



Mayor

M. Andy Moore

Mayor Pro-Tem

Roger A. Wood

Council Members

Marlon Lee

Sloan Stevens

Travis Scott

David Barbour

John A. Dunn

Stephen Rabil

Town Attorney

Robert Spence, Jr.

Town Manager

Michael L. Scott

Finance Director

Andrew Harris

Town Clerk

Elaine Andrews

Town Council

Agenda

Packet

Meeting Date: Tuesday, November 12, 2024

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 12, 2024
7:00 PM**

Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

PAGE

Presentations:

- 1. Administering Oath of Office to New Town Clerk Elaine Andrews**
(Mayor – M. Andy Moore) See attached information.....1
- 2. Appearance Commission Annual Report**
(Chairperson – Kaitlyn Tarley) See attached.....5

Public Hearings: None

Citizens Comments

Consent Agenda Items:

- 1. Consideration and request for approval to promote a Firefighter II to the rank of Fire Engineer**
(Fire Chief – Jeremy Daughtry) See attached information.....15
- 2. Consideration and request for approval to promote the Accounts Payable Technician to the position of Payroll/Accounting Technician II**
(Finance Director – Andrew Harris) See attached information.....17

3. Consideration and request for approval to allow employees to donate accumulated sick time to an employee in the Public Works – Streets Division
(Human Resources Director – Shannan Parrish) See attached information.....19

4. Consideration and request for approval to adopt Resolution No. 755 (16-2024) for Grant Acceptance & Capital Project Ordinance for \$93,500
(Finance Director – Andrew Harris) See attached information.....21

5. Resolution No. 756 (17-2024) to execute a \$10,000,000 transfer from First Citizens Bank Central Depository to a First Citizens Trust Portfolio
(Finance Director – Andrew Harris) See attached information.....27

6. Consideration and request for approval to award a contract to Sykes Environmental Engineering, PLLC in the amount of \$ 68,340.00 for engineering design services for increased sewer capacity of the conveyance system east of I-95
(Public Utilities Director – Ted Credle) See attached information.....35

7. New Hire Report
(Human Resources Director – Shannan Parrish) See attached information.....49

8. Budget Amendments
(Finance Director – Andrew Harris) See attached information.....51

Business Items:

1. ZA-23-06 Town of Smithfield: Planning Staff is requesting an amendment to the Unified Development Ordinances, Article 2, 10 and Appendix A, and approval of the updated Standard Details and Specification Manual, Sections 1-5 and 9-10. The ordinance amendment will update existing performance standards, clarify vague wording, and break up large blocks of text into subsections and update definitions. The Standard Details and Specification Manual was updated in conjunction with the performance standards update.
(Planning Director – Stephen Wensman) See attached information.....61

2. Approval of the West Smithfield Multipurpose Trail Engineering Contract CMAQ Grant TIP #BN-0001 A DOT Program: The Town of Smithfield was awarded a CMAQ Grant from NCDOT, TIP #BN-0001. The scope of work is to design, permit and construct a multi-use path along US 70 Business from Wilson’s Mills Road to the Neuse River Bridge.
(Smithfield Town Engineer - Bill Dreizler) See attached information.....119

Councilmember’s Comments

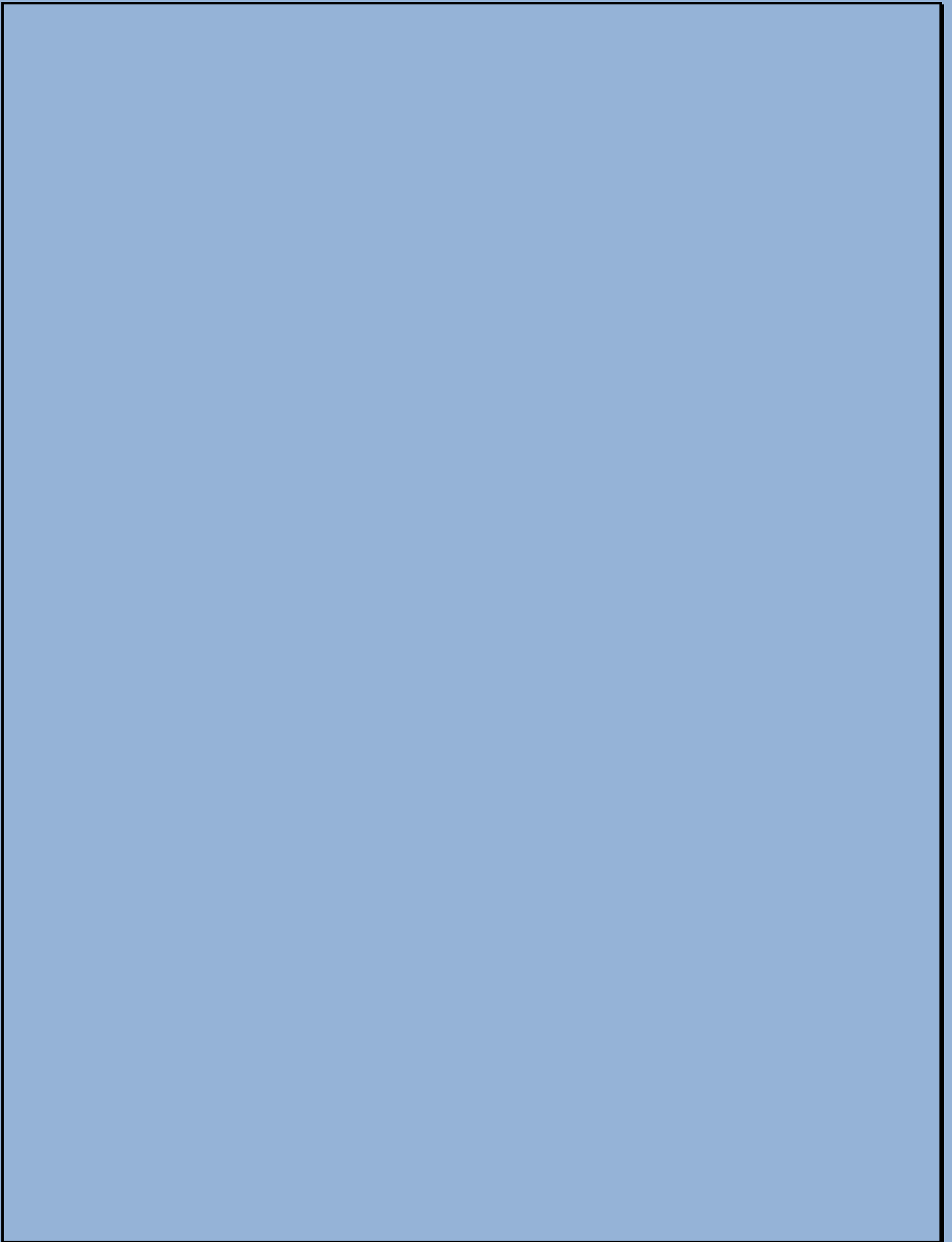
Town Manager’s Report

- Financial Report (See Attached Information).....151
- Department Reports (See Attached Information).....155
- Manager’s Report

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

Adjourn

Presentations





Request for Town Council Action

Presentation: **Oath of
Office**
Date: 11/12/24

Subject: Town Clerk Oath of Office
Department: General Government
Presented by: Town Manager - Michael Scott
Presentation: Presentations

Issue Statement

Elaine Andrews has been appointed to the vacant Town Clerk Position. This position requires her to complete the Oath of Office consistent with NCGS.

Financial Impact

None

Action Needed

Have the Mayor formally Swear in the Clerk.

Recommendation

Have the Mayor formally swear in the Clerk.

Approved: Town Manager Town Attorney

Attachments:

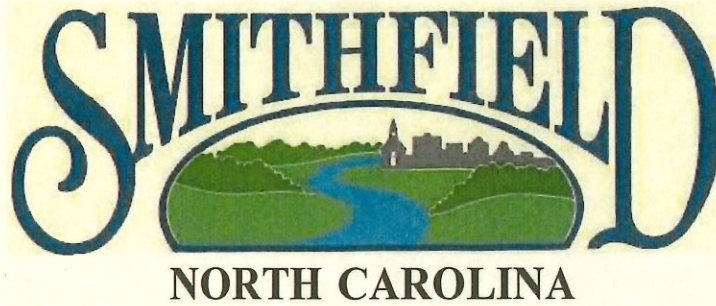
1. Staff Report
2. Oath of Office



STAFF REPORT

Presentation **Oath of
Office**
Date: 11/12/24

The Town Manager is requesting the Mayor conduct the Oath of Office and swearing in of Elaine Andrews as the Ninth Town Clerk of Smithfield.



*Oath of Office
Town Clerk*

I, Elaine S. Andrews do solemnly swear or affirm that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Town Clerk, so help me God.

Elaine S. Andrews

Date

*Oath administered this the
12th day of November, 2024*

M. Andy Moore, Mayor





Request for Town Council Action

**Appearance
Commission
Report**
Presentation: **Appearance
Commission
Report**
Date: 11/12/24

Subject: Appearance Commission Annual Report
Department: Appearance Commission-Public Works
Presented by: Appearance Board Chair - Kaitlyn Tarley
Presentation: Presentations

Issue Statement

The Appearance Commission will present its annual report.

Financial Impact

None

Action Needed

None

Recommendation

None

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Appearance Commission Report



STAFF REPORT

**Appearance
Commission
Report**
Presentation: **Date: 11/12/24**

The Smithfield Appearance Commission is required to provide an annual report to the Council regarding its activities in the last year and its future initiatives. This report will be provided during the "Presentations" on November 12, 2024.



Smithfield Appearance Commission

To: Town Council and the Town Manager

From: Kaitlyn Tarley, Chairperson

Subject: Annual Report and Detailed Summary of the JB & JP George Endowment

Date: October 25, 2024

-
1. The JB & JP George Endowment Annual - Financial Reports
 2. Comprehensive report of activities of the Town of Smithfield Appearance Commission for the year ending June 30, 2023.
 3. Our Plan of work for the 2023-2024 year

To: Mr. Andy Moore, Mayor

Mr. Michael Scott, Town Manager

Ms. Shannan Parrish, Town Clerk

Mr. Stephen Wensman, Planning Director

Councilman Dr. David Barbour

Councilman John A. Dunn

Councilman Marlon Lee

Councilman Stephen Rabil

Councilman Travis Scott

Councilman Roger Wood

Councilman Sloan Stevens

JB & JP George Endowment Reports will be delivered to Mr. George.

Sec. 2-237.

Enactment and mission. For the purposes cited above, and for promoting the general welfare of the town and its citizens, the town council does hereby ordain, adopt and enact this article in its entirety, which shall be known as the Smithfield Appearance Ordinance. The mission of the Town of Smithfield Appearance Commission shall be to enhance the visual quality and aesthetic characteristics of the town by advising and assisting the town council in:

- Fostering neighborhood pride
- Promoting and disseminating "best management practices" that are good examples of enhancing community appearance for residential, commercial and public sites
- Acknowledging achievement and excellence of citizens in fulfilling the purposes of this article
- Showcasing natural and architectural beauty
- Encouraging appealing community entrances; seasonal or holiday decorations; and signage
- Encouraging well planned, coordinated tree planting, preservation and maintenance throughout the town
- Reviewing and advising the town council, or the town department designated by the council, as to the appearance of publicly owned or maintained property and spaces
- Reviewing and advising the planning department as to compliance with the town's ordinances regarding sanitation, public works, housing, and other regulations affecting the community appearance
- Discouraging littering and blight

Board Members

Kaitlyn Tarley, Chairperson
Emery Ashley Jr, Vice-Chairperson
Carmen Zepp, Board Member
Julia Narron, Board Member
Michelle Choe, Board Member
Robin Cook, Board Member
Sharon Lynch, Board Member

2 Vacant Positions

Lawrence Davis, Public Works Director
Shannan Parrish, Town Clerk

This Annual Report will be posted on the Appearance Commission page of the Town of Smithfield Website. For questions, please contact: Kaitlyn Tarley Chairperson or Emery Ashley Jr, Vice-Chairperson

1. JB George Beautification Endowment Fund

No expenditures were made to the account this fiscal year.

Ending Endowment Balance on June 30, 2024 was \$3,202.57

2. JP George Beautification Fund

No expenditures were made to the account this fiscal year.

Ending Endowment Balance on June 30, 2024 was \$740.46

*JB and JP Endowment agreements can be viewed thru Town Hall.

Appearance Commission – General Fund Expenditures

A total of \$23,423.39 was spent this year on projects.

Pictures and details listed below.

The Commission encumbered \$28,685.20 for projects Planned & voted on, but not completed. The amounts listed below are estimates:

\$13,651 – Bench and Shade structures at college

\$549.19 – Replacement Plants at the wayfinding signs and planters

\$8,000 – Bartlett Tree Experts, Tree Inventory/Survey

\$1,005 – Replacement Plants at the Sunset Cemetery

These completed projects, and other expenses, total \$23,423.39.

