft Ordinance Change – Red Line Version



Staff Report

**Consent
Agenda
Item: Ordinance
Change**

On June 5, 2001, the Town Council added Town Ordinance 6-50, "Mausoleums" to the **Town Ordinances under "Cemeteries."** This ordinance prohibits mausoleums of any kind in Town Cemeteries. Council meetings do not reflect why this addition was made or any discussion regarding this change to Town ordinances. Oral evidence seems to indicate that the Town had to absorb some cost in maintaining these mausoleums, which were erected of different materials including, wood, steel and stone.

It seems reasonable that people who purchased cemetery lots for their personal use, prior to June 5, 2001 should be exempted from this ordinance change. It also seems prudent for the Town to specify certain construction criteria so as to limit maintenance and future expenses to the Town, should a mausoleum be placed on a lot in a Smithfield cemetery. The attached ordinance amendment is intended to address both issues.

**TOWN OF SMITHFIELD
North Carolina**

ORDINANCE # 496

**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD CODE OF ORDINANCES,
CHAPTER 6, CEMETERIES; SECTION 50, MAUSOLEUMS**

WHEREAS, Chapter 6 of the Town of Smithfield’s Code of Ordinances outlines the regulations concerning cemeteries within the Town; and

WHEREAS, The Town Manager, Michael Scott, is requesting the Ordinance be amended to include private mausoleums for lots purchased prior to June 5, 2001.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Smithfield that Chapter 6, Cemeteries; Section 50, Mausoleums is rewritten as follows:

Sec. 6-50. - Mausoleums.

~~No private mausoleum shall be constructed or installed in any cemetery.~~

Private Mausoleums are only permitted in public cemeteries on lots purchased by the intended user (or family) prior to June 5, 2001. These mausoleums will house no more than four (4) separate human remains and will be constructed of only solid granite or solid marble stone equal to or greater than the following specifications:

- Walls: 4 inches thick
- Roof: 5 inches thick
- Sub Floor: One-piece construction, 6 inches thick
- Base: The mausoleum must sit on a solid concrete base, as approved by the Smithfield Public Works Director, prior to the placing of any mausoleum.

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 6th day of November, 2018

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk



Request for Town Council Action

**Consent
Agenda
Item:** **Resolution**
#629 (16-2018)
Date: 11/06/2018

Subject: Approve the Resolution Accepting the Water Shortage Response Plan for the Town of Smithfield

Department: Public Utilities

Presented by: Ted Credle

Presentation: No

Issue Statement

The approval of the Resolution to accept the Water Shortage Response Plan for the Town of Smithfield water service area

Financial Impact

None – The resolution does not cost the Town any funds

Action Needed

Approve the attached resolution

Recommendation

Staff recommends the approval of Resolution #629 (16-2018)

Approved: Town Manager Town Attorney

Attachments:

1. Resolution #629 (16-2018)
2. Water Shortage Response Plan
3. Approval Letter from NCDEQ



Staff Report

**Consent
Agenda Resolution
Item:**

By law (NCGS 143-355 (i)), the Town must adopt a Water Shortage Response Plan and update this plan at an interval not to exceed every 5 years. The Town of Smithfield has completed this update. The statute requires the governing body issue a resolution adopting the updated Plan.



WATER
SHORTAGE
&
CONSERVATION
PLAN

REVISED October 5, 2018

SECTION 1. PURPOSE

The purpose of this ordinance is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the service area of the Town of Smithfield and its wholesale customers in the event a shortage is declared.

SECTION 2. DEFINITIONS

1. "Advisory", as the term used in this ordinance, is the first phase of a water supply shortage and shall mean that conditions exist which indicate the potential for serious water shortages.
2. "Alert" as the term used in this ordinance, is the second phase of a water supply shortage and shall mean that the raw water supply (stream-flow) is consistently low and, if this supply continues to decline, it may not be adequate to meet normal needs; or that serious mechanical failure has occurred; or that plant capacity has been reached, so that adequate water supplies cannot be maintained and a water shortage may occur.
3. "Water Supply Shortage", as the term is used in this ordinance, shall mean the water supply is below the level necessary to meet normal needs and based on the situation, an Advisory, Alert, or Emergency is declared.
4. "Customer", as the term is used in this ordinance, shall mean any person using water for any purpose from the Town's water distribution system and for which a regular charge is made.
5. "Emergency", as the term is used in this ordinance, is the third phase of a water supply shortage and shall mean that the raw water supply is below the level necessary to meet normal needs and that serious shortages exist or mechanical failure is to such extent that a prolonged shortage is subject to occur.
6. "Town", the Town of Smithfield Department of Public Utilities acting through the Town Manager, Utilities Director, or representatives.
7. "Waste of Water", as the term is used in this ordinance includes, but is not limited to, failure to repair a leak of water due to defective plumbing.
8. "Water", as the term is used in this ordinance, shall mean water available to the Town for treatment or any treated water introduced by Town into its distribution system.
9. "Plant Capacity", as the term is used in this ordinance, shall mean the water filtration rate that is authorized by the State of North Carolina, Department of Environmental Quality.
10. "Water Use Classes", as the term is used in this ordinance, shall be established as follows:

Class 1: Essential Water Uses

Domestic Use:

Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

Health Care Facilities:
Patient care and rehabilitation.

Public Use: Fire
fighting

Health and public protection purposes, as specifically approved by health officials and their governing bodies.

Class 2: Socially or Economically Important Uses of Water

Domestic:

Home water use including kitchen, bathroom, and laundry use.

Outdoor Non-Commercial Watering (public or private):

Agricultural irrigation for the production of food and fiber or the maintenance of livestock. Watering by commercial nurseries at a minimum level necessary to maintain stock, to the extent that sources of water other than Town sources are not available or feasible to use. Watering of golf course greens.

Use of Town water at a minimum rate necessary to implement re-vegetation following earth moving, where such vegetation is required pursuant to an erosion and sedimentation control plan adopted pursuant to law or regulation.

Water use by public gardens of national, state, or regional significance where necessary to preserve specimens, to the extent that sources of water other than Town sources are not available or feasible to use.

Filling and Operation of Swimming Pools:

Pools used by health care facilities for patient care and rehabilitation.
Municipal pools.

Class 3: Non-Essential Uses of Water

All Domestic Uses other than those included in Classes 1 and 2:

Ornamental Purposes:

Fountains, reflecting pools and artificial waterfalls.

Outdoor Non-Commercial Watering (public or private):

Gardens, lawns, parks, golf courses, playing fields and other recreational areas.

Filling and Operation of Swimming Pools:

Private pools.

Washing of Motor Vehicles:

Automobiles, trucks, boats and trailers.

Restaurants, Clubs, or Eating
Establishments: Serving water

Exceptions:

Specific request by customer.

Fire Hydrants:

Any purpose, including use of sprinkler caps and testing fire apparatus and for Fire Department drills.

Exceptions:

Fire-fighting

Health protection purposes, if specifically approved by the health officials of Town of Smithfield.

Certain testing and drills by Fire Departments, if in the interest of public safety and is approved by the Town.

Flushing of Sewers and Hydrants:

Routine flushing and requests for flushing to rid taste, odor, and discoloration.

Exceptions:

As needed to ensure public safety, and approved by health officials and the Town.

SECTION 3. DECLARATION OF A WATER SHORTAGE ADVISORY

Whenever the Town finds that a potential shortage of water supply is indicated by either an extreme drought, severe mechanical failure, or water plant capacity being exceeded, and that adequate potable water supplies cannot be maintained or acquired through interconnections, it shall be empowered to declare that a Water Shortage Advisory exists. The Director of Public Utilities shall, on a daily basis, monitor the supply and demands upon that supply. In addition, the Town Manager is authorized to call upon all the water customers of the Town to employ voluntary water conservation measures to limit water use (especially Class 3 users) and eliminate waste of water. This notification shall be published in newspapers of general circulation, and may be publicized through the news media or any other appropriate method for making such notification public.

SECTION 4. AUTHORIZATION

The two people authorized to enact the Plan are the Town Manager and the Director of Public Utilities. The following is their contact information:

Michael Scott
Town Manager
350 E. Market Street
Smithfield, NC 27577
919-934-2116

Michael.scott@smithfield-nc.com

Walter "Ted" Credle
Director of Public Utilities
230 Hospital Road
Smithfield, NC 27577
919-934-2798

ted.credle@smithfield-nc.com

SECTION 5. TRIGGERS

Whenever the water plant finished water pump capacity is exceeded by the raw water pump capacity for a period of 24 consecutive hours, the Town Manager will be notified and the Water Shortage Alert shall be issued to all Town customers.

Whenever the water plant finished water pump capacity is exceeded by the raw water pump capacity for a period of 48 consecutive hours, the Town Manager will be notified and the Water Shortage Emergency shall be issued to all Town customers.

Whenever the water plant finished water pump capacity exceeds the raw water pump capacity for a period of 12 consecutive hours; the Town Manager will be notified and the corresponding restrictions shall be lifted.

SECTION 6. DECLARATION OF WATER SHORTAGE ALERT

Whenever the Town finds the water supply is below the level necessary to meet normal needs and adequate supplies of potable water cannot be maintained, it shall be empowered to declare that a Water Shortage Alert exists. The Town shall continue to encourage voluntary water conservation measures as defined in the Advisory declaration. The Town shall impose a ban on all Class 3 water uses for the duration of the shortage until it is declared to have ended by the Town.

SECTION 7. DECLARATION OF A WATER SHORTAGE EMERGENCY

Whenever the Town finds that the water supply is below the level necessary to meet normal needs and that serious shortages exists, it shall be empowered to declare that a Water Shortage Emergency exists. Class 1, *Essential Uses* shall be identified, in specific, as targets for voluntary conservation initiatives. Class 2, *Social or Economically Important Uses* shall be banned in addition to the Class 3, *Non-Essential Uses*. These restrictions shall be enforced until the emergency is declared ended by the Town.

SECTION 7.1 EMERGENCY WATER RATIONING

In the event that the water supply source falls below the utility's ability to pump water into its distribution system, a water rationing emergency will be issued. All Class 2 and Class 3 uses will be banned. The following Class 1 uses are permitted:

Domestic

Water necessary to sustain human life and lives of domestic pets.

Health Care

Water necessary to sustain human life and meet patient's basic medical needs.

Public Use

Water for structural fires that endanger human life and property.

Health and public protection purposes, as specifically approved by health officials and their governing bodies.

If necessary, a water dispensing station(s) will be strategically located for the issuance of bottled water or water dispensed in portable containers. Quantity limitations will be based on household size and anticipated length of water shortage emergency.

Hospitals and patient care facilities that must remain operative will be given first priority but are restricted to providing only the basic health and sanitary needs.

SECTION 8. MANDATORY WATER CONSERVATION PROCEDURES

1. The Town Manager is hereby authorized to impose mandatory restrictions or rationing, as described below, on the usage of water obtained directly or indirectly from the water distribution system of the Town by declaring a Water supply shortage (Advisory, Alert, or Emergency). After receiving written recommendations from the Director of Public Utilities, such restrictions may be imposed by the Town Manager, upon consideration of the following factors:

- A. Pressure at monitoring locations of the Town water distribution system;
- B. Ability to refill water storage tanks of the Town water distribution systems;
- C. Ability to maintain an amount of water in the ground level storage tanks at the water

- treatment plant which is adequate for fire protection purposes;
- D. Ability to maintain adequate water pressure in every portion of the Town water distribution system.
- E. Ability to acquire water from other systems.

All of the above-stated factors must be considered in declaring a Water supply shortage.

2. A Water supply shortage may be implemented by the Town Manager by signing a Notice of Declared Water Supply Shortage. The Declared Water Supply Shortage will begin on the effective date and time specified in the notice and the restrictions imposed thereby will apply during the times specified in the notice.
- 3 During a Declared Water Supply Shortage, Water Use Classes by class or by specific item may be prohibited during the time specified in the Notice of a Declared Water Supply Shortage.
 - A. The Town Manager may impose the restrictions in Paragraph 3 above at all times or during such limited times as the Town Manager and the Director of Public Utilities determine to be appropriate. The times will be set forth in this Notice of Declared Water supply shortage.
 - B. The Town Manager may modify the times of restricted water use by signing an Amended Notice of Declaration of Water Supply Shortage.
 - C. Restrictions on water use from the Town may be terminated by the Town Manager by signing a "Notice of Termination of Declared Water supply shortage".
 - D. Any restrictions or terminated restrictions must be posted in the Municipal Office Building, relative United States Post Offices, or any other designated places by law or the Town of Smithfield's Town Council. All notices cannot be enforced or terminated for a period of twelve (12) hours after posting.
 - E. All notices posted shall state the time and date of posting.
 - F The terms "Town Manager" and "Director of Public Utilities" are to be constructed to include the designee of the Town Manager or Director of Public Utilities.

SECTION 9. SHORTAGE WATER RATES

Upon the declaration of a water supply shortage as provided in Sections 3, 4, 5, & 6, the Town shall have authority to adopt shortage water rates designed to conserve water supplies. Such rates may provide for:

1. Increasing block rates - higher charges per unit for increasing usage.
2. Uniform Unit Rate - uniform charges for water usage per unit of use.
3. Excess Demand Surcharge - extra charges for use in excess of a specified level.
4. Good Citizen Rate - Discounts for conserving water beyond specified levels.

SECTION 10. ENFORCEMENT

1. The direct or indirect use of water from the Town distribution system in violation of these Rules and Regulations is prohibited. Any water customer of the Town distribution system that violates or permits the violation of these Rules and Regulations shall be subject to the following penalties:

<u>Size of Service Connection</u>	<u>Penalty</u>
3/4 inch	\$300.00
1 inch	\$400.00
1 1/2 inch	\$500.00
2 inch	\$600.00

All penalties will be doubled during periods of emergency water rationing.

2. Each violation shall be added to the customers water bill and paid in the same manner as current payments to the Town.
3. Each day a violation occurs shall be considered a separate violation.
4. The Director of Public Utilities shall be responsible for enforcing any restrictions imposed from these Rules and Regulations. If a violation is known to have occurred pursuant to this ordinance, a written violation shall be affixed to the property where the violation occurred and mailed to the customer of record and any other person known to the Town who is responsible for the violation and its correction. The written notice shall describe the violation and order that it be corrected immediately or within such specified time as the Town determines is reasonable under the circumstances.
5. If a violation notice is not complied with, or violation fees for previous violations are not paid, the Town may restrict or terminate water service subject to the following procedures:
 - A. The Town shall give the customer notice by mail or messenger that, due to reoccurring violations or failure to pay for previous violations, water services will be restricted or terminated within a specific time. The customer will have the opportunity to appeal a restriction or termination by requesting a hearing scheduled before an official designated as a hearing officer by the Town Manager. The request for such hearing should be made before the cut-off date. A prompt conference with a hearing officer will be held.
 - B. If such a hearing is requested by the customer charged with the violation, he or she shall be given full opportunity to be heard before restriction or termination.
 - C. The hearing officer shall order whether service should be restricted or continue. The customer may appeal to the Town Manager for a prompt hearing. The Town Manager shall make findings of facts and order whether service should continue or be terminated.
 - D. Any customer charged with the violation of this ordinance may appeal the findings of the hearing officer or Town Manager to the Smithfield Town Council.
6. A fee of \$50.00 shall be paid for the reconnection of any water service restricted or terminated pursuant to subsection E of Section 8. In the event of multiple violations, the reconnection fee shall be \$100.00 for the second violation and \$150.00 for each additional violation. All fees will be doubled during periods of emergency water rationing.

SECTION 11. APPEALS

Water users who feel they will be adversely or unfairly affected by the restrictions of either a Declaration of Water Shortage or Water Shortage Emergency may appeal to the Town Manager for a variance.

- A. The variance appeal must demonstrate in writing that the restrictions found in Section(s) 3, 4, 5, or 5.1 will cause severe health, safety, or financial hardships.

- B. Once the appeal document has been received, the Town Manager or designated Appeals Officer will review the request and render a decision based on the information submitted. There can be no further appeals.

SECTION 12. LIFTING OF RESTRICTIONS

The effectiveness of water restrictions required in Section(s) 3, 4, 5, or 5.1 will be measured through the quantity of gallons processed at the Town's Water Treatment Plant, by frequent river intake level measurements, and by diligently monitoring meter readings when interconnected with another water utility. Other factors that will be considered are the number of penalties issued; total water withdrawal from the source water; and reduction in demand accomplished, when compared to previous yearly seasonal demands.

Water restrictions will be lifted in the reverse order of implementation after conditions in each Section(s) sufficiently improve.

SECTION 13. PUBLIC REVIEW

This plan is to be reviewed at five year intervals and/or updated when necessitated by conditions or governmental regulations. The review will be initiated by the Director of Public Utilities and shall include the Water Plant Superintendent, the Water Distribution Superintendent, the Town Manager and the Town Fire Chief.

This document is available for public review on the Town of Smithfield's website, the Public Utilities Director's Office, the Customer Service Offices, and Office of the Town Manager. Public comments will be accepted prior to plan adoption and subsequent updates.

RE-ADOPTED this ____ day of _____ 2018.

Andy Moore, Mayor

Michael Scott, Town Manager

ATTEST: _____
Shannan Parrish, Town Clerk

Smithfield Town Seal

TOWN OF SMITHFIELD

RESOLUTION #629 (16-2018)

FOR APPROVING TOWN OF SMITHFIELD (PWSID# 03-51-010)

WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the Town of Smithfield, has been developed and submitted to the North Carolina Department of Environmental Quality, Division of Water Resources for approval; and

WHEREAS, the Smithfield Town Council finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Smithfield, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Town of Smithfield that the Water Shortage Response Plan entitled, Town of Smithfield Water Shortage & Conservation Plan dated October 5, 2018, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Smithfield Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Adopted this the 6th day of November, 2018

M. Andy Moore, Mayor

ATTEST:

Shannan L. Parrish, Town Clerk

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Interim Director



October 9, 2018

Ted Credle
Public Utility Director
Smithfield South Water System
P.O. Box 761
Smithfield, NC 27577

Subject: WSRP Meets Minimum Criteria
Smithfield South Water System
PWSID#: 40-51-007
Johnston County

Dear Mr. Credle,

This letter is to notify you that our staff has reviewed the information contained in the Water Shortage Response Plan (WSRP) update submitted by your office. Since all the required information is complete, the WSRP for the Smithfield South Water System hereby meets the minimum criteria established in North Carolina General Statute 143-355.2 (a) and 15A NCAC 02E. 0607.

The Water Shortage Response Plan must next be adopted by your water system's governing board; a model WSRP resolution is available online on the right side of the page in the Forms and Docs section at: http://www.ncwater.org/Water_Supply_Planning/Water_Shortage_Response_Plans/learn. Once adopted, a copy of the signed resolution must be submitted to Linwood Peele, Water Supply Planning Branch Supervisor, at the address printed at the bottom of this letter. Please note, the WSRP cannot be considered compliant with the requirements of NCGS 143-355(l) until an adopted resolution is received by the Division.

Please be advised that the review process for Water Shortage Response Plans is separate from the review process for your Local Water Supply Plan (LWSP). If you have submitted your LWSP but haven't already been contacted by the Division, you will receive notification as soon as the review of your LWSP is complete.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact Louis Murray at louis.murray@ncdenr.gov or (919)707-9017, or Linwood Peele at linwood.peele@ncdenr.gov or (919) 707-9024, if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Linwood E. Peele".

Linwood E. Peele, Supervisor
Division of Water Resources
NCDEQ





Request for Town Council Action

**Consent
Agenda
Item:** **Resolution**
#630 (17-2018)
Date: 11/06/2018

Subject: Approve the Resolution Accepting the Water Shortage Response Plan for the Smithfield South Water District

Department: Public Utilities

Presented by: Ted Credle

Presentation: Consent Agenda

Issue Statement

The approval of the Resolution to accept the Water Shortage Response Plan for the Smithfield South Water District service area

Financial Impact

None

Action Needed

Approve the attached resolution

Recommendation

Staff recommends the approval of Resolution #630 (17-2018)

Approved: Town Manager Town Attorney

Attachments:

1. Resolution #630 (17-2018)
2. Water Shortage Response Plan
3. Approval Letter from NCDEQ



Staff Report

**Consent
Agenda
Item:** **Resolution
#630 (17-2018)**

By law (NCGS 143-355 (i)), the Town must adopt a Water Shortage Response Plan and update this plan at an interval not to exceed every 5 years. The Town of Smithfield has completed this update. The statute requires the governing body issue a resolution adopting the updated Plan. This is a new law.



Smithfield
South Water
District

WATER
SHORTAGE
&
CONSERVATION
PLAN

REVISED October 5, 2018

SECTION 1. PURPOSE

The purpose of this ordinance is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the service area of the Smithfield South Water District and its wholesale customers in the event a shortage is declared.

SECTION 2. DEFINITIONS

1. "Advisory", as the term used in this ordinance, is the first phase of a water supply shortage and shall mean that conditions exist which indicate the potential for serious water shortages.
2. "Alert" as the term used in this ordinance, is the second phase of a water supply shortage and shall mean that the raw water supply (stream-flow) is consistently low and, if this supply continues to decline, it may not be adequate to meet normal needs; or that serious mechanical failure has occurred; or that plant capacity has been reached, so that adequate water supplies cannot be maintained and a water shortage may occur.
3. "Water Supply Shortage", as the term is used in this ordinance, shall mean the water supply is below the level necessary to meet normal needs and based on the situation, an Advisory, Alert, or Emergency is declared.
4. "Customer", as the term is used in this ordinance, shall mean any person using water for any purpose from the Town's water distribution system and for which a regular charge is made.
5. "Emergency", as the term is used in this ordinance, is the third phase of a water supply shortage and shall mean that the raw water supply is below the level necessary to meet normal needs and that serious shortages exist or mechanical failure is to such extent that a prolonged shortage is subject to occur.
6. "Town", the Town of Smithfield Department of Public Utilities acting through the Town Manager, Utilities Director, or representatives.
7. "Waste of Water", as the term is used in this ordinance includes, but is not limited to, failure to repair a leak of water due to defective plumbing.
8. "Water", as the term is used in this ordinance, shall mean water available to the Town for treatment or any treated water introduced by Town into its distribution system.
9. "Plant Capacity", as the term is used in this ordinance, shall mean the water filtration rate that is authorized by the State of North Carolina, Department of Environmental Quality.
10. "Water Use Classes", as the term is used in this ordinance, shall be established as follows:

Class 1: Essential Water Uses

Domestic Use:

Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

Health Care Facilities:
Patient care and rehabilitation.

Public Use: Fire
fighting

Health and public protection purposes, as specifically approved by health officials and their governing bodies.

Class 2: Socially or Economically Important Uses of Water

Domestic:

Home water use including kitchen, bathroom, and laundry use.

Outdoor Non-Commercial Watering (public or private):

Agricultural irrigation for the production of food and fiber or the maintenance of livestock. Watering by commercial nurseries at a minimum level necessary to maintain stock, to the extent that sources of water other than Town sources are not available or feasible to use. Watering of golf course greens.

Use of Town water at a minimum rate necessary to implement re-vegetation following earth moving, where such vegetation is required pursuant to an erosion and sedimentation control plan adopted pursuant to law or regulation.

Water use by public gardens of national, state, or regional significance where necessary to preserve specimens, to the extent that sources of water other than Town sources are not available or feasible to use.

Filling and Operation of Swimming Pools:

Pools used by health care facilities for patient care and rehabilitation.
Municipal pools.

Class 3: Non-Essential Uses of Water

All Domestic Uses other than those included in Classes 1 and 2:

Ornamental Purposes:

Fountains, reflecting pools and artificial waterfalls.

Outdoor Non-Commercial Watering (public or private):

Gardens, lawns, parks, golf courses, playing fields and other recreational areas.

Filling and Operation of Swimming Pools:

Private pools.

Washing of Motor Vehicles:

Automobiles, trucks, boats and trailers.

Restaurants, Clubs, or Eating
Establishments: Serving water

Exceptions:

Specific request by customer.

Fire Hydrants:

Any purpose, including use of sprinkler caps and testing fire apparatus and for Fire Department drills.

Exceptions:

Fire-fighting

Health protection purposes, if specifically approved by the health officials of Town of Smithfield.

Certain testing and drills by Fire Departments, if in the interest of public safety and is approved by the Town.

Flushing of Sewers and Hydrants:

Routine flushing and requests for flushing to rid taste, odor, and discoloration.

Exceptions:

As needed to ensure public safety, and approved by health officials and the Town.

SECTION 3. DECLARATION OF A WATER SHORTAGE ADVISORY

Whenever the Town finds that a potential shortage of water supply is indicated by either an extreme drought, severe mechanical failure, or water plant capacity being exceeded, and that adequate potable water supplies cannot be maintained or acquired through interconnections, it shall be empowered to declare that a Water Shortage Advisory exists. The Director of Public Utilities shall, on a daily basis, monitor the supply and demands upon that supply. In addition, the Town Manager is authorized to call upon all the water customers of the Town to employ voluntary water conservation measures to limit water use (especially Class 3 users) and eliminate waste of water. This notification shall be published in newspapers of general circulation, and may be publicized through the news media or any other appropriate method for making such notification public.

SECTION 4. AUTHORIZATION

The two people authorized to enact the Plan are the Town Manager and the Director of Public Utilities. The following is their contact information:

Michael Scott
Town Manager
350 E. Market Street
Smithfield, NC 27577
919-934-2116

Michael.scott@smithfield-nc.com

Walter "Ted" Credle
Director of Public Utilities
230 Hospital Road
Smithfield, NC 27577
919-934-2798

ted.credle@smithfield-nc.com

SECTION 5. TRIGGERS

Whenever notification from the Johnston County Public Utilities Department is issued to its customers, concerning restrictions for Class 3 water usage; the Town Manager will be notified and the Water Shortage Alert shall be issued to all Town customers.

Whenever notification from the Johnston County Public Utilities Department is issued to its customers, concerning restrictions for Class 2 water usage; the Town Manager will be notified and the Water Shortage Emergency shall be issued to all Town customers.

Whenever notification from the Johnston County Public Utilities Department is issued to its customers, ending restrictions for water usage; the Town Manager will be notified and the corresponding restrictions shall be lifted.

SECTION 6. DECLARATION OF WATER SHORTAGE ALERT

Whenever the Town finds the water supply is below the level necessary to meet normal needs and adequate supplies of potable water cannot be maintained, it shall be empowered to declare that a Water Shortage Alert exists. The Town shall continue to encourage voluntary water conservation measures as defined in the Advisory declaration. The Town shall impose a ban on all Class 3 water uses for the duration of the shortage until it is declared to have ended by the Town.

SECTION 7. DECLARATION OF A WATER SHORTAGE EMERGENCY

Whenever the Town finds that the water supply is below the level necessary to meet normal needs and that serious shortages exists, it shall be empowered to declare that a Water Shortage Emergency exists. Class 1, *Essential Uses* shall be identified, in specific, as targets for voluntary conservation initiatives. Class 2, *Social or Economically Important Uses* shall be banned in addition to the Class 3, *Non-Essential Uses*. These restrictions shall be enforced until the emergency is declared ended by the Town.