2. Projects Completed (2023-2024)

The following projects were completed during this past fiscal year:

- Pursuance of Bartlett Tree Inventory for downtown area
 - The project will update the existing 1980s inventory to show a detailed account of all trees and recommendations
 - Will guide our decisions for replacing Bradford trees
- Wayfinding Signs:
 - Landscaping for remaining signs has been completed
- Town Hall Planters:
 - Plantings are being maintained and replenished as needed
 - Money spent: \$82.29
- College Pond Trail Additions:
 - Partnership with Parks and Rec
 - Benches, shade structures, and waste receptacles for area were installed
 - Money spent: \$13,651
- Spring Clean-up:
 - Partnership through DOT
 - Our team location: Smith-Collins Park
- Ham and Yam
 - We continue to table at the event to raise awareness of the board
 - Sold t-shirts to raise money for the Donate-A-Tree Program
- Donate-A-Tree Program:
 - Continued program for individuals to honor/memorialize someone with a planted tree. The placement of the trees is decided by need.
 - Revised changes incl. updated brochures and tiered donation options
 - Funds carried over: \$1,017.99
 - Donations received: \$250.00
 - Remaining balance: \$1,267.99



Total money spent this fiscal year: \$14,418.39

3. Upcoming Plans (2024 –2026)

Community Collaborations

Our primary goal for this past year was to pursue collaborative efforts with groups throughout our town and surrounding, local area. The following list includes current collaborative partners and potential partnerships and project areas to pursue in the coming years:

Current

- Downton Smithfield Development Commission:
 - Support the design and implementation of murals in the downtown area
 - Continue to seek an aesthetic vision for the downtown area
- Public works
 - Continued partnership
- Parks and Rec
 - Continued partnership
- Activate Selma
 - Maintain contact for knowledge and advice
- Garden club
 - Continue to benefit from their expertise and advise
- Johnston Co. Public Library
 - Pursue needed/desired projects in their area
 - Increase community involvement

Future

- Johnston County Art Commission:
 - Art installations
 - Art walk
 - Mural(s)
 - Local artistry
- Community Garden
 - Plantings (installation and upkeep)
- Johnston Co. Heritage Center
 - Further promote the history of the area; encompass in vision
- Local schools
 - Increase student involvement in community projects
- Johnston Co. Community College
 - Student involvement (ex. Art installations, educational projects, etc.)

Upcoming Plans (2024 –2026) Cont.

“95 on 95” Project

This project has been discussed for several years and placed on the backburner to pursue other project areas. However, we believe it remains to be a worthy project to pursue in the coming years.

The Downtown Appearance Commission has adopted a “95 on 95” vision as a model for planning the activities coordinated by the Commission. What is 95 on 95? Utilizing the branding benefits of engaging travelers on Interstate 95 and encouraging them to stop at Smithfield on Exit 95 as means to plan for improvements to the aesthetics of our community and help residents and visitors to enjoy all the amazing opportunities our community offers. The vision of “95 on 95” will help shape where the focus of the Commission will be in the coming years. That vision will be to focus on enhancing the aesthetics of Market Street from Exit 95 leading all the way into the downtown corridor and all points of entry along the route including both sides of the train trestle. We are excited to have a planning focus for the coming years.

Thank You!

The Appearance Commission would not be able to do the work we do without the tireless efforts of the Town Staff.

A Special Thank you to:

Lawrence Davis and his entire Department of Public Works – For always getting the many projects finished, installed, and looking great! Keeping our Beautiful Town clean and well maintained.

Gary Johnson and his team with Parks and Recreation – For partnering with our commission and serving as a resource for us, including help in completing projects and promoting the aesthetics of our town.

Shannan Parrish - For keeping us on track and taking care of our minutes and book work. She continues to be an incredible resource and point of contact for anything we need. We could not do what we do without her.

Stephen Wensman - For always being available to answer our questions and knowledge about areas we would like to work on.

Mr. Jim George - For his continued support of the Appearance Commission and the beautification of our Town.

Mayor, Andy Moore

Town Manager, Michael Scott

Town Council - For their support of the Appearance Commission

Our collaborative partners - both in town and in the surrounding area.

Respectfully Submitted by - Chairperson, Kaitlyn Tarley

Consent

Agenda Items





Request for Town Council Action

**Consent
Agenda
Item:** Personnel
Promotion
Date: 11/12/24

Subject: Personnel Promotion
Department: Fire Department
Presented by: Fire Chief – Jeremy Daughtry
Presentation: Consent Agenda Item

Issue Statement

This is a request to promote a Firefighter II to the position of Fire Engineer. Under the Town’s Employee Handbook, promotions to a higher pay grade will be accompanied by an increase to the next pay grade minimum, or to an increase of up to 10% at the Manager’s discretion. Recommendation is to increase the salary to the minimum pay grade wage.

Financial Impact

This salary increase will be covered by the Fire Departments current budget and will not require a budget amendment to the current salary line item. In this case, the salary increase will be \$4,710.45

The proposed promotion will result in an increase from \$20.58/hr. to \$23.74/hr. based on an average of 84 hours bi-weekly.

This promotion would be effective 11/18/2024.

Action Needed

Approval of the requested promotion.

Recommendation

Upon consultation with HR, staff recommends approval of this promotion.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report



Staff Report

**Consent
Agenda
Item: Personnel
Promotion**

In keeping with stated Town goals of attracting and retaining highly qualified employees, the Town has completed an assessment of a prospective employee for the position of Fire Engineer for the Fire Department. The Department has this vacancy in accordance with approved staffing levels in the current year's budget. The prospective Fire Engineer is an in-house candidate. The candidate is well-qualified for this position and is a highly regarded member of Town staff. Council is asked to approve this promotion.



Request for Town Council Action

**Consent
Agenda
Item:** Personnel
Promotion
Date: 11/12/24

Subject: Personnel Promotion
Department: Finance Department
Presented by: Finance Director – Andrew Harris
Presentation: Consent Agenda Item

Issue Statement

This is a request to promote a Accounts Payable Accounting Technician to the position of Payroll Accounting Technician II. Under the Town’s Employee Handbook, promotions to a higher pay grade will be accompanied by an increase to the next pay grade minimum, or to an increase of up to 10% at the Manager’s discretion. Recommendation is to increase the salary to the minimum pay grade wage.

Financial Impact

This salary increase will be covered by the Finance Departments current budget and will not require a budget amendment to the current salary and benefits line items. In this case, the salary and benefits increase will be \$5,696.01.

The proposed promotion will result in an increase from \$22.56/hr. to \$24.82/hr. based on an average of 80 hours bi-weekly.

This promotion would be effective 11/18/2024.

Action Needed

Approval of the requested promotion.

Recommendation

Upon consultation with HR, staff recommends approval of this promotion.

Approved: Town Manager Town
Attorney

Attachments:

1. Staff Report



Staff Report

**Consent
Agenda
Item:** **Personnel
Promotion**

In keeping with stated Town goals of attracting and retaining highly qualified employees, the Town has completed an assessment of a prospective employee for the position of Payroll Accounting Technician II for the Finance Department. The Department has this vacancy in accordance with approved staffing levels in the current year's budget. The prospective Payroll Accounting Technician II is an in-house candidate. The candidate is well-qualified for this position and is a highly regarded member of Town staff. Council is asked to approve this promotion.



Request for Town Council Action

Consent Agenda Item:	Donation of Sick Leave
Date:	11/12/24

Subject: Request for Approval of Donation of Sick Leave
Department: Public Works – Streets Division
Presented by: Human Resources Director – Shannan Parrish
Presentation: Consent Agenda Item

Issue Statement

Staff is requesting approval to allow employees to donate sick time to a fellow employee in need.

Financial Impact

None expected.

Action Needed

Council approval to allow employees to donate sick leave hours to an employee in the Public Works – Street Division not to exceed 480 sick leave hours.

Recommendation

In accordance with Section 76 of the Employee Handbook, staff recommends approval of the request to allow employees to donate accumulated sick leave hours to an employee in the Public Works – Streets Division not to exceed the maximum of 480 sick leave hours.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report



Staff Report

**Consent
Agenda
Item:** **Donation
of Sick
Leave**

A valued employee in the Public Works – Streets Division has a non-work-related medical condition that will require an extended absence, covered under FMLA for up to 12 weeks. The Public Works Director has requested authorization for a maximum of 480 hours of sick leave donations from other employees to support this absence.

Staff has reviewed the request and is seeking Council’s approval to allow employees to donate their sick hours to this employee. If approved, donations must be completed and submitted by November 22, 2024 to the Human Resources Department.

No donated sick leave hours will be used until the employee has exhausted all personal sick leave, compensatory time, and vacation hours. Additionally, any new sick leave accrued by the employee will be used before utilizing donated hours.



Request for Town Council Action

**Consent
Agenda
Item:** **Resolution
/ Grant
Ordinance**
Date: 11/12/24

Subject: NCDEQ Resolution and Grant Project Ordinance
Department: Finance
Presented by: Finance Director - Andrew Harris
Presentation: Consent Agenda Item

Issue Statement: Board needs to approve the attached resolution no. 755 for grant acceptance and grant project ordinance to comply with General Statue 159-13.2, Project Ordinances Associated with the NCDEQ Drinking Water/Wastewater State Reserve.

Town of Smithfield Caswell Street Storm Water Grant Project

Financial Impact

\$93,500 will be received as revenue for this grant and an equal amount will be spent to repair the 4th Street and Caswell Storm Water Issues.

Action Needed:

Accept the Grant for \$93,500 by approving the attached resolution and project ordinance.

Recommendation:

Accept the Grant for \$93,500 by approving the attached resolution and project ordinance.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Resolution No. 755
3. Grant Project Ordinance for the Caswell Street Storm Water Grant Project
4. Funding Offer and Acceptance



Staff Report

Consent **Resolution**
Agenda / **Grant**
Item **Ordinance**
Date: November
 12, 2024

The Town received state appropriated funds in FY 2025 for multiple projects from Budget Appropriations. The grants are controlled and administrated by the Department of Environmental Quality (DEQ). Staff applied for additional funding using monies received during the grant process to improve the storm water infrastructure at 4th and Caswell Street. The grant request/approval equaled \$93,500 with no match being required.

The State has now appropriated this money as a grant through DEQ. The Council must accept the funds through resolution and approve a project ordinance to allocate the funds as described in the project ordinance.

**TOWN OF SMITHFIELD
RESOLUTION NO. 755 (16-2024)**

WHEREAS, the Town of Smithfield has received a Directed Projects grant for the Caswell Street Storm Water Project (SRP-S-134-0186) from the 2023 Appropriations Act, Session Law 2023-134, administered through the Drinking Water Reserve and Wastewater Reserve to assist eligible units of government with meeting their stormwater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered 2023 Appropriations Act funding in the amount of \$93,500 to perform work detailed in the submitted application, and

WHEREAS, the Town of Smithfield intends to perform said project in accordance with the agreed scope of work.

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

That the Town of Smithfield does hereby accept the 2023 Appropriations Act Directed Projects Grant offer of \$93,500; and

That the Town of Smithfield does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to; and

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

Adopted this the 12th day of November, 2024 in Smithfield, North Carolina.

M. Andy Moore, Mayor

ATTEST:

Elaine S. Andrews, Town Clerk

**Grant Project Ordinance for the Town of Smithfield Caswell Street Storm Water Project
(Project #SRP-S-134-0186)**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD, NORTH CAROLINA that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

SECTION 1: This ordinance is to establish a budget for a project to be funded by the North Carolina Department of Environmental Quality (“NCDEQ”) Division of Water Infrastructure Drinking Water / Wastewater Reserve. The project authorized is the rehabilitation of storm water infrastructure to be financed by state grants and reserves. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. The storm drains in the area of North Fourth Street and Caswell Street empty through a collection system of drainage pipes, ultimately heading to the Neuse River. The transmission pipes in the area require replacement to properly flow storm drainage water from the area into the collection system. The project includes removing the 510 feet of defective transmission pipe along North Fourth Street and replacing it with a larger, 36-inch pipe, as well as repairing the catch basins in the area. The Street will then be repaired back to its original condition.

SECTION 2: The officers of the Town are hereby directed to proceed with the grant project within the terms of the resolution and budget contained herein.

SECTION 3: The following amounts are appropriated for the project and authorized for expenditures:

Construction costs	<u>\$ 93,500</u>
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SECTION 4: The following revenues are anticipated to be available to complete the project:

NC Department of Environmental Quality Division of Water Infrastructure Drinking Water / Wastewater Reserve	<u>\$ 93,500</u>
----------------------------------------------------------------------------------------------------------------	------------------

SECTION 5: The Town intends to complete the project in accordance with the Drinking Water / Wastewater State Reserve, Session Law (S.L.) 2023-134. The Town’s scope of work is a complete and concise scope of goods or services supported by this agreement and consistent with language in S.L. 2023-134. The Town agrees to use the funds in the amounts allocated for the budget cost items set forth in the Town’s budget.

SECTION 6: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, grant agreements, and

federal regulations. The Town’s accounting and fiscal records shall be maintained during the completion of the project, and these records shall be retained and made available for a period of at least three (3) years following completion of the project.

SECTION 7: Funds may be advanced from the General Fund for the purpose of making payments as due. Disbursement requests should be made to the grantor agency in an orderly and timely manner.

SECTION 8: The Finance Officer is hereby directed to report the financial status of the project to the governing board the appropriations and the total grant / loan revenues received or claimed.

SECTION 9: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this board.

SECTION 10: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to Town Council.

SECTION 11: This grant project ordinance is effective as of November 12, 2024, and expires when all the NCDEQ funds have been obligated and expended by the Town, whichever occurs sooner.