SECTION 7.1 EMERGENCY WATER RATIONING

In the event that the water supply source falls below the utility's ability to pump water into its distribution system, a water rationing emergency will be issued. All Class 2 and Class 3 uses will be banned. The following Class 1 uses are permitted:

Domestic

Water necessary to sustain human life and lives of domestic pets.

Health Care

Water necessary to sustain human life and meet patient's basic medical needs.

Public Use

Water for structural fires that endanger human life and property.

Health and public protection purposes, as specifically approved by health officials and their governing bodies.

If necessary, a water dispensing station(s) will be strategically located for the issuance of bottled water or water dispensed in portable containers. Quantity limitations will be based on household size and anticipated length of water shortage emergency.

Hospitals and patient care facilities that must remain operative will be given first priority but are restricted to providing only the basic health and sanitary needs.

SECTION 8. MANDATORY WATER CONSERVATION PROCEDURES

1. The Town Manager is hereby authorized to impose mandatory restrictions or rationing, as described below, on the usage of water obtained directly or indirectly from the water distribution system of the Town by declaring a Water supply shortage (Advisory, Alert, or Emergency). After receiving written recommendations from the Director of Public Utilities, such restrictions may be imposed by the Town Manager, upon consideration of the following factors:

- A. Pressure at monitoring locations of the Town water distribution system;
- B. Ability to refill water storage tanks of the Town water distribution systems;
- C. Ability to maintain an amount of water in the ground level storage tanks at the water treatment plant which is adequate for fire protection purposes;

- D. Ability to maintain adequate water pressure in every portion of the Town water distribution system.
- E. Ability to acquire water from other systems.

All of the above-stated factors must be considered in declaring a Water supply shortage.

2. A Water supply shortage may be implemented by the Town Manager by signing a Notice of Declared Water Supply Shortage. The Declared Water Supply Shortage will begin on the effective date and time specified in the notice and the restrictions imposed thereby will apply during the times specified in the notice.
3. During a Declared Water Supply Shortage, Water Use Classes by class or by specific item may be prohibited during the time specified in the Notice of a Declared Water Supply Shortage.
 - A. The Town Manager may impose the restrictions in Paragraph 3 above at all times or during such limited times as the Town Manager and the Director of Public Utilities determine to be appropriate. The times will be set forth in this Notice of Declared Water supply shortage.
 - B. The Town Manager may modify the times of restricted water use by signing an Amended Notice of Declaration of Water Supply Shortage.
 - C. Restrictions on water use from the Town may be terminated by the Town Manager by signing a "Notice of Termination of Declared Water supply shortage".
 - D. Any restrictions or terminated restrictions must be posted in the Municipal Office Building, relative United States Post Offices, or any other designated places by law or the Town of Smithfield's Town Council. All notices cannot be enforced or terminated for a period of twelve (12) hours after posting.
 - E. All notices posted shall state the time and date of posting.
 - F. The terms "Town Manager" and "Director of Public Utilities" are to be constructed to include the designee of the Town Manager or Director of Public Utilities.

SECTION 9. SHORTAGE WATER RATES

Upon the declaration of a water supply shortage as provided in Sections 3, 4, 5, & 6, the Town shall have authority to adopt shortage water rates designed to conserve water supplies. Such rates may provide for:

1. Increasing block rates - higher charges per unit for increasing usage.
2. Uniform Unit Rate - uniform charges for water usage per unit of use.
3. Excess Demand Surcharge - extra charges for use in excess of a specified level.
4. Good Citizen Rate - Discounts for conserving water beyond specified levels.

SECTION 10. ENFORCEMENT

1. The direct or indirect use of water from the Town distribution system in violation of these Rules and Regulations is prohibited. Any water customer of the Town distribution system that violates or permits the violation of these Rules and Regulations shall be subject to the following penalties:

<u>Size of Service Connection</u>	<u>Penalty</u>
3/4 inch	\$300.00
1 inch	\$400.00
1 1/2 inch	\$500.00
2 inch	\$600.00

All penalties will be doubled during periods of emergency water rationing.

2. Each violation shall be added to the customers water bill and paid in the same manner as current payments to the Town.
3. Each day a violation occurs shall be considered a separate violation.
4. The Director of Public Utilities shall be responsible for enforcing any restrictions imposed from these Rules and Regulations. If a violation is known to have occurred pursuant to this ordinance, a written violation shall be affixed to the property where the violation occurred and mailed to the customer of record and any other person known to the Town who is responsible for the violation and its correction. The written notice shall describe the violation and order that it be corrected immediately or within such specified time as the Town determines is reasonable under the circumstances.
5. If a violation notice is not complied with, or violation fees for previous violations are not paid, the Town may restrict or terminate water service subject to the following procedures:
 - A. The Town shall give the customer notice by mail or messenger that, due to reoccurring violations or failure to pay for previous violations, water services will be restricted or terminated within a specific time. The customer will have the opportunity to appeal a restriction or termination by requesting a hearing scheduled before an official designated as a hearing officer by the Town Manager. The request for such hearing should be made before the cut-off date. A prompt conference with a hearing officer will be held.
 - B. If such a hearing is requested by the customer charged with the violation, he or she shall be given full opportunity to be heard before restriction or termination.
 - C. The hearing officer shall order whether service should be restricted or continue. The customer may appeal to the Town Manager for a prompt hearing. The Town Manager shall make findings of facts and order whether service should continue or be terminated.
 - D. Any customer charged with the violation of this ordinance may appeal the findings of the hearing officer or Town Manager to the Smithfield Town Council.
6. A fee of \$50.00 shall be paid for the reconnection of any water service restricted or terminated pursuant to subsection E of Section 8. In the event of multiple violations, the reconnection fee shall be \$100.00 for the second violation and \$150.00 for each additional violation. All fees will be doubled during periods of emergency water rationing.

SECTION 11. APPEALS

Water users who feel they will be adversely or unfairly affected by the restrictions of either a Declaration of Water Shortage or Water Shortage Emergency may appeal to the Town Manager for a variance.

- A. The variance appeal must demonstrate in writing that the restrictions found in Section(s) 3, 4, 5, or 5.1 will cause severe health, safety, or financial hardships.

- B. Once the appeal document has been received, the Town Manager or designated Appeals Officer will review the request and render a decision based on the information submitted. There can be no further appeals.

SECTION 12. LIFTING OF RESTRICTIONS

The effectiveness of water restrictions required in Section(s) 3, 4, 5, or 5.1 will be measured through the quantity of gallons processed at the Town's Water Treatment Plant, by frequent river intake level measurements, and by diligently monitoring meter readings when interconnected with another water utility. Other factors that will be considered are the number of penalties issued; total water withdrawal from the source water; and reduction in demand accomplished, when compared to previous yearly seasonal demands.

Water restrictions will be lifted in the reverse order of implementation after conditions in each Section(s) sufficiently improve.

SECTION 13. PUBLIC REVIEW

This plan is to be reviewed at five year intervals and/or updated when necessitated by conditions or governmental regulations. The review will be initiated by the Director of Public Utilities and shall include the Water Plant Superintendent, the Water Distribution Superintendent, the Town Manager and the Town Fire Chief.

This document is available for public review on the Town of Smithfield's website, the Public Utilities Director's Office, the Customer Service Offices, and Office of the Town Manager. Public comments will be accepted prior to plan adoption and subsequent updates.

ADOPTED this ____ day of _____ 2018.

Andy Moore, Mayor

Michael Scott, Town Manager

ATTEST: _____
Shannan Parrish, Town Clerk

Smithfield Town Seal

TOWN OF SMITHFIELD
RESOLUTION #630 (17-2018)
FOR APPROVING SMITHFIELD SOUTH WATER
DISTRICT (PWSID# 40-51-007) WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the Town of Smithfield, has been developed and submitted to the North Carolina Department of Environmental Quality, Division of Water Resources for approval; and

WHEREAS, the Smithfield Town Council finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Smithfield, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Town of Smithfield that the Water Shortage Response Plan entitled, Smithfield South Water District Water Shortage & Conservation Plan dated October 5, 2018, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Smithfield Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Adopted this the 6th day of November, 2018

M. Andy Moore, Mayor

ATTEST:

Shannan L. Parrish, Town Clerk

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Interim Director



October 9, 2018

Ted Credle
Public Utility Director
Town of Smithfield
P.O. Box 761
Smithfield, NC 27577

Subject: WSRP Meets Minimum Criteria
Smithfield Water System
PWSID#: 03-51-010
Johnston County

Dear Mr. Credle,

This letter is to notify you that our staff has reviewed the information contained in the Water Shortage Response Plan (WSRP) update submitted by your office. Since all the required information is complete, the WSRP for the Town of Smithfield Water System hereby meets the minimum criteria established in North Carolina General Statute 143-355.2 (a) and 15A NCAC 02E. 0607.

The Water Shortage Response Plan must next be adopted by your water system's governing board; a model WSRP resolution is available online on the right side of the page in the Forms and Docs section at: http://www.newater.org/Water_Supply_Planning/Water_Shortage_Response_Plans/learn. Once adopted, a copy of the signed resolution must be submitted to Linwood Peele, Water Supply Planning Branch Supervisor, at the address printed at the bottom of this letter. Please note, the WSRP cannot be considered compliant with the requirements of NCGS 143-355(1) until an adopted resolution is received by the Division.

Please be advised that the review process for Water Shortage Response Plans is separate from the review process for your Local Water Supply Plan (LWSP). If you have submitted your LWSP but haven't already been contacted by the Division, you will receive notification as soon as the review of your LWSP is complete.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact Louis Murray at louis.murray@ncdenr.gov or (919)707-9017, or Linwood Peele at linwood.peele@ncdenr.gov or (919) 707-9024, if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Linwood E. Peele".

Linwood E. Peele, Supervisor
Division of Water Resources
NCDEQ





Request for City Council Action

Consent **Smith-**
Agenda **Collins**
Item: **Playground**
Date: 11/06/2018

Subject: Smith-Collins Park Playground Equipment
Department: Parks and Recreation
Presented by: Gary Johnson
Presentation: Consent Agenda

Issue Statement:

The Parks and Recreation Department is requesting approval to enter into an agreement with Barrs Recreation, LLC of Cary, NC for the procurement and installation of playground equipment for the upgrade of the playground at Smith-Collins Park in the amount of \$ 48,673.01 through the NIPA purchasing cooperative.

Financial Impact:

Funding for the upgrade of the playground equipment at Smith-Collins Park was included in the FY 18-19 Budget by Town Council.

Action Needed:

Authorize the Parks and Recreation Department to enter into an agreement with Barrs Recreation for the procurement and installation of playground equipment for Smith-Collins Park

Recommendation:

Authorize the Parks and Recreation Department to enter into an agreement with Barrs Recreation for the procurement and installation of playground equipment for Smith-Collins Park

Approved: Town Manager Town Attorney

Attachment – Equipment Quotes



Staff Report

**Consent Smith-
Agenda Collins
Item: Playground**

The Parks and Recreation Department requested and was granted funding by the Town Council in the 18-19 FY Budget to renovate / replace the playground equipment at Smith-Collins Park. The Department has worked with Barrs Recreation and BCI Burke Company to design a playground system that will fit the site design provided and provide a safe and enjoyable environment. The playground design was approved unanimously by the Recreation Advisory Committee.

According to the Town of **Smithfield Purchasing Manual**, the Town will **"purchase whenever possible and feasible from North Carolina Term Contracts."** The **National IPA** is a national governmental purchasing cooperative able to leverage the purchasing potential of government and education entities across the country. By using a NIPA contract, the need for an RFP is eliminated because the solicitation has been completed. Purchasing through a term contract meets the requirements set by law.

The Parks and Recreation Department is requesting to purchase playground equipment **from Barr's Recreation located in Cary, NC** through the NIPA Contract manufactured by the BCI Burke Company.



Barrs Recreation, LLC
 9521 Lumley Road
 Suite A

Quotation

Date	Estimate #
10/16/2018	114446

Name / Address
Smithfield Parks & Recreation 600 E Booker Dairy Rd Smithfield, NC 27577

Rep	Project
CMB	

Description	Qty	U/M	Rate	Total
Smith Collins Park Structure #NUIN 2775	1	ea	34,500.00	34,500.00T
Discount			-10,350.00	-10,350.00
Novo Furniture with 2 Ara Sail Shades	1	ea	7,050.00	7,050.00T
Discount			-4,500.00	-4,500.00
Traditional Trash Receptacle - FREE	1	ea	0.01	0.01T
For Playground Use Zone: encompassing Swings, Climber and New Play Equipment 60' x 70 Certified Engineered Wood Fiber	160	CuYd	29.70	4,752.00T
Border timbers for playground use zone only - Includes Installation	64		39.00	2,496.00T
Half ADA Ramp	1		525.00	525.00T
				34,473.01
Installation of Your Commercial Equipment - this also includes painting existing swings to match, and doing a small pad for surface mount of table and benches for Novo Furniture.	1		12,000.00	12,000.00T
Freight	1		2,200.00	2,200.00T

All purchases subject to a 5 - 7 week delivery schedule, unless otherwise noted. This quote is valid for 90 days. Payment terms are issuance of PO, or 50% deposit with order, balance due upon delivery (or completion of installation if we are providing that service). To accept this quotation, please sign and date on line below, and fax to (919) 781-5779 Thank you for your consideration. If an order is cancelled after production begins, there will be a 35% re-stocking fee _____				Subtotal	\$48,673.01
				Sales Tax (6.75%)	\$3,285.43
				Total	\$51,958.44
Phone #	Toll Free Phone	E-mail	Web Site		
919-781-4870	800-909-PLAY	carolynneb@barrsrec.com	www.barrsrec.com		



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SMITH-COLLINS PARK PLAYGROUND
SMITHFIELD, NC



179



SMITH-COLLINS PARK PLAYGROUND
SMITHFIELD, NC



Request for Town Council Action

Consent **Temporary**
Agenda **Police**
Item: **Promotion**
Date: 11/06/2018

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

Issue Statement

The Police Department would like to promote Sgt. Johnson as acting Lieutenant due to the Lieutenant on C Squad being out on extended medical leave. Sgt. Johnson would be in the position for three months at which time another Sergeant would be given the same opportunity if the C Squad Lieutenant has not returned.