M. Andy Moore, Mayor

ATTEST:

Elaine S. Andrews, Town Clerk

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE**

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

Project Number(s): SRP-S-134-0186

Town of Smithfield
PO Box 761
Smithfield, NC 27577

Assistance Listing Number: N/A
Unique Entity ID Number: FCT5P87KGEY3

Funding Program

	<input type="checkbox"/>	Additional Amount for Funding Increases	Previous Total	Total Offered
Drinking Water	<input type="checkbox"/>			
Stormwater	<input checked="" type="checkbox"/>			
Wastewater	<input type="checkbox"/>			
State Revolving Fund-Repayable Loan	<input type="checkbox"/>			
State Revolving Fund-Principal Forgiveness	<input type="checkbox"/>			
State Reserve Loan	<input type="checkbox"/>			
State Reserve Grant	<input type="checkbox"/>			
State Reserve Earmark (S.L. 2023-134)*	<input checked="" type="checkbox"/>			\$93,500
American Rescue Plan Act - Choose an item.	<input type="checkbox"/>			

Project Description:

Caswell Street Storm Water Project

Total Financial Assistance Offer: **\$93,500**
Total Project Cost: \$93,500
Estimated Closing Fee:** \$ 0
For Loans
Interest Rate: -- Per Annum
Maximum Loan Term: -- Years

* Federal conditions and requirements will also apply to S.L. 2023-134 projects co-funded with federal funds.
 ** Estimated closing fee calculated based on grant and loan amount.

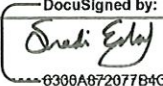
Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

**Shadi Eskaf, Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality**

DocuSigned by:  0300A872077B4C5:..... Signature	10/22/2024 Date
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On Behalf of: Town of Smithfield
 Name of Representative in Resolution: _____
 Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the attached Assurances and the Standard Conditions.

..... Signature Date
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Request for Town Council Action

Consent
Agenda Item: Investment
Idle Funds

Date: 11/12/24

Subject: Resolution for Investment Transfer

Department: Finance

Presented by: Finance Director - Andrew Harris

Presentation: Consent Agenda Item

Issue Statement: Board needs to approve the resolution No. 756 to execute a \$10,000,000 transfer from First Citizens Bank to a First Citizens Bank Portfolio. The grant and capital project ordinances are as follows:

Financial Impact

Approved Budgeted Amount for FY 2024-2025: Increase interest earned annually approximately \$275,000

Amount of Purchase/Bid/ Contract: N/A

Action Needed: Board to approve to increase interest earnings on cash and cash equivalents that comply with General Statutes 159-30 – Investment of Idle Funds

Recommendation: Board to adopt to comply with the attached General Statute

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Resolution 756 (17-2024)
3. General Statute 159-30 Investment of Idle Funds



Staff Report

**Consent
Agenda
Item:** **Idle Funds
Investment**

Board is requested to approve the transfer \$10,000,000 of cash and cash equivalents from First Citizens Bank Central Depository to a First Citizens Bank Trust Portfolio. The interest rate earned would increase from 1.75% to 4.5% annually.

**TOWN OF SMITHFIELD
RESOLUTION NO. 756 (17-2024)**

WHEREAS, the Town of Smithfield, North Carolina (the “Town”) has established financial accounts at First Citizens Bank for the management of public funds, ensuring fiscal responsibility and maximization of resources for the benefit of the Town and its residents; and

WHEREAS, the Town Council has determined that a portion of these funds should be invested through a managed portfolio to optimize returns and ensure financial growth in alignment with the Town’s investment policy and objectives; and

WHEREAS, the Town’s Finance Department has identified that the transfer of Ten Million Dollars (\$10,000,000) from the Central Depository account to a Trust Portfolio managed by First Citizens Bank is in the best interest of the Town to enhance investment returns while maintaining safety and liquidity; and

WHEREAS, this investment is in accordance with North Carolina General Statutes 159-30 and 31, and is deemed beneficial to the long-term financial health of the Town.

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

1. The Town Manager and Finance Officer are hereby authorized and directed to execute the transfer of Ten Million Dollars (\$10,000,000) from the Town of Smithfield’s Central Depository account at First Citizens Bank to a designated Trust Portfolio account with First Citizens Bank.
2. This transfer shall be completed in accordance with all applicable laws, regulations, and guidelines to ensure proper handling and reporting of public funds.
3. The Town Manager, Finance Officer, and any other necessary Town staff are hereby authorized to take any additional actions required to complete this transfer and to monitor the investment portfolio in consultation with First Citizens Bank to maximize the Town’s return on investment while maintaining the principles of safety, liquidity, and growth.
4. This Resolution shall become effective immediately upon adoption.

M. Andy Moore, Mayor

ATTEST:

Elaine S. Andrews, Town Clerk

CERTIFIED COPY OF RESOLUTION
OF

Town of Smithfield, NC

I, the undersigned, hereby certify that I am a representative of the above-named governmental entity, which entity is duly organized and existing under the laws of the State of NC; that the following is a true copy of the Resolution duly adopted by the above-named governmental entity effective the 24th day of ~~September~~, October, 2024.

RESOLVED, that the officers listed below are authorized Representatives of the above-named governmental entity with the authority to conduct all Trust Business on behalf of the entity with First-Citizens Bank & Trust Company.

<u>Name</u>	<u>Title</u>	<u>Signature</u>
<u>Andrew Harris</u>	<u>Finance Director</u>	<u>Andrew Harris</u>
<u>Michael Scott</u>	<u>Town Manager</u>	<u>Michael Scott</u>
_____	_____	_____
_____	_____	_____

I further certify that this Resolution has neither been rescinded nor modified.

Witness my hand and seal of this 24th day of ~~September~~, October, 2024.

Witness: Shannan Parrish
Print: Shannan L. Parrish
Title: Deputy Town Clerk

§ 159-30. Investment of idle funds.

- (a) A local government or public authority may deposit at interest or invest all or part of the cash balance of any fund. The finance officer shall manage investments subject to whatever restrictions and directions the governing board may impose. The finance officer shall have the power to purchase, sell, and exchange securities on behalf of the governing board. The investment program shall be so managed that investments and deposits can be converted into cash when needed.
- (b) Moneys may be deposited at interest in any bank, savings and loan association, or trust company in this State in the form of certificates of deposit or such other forms of time deposited as the Commission may approve. Investment deposits, including investment deposits of a mutual fund for local government investment established under subdivision (c)(8) of this section, shall be secured as provided in G.S. 159-31(b).
- (b1) In addition to deposits authorized by subsection (b) of this section, the finance officer may deposit any portion of idle funds in accordance with all of the following conditions:
- (1) The funds are initially deposited through a bank or savings and loan association that is an official depository and that is selected by the finance officer.
 - (2) The selected bank or savings and loan association arranges for the redeposit of funds in deposit accounts of the local government or public authority in one or more federally insured banks or savings and loan associations wherever located, provided that no funds shall be deposited in a bank or savings and loan association that at the time holds other deposits from the local government or public authority.
 - (3) The full amount of principal and any accrued interest of each deposit account are covered by federal deposit insurance.
 - (4) The selected bank or savings and loan association acts as custodian for the local government or public authority with respect to the deposit in the local government's or public authority's account.
 - (5) On the same date that the local government or public authority funds are redeposited, the selected bank or savings and loan association receives an amount of federally insured deposits from customers of other financial institutions wherever located equal to or greater than the amount of the funds invested by the local government or public authority through the selected bank or savings and loan association.
- (c) Moneys may be invested in the following classes of securities, and no others:
- (1) Obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States.
 - (2) Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, Fannie Mae, the Government National Mortgage Association, the Federal Housing Administration, the Farmers Home Administration, the United States Postal Service.
 - (3) Obligations of the State of North Carolina.
 - (4) Bonds and notes of any North Carolina local government or public authority, subject to such restrictions as the secretary may impose.
 - (5) Savings certificates issued by any savings and loan association organized under the laws of the State of North Carolina or by any federal savings and loan association having its principal office in North Carolina; provided that any principal amount of such certificate in excess of the amount insured by the federal government or any agency thereof, or by a mutual deposit guaranty association authorized by the Commissioner of Banks of the Department of Commerce of the State of North Carolina, be fully collateralized.
 - (6) Prime quality commercial paper bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligation.
 - (7) Bills of exchange or time drafts drawn on and accepted by a commercial bank and eligible for use as collateral by member banks in borrowing from a federal reserve bank, provided that the accepting bank or its holding company is either (i) incorporated in the

- State of North Carolina or (ii) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligations.
- (8) Participating shares in a mutual fund for local government investment; provided that the investments of the fund are limited to those qualifying for investment under this subsection (c) and that said fund is certified by the Local Government Commission. The Local Government Commission shall have the authority to issue rules and regulations concerning the establishment and qualifications of any mutual fund for local government investment.
- (9) A commingled investment pool established and administered by the State Treasurer pursuant to G.S. 147-69.3.
- (10) A commingled investment pool established by interlocal agreement by two or more units of local government pursuant to G.S. 160A-460 through G.S. 160A-464, if the investments of the pool are limited to those qualifying for investments under this subsection (c).
- (11) Evidences of ownership of, or fractional undivided interests in, future interest and principal payments on either direct obligations of the United States government or obligations the principal of and the interest on which are guaranteed by the United States, which obligations are held by a bank or trust company organized and existing under the laws of the United States or any state in the capacity of custodian.
- (12) Repurchase agreements with respect to either direct obligations of the United States or obligations the principal of and the interest on which are guaranteed by the United States if entered into with a broker or dealer, as defined by the Securities Exchange Act of 1934, which is a dealer recognized as a primary dealer by a Federal Reserve Bank, or any commercial bank, trust company or national banking association, the deposits of which are insured by the Federal Deposit Insurance Corporation or any successor thereof if:
- a. Such obligations that are subject to such repurchase agreement are delivered (in physical or in book entry form) to the local government or public authority, or any financial institution serving either as trustee for the local government or public authority or as fiscal agent for the local government or public authority or are supported by a safekeeping receipt issued by a depository satisfactory to the local government or public authority, provided that such repurchase agreement must provide that the value of the underlying obligations shall be maintained at a current market value, calculated at least daily, of not less than one hundred percent (100%) of the repurchase price, and, provided further, that the financial institution serving either as trustee or as fiscal agent for the local government or public authority holding the obligations subject to the repurchase agreement hereunder or the depository issuing the safekeeping receipt shall not be the provider of the repurchase agreement;
 - b. A valid and perfected first security interest in the obligations which are the subject of such repurchase agreement has been granted to the local government or public authority or its assignee or book entry procedures, conforming, to the extent practicable, with federal regulations and satisfactory to the local government or public authority have been established for the benefit of the local government or public authority or its assignee;
 - c. Such securities are free and clear of any adverse third party claims; and
 - d. Such repurchase agreement is in a form satisfactory to the local government or public authority.
- (13) In connection with funds held by or on behalf of a local government or public authority, which funds are subject to the arbitrage and rebate provisions of the Internal Revenue Code of 1986, as amended, participating shares in tax-exempt mutual funds, to the extent such participation, in whole or in part, is not subject to such rebate provisions, and taxable mutual funds, to the extent such fund provides services in connection with the calculation of arbitrage rebate requirements under federal income tax law; provided, the investments of any such fund are limited to those bearing one of the two highest ratings of at least one nationally recognized rating service and not bearing a rating below one of the two highest ratings by any nationally recognized rating service which rates the particular fund.

- (d) Investment securities may be bought, sold, and traded by private negotiation, and local governments and public authorities may pay all incidental costs thereof and all reasonable costs of administering the investment and deposit program. Securities and deposit certificates shall be in the custody of the finance officer who shall be responsible for their safekeeping and for keeping accurate investment accounts and records.
- (e) Interest earned on deposits and investments shall be credited to the fund whose cash is deposited or invested. Cash of several funds may be combined for deposit or investment if not otherwise prohibited by law; and when such joint deposits or investments are made, interest earned shall be prorated and credited to the various funds on the basis of the amounts thereof invested, figured according to an average periodic balance or some other sound accounting principle. Interest earned on the deposit or investment of bond funds shall be deemed a part of the bond proceeds.
- (f) Registered securities acquired for investment may be released from registration and transferred by signature of the finance officer.
- (g) A local government, public authority, an entity eligible to participate in the Local Government Employee's Retirement System, a local school administrative unit, or a charter school may make contributions to a Local Government Other Post-Employment Benefits Trust established pursuant to G.S. 159-30.1.
- (h) A unit of local government employing local law enforcement officers may make contributions to the Local Government Law Enforcement Special Separation Allowance Fund established in G.S. 147-69.5. (1957, c. 864, s. 1; 1967, c. 798, ss. 1, 2; 1969, c. 862; 1971, c. 780, s. 1; 1973, c. 474, ss. 24, 25; 1975, c. 481; 1977, c. 575; 1979, c. 717, s. 2; 1981, c. 445, ss. 1-3; 1983, c. 158, ss. 1, 2; 1987, c. 672, s. 1; 1989, c. 76, s. 31; c. 751, s. 7(46); 1991 (Reg. Sess., 1992), c. 959, s. 77; c. 1007, s. 40; 1993, c. 553, s. 55; 2001-193, s. 16; 2001-487, s. 14(o); 2005-394, s. 2; 2007-384, ss. 4, 9; 2010-175, s. 1; 2013-305, s. 1; 2022-53, s. 9.5(e).)



Request for Town Council Action

**Consent
Agenda
Item:**
**Award of
Contract**
Date: 11/12/2024

Subject: Award of Contract for Engineering Design Services
Department: Public Utilities
Presented by: Public Utilities Director Ted Credle
Presentation: Consent Agenda Item

Issue Statement

To increase the sewer capacity of the Town's conveyance system east of I-95, the outfall under I-95 was proposed to be improved. This project was proposed to the NCDEQ DWI for funding. The NCDEQ DWI approved this project and its funding. To obtain engineering design services, the Town advertised and the selected contractor has been proposed for Phase II design services.

Financial Impact

The funds (\$68,340.00) for these services were included in the proposed project budget, approved by the NCDEQ; which is also under the overall project budget.