Financial Impact

Sgt. Johnson will receive a 10 % increase in pay due to the promotion. The pay increase will be covered by the current budget. The increase would only cover three months at which time he would return to his normal salary and rank as Sergeant.

Action Needed

Approve Temporary Promotion

Recommendation

Approve Temporary Promotion effective November 12, 2018

Approved: Town Manager Town Attorney

Attachments: None



Request for Town Council Action

Consent **Temporary**
Agenda **Police**
Item: **Promotion**
Date: 11/06/2018

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

Issue Statement

The Police Department would like to promote Office Thomas Lee to acting Sergeant to assist with the Supervisory duties on his patrol team. This position is due to the Lieutenant on C Squad being out on extended medical leave. This promotion would only last for three months at which time another officer would be given the same opportunity if the C Squad Lieutenant has not returned.

Financial Impact

Officer W.T. Lee will receive a 10 % increase in pay due to the temporary promotion. The pay increase will be covered by the current budget. The increase would only cover three months at which time he would return to his normal salary and rank as Patrol Officer.

Action Needed

Approve Temporary Promotion

Recommendation

Approve Temporary Promotion effective November 12, 2018

Approved: Town Manager Town Attorney

Attachments: None



Request for Town Council Action

**Consent
Agenda
Item:** Lake Park
Circle
Date: 11/06/2018

Subject: Lake Park Circle
Department: Street Department
Presented by: Michael Scott, Town Manager, Lenny Branch, Public Works
Director
Presentation: Consent Agenda

Issue Statement:

During the April 4, 2017 Town Council Meeting, The Town Council voted to add Lake Park Circle to the roads owned and maintained by the Town of Smithfield. The attached contract completes this process.

Financial Impact:

The road has been repaired to a standard condition and approved by the Town's Public Work's Director. Financial impact would occur in future years when the road warrants repair. The road would be added to the Town's Powell Bill Map.

Action Needed:

Approve the contract to accept the road.

Recommendation:

Approve the contract to accept the road.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Contract



Staff Report

**Consent Lake
Agenda Park
Item: Circle**

The Home Owners Association of Lake Park Circle has approached the Town of Smithfield and is requesting the Town assume ownership of the road that travels through the subdivision. The street, Lake Park Circle, is a two lane street that culminates in a cul-de-sac at the end. The street is approximately fifteen years old. During the April 4, 2017, Council meeting the Town Council voted to accept the road as a town street and add it to the **Town's Powell Bill Map once the road** was improved to an acceptable standard and a contract was prepared accepting the road from curb line to curb line and not into property **owners' yards or driveways. The road has now been improved,** to a standard as recommended by GeotTechnologies, who originally assessed the condition of the road in the Spring of 2017. **The Town's Public Works Director has approved these road** improvements. A contract has also been prepared as part of the Council requirements approved at the April 4, 2017 meeting.

AGREEMENT

THIS AGREEMENT is made and entered into as of the 6th day of November, 2018, by and between **LAKE PARK VILLAS HOMEOWNERS ASSOCIATION, INC.**, a North Carolina non-profit organization and the **TOWN OF SMITHFIELD**, a municipal corporation of the state of North Carolina.

RECITALS:

WHEREAS Lake Park Villas Homeowners Association, Inc. (hereinafter "HOA") has requested the Town of Smithfield (hereinafter "Town") to accept into its public streets and appurtenant utilities the street as shown as Lake Park Circle (hereinafter the "Street") as shown on Plat Book 83, page 92.

WHEREAS the Town has requested that said Street and appurtenant easements, if any, first be built to Town construction specifics before the Town accepts it as part of the Town system lest the Town accept a street and then incur the expense of reconstructing the Street to state standards.

WHEREAS HOA has hired a contractor and improved the Street in an effort to comply with Town specifications.

WHERE the Town Public Works supervisor has inspected the Street as improved and accepted the Street as constructed to Town standards.

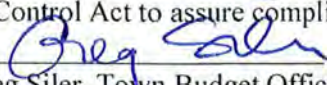
NOW, THEREFORE, in consideration of the mutual covenants herein contained, the mutual receipt and legal sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

1. **Recitals.** The foregoing recitals are incorporated herein by this reference as if fully set forth at this point in the text of this First Amendment.
2. **Integration.** The recitals and following terms and conditions shall constitute part of the Agreement and be incorporated therein by reference.
3. **Counterparts.** This Agreement may be executed in several counterparts and shall be valid and binding with the same force and effect as if all parties executed the same First Amendment.
4. **Acceptance.** The Street is accepted by the Town and the Town will henceforth maintained the Street but in assuming ownership of the Street (Lake Park Circle) the Town is only accepting responsibility for repairs from curb line to curb line and not up to peoples' driveways or yards or the connection of driveways to the Street.

5. **Miscellaneous.**

- a. Clause Control. Due to the volume of vender and independent contractor agreements submitted to the Town of Smithfield that would be too time consuming to redraft, this miscellaneous paragraph (subparagraphs a-n) is being inserted in Town Contracts and the provisions of this miscellaneous paragraph will control over all other provisions of the contract.
- b. Merger and Modification. This instrument constitutes the entire agreement between the parties and supersedes any and all prior agreements, arrangements and understandings, whether oral or written, between the parties. All negotiations, correspondence and memorandums passed between the parties hereto are merged herein and this agreement cancels and supersedes all prior agreements between the parties with reference thereto. No modification of this instrument shall be binding unless in writing, attached hereto, and signed by the party against whom or which it is sought to be enforced.
- c. Waiver. No waiver of any right or remedy shall be effective unless in writing and nevertheless shall not operate as a waiver of any other right or remedy or of the same right or remedy on a future occasion.
- d. Caption and Words. The captions and headings contained herein are solely for convenience and reference and do not constitute a part of this instrument. All words and phrases in this instrument shall be construed to include the singular and plural number, and the masculine, feminine or neuter gender, as the context requires.
- e. Binding Effect. This instrument shall be binding upon and shall insure to the benefit of the parties and their heirs, successors and permitted assigns.
- f. North Carolina Law. This instrument shall be construed in accordance with the laws of North Carolina without giving effect to its conflict of laws principles.
- g. Forum Selection. In any action arising from or to enforce this agreement, the parties agree (a) to the jurisdiction and venue exclusively of the state courts in Johnston County, North Carolina.
- h. Limitation of Liability. No party will be liable to another party, or to the extent this agreement may limit the same to any third party, for any special, indirect, incidental, exemplary, consequential or punitive damages arising out of or relating to this agreement, whether the claims alleges tortuous conduct (including negligence) or any other legal theory.
- i. Two Originals. This instrument may be executed in two (2) or more counterparts as the parties may desire, and each counterpart shall constitute an original.
- j. Follow Through. Each party will execute and deliver all additional documents and do all such other acts as may be reasonably necessary to carry out the provisions and intent of this instrument.
- k. Authority. Any corporate party or business entities and its designated partners, venturers, or officers have full and complete authority to sell, assign and convey the contracts and assume the obligations referred to herein; said corporations or entities are in good standing under North Carolina law.
- l. Severability. If any one or more of the terms, provisions, covenants or restrictions of this agreement shall be determined by a Court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, provisions, covenants and restrictions of this Contract shall remain in full force and effect and shall in no way be affected, impaired or invalidated. If, moreover, any one or more of the provisions contained in this Contract shall for any reason be determined by a Court of competent jurisdiction to be excessively broad as to duration, geographical scope, activity or subject, it shall be construed, by limiting or reducing it, so as to be enforceable to the extent compatible with the then applicable law.
- m. Contract Termination. The Town may terminate this contract without cause on 5 days' notice.

n. Pre-Audit Certification. This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act to assure compliance with NCGS 159-28.


Greg Siler, Town Budget Officer

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Agreement as of the day and year first above written.

**LAKE PARK VILLAS HOMEOWNERS ASSOCIATION, INC.,
a North Carolina Non-Profit Organization**

By:  _____
President
Date:  _____

**TOWN OF SMITHFIELD,
a municipal corporation of
the State of North Carolina**

By: _____

Name: M. Andy Moore

Title: Mayor

Date: _____



Staff Report

Consent Agenda Item: New Hire / Vacancy Report

Date 11/06/2018

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>
Electric Line Technician	PU- - Electric	31-72-7230-5100-0200
Police Officer I	Police	10-20-5100-5100-0200
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200

Action Requested

The Town Council is asked to acknowledge that the Town has successfully filled the following vacancies in accordance with the Adopted FY 17-18 Budget.

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Facility Maintenance Specialist	PW – General	10-60-5500-5100-0200	\$11.07/hr. (23,025.60/hr.)
P/T Lifeguard	P&R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T Lifeguard	P&R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200	\$11.52/hr. (\$28,059.20/yr.)
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200	\$12.83/hr. (\$26,686.40/yr.)
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200	\$14.73/hr. (\$30,638.40/yr.)

Business Items



Request for Town Council Action

Business **Request to**
Agenda **sell real**
Item: **property**
Date: 11/06/2018

Subject: Request to sell real property

Department: General Government

Presented by: Mike Scott, Town Manager

Presentation: Business Item

Issue Statement

During the August, 2018 Town Council Meeting the Town Council agreed by resolution to begin the process of selling the empty lot located at 916 Third Avenue, Smithfield NC in an upset bid process. This action form is intended to further this process.

Financial Impact

Revenue generated for the sale of the lot through an upset bid process. Beginning bid amount of \$6,500.

Action Needed

Approve the beginning bid of \$6,500 and authorize the Clerk to advertise and move forward with the upset bid process.

Recommendation

Approve the beginning bid of \$6,500 and authorize the Clerk to advertise and move forward with the upset bid process.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Description of the Property
3. Upset Bid Procedures
4. Initial Bid
5. Resolution
6. Advertisement



Staff Report

**Business
Agenda
Item:** **Sale of Real
Property**

The Town is being asked to sell the empty lot at 916 Third Avenue. The Town acquired the lot several years ago following what appears to be a condemnation. The house that originally was located on the property has been removed and the lot is currently empty and requires normal maintenance from town staff such as mowing. Under NC G.S. 160A-268, 269, & 270, the Town can sell real property through the method of sealed bids, upset bids, or public auction. The lot currently provides no service to the Town of Smithfield and appears it would be better used if owned by a private citizen. A beginning bid recommendation has been received in the amount of \$6,500. 5% of the bid amount will be deposited with the Clerk upon the approval of the bid by Council. Staff is recommending the Council approval an upset bid process to sell the lot with the beginning bid of \$6,500.

916 3rd Ave



Imagery ©2018 Google, Map data ©2018 Google 20 ft



Vicinity Map for
816 Third Avenue
Smithfield NC



Map Created by Town of Smithfield
Geographic Information Services



0 25 50 Feet

Google Maps 916 3rd Ave





Local Government Property Disposal Procedures

Sale by Negotiated Offer and Upset Bid (G.S. 160A-269)

Listed below are the basic procedures required under state law for disposing of personal and real property by the negotiated offer and upset bid procedure.

- Step 1 Unit receives an offer to purchase property. The unit may solicit offers informally, and may negotiate with a prospective buyer prior to initiating the upset bid procedure.
- Step 2 Governing board adopts a resolution accepting the offer and authorizing the upset bid procedure. The offeror deposits 5% of bid amount with clerk while upset procedure takes place.
- Step 3 Publish advertisement for upset bids in a newspaper of general circulation within the jurisdiction (electronic advertisement is not authorized). The advertisement must describe the property to be sold, the terms and conditions of the sale, and the requirements for submitting a qualifying upset bid within 10 days after the date of publication: a qualifying upset bid must be an amount at least 10% of the first \$1000 of the original offer and 5% of the remainder. Bidders must submit qualifying upset bids within 10 days after date of advertisement and their bids must be accompanied by a 5% bid bond or deposit.
- Step 4 If a qualifying upset bid is received, repeat the advertisement and upset bid process until no additional qualifying upset bid is received.
- Step 5 After no additional qualifying upset bids have been received, governing board awards to the highest responsive, responsible bidder or rejects all bids.

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



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

Melissa Rodriquez, Administrative Assistant

Telephone: 919.934.2116

Fax: 919.989.8937

Initiation of Upset Bid Process

October 18, 2018

916 Third Avenue, Smithfield NC 27577

Pursuant to NCGS 160A-269 I, the undersigned, have negotiated a beginning bid price of \$ 650k., for the purchase of the property owned by the Town of Smithfield and located at 916 Third Avenue, Smithfield NC, 27577. I understand this is a beginning bid and must be approved by a resolution of the Town Council, at its November 6, 2018 regular meeting. Should the Town Council approve such starting bid amount, I will be required to post a 5% bid bond or deposit in cash, cahiers check or certified check with the clerk of the Town of Smithfield. This will begin the upset bid process for the sale of the property located at 916 Third Avenue, Smithfield NC 27577. Upon completion of the bid process the Smithfield Town Council may elect to award the property to the highest responsive, responsible bidder, or may reject all bids.

Signature

Print Name

Date

Town of Smithfield Resolution # 631 (18-2018) **Resolution Authorizing Upset Bid Process**

WHEREAS, the Town of Smithfield owns certain property located at 916 Third Avenue-Johnston County Tax ID #15064012/ NCPin 169310-46-8076; and

WHEREAS, North Carolina General Statute § 160A-269 permits the Town to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the Town has received an offer to purchase the property described above, in the amount of \$6,500.00, submitted by Vertis R Richardson III; and

WHEREAS, Vertis R Richardson III has agreed to pay the required five percent (5%) deposit on his offer;

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD RESOLVES THAT:

1. The Town Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.
2. The Town Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Town Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Town Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the Town Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Town Council.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The Town will return the deposit on any bid not

accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The Town will return the deposit of the final high bidder at closing.

7. The terms of the final sale are that the Town Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and the buyer must pay with cash at the time of closing.
8. The Town reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate Town officials are authorized to execute the instruments necessary to convey the property to Vertis R. Richardson III.

Adopted this the 6th day of November, 2018

M. Andy Moore, Mayor

Shannan L. Parrish, Town Clerk

PUBLIC NOTICE
SALE OF TOWN PROPERTY

An offer of \$6,500.00 has been submitted for the purchase of certain property owned by the Town of Smithfield, more particularly described as follows:

Property located at 916 Third Avenue, Smithfield, NC 27577
Johnston County Tax ID # 15064012 NCPin 169310-46-8076

Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Town Clerk, Town Hall, 350 East Market Street, Smithfield N.C., by 4:00 P.M., November 19, 2018. At that time the Town Clerk shall open the bids, if any, and the highest qualifying bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

A qualifying higher bid is one that raises the existing offer to an amount not less than \$6,875.00

A qualifying higher bid must be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The Town will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The Town will return the deposit of the final high bidder at closing. The buyer must pay cash at closing.

The Town Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed. The Town reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

Further information may be obtained at the office of Shannan Parrish Town Clerk, Town Hall, 350 East Market Street, Smithfield N.C., by telephone at (919) 934-2116 ext. 1108 or by email at shannan.parrish@smithfield-nc.com during normal business hours.



Request for Town Council Action

**Business
Agenda
Item:** Pool
Removal
Date: 11/06/2018

Subject: Eva E. Ennis Park Pool Removal Bid Award
Department: Parks and Recreation
Presented by: Mike Scott & Bill Dreitzler
Presentation: Business

Issue Statement

A Request for Proposal was sent out under the informal bid process to receive quotes for the demolition of pool and associated building structures at the Eva E. Ennis Park. Bids were received from TAP Construction, Inc., TSI Disaster Recovery, LLC, and JP Edwards, Inc.

Financial Impact

The original low bid for the demolition work is \$28,107.00. Given the 17-month time frame since the original bid, the low bidder has submitted a revised quote of \$32,323.00.

Action Needed

Council to vote to accept or deny the lump sum bid of \$32,323.00 from JP Edwards, Inc.

Recommendation

Staff recommends award of the contract to JP Edwards, Inc. in the lump sum bid amount of \$32,323.00.

Approved: Town Manager Town Attorney

Attachments:

1. Request for Proposal
2. JP Edwards, Inc. Bid
3. TSI Disaster Recovery, LLC Bid
4. TAP Construction, Inc. Bid



Staff Report

**Business
Agenda
Item: Pool
Removal**

A Request for Proposal was originally distributed on March 7, 2017 soliciting quotes for the demolition of the pool and associated building structures at the Eva E. Ennis Park. The bid process was delayed to allow for the completion of an asbestos assessment and the acquisition of additional budgeted funds. The evaluation found no asbestos present and prospective contractors were notified of the results. We received the following lump sum bids:

JP Edwards, Inc.	\$ 28,107.00
TSI Disaster Recovery, LLC	\$ 51,300.00
TAP Construction, Inc.	\$ 84,970.00

The solicitation process followed the guidelines of informal bidding as defined by G.S. 143.131. Based on the quotes received and my discussion with the low bidder to assure a complete understanding of the scope of services, I recommend award of the project to JP Edwards, Inc.

As an update to this staff report, JP Edwards has submitted a revised quote of \$32,323.00. The increased cost is related to the 17-month time frame between now and the original bid.

The Council previously approved this project in June, 2016. However, bid prices far exceeded budgeted funds. \$27,000 is budgeted for this project in the FY 2018-19 budget. The Parks a Recreation department has identified a total of \$6,000 in savings from the purchase of the budgeted F 550 truck and the budgeted playground equipment for Smith Collins Park. This will allow \$33,000 for the completion of this project.

Bill Dreitzler, P.E.
Smithfield Town Engineer



REQUEST FOR PROPOSAL EVA E. ENNIS PARK POOL DEMOLITION

Tuesday, March 7, 2017

The Town of Smithfield, North Carolina desires to have the pool, pool site buildings, and associated infrastructure demolished. The pool is located at the Eva E. Ennis Park along Martin Luther King Jr. Drive (across from Smith Collins Park). Please consider the following description of work to define the project parameters and intent:

DEMOLITION SCOPE

- Mobilization
- Removal of existing building structures.
- Removal of the concrete pool deck.
- Removal of the pool perimeter fencing.
- Removal of area light poles.
- Removal of the pool structure. The pool may be used, to the extent possible, for the disposal of inert materials. However, a minimum of 12-inches of soil material shall be placed over any buried inert debris to allow for a grass yard to be established.
- Seed and mulch all bare areas after demolition is completed.
- Coordinate with the Public Utilities Department to assure proper disconnection of water and sewer has been completed prior to beginning work.
- Coordinate with the Public Utilities Department to assure for proper disconnection of the power and to assure the power is not active prior to removal of light poles.
- Removal of any other miscellaneous on-site structures not specifically listed in the Demolition Scope.
- Any items deemed salvageable by the contractor may be retained by the contractor.

It is understood that the deliverable site condition at the completion of the demolition work will consist of a graded, seeded and mulched site with all structures removed to at least 1-foot below the surface as defined above. Furthermore, the contractor shall acknowledge that all construction and demolition materials as defined by NCDENR will be removed from the site and disposed of in a permitted C&D and/or MSWLF facility. Inert debris from the demolition process may be used as fill materials provided the final site condition is left as described for future use. This is an informal bidding process. Please submit your proposal via email to Bill Dreitzler at bdreitzler@dm2engineering.com. Cell number is 919-818-2235 for questions.

RESPONSIBILITY OF TOWN

- Provide access to the property.
- Assure that water and sewer service has been disconnected.
- Assure that electrical service has been disconnected.
- Provide one key contact person from the Town.

JAMES PAUL EDWARDS, INC.
PO BOX 2307
SMITHFIELD, NC 27577
919-934-0518

SALES PROPSAL

DATE: 5/2/17

PROJECT: Town of Smithfield

SUBJECT: Deme of Pool House, Concrete & Pool

1. Demo of structure (2 ea)
2. Concrete around pool
3. Sidewalks
4. Concrete drive
5. Concrete under building
6. Additional fill
7. Remove chain link fence
8. Site grading
9. Seeding

TOTAL PROPOSAL

\$28,107.00



TSI Disaster Recovery, LLC

1311 Indiana Aveune
Saint Cloud, FL 34769

ESTIMATE

Date	Estimate #
5/25/2017	EST2017-5

Name / Address
Town of Smithfield 350 East Market Street PO BOX 761 Smithfield, NC 27577

Description	Total
<p>EVA E. ENNIS PARK POOL DEMOLITION Demolition of the pool, pool site buildings, and associated infrastructure.</p> <p>Mobilization Removal of existing building structures Removal of the pool perimeter fencing, 300 FT Removal of the concrete pool structure Electric Backfill for preparation of site restoration Grade and Restore site with seed and mulch.</p> <p>Completion of the demolition work will consist of a graded, seeded and mulched site with all structures removed to at least 1-foot the surface as defined above. All construction and demolition materials will be removed from the site and disposed of in a permitted C&D and/or MSWLF facility. Inert debris from the demolition process may be used as fill materials.</p> <p>Permits and Asbulits are NOT INCLUDED.</p>	<p>1,500.00 12,500.00 1,800.00 16,500.00 500.00 15,000.00 3,500.00</p>
Total	\$51,300.00

**TAP CONSTRUCTION INC.
2945 Lakewood Rd.
Four Oaks, NC 27524
919.369.5339
May 25, 2017**

**DEMOLITION PROPOSAL FOR EVA E. ENNIS PARK POOL
FOR THE TOWN OF SMITHFIELD, NORTH CAROLINA**

I propose to furnish all materials and perform all labor necessary to complete the following proposal covering the Demolition Scope as listed on the RFP dated March 3, 2017.

All of the work to be completed in a substantial and workmanlike manner for the sum of Eighty four thousand nine hundred seventy and no/100 (\$84970.00).

TAP Construction Inc. will not be responsible or liable for any toxic material, cost or fines on this project. This proposal is good for 30 days. Any alterations or deviation from the above specifications involving extra cost of material or labor will be executed upon written order for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be in writing.

Terry A. Parker Sr. Vice President

TAP CONSTRUCTION INC.

***Thank you for the opportunity to bid on this project. We are fully licensed and insured.**

JAMES PAUL EDWARDS, INC.
PO BOX 2307
SMITHFIELD, NC 27577
919-934-0518

SALES PROPSAL

DATE: 10/10/18

PROJECT: Town of Smithfield

SUBJECT: Deme of Pool House, Concrete & Pool

1. Demo of structure (2 ea)
2. Concrete around pool
3. Sidewalks
4. Concrete drive
5. Concrete under building
6. Additional fill
7. Remove chain link fence
8. Site grading
9. Seeding

TOTAL PROPOSAL

\$32,323.00



Request for Town Council Action

**Business
Item:** 2019
Town
Council
Meeting
Schedule
Date: 11/06/2018

Subject: 2019 Town Council Meeting Schedule

Department: General Government

Presented by: Michael L. Scott, Town Manager

Presentation: Business Item

Issue Statement

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

Financial Impact

N/A

Action Needed

It is requested that the Council review the 2019 regular meeting schedule and determine alternate dates for the January, July and November regular meetings.

Recommendation

Staff recommends conducting the January meeting on January 8th, the July meeting on July 9th and the November meeting on November 12th

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report



Staff Report

**2019
Town
Council
Meeting
Schedule**

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

In 2019 , the January meeting is scheduled to be held on January 1st which is a holiday. Staff is requesting that this meeting be changed to January 8th. The July meeting is scheduled to be held on July 2nd . Due to this being a typical holiday/ vacation week for many, staff is seeking input from the Council to determine if the meeting should be moved to July 9th. Also, the November meeting is scheduled to be held on November 5th which is election day.

It is requested that Council review the 2019 regular meeting schedule and determine if an alternate date for the July meeting is necessary.

2019 Town Council Meeting Schedule

January 1 st (New Year's Day Holiday)	Suggested: January 10 th
February 5 th	
March 5 th	
April 2 nd	
May 7 th	
June 4 th	
July 2 nd	Suggested: July 9 th
August 6 th	
September 3 rd	
October 1 st	
November 5 th (Municipal Election Day)	Suggested: November 12 th
December 4 th	

Financial Report

the 1990s, the number of people who are employed in the service sector has increased in all countries. The increase is most pronounced in the United States, where the service sector has become the dominant sector of the economy.

The increase in the service sector has led to a decline in the manufacturing sector. This is due to a number of factors, including the increasing competition from developing countries, the increasing automation of manufacturing processes, and the increasing focus on research and development in the service sector.

The decline in the manufacturing sector has led to a loss of jobs in that sector. This has led to a shift in the labor force towards the service sector. This shift has led to a change in the skills required in the labor force, with a greater emphasis on soft skills such as communication and problem-solving.

The shift in the labor force has led to a change in the way that workers are organized. In the manufacturing sector, workers were traditionally organized into unions. In the service sector, workers are more likely to be organized into professional associations or trade associations.

The change in the way that workers are organized has led to a change in the way that workers are represented. In the manufacturing sector, workers were traditionally represented by unions. In the service sector, workers are more likely to be represented by professional associations or trade associations.