Action Needed

Approve the proposed consultant (Sykes Environmental Engineering, PLLC), as recommended by staff, and authorize the Town Manager to execute the proposed agreement

Recommendation

Staff recommends the approval of Sykes Environmental Engineering, PLLC as the most qualified proposer and authorize the Town Manager to execute the contract

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Proposed Contract & Scope of Services



Staff Report

**Consent
Agenda
Item:** **Award of
Contract**

To increase the sewer capacity of the Town's conveyance system east of I-95, the outfall from Pump Station #10 (at the America's Best Value Inn) to Pump Station #11 (at Old Goldsboro Road and Pine Street) was proposed to be enlarged; including a larger, bored section of pipe under I-95. Phase I of this project was approved and funded by State funds in 2021 and Phase II was similarly approved in 2023. To obtain engineering design services for Phase II, the Town advertised and the selected contractor has been proposed for approval.

This project was advertised and received bids on October 17, 2024. The proposed consultant is known to the Town and the proposed price is within the project budget, as approved by the NCDEQ.

Staff is asking Council to approve the proposed consultant and to authorize the Town Manager to execute the contract with the proposed consultant, to perform the design services, in the amount of \$68,340.00, per the submitted proposal.

**

AMENDMENT TO BOILER PLATE CONTRACT

(350 East Market Street, Smithfield)

THIS AMENDMENT TO CONTRACT ("Amendment") is made as of _____, 2024, by and among Sykes Environmental Engineering, PLLC. ("Contractor"), and the Town of Smithfield ("Town").

RECITALS:

- A. Contractor desires to enter into a Contract with Town according to a form supplied, a boiler plate contract, by Contractor and used in its normal business, which agreement is hereinafter referenced as the Contract and dated approximately simultaneously with this Amendment.
- B. It is efficient for Town to enter small contracts such as this on forms supplied by Contractor so as to avoid the time and expense of more formally drafted contracts but Town desires to preserve for itself certain basic contractual provisions in all contracts.
- C. The Parties hereto have therefore agreed to the following Amendment to Contract.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties amend the Contract signed approximately simultaneously herewith and attached hereto by inserting the following provisions which shall be additional provisions of the Contract and shall control over any other provisions of the Contract that might appear contradictory hereto or appear to create ambiguities when read with the provisions agreed to herein.

1. 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 tortious 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.

Andrew Harris, 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.

Town:

By: _____
Town Manager

CONTRACTOR,
a North Carolina _____

By: _____

Business Name: _____

ATTACHMENT 1

SCOPE OF SERVICES

This Scope of Services is an integral part of the contract between the Town of Smithfield (hereinafter referred to as “Town”), and Sykes Environmental Engineering, PLLC (hereinafter referred to as “Contractor”), which contract is dated November 15, 2024.

CONTRACTOR hereby agrees to provide services and/or materials to the Town pursuant to the provisions set forth below.

I. Background/Purpose (Why): The purpose and intent of this request is to establish a contract with Sykes Environmental Engineering, PLLC to perform engineering design services for the purposes of designing the replacement of the existing sanitary sewer infrastructure along US Highway 70 Business, Towne Centre Place, and Pine Street between Old Goldsboro Road and the cul-de-sac of Towne Centre Place in Smithfield, NC.

II. References: The following documents are incorporated herein by reference to them: The Contractor was given a set of Town infrastructure maps, a recently completed survey of the existing sanitary sewer corridor, and a project bid package. Additionally, the contractor was engaged through conversation and visited the site, to clarify site access.

III. Work/Requirements (What and Where): In accordance with the submitted proposal, provided by the contractor; the contractor will furnish the material, equipment, & labor to execute the work. Work is to be completed along US Highway 70 Business, Towne Centre Place, and Pine Street between Old Goldsboro Road and the cul-de-sac of Towne Centre Place in Smithfield, NC.

IV. Schedules/Timelines (When): The Contractor shall proceed with engineering design services once the contract is executed and will have finished operations by June 30, 2024.

V. Transmittal/Delivery/Accessibility (How): The Contractor is required to provide the necessary labor, security and safety measures to uphold this contract. Work is to be completed along US Highway 70 Business, Towne Centre Place, and Pine Street between Old Goldsboro Road and the cul-de-sac of Towne Centre Place in Smithfield, NC.

VI. Payment: Invoices and required warranties, permits or additional submittals shall be forwarded to Town Representative for review. Upon payment authorization, invoices will be paid net 30. Invoices and forms submitted MUST reference Town of Smithfield funds reservation number assigned to this contract. Authorization of payments will be forwarded to Finance Department dependent on receipt of all forms. The Town may withhold payment if required reports or submittals are not received. For this work the contractor will be paid a lump sum fee not to exceed \$ 68,340.00 ; in accordance with the attached proposal, provided by the contractor.

APPENDIX 1 - SCOPE OF SERVICES
E MARKET STREET SEWER REPLACEMENT

Overview

The Town of Smithfield (referred to as “Owner”) plans to up-size an existing gravity sewer main to 16-inch. The existing piping runs along Towne Center Place, E. Market Street (Hwy 70), and down Pine Street into an existing lift station. Approximately 2,200 LF of sewer main is proposed for replacement. The Owner has requested that Sykes Environmental Engineering, PLLC (Engineer) provide professional engineering services including design, permitting, and bid administration services related to the project.

Schedule

The work to be performed and the services to be rendered under this contract shall commence according to the schedule defined in the grant unless mutually amended by Engineer and Owner.

- Design Completion Including Reviews by Owner 4 Months from NTP
- Secure Permits for Construction 5 Months from NTP
- Advertise for Bids 6 Months from NTP or TBD

Compensation

For services rendered, other than additional services, the Engineer shall be reimbursed for the services described as follows. A **Manhour Estimate is attached to this Appendix:**

The following services will be reimbursed on an hourly, not-to-exceed basis:

	<u>Fee Estimate</u>
1. Project Management	\$ 2,150.00
5. Surveying Budget	\$ 10,000.00
6. Design	\$ 29,460.00
7. Permitting Assistance Budget	\$ 10,000.00
8. Bidding and Award Assistance	\$ 4,130.00

The following services will be reimbursed on a unit item basis:

- 3. CCTV Inspection – (2,300 LF @ \$4.00/LF) \$12,600.00

The above cost will not exceed \$68,340.00 without prior written authorization from Owner.

Scope of Services

- 1. **Project Management - Design** – Engineer shall coordinate subconsultants, process pay requests, conduct internal meetings, monitor budgets, perform QA/QC and other duties required of project management.

2. **CCTV Inspection (Vision NC)** – CCTV inspection of approximately 2,200 LF of sewer scheduled for replacement.
 - 2.1 Perform CCTV Main Line Inspection to evaluate condition and identify location of service lateral connections.
 - 2.1.1 Cleaning will be conducted (as necessary) prior to CCTV to allow the inspection camera to pass through the sewer and provide an unobstructed view of the pipe.
 - 2.1.2 The gravity sewer will be video inspected using a self-propelled closed-circuit television system, which includes a color, pan and tilt camera coupled with a laptop computer equipped with a digital video recorder and inspection reporting software. Video inspection will be recorded using IT Pipes NASSCO PACP compliant software. Our certified Operator will capture the location of any structural defects, operation and maintenance defects and construction features (laterals, etc.). The inspection will be stored according to facility identification and manhole numbers.
 - 2.1.3 **Provide Traffic Control.**
 - 2.1.4 Engineer will review CCTV inspection data to determined lateral locations and possible replacement options other than open-cut.

3. **Surveying (Budget)** – **A detailed survey was provided by the Town of Smithfield. Engineer requests a budget allocation for additional survey and control verification where needed.** Engineer's subconsultant will perform all surveying. Survey will be tied to the North Carolina State Plane Coordinate System (NAD 83 Horizontal Datum and NGVD 88 Vertical Datum). Engineer will:
 - 3.1 **Where the existing survey is incomplete or does not encompass**, Engineer we prepare a detailed survey along the proposed replacement / realignment. Survey scope will include:
 - 3.1.1 Manhole Information (Sanitary and Storm Sewers): horizontal location and vertical elevation for center of cover, inverts entering and exiting, diameter(s), material(s), grade elevation adjacent to structure – The above information will also be gathered for each sewer manhole/structure that is one reach upstream of all connection points
 - 3.1.2 Existing underground utilities' horizontal position as identified in the field using the North Carolina 811.
 - 3.1.3 Collect visible surface features including, but not limited to, roadways, storm drainage, driveways, fences, guardrails, water line valves, manholes, patios, sheds, retaining walls, building corners, structures close to the alignment, catch basins, etc.
 - 3.1.4 Topography at 1-foot intervals
 - 3.1.5 Locate any geotechnical investigation locations (soil borings)
 - 3.1.6 Property lines based upon GIS data and recorded plats, recorded plats having priority.
 - 3.1.7 Readily available, visible right-of-way monuments and property corners that are encountered during the field surveying to prepare for the boundary survey phase of the project.
 - 3.1.8 Establish project controls and provide at least two monuments for subsequent design and construction – Research and field recovery of existing monuments and benchmarks may be used.
 - 3.1.9 Office/CAD work compiling the above field data into mapping to provide a complete topographic map.
 - 3.1.10 Information outside of the existing outfall corridor such as edge of pavement, outlines of existing structures, existing utilities, etc. will be Town / County GIS to the maximum extent practical.
 - 3.2 Visit the project site to observe surroundings and conditions, verify survey information, and make considerations as to the preliminary design approach.

4. **Design** – Engineer shall:
 - 4.1 Prepare a preliminary desktop design based on review of CCTV data, survey data and site conditions.
 - 4.2 Site walks will be performed on the sewer mains for replacement during the preliminary design phase. Site walks are necessary to evaluate the constructability of recommendations made from our desktop recommendation. The information collected during these walks provides the Engineer with useful information such as:
 - 4.2.1 The location of above ground structures that may impact construction
 - 4.2.2 Identify the potential for below ground utility conflicts
 - 4.2.3 Identify other utilities through engineering records or plans that have a potential to impact an open-cut excavation
 - 4.2.4 Confirm that the replacement route can be executed as intended
 - 4.2.5 Identify restoration requirements
 - 4.3 Prepare simple plan view drawings and necessary accompanying information (spreadsheets, etc.) to present the preliminary recommendations for review and approval by Owner before proceeding with 50% design.
 - 4.4 Prepare preliminary plans for sewer replacement.
 - 4.5 We will meet with the Owner to present the 50 percent design drawings and obtain comments.
 - 4.6 Upon receipt of comments on the 50 percent design, we will complete plans, profiles, details, and specifications for a single prime construction contract to approximately 90 percent design level and again submit the documents to the Owner for review.
 - 4.7 At the 50 and 90 percent levels of design completion, we will update the opinion of probable construction cost.
 - 4.8 Engineer's services under the 50 Percent Design Phase will be considered complete on the date when the revised 50 percent documents, revised opinion of probable Construction Cost, and any other deliverables have been delivered to Owner.
 - 4.9 We will meet with the Owner to present the 90 percent design drawings, specifications, and obtain comments.
 - 4.10 The plans and specifications will then be revised one time based on Owner comments and submitted to the appropriate permitting agencies for approval.
 - 4.11 The contract documents will include final drawings (plans, profile, details, traffic control), technical specifications, and front-end documents. Owner front end documents will be utilized (Invitation to Bidders, Instructions to Bidders, Bid Proposal, Agreement, General Conditions, and Supplementary Conditions, etc.).
5. **Permitting Assistance** – Engineer shall prepare and submit the following permits:
 - 5.1 NCDEQ Fast Track Sewer Extension Application – Form FTA-10-23 and supporting forms
 - 5.2 NCDOT Encroachment Permit
 - 5.3 Permitting fees will be paid for by the Engineer and reimbursed by the Owner.
6. **Bidding and Award Assistance** – Engineer will provide the following services during the Bidding and Award Phase:
 - 6.1 Prepare a legal advertisement for the project that may be placed in the local newspapers and on the Owner's website.
 - 6.2 Post Construction Package on online plan rooms.
 - 6.3 Distribute and record the distribution of contract documents to potential bidders and vendors.
 - 6.4 Review any pre-bid submittals and recommend the appropriate action, providing feedback to contractors and equipment suppliers as necessary
 - 6.5 Conduct the pre-bid meeting and answer any questions during the pre-bid period and issue necessary addenda.

- 6.6 Assist Owner with opening bids, evaluate the viability of the bids and the contractors, prepare a certified bid tabulation, and prepare a recommendation of award.

Services Provided By Owner

It is understood that certain services, as required, will be performed and/or furnished by the Owner. These services may include the following:

1. Assist the Engineer by placing at its disposal all available information pertinent to the project, including previous reports, previous designs (design and survey information), sewer flow information, as-built drawings, CCTV data, geotechnical information, environmental investigations, and other relevant data, such as property boundaries, easements, right-of-way and deed restrictions.
2. Provide data for Town owned utilities including potable and reclaimed water and sanitary sewer in and around the potential construction area. Provide data for Town owned streets and additional available GIS information in and around the potential construction areas.
3. Attend meetings with the public in conjunction with the engineer.
4. Examine all memos, sketches, drawings, specifications, proposals, and other documents prepared by the Engineer, obtaining advice of legal counsel and/or such other consultants as the Owner deems appropriate for such examination and rendering in writing decisions pertaining thereto within a reasonable time so as not to delay the service of the Engineer.
5. Give prompt written notice to the Engineer whenever the Owner observes or otherwise becomes aware of any problems or changed circumstances in the project.
6. Furnish the Engineer in a timely manner with copies of pertinent correspondence relating to these projects, which would not have otherwise been delivered to the Engineer.