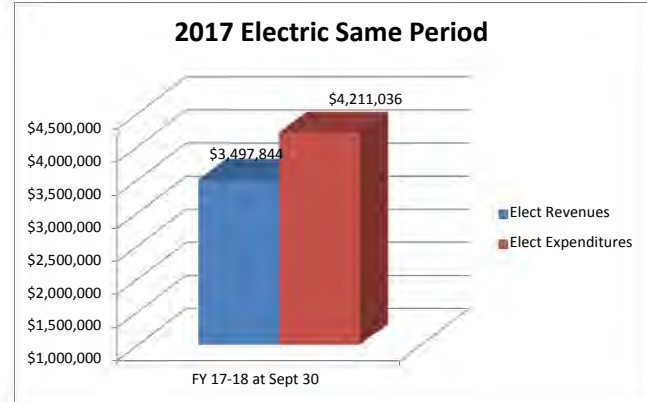
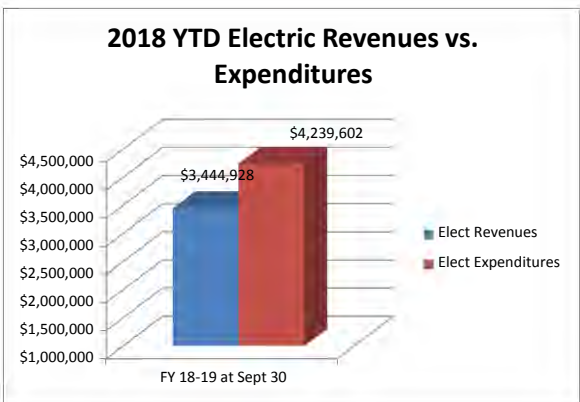
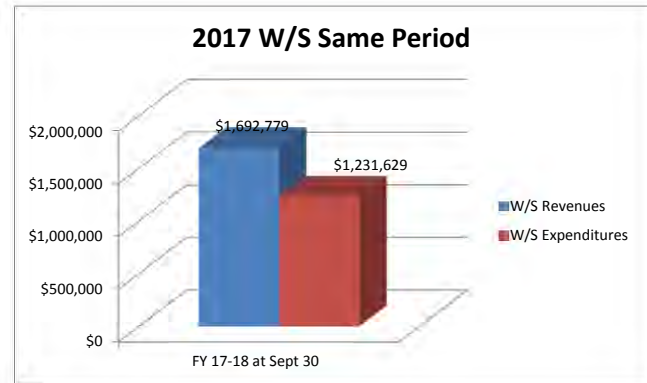
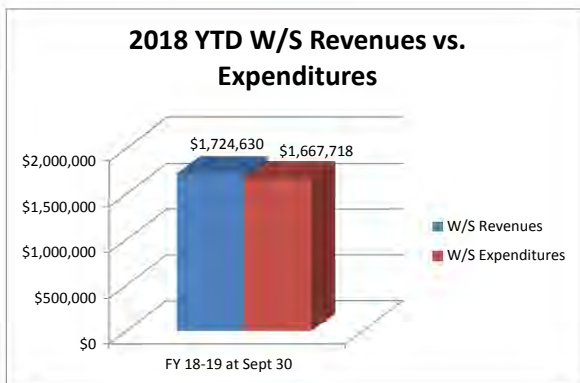
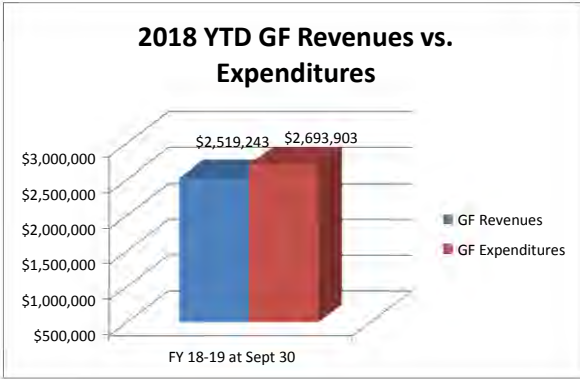
The change in the way that workers are represented has led to a change in the way that workers are treated. In the manufacturing sector, workers were traditionally treated as a commodity. In the service sector, workers are more likely to be treated as individuals.

The change in the way that workers are treated has led to a change in the way that workers are valued. In the manufacturing sector, workers were traditionally valued for their physical strength and endurance. In the service sector, workers are more likely to be valued for their knowledge and skills.

The change in the way that workers are valued has led to a change in the way that workers are paid. In the manufacturing sector, workers were traditionally paid based on their physical strength and endurance. In the service sector, workers are more likely to be paid based on their knowledge and skills.

The change in the way that workers are paid has led to a change in the way that workers are motivated. In the manufacturing sector, workers were traditionally motivated by their physical strength and endurance. In the service sector, workers are more likely to be motivated by their knowledge and skills.

Town of Smithfield Revenues vs. Expenditures



TOWN OF SMITHFIELD
MAJOR FUNDS FINANCIAL SUMMARY REPORT
September, 2018
Gauge: 3/12 or 25 Percent

25.00%

GENERAL FUND

	Frequency	Actual	Budget	Actual to Date	YTD %
		FY '17-18	FY '18-19	FY '18-19	Collected
Revenues					
Current & Prior Year Property Taxes	Monthly	\$ -	\$ 5,663,000	\$ 920,670	16.26%
Motor Vehicle Taxes	Monthly	-	515,000	146,735	28.49%
Utility Franchise Taxes	Quarterly	-	975,000	225,822	23.16%
Local Option Sales Taxes	Monthly	-	2,200,000	242,268	11.01%
Aquatic and Other Recreation	Monthly	-	877,500	206,697	23.56%
Sanitation	Monthly	-	1,305,500	250,564	19.19%
All Other Revenues		-	1,324,996	526,487	39.73%
Loan Proceeds		-	88,500	-	0.00%
Transfers (Electric and Fire Dist.)		-	261,614	-	0.00%
Fund Balance Appropriated		-	1,336,337	-	0.00%
Total		\$ -	\$ 14,547,447	\$ 2,519,243	17.32%

	Actual	Budget	Actual to Date	YTD %
	FY '17-18	FY '18-19	FY '18-19	Collected
Expenditures				
General Gov.-Governing Body	\$ -	\$ 463,406	\$ 86,942	18.76%
Non Departmental	-	840,906	288,023	34.25%
Debt Service	-	1,003,781	180,826	18.01%
Finance	-	105,501	22,736	21.55%
Planning	-	646,927	121,297	18.75%
Police	-	3,790,500	727,695	19.20%
Fire	-	2,106,953	340,282	16.15%
EMS	-	-	-	#DIV/0!
General Services/Public Works	-	546,914	118,198	21.61%
Streets	-	905,643	91,746	10.13%
Motor Pool/Garage	-	92,582	15,445	16.68%
Powell Bill	-	582,725	9,630	1.65%
Sanitation	-	1,116,768	231,619	20.74%
Parks and Rec	-	999,271	201,363	20.15%
SRAC	-	969,779	253,072	26.10%
Sarah Yard Center	-	40,600	5,029	12.39%
Contingency	-	335,191	-	0.00%
Appropriations/Contributions	-	-	-	0.00%
Total	\$ -	\$ 14,547,447	\$ 2,693,903	18.52%

YTD Fund Balance Increase (Decrease) - -

WATER AND SEWER FUND

	Actual	Budget	Actual to Date	YTD %
	FY '17-18	FY '18-19	FY '18-19	Collected
Revenues				
Water Charges	\$ -	\$ 2,852,000	\$ 537,942	18.86%
Water Sales (Wholesale)	-	\$ 1,200,000	\$ 314,184	26.18%
Sewer Charges	-	3,800,000	844,280	22.22%
Tap Fees	-	13,000	-	0.00%
All Other Revenues (Includes Grants)	-	599,000	28,224	4.71%
Loan Proceeds	-	-	-	#DIV/0!
Fund Balance Appropriated	-	626,432	-	0.00%
Total	\$ -	\$ 9,090,432	\$ 1,724,630	18.97%

	Actual	Budget	Actual to Date	YTD %
	FY '17-18	FY '18-19	FY '18-19	Collected
Expenditures				
Water Plant (Less Transfers)	\$ -	\$ 1,811,936	\$ 434,369	23.97%
Water Distribution/Sewer Coll (Less Transfers)	-	4,231,837	806,573	19.06%
Transfer to General Fund	-	-	-	#DIV/0!
Transfer to W/S Capital Proj. Fund	-	1,467,000	-	0.00%
Debt Service	-	1,382,896	426,776	30.86%
Contingency	-	196,763	-	0.00%
Total	\$ -	\$ 9,090,432	\$ 1,667,718	18.35%

ELECTRIC FUND

	Actual	Budget	Actual to Date	YTD %
	FY '17-18	FY '18-19	FY '18-19	Collected
Revenues				
Electric Sales	\$ -	\$ 16,400,000	\$ 3,365,296	20.52%
Penalties	-	320,000	37,079	11.59%
All Other Revenues	-	54,000	42,553	78.80%
Loan Proceeds	-	-	-	
Fund Balance Appropriated	-	120,075	-	
Total	\$ -	\$ 16,894,075	\$ 3,444,928	20.39%

	Actual	Budget	Actual to Date	YTD %
	FY '17-18	FY '18-19	FY '18-19	Collected
Expenditures				
Administration/Operations	\$ -	\$ 2,190,899	\$ 528,213	24.11%
Purchased Power - Non Demand	-	12,600,000	1,336,440	10.61%
Purchased Power - Demand	-	-	1,743,333	#DIV/0!
Purchased Power - Debt	-	-	289,049	#DIV/0!
Debt Service	-	359,972	342,585	95.17%
Capital Outlay	-	-	-	
Contingency	-	441,990	-	
Transfers to Electric Capital Proj Fund	-	1,215,000	-	
Transfer to Electric Capital Reserve	-	-	-	
Transfers to General Fund	-	86,214	-	0.00%
Total	\$ -	\$ 16,894,075	\$ 4,239,620	25.10%

CASH AND INVESTMENTS

General Fund (Includes P. Bill)	9,833,308			
Water and Sewer Fund	6,736,541			Interest Rate
Electric Fund*	10,172,693			
Booker Dairy Road Fund (44)	448,611			
Capital Project Fund: Wtr/Sewer (45)	263,777	1st CITIZENS	21,159,972	0.20%
Capital Project Fund: General (46)	211,521	NCCMT	2,307,427	1.960%
Capital Project Fund: Electric (47)	529,904	STIFEL	-	Market
Firemen Relief Fund (50)	130,916	KS BANK	3,728,503	1.75%
Fire District Fund (51)	27,120	FOUR OAKS	1,290,135	0.85%
JB George Endowment (40)	131,646	PNC BANK	-	0.00%
Total	\$28,486,037		\$ 28,486,037	

*Plug

Account Balances Confirmed By Finance Director on 8/24/2018

Department Reports

the study. The first author (SM) was the primary investigator and was responsible for the design, data collection, data analysis and writing of the manuscript. The second author (MM) was responsible for the design, data collection and data analysis. The third author (MM) was responsible for the design, data collection and data analysis. The fourth author (MM) was responsible for the design, data collection and data analysis.

2. Methods

2.1. Design

The study was a descriptive study with a cross-sectional design. The data were collected from 100 participants.

2.2. Participants

The participants were 100 students from a university in Iran. The participants were selected through a convenience sampling method. The participants were selected from a list of students who were registered in the university.

2.3. Instruments

The study used two instruments: a questionnaire and a focus group discussion. The questionnaire was used to collect data on the participants' demographic characteristics and their perceptions of the study.

2.4. Data collection

The data were collected through a questionnaire and a focus group discussion. The questionnaire was distributed to the participants and the focus group discussion was conducted with a group of participants.

2.5. Data analysis

The data were analysed using statistical software. The statistical analysis was conducted using SPSS software.

2.6. Ethical approval

The study was approved by the ethics committee of the university. The participants gave their informed consent before participating in the study.

2.7. Results

The results of the study are presented in this section. The results show that the participants had a positive perception of the study.

2.8. Discussion

The study has several limitations. The first limitation is the convenience sampling method. The second limitation is the cross-sectional design.

2.9. Conclusion

The study concludes that the participants had a positive perception of the study. The study has several limitations and future research is needed.



FINANCE DEPARTMENTAL REPORT FOR SEPTEMBER, 2018

SUMMARY OF ACTIVITIES:

Daily Collections/Property Taxes/Other	\$3,003,057
Franchise Tax.....	249,943
Sales & Use Tax.....	242,268
Powel Bill.....	<u>160,541</u>
Total Revenue	\$3,655,809

Expenditures: General, Water, Electric and Firemen’s Fund..... \$1,755,760

FINANCE:

- Compiled and submitted monthly retirement report on 9/30/18
- Issued 42 purchase orders
- Processed 677 vendor invoices for payment and issued 3750 accounts payable checks
- Prepared and processed 2 regular payrolls. Remitted federal and state payroll taxes on 9/7/2018 and 9/21/2018
- Issued 0 new privilege licenses (new law change in effect 7/1/2015)
- Sent 7 past due notices for delinquent privilege license
- Issued 0 peddler license
- Collected \$0.00 on past due privilege license fees. **NOTE:** Total collected now at \$10,714. The past due collections are the result of mailing some 287 past due notices to local businesses. Approximately 40 second notices were sent
- Sent 0 notices for grass cutting
- Collected \$270 in grass cutting invoices. Total collected to date is \$8,216
- Processed 5 NSF Checks (Utility and SRAC)
- Bad debt calendar year-to-date collections total \$33,802.37 (EMS = \$11,335.49; SRAC = \$6,505.17; Utility= \$15,486.24; and Other = \$475.47).
- Invoiced 3 grave openings for a total of \$2,100
- Invoiced Smithfield Housing Authority, Johnston Community College, Johnston County Schools and Neuse Charter School for Police Security
- Paid \$0 to First Citizens Bank for bank fees in Aug. and Sept.
- Paid \$4,941.13 to PNC Bank for credit/debit card fees

FINANCE DIRECTOR

- Attended Town Council Meeting on September 4, 2018
- Prepared and submitted Sales Tax Refund Request to NCDOR on 9/4/2018
- Met with SRAC on deposit procedures on September 10, 2018. Provided cloth bank bags with locks for transporting deposits. Deposits must be made daily and employee delivering must wait while deposit is verified (one exception - long utility payment lines at Town Hall)
- Held departmental staff meeting on September 12, 2018
- Attended Department Head Meeting on September 12, 2018, 2018
- Held biweekly conference call with Tyler (software) on unresolved software issues on September 12, 2018
- Auditors cancelled September 13, 2018 visit due to Hurricane Florence. Will reschedule.
- Added to online bill pay message to better define scheduling payments. A hand full of utility customers called with the understanding that scheduling payments would avoid disconnection.