Additional Services (Services not Included)

The following services can be provided if determined necessary, upon written amendment to this contract duly executed by the parties.

1. Public notification services including site meetings with Owner / affected residents, community meetings, quarterly updates for Owner's project website.
2. Deed research or preparation of plats for easement acquisition.
3. Geotechnical soil borings, soil surveys, SUE, or vacuum excavation.
4. Any design/surveying services outside the scope outline above
5. Field verification of record document information for existing sanitary sewers beyond that identified above as part of surveying.

6. Surveying exceeding allotted budget
7. Permit coordination exceeding allotted budget
8. Preparation of Traffic Control Plan (not anticipated)
9. Erosion and Sedimentation Control Permitting (not anticipated)
10. Appearances on matters of litigation or hearings related to the project

AMENDMENT TO BOILER PLATE CONTRACT

(350 East Market Street, Smithfield)

THIS AMENDMENT TO CONTRACT ("Amendment") is made as of _____, 2024, by and among Sykes Environmental Engineering, PLLC. ("Contractor"), and the Town of Smithfield ("Town").

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- A. Contractor desires to enter into a Contract with Town according to a form supplied, a boiler plate contract, by Contractor and used in its normal business, which agreement is hereinafter referenced as the Contract and dated approximately simultaneously with this Amendment.
- B. It is efficient for Town to enter small contracts such as this on forms supplied by Contractor so as to avoid the time and expense of more formally drafted contracts but Town desires to preserve for itself certain basic contractual provisions in all contracts.
- C. The Parties hereto have therefore agreed to the following Amendment to Contract.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties amend the Contract signed approximately simultaneously herewith and attached hereto by inserting the following provisions which shall be additional provisions of the Contract and shall control over any other provisions of the Contract that might appear contradictory hereto or appear to create ambiguities when read with the provisions agreed to herein.

1. 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 tortious 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.

Andrew Harris, 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.

Town:

By: _____
Town Manager

CONTRACTOR,
a North Carolina _____

By: _____

Business Name: _____

**E Market Street Sewer Replacement
Engineering Services Man-hour Estimate
Town of Smithfield**

Task Description	Principal Engineer \$200.00	Sen. Project Engineer \$165.00	Project Engineer III \$135.00	AutoCAD Tech \$95.00	Eng. Tech II \$95.00	GIS Tech \$105.00	Construction Insp. II \$105.00	Survey Crew \$180.00
PROJECT ADMINISTRATION								
TOTAL HOURS	4		10					
CATEGORY TOTAL	\$800.00	0	\$1,350.00	0	0	0	0	0
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
DESIGN								
1. Site Walks & Preliminary Design	2		20	30		2		
2. Design and Plan Preparation	20		40	90		10		
3. Prepare Specifications and Contract Documents	8		20					
TOTAL HOURS	30	0	80	120	0	12	0	0
CATEGORY TOTAL	\$6,000.00	\$0.00	\$10,800.00	\$11,400.00	\$0.00	\$1,260.00	\$0.00	\$0.00
SURVEY BUDGET								
PERMITTING BUDGET								
BID ADMINISTRATION ASSISTANCE								
1. Answer Bidder Questions regarding Plans and Specs (Addenda)	4		8					
2. Post Bids / Coordinate with Plan Rooms			4					
3. Open Bids			2					
4. Prepare Certified Bid Tabulation and Recommendation of Award	2		2					
5. Assist with Contract Administration	1				6			
TOTAL HOURS	7	0	16	0	6	0	0	0
CATEGORY TOTAL	\$1,400.00	\$0.00	\$2,160.00	\$0.00	\$570.00	\$0.00	\$0.00	\$0.00
ESTIMATED TOTAL								

\$2,150.00

\$29,460.00

\$10,000.00

\$10,000.00

\$4,130.00

\$55,740.00



New Hire Report

Consent Agenda Item:	New Hire / Vacancy Report
Date:	11/12/2024

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>
Asst. Aquatics Supervisor	P&R – Aquatics	10-60-6220-5100-0200
Police Officers (6 positions)	Police	10-20-5100-5100-0200
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200

Action Requested

The Town Council is asked to acknowledge that the Town has successfully filled the following vacancies in accordance with the Adopted FY 2024-2025 Budget.

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Town Clerk	General Government	10-20-5100-5100-0200	\$ 32.00/hr. (\$66,560.00/yr.)
		30-71-7220-5100-0200	
		31-72-7230-5100-0200	
Police Officer (MPO)	Police	10-20-5100-5100-0200	\$ 29.59/hr. (\$66,163.24/yr.)
Police Officer	Police	10-20-5100-5100-0200	\$ 26.84/hr. (\$60,014.24/yr.)
Police Records Specialist	Police	10-20-5100-5100-0200	\$ 18.07/hr. (\$37,586.64/yr.)
Police Records Specialist	Police	10-20-5100-5100-0200	\$ 18.93/hr. (\$39,374.40/yr.)
Streets Maintenance Worker	PW – Streets	10-30-5600-5100-0200	\$ 15.79/hr. (\$32,843.20/yr.)
Facility Maintenance Worker (2)	PW – Appearance	10-20-5300-5100-0200	\$ 17.21/hr. (\$35,796.80/yr.)



Request for Town Council Action

**Consent
Agenda
Item:** Bring Forward
Encumbrances
Date: 11/12/24

Subject: To Bring Forward Budget Encumbrances from the 2023-2024 Budget Year to the 2024-2025 Budget Year in the General, Water/Sewer and Electric Funds.

Department: Finance

Presented by: Finance Director - Andrew Harris

Presentation: Consent Agenda

Issue Statement: Several budgeted line items in the General, Water/Sewer, and Electric Fund were delayed in the 2023-2024 Fiscal Year for various reasons and need to be brought forward to the current year.

Financial Impact: As indicated by each amendment: \$511,970 in the General Fund, \$223,5154 in the Water/Sewer Fund and \$122,496 in the Electric Fund.

Action Needed: Board Approval on Attachment A, B and C

Recommendation: Council Approval

Approved: Town Manager Town Attorney

Attachments: A. Year End Approved Purchase Encumbrances for 2024-2025

B. Year End Approved Purchase Order Encumbrances for 2024-2025

C. Budget Amendments to Bring Forward



Staff Report

**Consent
Agenda
Item:** **Bring Forward
Encumbrances**
11/12/24

On June 18, 2024, Council granted approval to bring forward funds from the 2023-2024 budget year for ongoing projects and/or items ordered through purchase orders that had not been completed or delivered (see attachment A and B). In summary, the General Fund was approved to encumber \$694,298; the Water/Sewer Fund was approved for \$311,266; and the Electric Fund was approved for \$142,613. The actual amount needed in each Fund decreased or stayed the same as some purchases were completed. In the General Fund \$511,970 of the \$694,298 approved is needed; \$223,515 of the approved \$311,266 Water/Sewer Fund is needed; and \$122,496 of the approved \$142,613 in the Electric Fund is needed. Below is a summary of the approved amount compared to the actual amount needed to encumber.

	Amount Approved	Actual Needed
General Fund	\$ 694,298	\$ 511,970
Water/Sewer Fund	311,266	223,515
Electric Fund	142,613	122,496

Exhibit A

**Town of Smithfield
 Manager Approved Budget Amendments
 For the year ended June 30, 2025**

Account #	Account Description	Department	Increase	Decrease
10-00-3100-3104-0102	Johnston County Tax Collection Fee	Revenue - General		39,400
10-20-3300-3307-0001	Grant - State (Fire Equip / Gear	Revenue - General	15,000	
10-10-3400-3405-0002	Rec / Pepsi Sponsorship	Revenue - General	2,450	
10-10-3400-3405-0003	Rec Contributions	Revenue - General	5,600	
10-40-3400-3400-0004	Stormwater Permit Application	Revenue - General	375	
10-10-3800-3800-0003	Fixed Assets Disposal	Revenue - General	5,250	
10-20-3800-3800-0006	MVA Cost Recovery	Revenue - General	250	
10-20-3800-3800-0012	Parking Fees	Revenue - General	1,100	
10-10-3900-3900-0770	Insurance Recovery	Revenue - General	1,025	
10-00-3900-3900-0000	Fund Balance Appropriated	Revenue - General	8,350	
10-10-4100-5300-3305	Miscellaneous	General Government	975	
10-10-4100-5700-7400	Capital Outlay	General Government		975
10-10-4110-5300-0770	Insurance & Bonds	Non-Departmental	3,300	
10-10-4110-5300-0771	Unemployment Compensation	Non-Departmental		10,000
10-10-4110-5300-5702	Central Pines COG (Triangle J)	Non-Departmental	900	
10-61-4110-5300-5710	Economic Development Initi	Non-Departmental	21,000	
10-10-4110-5300-5600	Downtown Develop Tax	Non-Departmental		15,200
10-10-4200-5100-0250	Group Insurance	Finance	50	
10-10-4200-5300-3300	Supplies / Operations	Finance		100
10-10-4200-5300-3305	Miscellaneous	Finance	50	
10-30-5600-5300-0800	Training / Conf / Conv	Streets	1,350	
10-30-5600-5300-1700	Equip Maint & Repair	Streets		1,350
10-30-5650-5125-0610	Retiree Supplemental	Garage		1,425
10-30-5650-5300-3000	Fuel	Garage		2,000
10-30-5650-5300-3100	Vehicle Supplies / Maint	Garage		1,000
10-30-5650-5700-7400	Capital Outlay	Garage	4,425	
10-40-5800-5300-1000	Debt Collection Fee (18%)	Sanitation	25	
10-40-5800-5300-3300	Supplies / Operations	Sanitation		25
10-40-5900-5100-0250	Overtime	Stormwater	150	
10-40-5900-5300-4501	Contract Services	Stormwater		150
30-71-7200-5300-1201	Legal Fees	Water Plant	16,400	
30-71-7200-5300-3300	Supplies / Operations	Water Plant		16,400

Exhibit A

30-71-7220-5300-0770 Property Liab / Workers' Comp	Water / Sewer Distribution	3,300	
30-71-7220-5300-1000 Debt Collection Fee (18%)	Water / Sewer Distribution	50	
30-71-7220-5300-4402 Miscellaneous	Water / Sewer Distribution	25	
30-71-7220-5300-5710 Economic Development	Water / Sewer Distribution	15,925	
30-00-9990-5300-0000 Contingency	Water / Sewer Distribution		19,300
31-72-7220-5300-5710 Economic Development	Electric	23,925	
31-72-7230-5300-0770 Property Liab / Workers' Comp	Electric	3,300	
31-72-7230-5330-1000 Debt Collection Fee (18%)	Electric	50	
31-72-7230-5300-1201 Legal Fees	Electric	1,450	
31-72-7230-5300-3300 Supplies / Operations	Electric		3,600
31-72-7230-5300-3303 IT Supplies	Electric	3,575	
31-72-7230-5300-4402 Miscellaneous	Electric	25	
31-00-9990-5300-0000 Contingency	Electric		28,725
Check:			
Revenues		39,400	39,400
Expenditures		32,225	32,225
Totals		71,625	71,625

Attachment C

BUDGET AMENDMENTS
Oct-24

	BEFORE	ADJUSTMENT	AFTER
1. Revenue			
10-00-3900-3900-0000 Fund Balance Appropriation	<u>\$562,680.00</u>	<u>\$511,969.65</u>	<u>\$1,074,649.65</u>
Expenditure			
10-10-4100-5300-4501 General Government - Service Contracts (Robertson Miller Mgmt)	39,310.00	5,666.68	44,976.68 P.O.
10-10-4100-5700-7400 General Government - Capital Outlay (Town Mgr Office	50,000.00	7,585.00	57,585.00 Check thes
10-10-4110-5300-3306 Non-Departmental - GF Salary Adjustment (Property/Liability Insur.)	300,000.00	32,871.00	332,871.00
10-10-4110-5300-5718 Non-Departmental - Approved Downtown Projects (DSDC)	0.00	10,000.00	10,000.00
10-61-4110-5300-5710 Non-Departmental - Economic Development	25,000.00	61,380.00	86,380.00
10-10-4200-5700-7400 Finance Dept. - Capital Outlay (Collection Window Chairs)	2,500.00	1,200.00	3,700.00
10-10-4300-5700-7400 IT Dept. - Capital Outlay (Phone System)	0.00	40,000.00	40,000.00
10-10-4900-5300-4502 Planning - Condemnation	0.00	31,775.00	31,775.00
10-20-5100-5700-7400 Police - Capital Outlay (Communication International)	292,500.00	12,819.96	305,319.96 P.O.
10-20-5300-5300-1700 Fire - Equipment Maintenance and Repair	44,000.00	4,091.27	48,091.27 P.O.
10-60-5500-5300-3430 General Services - Tree Trimming	15,000.00	2,150.00	17,150.00 P.O.
10-60-5500-5300-3440 General Services - Appearance Commission (Swift Creek Nursery)	15,000.00	1,005.00	16,005.00 P.O.
10-60-5500-5300-3440 General Services - Appearance Commission (Barrs Recreation LLC)	16,005.00	3,417.00	19,422.00
10-30-5600-5300-7300 Streets - Sidewalk & Curb Repair (NCDOT Sidewalk Agreement)	80,000.00	158,000.00	238,000.00
10-30-5600-5700-7400 Streets - Capital Outlay (I95 Bridge Lighting)	0.00	95,000.00	95,000.00
10-40-5900-5300-3310 Stormwater - Drainage	78,715.00	3,850.00	82,565.00 P.O.
10-60-6200-5300-1700 Parks & Rec - Equip. Repair & Maint.	71,000.00	27,917.10	98,917.10 P.O.
10-60-6200-5700-7400 Parks & Rec - Capital Outlay (Barrs Recreation LLC)	112,500.00	8,751.64	121,251.64 P.O.
10-60-6220-5300-3300 Aquatic Center - Supplies/Operations	35,000.00	4,490.00	39,490.00 P.O.
		<u>0.00</u>	<u>0.00</u>
	<u>\$1,176,530.00</u>	<u>\$511,969.65</u>	<u>\$1,688,499.65</u>

To bring forward encumbrances from the 2023-2024 General Fund Budget to FY24-25. P.O.s were brought forward through Rollover Process.