- Held final biweekly conference call with Tyler (software) on unresolved software issues on September 27, 2018



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

BOARD ACTIONS REPORT - 2018

	September	Calendar Year to date
Town Council		
Zoning Map Ammendments	0	6
Special Use Permit	1	10
Zoning Ordinance Amendments	2	8
Major Subdivisions	0	0
Annexations	0	0
Special Events	0	14
Site Plan	0	0
Planning Board		
Zoning Map Amendments	1	7
Zoning Ordinance Ammendments	1	11
Major Subdivisions	0	0
Board of Adjustment		
Variance	0	4
Admin Appeal	0	0
Historic Properties Commission		
Certificate of Appropriateness	0	0
Historic Landmarks	0	0



Town of Smithfield
Planning Department
350 E. Market St Smithfield, NC 27577
P.O. Box 761, Smithfield, NC 27577
Phone: 919-934-2116
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Permit Issued for September 2018

				Permit Fees	Permits Issued
Site Plan	Major Site Plan			100.00	1
Site Plan	Minor Site Plan			\$300.00	6
Zoning	Land Use			\$700.00	7
Zoning	Sign			\$200.00	4
Report Period Total:				\$1,300.00	18
Fiscal YTD Total:				\$5,550.00	77
SP18-000033	Site Plan	Major Site Plan	Smithfield Assisted Living	200 Kellie Drive	
SP18-000034	Site Plan	Minor Site Plan	Weaver Homes/ Bella Square/Lot 32	298 Bella Square	
SP18-000035	Site Plan	Minor Site Plan	McDonald's Restaurant Modifications	1209 North Brightleaf Blvd	
Z18-000054	Zoning	Land Use	One Stop/Convenience Store	600 South Brightleaf Blvd	
Z18-000174	Zoning	Land Use	Fancy Paws	1270-C North Brightleaf Blvd	
Z18-000175	Zoning	Sign	Barbeque Provision Company	1025 Outlet Center Dr	
SP18-000036	Site Plan	Minor Site Plan	36' x 16' Accessory Structure	320 Dogwood Street	
Z18-000139	Zoning	Land Use	Classic Care Homes	101 Annie Parker Circle	
Z18-000176	Zoning	Sign	Burney's Sweets & More	517 Outlet Center Drive	
SP18-000037	Site Plan	Minor Site Plan	Single Family Dwelling	2203 Brogden Road	
SP18-000038	Site Plan	Minor Site Plan	Single Family Dwelling	2225 Brogden Road	
Z18-000178	Zoning	Sign	Texas Steakhouse	235 Outlet Center Drive	
Z18-000179	Zoning	Sign	Emerge Ortho	100 Kellie Drive	
SP18-000039	Site Plan	Minor Site Plan	Automotive Repair Facility Addition	440 East Market Street	
Z18-000180	Zoning	Land Use	SAC Wireless	110 South Fifth Street	
Z18-000181	Zoning	Land Use	SAC Wireless	110 South Fifth Street	
Z18-000182	Zoning	Land Use	SAC Wireless	110 South Fifth Street	
Z18-000183	Zoning	Land Use	SAC Wireless	110 South Fifth Street	
Z18-000167	Zoning	Land Use	Twisted Sister Restaurant & Bar	709 South Third Street	
SP18-000030	Site Plan	Minor Site Plan	New Construction/SFD	2249 Brogden Road	
Z18-000168	Zoning	Land Use	Barbeque Provision Company	1025 Outlet Center Drive	
Z18-000169	Zoning	Land Use	Fieldale Apartments	2 Fieldale Drive	
Z18-000170	Zoning	Land Use	Sunbelt Rentals, Inc.	1209 West Market	
Z18-000171	Zoning	Land Use	Galiz Apparel	414-C South Brightleaf Blvd	



**TOWN OF SMITHFIELD
POLICE DEPARTMENT
MONTHLY REPORT
MONTH ENDING September 30,2018**

I. STATISTICAL SECTION

Month Ending Sept. 30,2018	Sept 18	Sept 17	Total 2018	Total 2017	YTD Difference
Calls For Service	1741	1832	17172	17266	-94
Incident Reports Completed	119	141	1220	1405	-185
Cases Closed	81	87	857	968	-111
Accident Reports	60	68	631	636	-5
Arrest Reports	110	96	987	1023	-36
Burglaries Reported	7	6	54	88	-34
Drug Charges	32	22	315	262	53
DWI Charges	10	6	54	81	-27
Citations Issued	204	142	2203	1655	548
Speeding	64	16	769	381	388
No Operator License	44	32	409	381	28
Registration Violations	23	33	315	254	61

II. PERSONNEL UPDATE

The police department currently has four vacancies in the Patrol Division. One Lieutenant is out on medical leave. Captain Gentry's last day will be November 20, 2018 and he will be retiring.

III. MISCELLANEOUS

Mandatory in-service training was continued in the month of September. The department was very busy during the month of September with Hurricane Florence. Numerous community events were attended by members of the department.

REPORTED UCR OFFENSES FOR THE MONTH OF SEPTEMBER 2018

PART I CRIMES	September			Percent Changed	Year-To-Date		Percent	
	2017	2018	+/-		2017	2018	+/-	Changed
MURDER	0	0	0	N.C.	0	0	0	N.C.
RAPE	0	0	0	N.C.	1	2	1	100%
ROBBERY	3	2	-1	-33%	19	12	-7	-37%
Commercial	1	0	-1	-100%	4	1	-3	-75%
Individual	2	2	0	0%	15	11	-4	-27%
ASSAULT	3	5	2	67%	31	30	-1	-3%
* VIOLENT *	6	7	1	17%	51	44	-7	-14%
BURGLARY	6	7	1	17%	84	51	-33	-39%
Residential	4	6	2	50%	54	34	-20	-37%
Non-Resident.	0	1	1	N.C.	9	8	-1	-11%
Commercial	2	0	-2	-100%	21	9	-12	-57%
LARCENY	36	26	-10	-28%	376	306	-70	-19%
AUTO THEFT	1	2	1	100%	7	14	7	100%
ARSON	0	0	0	N.C.	0	0	0	N.C.
* PROPERTY *	43	35	-8	-19%	467	371	-96	-21%
PART I TOTAL:	49	42	-7	-14%	518	415	-103	-20%
PART II CRIMES								
Drug	37	29	-8	-22%	250	268	18	7%
Assault Simple	11	10	-1	-9%	121	102	-19	-16%
Forgery/Counterfeit	4	6	2	50%	42	29	-13	-31%
Fraud	11	8	-3	-27%	67	54	-13	-19%
Embezzlement	0	0	0	N.C.	8	3	-5	-63%
Stolen Property	1	1	0	0%	9	17	8	89%
Vandalism	5	1	-4	-80%	56	40	-16	-29%
Weapons	3	0	-3	-100%	27	21	-6	-22%
Prostitution	0	0	0	N.C.	0	0	0	N.C.
All Other Sex Offens	1	1	0	0%	11	6	-5	-45%
Gambling	0	0	0	N.C.	0	0	0	N.C.
Offn Agnst Faml/Chld	0	1	1	N.C.	2	4	2	100%
D. W. I.	5	8	3	60%	77	49	-28	-36%
Liquor Law Violation	0	0	0	N.C.	5	3	-2	-40%
Disorderly Conduct	1	0	-1	-100%	6	8	2	33%
Obscenity	0	0	0	N.C.	0	1	1	N.C.
Kidnap	0	0	0	N.C.	0	0	0	N.C.
All Other Offenses	2	6	4	200%	70	68	-2	-3%
PART II TOTAL:	81	71	-10	-12%	751	673	-78	-10%
===== GRAND TOTAL:	130	113	-17	-13%	1269	1088	-181	-14%

N.C. = Not Calculable



**Town of Smithfield
Fire Department
September, 2018**

I. Statistical Section

Responded to	2018 Sep	Sep IN	Sep OUT	2017 Sep	2018 IN	2018 OUT	2018 YTD	2017 YTD
Total Structure Fires Dispatched	11	4	7	2	40	43	83	71
Confirmed Structure Fires (Our District)	1	1	0	0	17	4	21	18
Confirmed Structure Fires (Other Districts)	1	0	0	0	0	0	14	22
EMS/Rescue Calls	126	118	8	128	1191	59	1250	1244
Vehicle Fires	1	1	0	0	14	3	17	9
Motor Vehicle Accidents	14	11	3	16	158	14	169	148
Fire Alarms (Actual)	5	5	0	6	66	7	75	97
Fire Alarms (False)	24	24	0	13	92	4	100	79
Misc./Other Calls	55	54	1	23	231	39	265	191
Mutual Aid (Received)	3	0	0	1	0	0	42	53
Mutual Aid (Given)	6	0	0	5	0	0	39	60
Overlapping Calls (Calls at the same time)	38	0	0	14	0	0	249	266
TOTAL EMERGENCY RESPONSES	231	214	17	188	1766	171	1937	1839

* 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**).

	Sep	YTD
Fire Inspections/Compliance Inspections	23	345
Public Fire Education Programs	2	34
Children in Attendance	115	1619
Adults in Attendance	36	871
Plans Review Construction/Renovation Projects	4	43
Fire Code Citations	0	1
Fire Lane Citations	0	0
Consultation/Walk Through	9	152
Re-Inspections	1	190

II. Major Revenues

	Sep	YTD
Inspections	\$1,475.00	\$14,250.00
False Alarms	\$100.00	\$3,750.00
Fire Recovery USA	\$0.00	\$6,621.44
EMS Debt Setoff	\$646.98	\$11,584.69

Major Expenses for the Month:

III. Personnel Update:

- We have many vacancies in the Volunteer Firefighter positions and are currently seeking recruitment of volunteers to become probationary Volunteer Firefighters.

IV. Narrative of monthly departmental activities:

- We participated in Fire prevention programs throughout the month of September: Neuse Charter School, and the First Missionary Baptist Church.
- We participated in a first responder appreciation ceremony held at the Smithfield Church of God.
- We participated in the 9/11 memorial service at SSS High School.

**Town of Smithfield
Public Works Department
Sept. 30, 2018**



140 Total Work Orders completed by the Public Works Department

5 Burials, at \$700.00 each = \$3,500.00

0 Cremation Burial, \$400.00 each = \$0.00

\$0.00 Sunset Cemetery Lot Sales

\$10 Riverside Extension Cemetery Lot Sales

376.04 tons of household waste collected

407.78 tons of yard waste collected, 273.78 tons of the debris total was hurricane Florence related.

5 tons of recycling collected

**Town of Smithfield
Public Works Appearance Division
Cemetery, Landscapes, and Grounds Maintenance
Buildings, Facilities, and Sign Division
Monthly Report
Sept. 30, 2018**



I. Statistical Section

5 _____ Burials

10 _____ Works Orders – Buildings & Facilities Division

9 _____ Work Orders – Grounds Division

3 _____ Work Orders – Sign Division

II. Major Revenues

Sunset Cemetery Lot Sales:	\$0.00
Riverside Ext Cemetery Lot Sales:	\$2,500.00
Grave Opening Fees:	\$3,500.00
Total Revenue:	\$6,000.00

III. Major Expenses for the Month:

None for the month.

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The overall duties include daily maintenance on cemeteries, landscapes, right-of-ways, buildings and facilities.

Town of Smithfield
Public Works Drainage/Street Division
Monthly Report
Sept. 30, 2018



I. Statistical Section

- a. All catch basins in problem areas were cleaned on a weekly basis.
- b. Department had all staff members work together in Hurricane Florence cleanup efforts.
- c. 3 - Work Orders - 180lbs. of Cold Patch was used for 3 Potholes.

II. Major Revenues

None for the month.

III. Major Expenses for the Month:

\$5,255.39 to Ricks equipment repair for repairs to rear engine and clutch assembly on jet truck.

IV. Personnel Update:

None for the month.

V. Narrative of monthly departmental activities:

The Public Works Department did not have a safety meeting due to Hurricane Florence cleanup efforts.

**Town of Smithfield
Public Works Department
Sept. 2018 Drainage Report**

Location: 1000 Lemay Street.
 Starting Date: 9/6/2018
 Completion Date: 9/6/2018
 Description: Drainage ditch beside church was cleaned for positive drainage.
 Man-hours: 1.33hrs.
 Equipment: New Holland tractor with side cutter plus hand tools.
 Materials: N/A

Location: Pine Street near E Market Street.
 Starting Date: 9/6/2018
 Completion Date: 9/6/2018
 Description: Removed 4 dead Crape Myrtle trees from right of way.
 Man-hours: 1.5 hrs.
 Equipment: 420 Cat backhoe and 408 flatbed.
 Materials: N/A

Location: 208 E Carolina Ave.
 Starting Date: 9/11/2018
 Completion Date: 9/11/2018
 Description: Cleaned ditch bank in front of property for positive drainage.
 Man-hours: 1hr.
 Equipment: 420 Cat backhoe and 408 flatbed.
 Materials: N/A

Location: North and Buffalo, 410 Canterbury.
 Starting Date: 9/18/2018
 Completion Date: 9/18/2018
 Description: Repaired 3 potholes with 3.5 bags of Perma patch asphalt.
 Man-hours: 1hr.
 Equipment: 402 pickup plus hand tools.
 Materials: 3.5 bags of Perma Patch.