2. Revenue			
30-71-3900-3900-0000 Fund Balance Appropriation		<u>\$150,000.00</u>	<u>\$223,515.17</u> <u>\$373,515.17</u>
Expenditures			
30-71-7220-5300-3300 Water Dist/Sewer Coll - Supplies/Operations	302,500.00	2,230.50	304,730.50 P.O.
30-71-7220-5300-4501 Water Dist/Sewer Coll - Service Contracts	255,470.00	5,666.67	261,136.67 P.O.
30-71-7220-5700-7400 Water Dist/Sewer - Capital Outlay (Phone System)	105,000.00	16,700.00	121,700.00
30-71-7220-5300-5710 Water Dist/Sewer Coll. - Economic Development	<u>30,000.00</u>	<u>198,918.00</u>	<u>228,918.00</u>
	<u>\$692,970.00</u>	<u>\$223,515.17</u>	<u>\$916,485.17</u>

To bring forward encumbrances from the 2023-2024 General Fund Budget to FY24-25. P.O.s were brought forward through Rollover Process.

3. Revenue			
31-72-3900-3900-0000 Fund Balance Appropriation		<u>\$1,000,000.00</u>	<u>\$122,496.16</u> <u>\$1,122,496.16</u>
Expenditures			
31-72-7230-5300-3300 Electric - Supplies/Operations	\$373,350.00	\$8,577.50	\$381,927.50 P.O.
31-72-7230-5300-4501 Electric - Service Contracts	\$208,970.00	\$5,666.66	\$214,636.66 P.O.
31-72-7230-5300-5710 Electric - Economic Development	0.00	108,252.00	108,252.00
31-72-7230-5700-7400 Electric - Capital Outlay (Phone System)	<u>35,000.00</u>	<u>0.00</u>	<u>35,000.00</u>
	<u>\$617,320.00</u>	<u>\$122,496.16</u>	<u>\$739,816.16</u>

To bring forward encumbrances from the 2023-2024 General Fund Budget to FY24-25. P.O.s were brought forward through Rollover Process.

Date: _____

VERIFIED: _____
M. Andy Moore, Mayor

VERIFIED: _____
Elaine Andrews, Town Clerk

Attachment A

ENCUMBRANCES FROM 2023-2024 TO 2024-2025

GENERAL FUND

	Amount Originally Requested	Amount Available
10-10-4100-5700-7400 General Government - Capital Outlay (Town Mgr Office)	\$ 15,000	\$ 7,585
10-10-4110-5300-3306 Non-Departmental - GF Salary Adjustments	32,871	32,871
10-10-4110-5300-5718 Non-Departmental - Approved Downtown Projects (DSDC)	10,000	10,000
10-61-4110-5300-5710 Non-Departmental - Economic Development	61,380	61,380
10-61-4110-5300-5712 Non-Departmental - S.H.A.R.P Reimbursements	-	-
10-10-4200-5700-7400 Finance Department - Capital Outlay (Chairs/Collection Window)	1,200	1,200
10-10-4300-5700-7400 IT Department - Capital Outlay (Phone System)	40,000	40,000
10-10-4900-5300-4502 Planning - Condemnation	31,775	31,775
10-10-4900-5700-7400 Planning - Capital Outlay	-	-
10-60-5500-5300-3440 General Services - Appearance Commission	5,048	3,417
10-30-5600-5300-7300 Streets -Sidewalk & Curb Repair (NCDOT Sidewalk Agreement)	158,000	158,000
10-30-5600-5700-7400 Streets -Capital Outlay (195 Bridge Lighting)	95,000	95,000
10-40-5900-5300-3310 Storm Water Drainage	-	-
	<u>\$ 450,274</u>	<u>\$441,228</u>

WATER FUND

30-71-7220-5700-7400 Water Dist/Sewer - Capital Outlay (Phone System)	\$ 16,700	\$ 16,700
30-71-7220-5300-5710 Water Dist/Sewer Coll. - Economic Development	<u>283,252</u>	<u>198,918</u>
	<u>\$ 299,952</u>	<u>\$215,618</u>

Electric FUND

31-72-7230-5300-5710 Electric - Economic Development
 31-72-7230-5700-7400 Electric - Capital Outlay (Phone System)

\$	108,252	\$	108,252
	<u>16,700</u>	\$	<u>-</u>
\$	<u>124,952</u>	\$	<u>108,252</u>

J.B. GEORGE BEAUTIFICATION FUND

40-61-4100-5300-3400 J.B. George Projects
 40-61-4100-5300-3410 J.P. George Projects

\$	-	\$	-
	<u>-</u>	\$	<u>-</u>
\$	<u>-</u>	\$	<u>-</u>

APPROVED: _____
 M Andy Moore, Mayor

VERIFIED: _____
 Elaine Andrews, Town Clerk

Business Items





Request for Town Council Action

**Business
Agenda** ZA-23-06
Item:
Date: 11/12/24

Subject: Articles 2, 10, and Appendix A Updates
Department: Planning Department
Presented by: Planning Director – Stephen Wensman
Presentation: Business Item

Issue Statement

Review the draft updates to UDO Articles 2, 10, Appendix A and the Standard Specifications and Details Manual.

Financial Impact

None

Action Needed

To Review the proposed UDO Amendments to Articles 2, 10, Appendix A and the Standard Specifications and Details Manual to approve, approve with changes, or deny the request.

Recommendations

Staff and the Planning Board recommend approval of:

1. Zoning text amendment, ZA-23-06 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.
2. Update to the Standard Specifications and Details Manual.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Draft UDO Articles 2, 10 and Appendix A
3. Consistency Statement
4. Application for Zoning Text Amendment
5. Smithfield Standard Detail and Specifications Manual (draft)- Separate Attachment
6. 10.35.3. Street Lighting Policy
7. Parking Requirements for Restaurants
8. Updates for November 12th Meeting



Staff Report

**Business
Agenda ZA-23-06
Item:**

Note:

A public hearing was held on July 11, 2023, for this amendment, but the Council tabled the item for further review. Staff presented Article 2 changes and Article 10 Part I. Staff is requesting the Council to review the remaining amendment sections and to decide whether to approve, approve with changes or to deny the request.

Additionally, Staff is requesting the approval of the updated Standard Specifications and Details Manual which were updated in conjunction with the UDO Performance Standards, Article 10 updates.

See Report attachments in response to the Town Council's questions about:

- Street lighting
- Restaurant parking requirements
- Lot sizes for septic systems
- Please note a few additional changes are suggested.

Overview:

The UDO, Article 10 development performance standards. These standards work hand in hand with Town's Standard Specifications and Details Manual (Manual) to guide new development. A draft of the updated Manual is included in this agenda item and will be brought back to Council at a future meeting.

This update:

- Moves street design specifications from the UDO to the Manual.
- Moves performance standards in the Manual to Article 10.
- Moves performance standards from Article 2 to Article 10.
- Adds definitions for terms in the Table of Uses and some needed left out of the 160D update.
- Updates performance standards to address issues, clarifies vague wording, and breaks up large blocks of text into subsections.

Draft Amendment:

The following summarizes the changes to each section:

Article 2 - General Regulations

- Moves performance standards related to lot requirements and dimensions, driveways, and dumpsters to Article 10.
- Removes Section 2.21, Site Visibility Triangle standard replacing it with a reference to the Town's Standard Detail and Specifications Manual.
- Updates Section 2.22 Sidewalks to include reference to the Manual and the Pedestrian Plan.

Article 10- Performance Standards - Part I. Off-Street Parking

- 10.2 - Clarifying, updating and breaking up Off-Street Parking Requirements to be more readable.
 - Requires paved parking (no gravel parking).
 - aligns junk vehicle exception with administrative code.
 - Adds a standard for semi-tractor and trailer parking.
 - Updates parking lots with more than four spaces requirements.
 - Clarifies and updates curbing requirements.
 - Updates wheel bumper requirements.
 - 10.2.10 – Adds UDO administrator's ability to waive lateral access if it provides no public benefit or if not feasible. Removes BOA Adjustment text. The BOA holds hearings on appeals and variances only.
 - 10.2.13.1 –BOA does not make modifications and appeals are already codified in Article 4.
- 10.3 – Update parking standards for Multi-family (from Clayton's Code) and for Restaurants. Also allows UDO Administrator to determine parking requirements when standards are unclear. Appeals by BOA.
- 10.5 Off-Street Loading Requirements updated.
 - The BOA only hears variances and appeals.
- 10.6 Driveways section updated –
 - Requires paved driveways (concrete, bituminous, etc. – no gravel), except within the R-20A.
 - Residential driveways cannot exceed 50% of the front yard area.
 - Broke up the section for readability.
 - 10.6.4 –Driveway Location(s) section updated aligned with Manual.
 - 10.6.6 – Delete's brick driveway section. Brick driveways are not permitted within the public right of way but are permitted on private property with a standard driveway apron in the public right of way.
 - References Standard Specifications and Details Manual

Article 10- Performance Standards - Part II. Landscape Requirements

- 10.8 Applicability Standards– Clarifies applicability.
 - 10.8.4.3 Triggers compliance with "Expansion of Structure by 25%" only, deleting and 10 or more parking spaces.
- 10.9 –Tree Resource Management
 - require a zoning permit for forestry activities to ensure compliance with State and local ordinances.

- Removes the misplaced section car dealerships. Prior to final plat, the lots do not exist.
- 10.10.2 – The planting details are to be moved from Appendix B of the UDO to the Standard Specification and Details Manual.
- 10.14 – Adds dimensions to Type C and D buffer yards and removes the reference to PRD (no longer exists in UDO).
- 10.15.3 – Dumpster regulations from Section 2.27 moved and updated.
- 10.15.4 - Clarified Encroachment section.
- 10.15.5 – Create buffer requirements for double fronted lots.
- 10.16 – Added requirement that landscape plans identify planting bed edges, bed material, sod and seeded areas, identify irrigation if applicable, and landscape notes or planting instructions.

Article 10- Performance Standards - Part IV. Lighting Ordinance

- 10.34.3 – General Standards for Outdoor Lighting-
 - Site Plans are administrative and do not get reviewed by the Planning Board and Town Council.
 - 10.34.3.6 – Section deleted because it conflicts with requirement for cutoff fixtures.
- 10.34.4 – Updated lighting in parking lots and outdoor areas
 - PB and Town Council do not review site plans.
 - Require downcast shoebox style fixtures with LEDs
 - Updated outdoor display lighting standard.
 - Update to require recessed lighting for vehicular canopies.
- 10.34.7 – Section updated to prohibit flood lights and removes references to PB and TC review and approval because site plan approvals are administrative.

Article 10- Performance Standards - Part V. Traffic Impact Study

- 10.41.1 Struck reference to BOA as they have no involvement in Traffic Studies.

Article 10- Performance Standards - Part VIX. Overlay Districts

- 90.93 - ECO District regulations to be deleted. Article 7 requires outdoor storage to be screened with fencing and landscaping and requires paving.
- 10.94 – Struck rowhouses Section because the same can be achieved through the conditional zoning process.

Article 10- Performance Standards - Part X. Subdivision Regulations

- 10.96 – Added applicability incorporating Section 1.3.4.3 and updating to conform with 160D.
- 10.100 – Update code references in table.
- 10.107 – Update reference from NCDENR to NCDEQ.
- 10.xxx – Add Cluster Mailbox standards.
- 10.110 Streets
 - Add references to Standard Detail and Specifications Manual and deleted engineering standards (moved to Manual).
 - Updated to current Street terminology matching the Transportation Plan.
 - Incorporated Section 2.15 Lot Requirement/Dimensions.
 - Updated lot area requirements with reference to Article 8.

- Increased the minimum lot area for septic lots to 1 acre based on a recommendation from Johnston County.
 - Added a minimum depth for double-fronted lots.
- 10.110.1.5 – Updated easement requirements.
- 10.110.2 – Updated private street requirements to reference the Standard Detail and Specifications Manual and HOA documents to be reviewed and approved by the Town Attorney.
- 10.110.3. Updated Marginal Street Access section with updated terminology.
- 10.110.5 – Updated section on half-streets.
- 10.110.9 - 10.110.17- street standards are contained in the Town’s Standard Detail and Specifications Manual referenced herein.
- 10.110.14 – Alley’s section updated.
- 10.110.19 – PUD Streets updated requiring sidewalks on both sides of PUD streets.
- 10.110.20 – Updated to reference Manual.
- 10.111.2. – Updated to match Fire Code.
- 10.111.6 - Updated temporary turnaround requirements to meet Fire Code.
- 10.112 – Sidewalks.
 - Updated sidewalk requirements.
 - Added reference to the Manual and the Pedestrian Plan.
- 10.113.1. Water and Sewerage Systems.
 - Added On-site wastewater (septic) systems shall be located on the lot in which the system serves unless an alternative location within an easement with approval by the Town Council.
 - Constructed according to the Standard Specifications and Details Manual.
- 10.116. Effect of Plat Approval on Dedications and Acceptances
 - Acceptance of dedications by resolution has been deleted and will now be administrative with the signing of the final plat by the Manager. The Town Council approves preliminary plats and the improvements. According to 160D-806. Effect of plat approval on dedications. The approval of a plat shall not be deemed to constitute the acceptance by the local government or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, any governing board **may** by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its planning and development regulation jurisdiction.
- 10.117 Adjustments. Deleted this section. BOA approves variances per Section 4.10.
- 10.119 Added missing exempt plat certificate.