Location: Throughout city limits.
 Starting Date: 9/14/2018
 Completion Date: 9/28/2018
 Description: Entire department assisted in Hurricane Florence cleanup efforts. 273.78 tons of storm debris (yard waste) was collected and carried to the JC landfill.
 Man-hours: 1,471 reg. hrs. and 338.55 hrs. OT.
 Equipment: 410, 411, 300, 402, 408, 405, 304, 313, 311, 301, 308, 312, 315, 315, (2) rental light towers, (2) rental mini street sweepers, (6) chainsaws, plus hand tools.
 Materials: N/A

:

**Town of Smithfield
Public Works Fleet Maintenance Division
Monthly Report
Sept. 30, 2018**



I. Statistical Section

 2 Preventive Maintenances

 0 North Carolina Inspections

 27 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.

**Town of Smithfield
Public Works Sanitation Division
Monthly Report
Sept. 30, 2018**



I. Statistical Section

The Division collected from approximately 4100 homes, 4 times during the month

- a. Sanitation forces completed 34 work orders
- b. Sanitation forces collected tons 376.04 of household waste
- c. Sanitation forces disposed of 67 loads of yard waste and debris at Spain Farms Nursery (Non Storm Related)
- d. Sanitation forces disposed of 273.78 tons of yard waste the equivalent of 123 Loads at no charge at the Johnston County Landfill related to Hurricane Florence
- e. Recycled .71 tons of clean wood waste (pallets) at Convenient Site Center
- f. Town's forces collected 2.74 tons of construction debris (C&D)
- g. Town disposed of 0 scrap tires that was collected at Convenient Site Center
- h. Recycling forces collected 3.30 tons of recyclable plastic
- i. Recycled 990 lbs. of cardboard material from the Convenient Site Center
- j. A total of 0 gals of cooking oil was collected at the Convenient Site Center
- k. Recycled 2022 lbs. of plastics & glass (co-mingle) from the Convenient Site Center

II. Major Revenues

- a. Received \$0 from Sonoco Products for cardboard material
- b. Sold 0 lbs. of aluminum cans for \$0
- c. Sold 3360 lbs. of shredder steel for \$168.00 to Omni Source

III. Major Expenses for the Month:

Spain Farms Nursery was paid \$2,211.00 for disposal of yard waste and debris.
Whites Tire Services was Paid \$1200.94 for tires

IV. Personnel Update:

No one new was hired.

V. Narrative of monthly departmental activities:

September 20, 2018 the department worked closely with Downtown Development providing traffic control devices and event containers for special Rhythm and Brews event. delivered rollouts and traffic cones on Third Street.

Hurricane Florence Phase1 and Phase 2 clean up: Reg. hrs 1,471. OT. man hr. 338.55

Community Service Workers worked 0 hrs.

Safety meeting was pushed back related to Hurricane Florence.



PARKS AND RECREATION

MONTHLY REPORT FOR SEPTEMBER, 2018

PROGRAMS STATISTICS

NUMBER OF PROGRAMS	17
TOTAL ATHLETICS PARTICIPANTS	262
TOTAL NON/ATHLETIC PARTICIPANTS	221
NUMBER OF GAMES PLAYED	26
TOTAL NUMBER OF PLAYERS (GAMES)	672
NUMBER OF PRACTICES	86
TOTAL NUMBER OF PLAYER(S) PRACTICES	1572

	SEPTEMBER, 2018	18/19 FY YTD	SEPTEMBER, 2017	17/18 FY YTD
PARKS RENTALS	32	77	26	74
USERS (PARKS RENTALS)	3230	8097	2505	11519
TOTAL UNIQUE CONTACTS	5,695		5,568	

FINANCIAL STATISTICS	SEPTEMBER, 2018	18/19 FY YTD	SEPTEMBER, 2017	17/18 FY YTD
PARKS AND RECREATION REVENUES	\$ 1,591.00	\$ 15,513.00	\$ 7,820.00	\$ 28,602.00
PARKS AND RECREATION EXPENDITURES (OPERATIONS)	\$ 66,501.00	\$ 165,484.00	\$ 54,489.00	\$ 169,007.00
PARKS AND RECREATION EXPENDITURE (CAPITAL OUTLAY EQUIP)	\$ 315.00	\$ 35,879.00	\$ -	\$ 1,728.00



**SMITHFIELD RECREATION
AND AQUATICS CENTER**

SRAC MONTHLY REPORT FOR SEPTEMBER, 2018

PROGRAMS STATISTICS

NUMBER OF PROGRAMS	17	27
TOTAL CONTACT WITH PROGRAM PARTICIPANTS	2471	1653

	SEPTEMBER, 2018	18/19 FY YTD	SEPTEMBER, 2017	17/18 FY YTD
SRAC MEMBER VISITS	1796		4899	17602
DAY PASSES	461		439	3504
RENTALS (SRAC)	50		42	146
USERS (SRAC RENTALS)	3370		2056	7402
TOTAL UNIQUE CONTACTS	8,098		9,047	

FINANCIAL STATISTICS

	SEPTEMBER, 2018	18/19 FY YTD	SEPTEMBER, 2017	17/18 FY YTD
SRAC REVENUES	\$ 49,565.00	\$ 191,178.00	\$ 47,508.00	\$ 187,547.00
SRAC EXPENDITURES	\$ 76,916.00	\$ 251,652.00	\$ 82,894.00	\$ 238,420.00
SRAC MEMBERSHIPS	3218		3238	



**Utilities Department
Monthly Report
September 2018**

- **Statistical Section**

- Electric CP Demand 26,891 Kw relative to August's demand of 27,522 Kw.
- Electric System Reliability for was 99.803%, with ten (10) recorded outage; relative to August's 99.997%.
- Raw water treated on a daily average was 3.370 MG relative to 3.431 MG for August; with maximum demand of 3.918 MG relative to August's 4.852 MG.
- Total finished water to the system was 99.401 MG relative to August's 104.095 MG. Average daily for the month was 3.206 MG relative to August's 3.358 MG. Daily maximum was 3.780 MG (September 4th) relative to August's 4.372 MG. Daily minimum was 2.662 (September 2nd), relative to August's 2.195 MG.

- **Miscellaneous Revenues**

- Water sales were \$232,758 relative to August's \$244,452
- Sewer sales were \$372,084 relative to August's \$380,400
- Electrical sales were \$1,504,730 relative to August's sales of \$1,481,727
- Johnston County Water purchases were \$110,438 for 55.219 MG relative to August's \$137,824 for 68.912 MG.

- **Major Expenses for the Month**

- Electricity purchases were \$1,098,643 relative to August's \$1,147,511
- Johnston County sewer charge was \$229,234 for 68.545 MG relative to August's \$171,832 for 51.723 MG.

- **Personnel Changes –**

- Chad van Antwerp resigned from employment on September 27



**Town of Smithfield
Electric Department
Monthly Report
September, 2018**

I. Statistical Section

- Street Lights repaired -43
- Area Lights repaired -22
- Service calls - 92
- Underground Electric Locates -138
- Poles changed out, installed or removed-5
- Underground Services Installed/Repaired -2

II. Major Revenues

- N/A

III. Major Expenses for the Month:

- N/A

IV. Personnel Update:

- Utility Dept. had a Safety meeting on Blood borne pathogens.
- Electrical Dept. newest employee resigned to accept another job for \$30.00 an hour (doubling his salary) working with another Town as their Arborist.

V. Miscellaneous Activities:

- Continuing conversion work on the south side of Town. (Holding street to Wellons St.)
- Installed electrical/communication service to new gates & call boxes.
- Cut limbs over road for Street Dept. that were hitting the Fire Dept. Ladder Truck.

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	09/24/18	3.2	15	7965	10	North Street	09/26/18	3	15	17820	40
Computer Drive	09/24/18	3.4	15	31860	10	West Street	09/26/18	3	15	78030	50
Castle Drive	09/24/18	3.4	15	7965	10	Regency Drive	09/26/18	3.4	15	63720	60
Parkway Drive	09/24/18	3.4	15	63720	40	Randers Court	09/26/18	3	15	15930	40
Garner Drive	09/24/18	3	15	63723	40	Noble Street	09/26/18	3	15	15930	40
Hwy 210 LIFT ST.	09/24/18	3.4	15	15930	40	Fieldale Dr#1(L)	09/25/18	3.4	15	63720	40
Skyland Drive	09/24/18	3.4	15	7965	10	Fieldale Dr#2(R)	09/25/18	3.4	15	63720	40
Bradford Street	09/24/18	3.4	15	15930	10	Heather Court	09/25/18	3	15	15930	40
Kellie Drive	09/25/18	3.4	15	7965	10	Reeding Place	09/25/18	3	15	15930	40
Edgewater	09/25/18	2.8	15	7965	10	East Street	09/25/18	3	15	63720	40
Edgecombe	09/25/18	2.4	15	15930	40	Smith Street	09/25/18	3.4	15	63720	40
Valley Wood	09/25/18	3.2	15	63720	40	Wellons Street	09/25/18	3.4	15	63720	40
Creek Wood	09/25/18	3.2	15	63720	40	Kay Drive	09/26/18	1.2	15	38985	15
White Oak Drive	09/25/18	3.4	15	7965	10	Huntington Place	09/26/18	2.2	15	38985	15
Brookwood Drive	09/25/18	3	15	22515	5	N. Lakeside Drive	09/26/18	2	15	9750	15
Runnymede Place	09/25/18	3.4	15	31860	10	Cypress Point	09/26/18	2	15	34890	12
Nottingham Place	09/25/18	3.4	15	38985	10	Quail Run	09/26/18	2	15	8715	12
Heritage Drive	09/25/18	3.2	15	38985	10	British Court	09/26/18	2.1	15	8715	12
Noble Plaza #1	09/26/18	2.8	15	9750	10	Tyler Street	09/26/18	2.2	15	78030	60
Noble Plaza #2	09/26/18	2.6	15	9750	10	Yelverton Road	09/26/18	2	15	63720	40
Pinecrest Street	09/26/18	2.8	15	19500	10	Ava Gardner	09/26/18	3	15	63720	40
S. Sussex Drive	09/26/18	3.2	15	31860	10	Waddell Drive	09/24/18	3	15	7965	10
Elm Drive	09/26/18	3.4	15	9750	10	Henly Place	09/24/18	3	15	8715	12
Bradford Street	09/26/18	3.4	15	38985	10	Birch Street	09/24/18	3	15	34890	12
Coor Farm Supply	09/26/18	2.6	15	7965	10	Pine Street	09/24/18	3	15	38985	15
Old Goldsboro Rd.	09/26/18	2.8	15	7965	10	Oak Drive	09/24/18	3	15	37695	14
Hillcrest Drive	09/25/18	3.4	15	31860	10	Cedar Drive	09/24/18	3	15	31860	10
Eason Street	09/25/18	3	15	38985	40	Aspen Drive	09/24/18	3	15	34890	12
Magnolia circle	09/25/18	3.4	15	78030	40	Furlonge Street	09/24/18	3.2	15	34890	12
Rainbow Drive	09/25/18	1.2	15	19500	60	Golden Corral	09/24/18	3.2	15	40290	16
Rainbow Circle	09/25/18	1.2	15	19500	60	Holland Drive	09/24/18	3	15	9750	15
Moonbeam Circle	09/25/18	1.2	15	19500	60	Davis Street	09/24/18	3	15	34890	12
Ray Drive	09/25/18	3	15	15930	60	Caroline Ave.	09/24/18	3	15	31860	10
Will Drive	09/25/18	3	15	63720	40	Johnston Street	09/24/18	3.2	15	38985	15
Michael Lane	09/25/18	3.4	15	63720	40	Ryans	09/24/18	3	90	9750	15
Ward Street	09/25/18	3	15	15930	40						

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WATER & SEWER

SEPTEMBER 2018 MONTHLY REPORT

● DISCONNECT WATER	7
● RECONNECT WATER	6
● TEST METER	8
● TEMPORARY METER SET	1
● DISCOLORED WATER CALLS	2
● LOW PRESSURE CALLS	3
● NEW/RENEW SERVICE INSTALLS	3
● LEAK DETECTION	11
● METER CHECKS	19
● METER REPAIRS	9
● WATER MAIN/SERVICE REPAIRS	5
● STREET CUTS	4
● REPLACE EXISTING METERS	21
● INSTALL NEW METERS	1
● FIRE HYDRANTS REPAIRED	0
● FIRE HYDRANTS REPLACED	0
● SEWER REPAIRS	7
● CLEANOUTS INSTALLED	4
● SEWER MAIN CLEANED	10140LF
● SERVICE LATERALS CLEANED	700LF

- SERVICE CALLS 96
- LOCATES 119

- 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 SEPTEMBER

- Hurricane Florence caused damage at station 1
- Had two pumps rebuilt for pump station number 1
- Rented a bypass pump on standby for Hurricane Florence
- Had sewer main failure at Rose Manner, had RD Braswell relay approx. 460lf of sanitary sewer and one manhole.
- RD Braswell will be finishing up on Old Goldsboro Rd water line.

PERSONNEL UPDATES

UPCOMING PROJECTS FOR THE MONTH OF OCTOBER

- Contractor has started utility installation at Smithfield Living Facility
- Braswell will be continuing to work on Kellie Dr. water and sewer installation
- Emergency waterline replacement on S 2nd St between Riverside Dr. and E Davis St.
- Replacing control cabinets at SLS stations 9, 10, & 6



MONTHLY WATER LOSS REPORT

September, 2018

(3) Meters with slow washer leaks

(2) $\frac{3}{4}$ " Line, $\frac{1}{8}$ " hole – 1days

$\frac{3}{4}$ " Line, $\frac{1}{8}$ " hole – 1week

$\frac{3}{4}$ " Line, 6" split – 2days

2" Line, wheel valve leaking – 4days