Appendix A- Definitions

- Added definitions per 160D.
- Added or modified definitions to reflect land use terminology in Section 6.6.

Note: *The UDO is a living document that will require continual refinement to address new land uses and situations.*

Consistency Statement (Staff and Planning Board’s opinion):

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

Recommendations:

1. Staff and the Planning Board recommend approval of zoning text amendment, ZA-23-06, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.
2. Staff recommend approval of the Standard Specifications and Details Manual.

Suggested Motions:

1. "move to approve zoning text amendment, ZA-23-06, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest."
2. "move to approve the Standard Specifications and Details Manual."

ORDINANCE # ZA-23-06
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLES 2, 10, AND APPENDIX A, UPDATE TO
PERFORMANCE STANDARDS.

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Articles 2, 10, and Appendix A for a general update of performance standards.

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:

PART 1

[Revise Article 2, striking sections to be moved to Article 10 Performance Standards and miscellaneous updates.]

~~Sec. 2.15. Lot Requirements/Dimensions.~~

~~2.15.1. [Side Lot Lines.]~~

~~Insofar as practical, side lot lines which are not right of way lines shall be at right angles to straight street lines or radial to curved street lines.~~

~~2.15.2. [Sufficient Area.]~~

~~Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all lot size and dimensions, yard space, setback, and other requirements of this ordinance.~~

~~2.15.3. [Irregularly Shaped Lots.]~~

~~The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the UDO Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.~~

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~~Sec. 2.20. Driveways; Permit Required.~~

2.20.1. [Obtaining a Permit.]

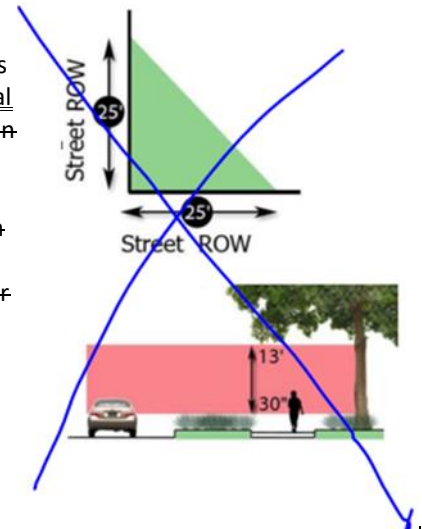
No person shall construct, reconstruct, or repair any driveway within the town without first obtaining from the UDO Administrator a zoning permit to do so. Such person shall construct, reconstruct, and repair such driveway under the supervision of the UDO Administrator, and in accordance with town specifications.

2.20.2. [Distance; Intersection.]

No portion of any residential driveway intersection with a town public street shall be closer than twenty (20) feet to the corner of any intersection, measured along the right-of-way line. In commercial and industrial zones, this distance shall be thirty six (36) feet. The width of any driveway intersection with the public street shall not exceed thirty six (36) feet at its intersection with curb and street line. Driveway connections to the State of North Carolina Department of Transportation controlled streets must be requested from and approved by DOT on its standard form. Driveways that have double lane ingress and egress (four [4] lanes) shall be a minimum forty eight (48) feet width at intersection with curb and street line.

Sec. 2.21. Street Intersection Sight Visibility Triangle.

The land adjoining town-maintained street intersections or egress to a town-maintained street from off-street parking areas shall be kept clear of obstructions to protect the visibility and safety of motorists and pedestrians in accordance with the Smithfield Standard Detail and Specifications Manual and . On a corner lot, nothing shall be erected, placed, or allowed to grow in a manner so as materially to impede vision between a height of thirty (30) inches and thirteen (13) feet in a triangular area formed by a diagonal line between two (2) points on the right-of-way lines, twenty five (25) feet from where they intersect. A clear view shall be maintained on corner lots from thirty (30) inches to thirteen (13) feet in vertical distance. Intersections of or with state maintained streets shall comply with NCDOT sight distance triangle requirements. Parcels in the B-1 district are exempt from this section, unless otherwise required by NCDOT standards.



Sec. 2.22. Sidewalks.

All new O/I (Office/Institutional), B-1 (CBD), B-2 (General Business), and B-3 (Highway Entranceway Business) district construction permitted following the adoption of this Ordinance shall be required to construct five (5) foot sidewalk(s) or eight (8) foot wide trail in accordance with the Town's Pedestrian Plan, on or adjacent to the street right-of-way. If the required sidewalk/trail is to be constructed adjacent to a thoroughfare right-of-way, it shall be constructed within an unobstructed easement of at least ten (10) feet in width. The sidewalk(s)/trails(s) shall comply with the Town of Smithfield Standard Detail and Specifications Manual. document and NCDOT requirements.

Sec. 2.23. Curb Cuts.

Construction of curb cuts for purposes of ingress and egress to property abutting a town public right-of-way shall be approved by the UDO Administrator. The North Carolina Department of Transportation is the approval authority where said curbs affect access to State Highways. Provision for all access work done on state highway right-of-way is subject to approval by the NCDOT.

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Sec. 2.27. Dumpsters.

~~In all zoning districts, dumpsters must be located on a concrete pad with a six-foot high solid enclosure with solid gates.~~

...

PART 2

[Revise Article 10, to update performance standards in conjunction with updates to the Standard Detail and Specifications Manual.]

10.2.1. Off-Street Parking Requirements.

There shall be provided at the time of the erection of any building, at the time an existing structure is demolished in order to permit new construction, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one ~~type of land use category or occupancy~~ to another, permanent off-street parking space in accordance with ~~in the amount specified by~~ this Ordinance. Such parking:

~~10.2.1.1. space may~~ shall be provided in a parking garage or properly graded and paved parking lot in accordance with this ordinance. ~~open space.~~

~~10.2.1.2. All parking areas~~ shall be designed so that ingress to and egress from such area shall be established and maintained so that all vehicular traffic shall enter and leave the lot by forward motion of the vehicle.

~~10.2.1.3. Except for multi-family and single family uses, all off street parking and loading in the Entry Corridor Overlay District shall be provided in the rear of the principal structure.~~

~~10.2.1.4. shall not be permitted in a~~ No off-street parking or loading shall be permitted in a required street yard or buffer yard, ~~or open space~~, except in the case of a single or two family dwelling. No required off-street parking shall be ~~or located on~~ within five feet of a right-of-way line, or within any public right-of-way ~~or encroach by more than 50% on any required setback, or into any required streetyard.~~ Under no circumstances shall parking be located within five feet of a right-of-way line.

...

10.2.3. Vehicle Storage.

10.2.3.1. Residential Districts. Vehicles intended for personal use may be parked or stored on property zoned for residential use. No more than one (1) commercial truck, van, or trailer may be driven home and must be parked in a garage or carport or in the driveway and never on the street. Trucks with 26,000 lb. gross vehicle weight rating and trailers with 10,000 gross vehicle weight rating are prohibited from parking in residential districts. ~~Inoperative vehicles, including trucks, vans, or trailers, may not be stored in a residential district.~~

10.2.3.2. Business and Industrial Districts. Customer and employee parking is permitted along with the parking and storing of governmental or commercial vehicles, in any business or industrial district. Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved ~~junk or wrecking~~ salvage yard. Overnight parking or storage of tractor trailers in commercial districts is strictly limited to vehicles associated with the commercial establishment operating on the premises.

10.2.4. Parking Space Arrangements and Dimensions.

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10.2.4.6 Semi-Tractor and Tractor Trailer Parking. ~~Semi-tractor and tractor trailer parking shall be paved with either asphalt or concrete except for Heavy and Light Industrial zoning districts which shall be in accordance with Section 7.2. Such parking shall be striped such that the parking space is at least 12 feet in width and at least 55 feet in length exclusive of driveways, aisles, ramps, maneuvering space, columns, work areas, and shall have a vertical clearance of not less than 14 feet.~~

10.2.5. Parking Lots with More than Four Spaces.

10.2.5.1. Surfacing. All required off-street parking lots and associated driveway, interior access drive to and from such off-street parking areas shall be hard surfaced with asphalt, concrete or other similar material to provide a durable, dust-free surface ~~shall be graded and surfaced with blacktop, concrete, brick, or other such surfacing material to ensure a dustless surface condition.~~

10.2.5.2. Markings. Each parking stall shall be striped in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), with four (4) inch white lines. ~~marked off and maintained so as to be distinguishable.~~

10.2.5.3. Lighting. Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property in accordance with Part IV of this ordinance.

10.2.5.4. Yards. ~~Except in the Entry Corridor Overlay District, a~~ All such required parking lots shall not encroach within a required streetyard or bufferyard and shall be in conformance with Section 10.2.1.4. ~~observe a minimum front yard of of not less than five feet and a side yard on a corner lot of not less than five feet. Parking lots in residential agricultural and residential districts shall of have front yards of not less than 15 feet and side and rear yards of not less than five feet.~~

10.2.5.5. Curb/Gutter. Curb and gutter is ~~The~~ required for all new yards shall be set off from parking lots, driveways, and interior access driveways or interior access drives shall have continuous curb/gutter. Breaks in the curb/gutter may be permitted if the engineer's design of the parking lot requires a break to obtain effective stormwater control.

10.2.5.6. Drainage. Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the UDO Administrator may exempt the developer from this requirement, provided that adequate provision is made for drainage that protects the public safety and welfare.

10.2.5.7. At locations where a sidewalk abuts a 19-foot-deep parking bay, the sidewalk shall be a minimum width of six (6) feet. If less than 6 feet, a wheel bumper shall be required and Separation of Bumper and Walkways. In the event any parking stall abuts upon a walkway, there shall be a space of three and a half (3½) feet between the wheel bumper or curb and the edge of the walkway.

10.2.5.8. Entrances and Exits. These shall be provided in accordance with Section 10.6 of this ordinance.

10.2.5.9. Parking lots in the B-3 and Industrial Zoning Districts shall be in accordance with Section 7.2 of this Ordinance. Special requirements apply to parking lots in the B-3 and the Industrial districts in addition to the requirements of this Article.

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10.2.8. Separation from Walkways, Sidewalks, and Streets.

All parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by concrete curbing or other suitable protective device to prevent vehicles from intruding into these areas.

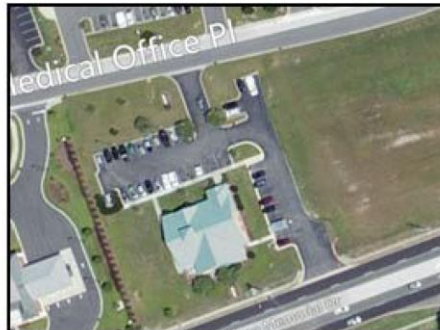
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10.2.10. Lateral Access.

All new nonresidential development, specifically commercial development, shall provide lateral access to adjacent property which is either: (1) existing nonresidential, or (2) zoned nonresidential. In the site plan process review, lateral access shall be displayed and labeled clearly by showing the appropriate connections. All lateral access connections shall be a minimum of twenty (20) feet in width and maximum of twenty-four (24) feet in width. The UDO Administrator may waive from the lateral access requirements in circumstances where there would be little public benefit to providing a lateral access or the if the access is determined not to be feasible due to particularities of the parcel. , the Board of Adjustment may modify the requirements herein.



Cross access provided between sites



Cross access for future development

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10.2.13. Exceptions.

10.2.13.1. The UDO Administrator may withhold a permit or certificate of occupancy if a parking layout not specifically prohibited by this section would be likely to cause avoidable safety or traffic congestion problems until modification is made. ~~The applicant may appeal the UDO Administrator's decision to the Board of Adjustment under the normal procedure for an appeal.~~

~~10.2.13.2. If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the Board of Adjustment may grant the applicant a parking modification.~~

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Sec. 10.3. Minimum/Maximum Parking Requirements.

The minimum number of required off-street parking spaces shall be calculated as follows. In the case of a building or use not expressly provided for, the number of off-street access spaces shall be the same as for a similar use or inclusive category which is provided for. Where there is more than one (1) use in a single structure, or on a single tract, or two (2) or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses, except for shopping centers which are expressly provided for.

Classification	Off-Street Parking Requirement
RESIDENTIAL	
Dwelling, Single-Family	2 spaces
Dwelling, Manufactured Home	2 spaces
Dwelling, Multi-Family	
- One bedroom	1.5 spaces per unit
- Two <u>Two</u> bedrooms	1.75 <u>2</u> spaces per unit
- Three <u>Two</u> bedrooms <u>or</u> more	2 spaces per unit <u>plus 1 guest parking space per 4 units.</u>
ACCESSORY USES/BUILDINGS	
Accessory Business or Residential Unit (Incl. Home Occupations)	2 spaces per business or residence
Accessory Buildings	Same ratio as the principal use
EDUCATIONAL, OFFICE/INSTITUTIONAL, AND RETAIL SALES AND SERVICES	
Retail, Enclosed	1 space per 200 square feet
Retail, Outdoor (incl. commercial recreation)	1 space per 600 square feet of parcel area
Restaurant	<u>1 space per 3 seats including outdoor seats</u> 150 square feet enclosed floor area
Office (including medical clinics)	4 spaces per 1,000 square feet
Lodging	1 space per room plus 1 space per employee
Institutional/Civic	5 spaces per 1,000 square feet
Hospital	1.5 spaces per patient room plus 3 spaces per 1,000 square feet of office area.
Child care facility/adult day care facility	1 space per 4 persons of licensed capacity.
Schools, Elementary or Junior High	3 spaces for each room used for administration offices, class instruction, or 1 space for each 6 seats in auditorium and other places of assembly or facilities available for the public, whichever is greater
Schools, Senior High	1 space per school employee and 1 space per 4 students
Assembly	1 space per 3 fixed seats plus 1 space per 3 movable seats
Other	Determined by the UDO Administrator in consideration of an approved study prepared by a registered engineer with expertise in Transportation Engineering

MANUFACTURING AND INDUSTRIAL USES	
Adult and sexually oriented businesses	1 space per 500 square feet of gross floor area
All other industrial uses	1 space per employee
RECREATION USES	
The most applicable of the following standards shall apply for all recreational uses, including auditoriums, assembly halls, or stadiums:	1 space per 4 fixed seats; 1 space for each 40 square feet of floor area available in establishment as a meeting room; 1 space for each 150 square feet of gross floor area; 1 space per 600 square feet of parcel area.
TEMPORARY USES/STRUCTURES	
To be determined by the UDO Administrator based on the site specific conditions and principal use.	
AGRICULTURAL USES	
To be determined by the UDO Administrator based on the site specific conditions.	

Notes:

The maximum parking allowed shall not exceed one hundred fifty (150) percent of the minimum parking specified in this section.

Special situations which are not covered by the above shall be handled determined by the Board of Adjustment UDO Administrator. The Board of Adjustment shall make the final determination as to the number of spaces to be required but shall in all cases give due consideration to the needs therefor.

The requirements may result in the calculation of a fractional parking space. If the fraction is less than 1/2, the fraction may be deleted. If the fraction is 1/2 or greater, the fraction shall count as 1 parking space.

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10.5.2. Design.

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10.5.2.3. Each required off-street loading space shall be designed with appropriate means of vehicular access and circulation to a street from a driveway in a manner which will least interfere with traffic movements. Loading areas shall be designed such that vehicles shall enter and leave the site by forward motion of the vehicle.

10.2.2.4. Parking areas for passenger vehicles are prohibited where it may conflict with truck circulation or maneuvering into the truck loading areas.

10.5.3. Spaces.

The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

Use	Off-Street Loading Requirement
Office and Institutional Uses including Hotels and Motels	One space for each 50,000 square feet of gross floor area or fraction thereof.
Retail Business	One space for each 20,000 square feet of gross floor area or fraction thereof.
Wholesale Trade and Industry	One space for each 10,000 square feet of gross floor area or fraction thereof.
Elementary, Junior High, High Schools, Kindergartens, Nurseries, and Day Care Centers	One space for each 50,000 square feet of gross floor area or fraction thereof, plus a safe place off the street for the loading and unloading of children from automobiles and buses.

Exceptions. If a peculiar characteristic of an establishment makes the requirements of this section clearly unrealistic, the Board of Adjustment may grant the applicant a modification of the loading requirements in regard to that particular establishment.

The UDO Administrator may allow a new use to be established in an existing building even if all loading requirements of this section cannot be met for the new use, provided that as much loading space as can reasonably be provided is provided by the use and traffic or safety hazards will not be created.

Sec. 10.6. Driveways.

10.6.4. Driveway Location(s).

10.6.4.1. A safe means of ingress and egress shall be provided for all parking spaces that is in conformance with the Town's Standard Detail and Specifications Manual. ~~and All driveways for uses other than single and two-family residential and shall conform to the Town's Standard Detail and Specifications Manual.~~

10.6.4.2. Two (2) driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds fifty (50) feet, except for two-family residential lots.

10.6.4.3. Three (3) driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds one hundred fifty (150) feet and the third driveway is deemed necessary by the Town for reasonable service to the property without undue impairment of safety, convenience, and utility of the roadway. Normally, not more than two driveways shall be permitted for any single property frontage.

~~**10.6.4.4.** Four (4) or more driveways entering the same street from a single lot shall be prohibited.~~

10.6.4.5. In no case may the total width of all residential driveways exceed fifty (50) percent of the total property frontage.

10.6.4.6. No driveway (nearest edge) shall be located within 10 feet of a side lot property line for multi-family, commercial or industrial property, except in the case of a shared driveway (single curb/access point) utilized by two or more lots.

10.6.4.7. No driveway (nearest edge) shall be located within 25 feet of a local road intersection ~~on a secondary road and~~ or within 40 feet of a on a primary collector road intersection except in the case where no other lot access to a public street or town-approved private road is available.

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10.6.6. Brick Driveways.

Brick driveways will be allowed consisting of smooth, hard-burned clay bricks with an appropriate concrete base conforming to the Town of Smithfield design standards of the Administrator. In the event repairs are required after brick driveways are installed due to utility replacement or other construction work, the driveway applicant shall pay that portion of the repair cost which exceeds the cost of repair using standard concrete six (6) inches in thickness. Normal maintenance or replacement will be the responsibility of the driveway applicant.

PART II. LANDSCAPE REQUIREMENTS

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Sec. 10.8. Applicability.

The three (3) standard requirements in this section are: Parking Facility Requirements (Section 10.13), Bufferyard Requirements (Section 10.14), and Screening of Dumpsters (Section 10.15.3). ~~The requirements of this article 10, Part II~~ These three (3) standard requirements shall be applicable to the following situations:

10.8.1. Single-Family-Residential-Development.

When a major residential subdivision with new roadways are proposed.

10.8.2. All New Single-Family-Residential Homes on Existing Lots.

All new single-family and duplex dwellings on existing lots shall comply landscape regulations of Section 10.13.1.8.2, Single-Family and Town House Residential Developments.

10.8.3. Multi-Family Residential Development.

When ten (10) or more parking spaces are required for all phases of development excluding all manufactured home parks.

10.8.4. Nonresidential Development.

10.8.4.1. New Construction. When a permitted use, a use or combination of uses contained within a conditional use permit require ten (10) or more parking spaces.

10.8.4.2. Existing Development. When there is a change from an existing use to a new use which requires additional parking and the new use requires ten (10) or more parking spaces.

10.8.4.3. Expansion of Structure. When there is an expansion of an existing structure by greater than twenty-five (25) percent of the gross floor area ~~and that use requires ten (10) or more additional parking spaces.~~

10.8.4.4. Expansion of Site Improvements. When there is an expansion of site improvements by greater than twenty-five (25) percent of the site's hard surface area.

10.8.4.5. Reconstruction of Structure. When there is damage or destruction to an existing structure beyond fifty (50) percent of its assessed value, the reconstruction must conform to the new construction standards of this section.

10.8.4.6. Expansion of Parking Facility. When there is an expansion of the parking facility by a minimum of ten (10) percent of the parking with a minimum of ten (10) total spaces.

Sec. 10.9. Tree Resource Management.

Tree resource management regulations shall apply to all protected trees for both new and existing development in accordance with this Section 10.9. A zoning permit shall be required prior to removal of trees to ensure compliance with state and local regulations. ~~No building permit or certificate of occupancy shall be issued for any improvements upon a property where the provisions of this section have not been complied with.~~

10.9.1. Exemptions.

All properties within the town's jurisdiction shall comply with the requirements of Section 10.9, Tree Resource Management, except as otherwise exempted below:

10.9.1.1. Small Trees. Any tree with a diameter/caliper less than eight (8) inches (circumference of twenty-five (25) inches) or less measured at diameter at breast height (DBH) may be cut at any time without a permit, except replacement plantings.

10.9.1.2. Nursery. A business location where trees are grown specifically for sale, as part of a primary commercial activity, shall be exempt.

10.9.1.3. Utility Construction. Companies and governmental agencies installing and maintaining utilities in easements and rights-of-way shall be exempt when acting in accordance with approved construction plans.

10.9.1.4. Wetlands Mitigation. Wetlands mitigation shall be exempt when working in accordance with an approved plan of the US Army Corps of Engineers or North Carolina Department of Environment and Natural Resources (NCDENR).

10.9.1.5. Hazardous Conditions. If any tree shall be determined to be in a hazardous condition so as to (i) immediately endanger the public health, safety, or welfare, or (ii) cause an immediate disruption of public service, the Public Utilities/Public Works director may determine that replacement with additional trees is necessary. In making determinations, the Public Utilities/Public Works Director shall utilize such professional criteria and technical assistance as may be necessary.

10.9.1.6. Certain Forestry Activities. Only activity associated with growing, managing, and harvesting trees on lands taxed on a present-use value as forest land, or activity being conducted in accordance with a forest management plan shall be exempt from tree resource management. Forestry activities are only permitted in the R-20A Zoning District in accordance with Section 6.5, Table of Uses and Activities.

10.9.1.7. Acts of God. The UDO Administrator may waive the requirements of this article during an emergency such as a hurricane, tornado, windstorm, tropical storm, flood, or other act of God.

~~**10.9.1.8. Certain Property Types.** This article shall not apply to the following types of property in the manner noted:~~

~~**10.9.1.8.1.** Except for the construction of single family residences in subdivisions prior to the recording of a final plat for the subdivision, single family residences are exempt from this article.~~

~~**10.9.1.8.2.** Property used for a business primarily engaged in the sale and display of motor vehicles, manufactured housing, boats, recreational vehicles, or similar equipment may have the required landscaping within the streetyard installed at a minimum height of eighteen (18) inches at planting and not exceeding three (3) feet at maturity.~~

...

10.10.2. [Installation Details.]

Plants shall be installed in accordance with the Town of Smithfield Standard Detail and Specifications Manual. ~~per the installation details included in Appendix B of this ordinance.~~

...

10.13.1.8 Streets Yards.

10.13.1.8.1. Commercial Developments. Street yards shall be provided with a minimum depth of fifty (50) percent of the required front or corner side yard setback as measured perpendicular to the street right-of-way, provided that no street yard in excess of fifteen (15) feet in depth shall be required. The width of the planting strip may vary, but the minimum width cannot be less than seven (7) feet and the average width shall be at least ten (10) feet. The planting area must be covered with living material, including trees, shrubs and/or ground cover, so that no soil is exposed at a rate of two (2) canopy tree and ~~twenty two~~ (20) shrubs per every one hundred (100) linear feet of road frontage. Canopy trees can be replaced by understory trees if in conflict with overhead utilities. Required trees shall be placed in a planting strip on private property and not within the street right-of-way. No required street yard tree can be planted further than fifteen (15) feet from the edge of the right-of-way to meet this requirement.

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Sec. 10.14. Bufferyard Requirements.

Bufferyards are required for multi-family residential development with ten (10) or more parking spaces and nonresidential development as outlined in Section 10.8. See the table below to determine the type of bufferyard required.

Zoning District and/or Use To Be Developed (below)	Adjacent Land Use				
	Industrial	Commercial	Single-Family Residential	Multi-Family Residential (10 or more parking), PUD, PRD	Open Space
Industrial	N/A	Type A	Type C	Type C or D	Type C or D
Commercial	Type A	50% of Type A	Type B	Type A	Type C or D
Multi-Family Residential (10 or more parking)	Type C or D	Type A	Type A	N/A	N/A

more parking), PUD, PRD					
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Bufferyard requirements as they pertain to the Table of Uses and Activities (~~Section 6.5~~ Section 6.6) are as follows:

- (1) Industrial shall include all uses allowed within the LI and HI Districts.
- (2) Commercial shall include all uses allowed within the O/I, B-1, B-2, and B-3 Districts.
- (3) Multi-Family Residential shall include all uses allowed within the R-6, R-8, R-MH, PUD, B-1, B-2, and B-3 Districts.
- (4) Single-Family Residential shall include all uses allowed within the R-6, R-8, R-10, R-20A, R-MH, PUD, ~~RHO~~, O/I, B-1, B-2, B-3 Districts.
- (5) Manufactured Home Parks and Junkyards shall provide buffer Type C or D.

The following provides examples of Type A to D bufferyards.



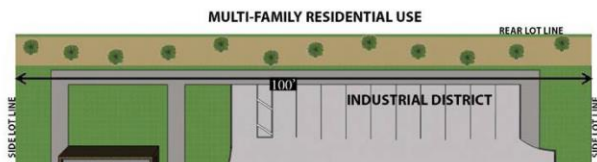
Type A - Bufferyard Example:
 1000 Square Feet of Non-Residential Lot Line Adjacent to a Residential Use=
 2 Canopy Tree and
 12 Shrubs



Type B - Bufferyard Example:
 1000 Square Feet of Residential Lot Line Adjacent to a Residential Use -OR- Non-Residential Lot Line Adjacent to a Non-Residential Use=
 1 Canopy Tree and
 8 Shrubs



Type C - Bufferyard Example:
 Canopy Tree and
 Shrubs
 6' Max High Fence



Type D - Bufferyard Example:
 Shrubs (6' High Max in Size)
 6' Max High Fence
 6' Max High Berms 3:1 Slope



Type A Bufferyard Screening.

Minimum of 10 feet wide. For every 1,000 square feet, the screen shall consist of a combination of a minimum of 2 Canopy Trees and 12 Shrubs distributed evenly throughout the Bufferyard. (Shrubs shall be 3' minimum at planting and 6' minimum at maturity.)

Type B Bufferyard Screening.

Minimum width of 20 feet, For every 1,000 square feet, or fraction thereof, the screen shall consist of a combination of a minimum of 1 Canopy Tree and 8 Shrubs. (Shrubs shall be 3' minimum at planting and 6' minimum at maturity.)

OPTIONS TO TYPE A AND/OR TYPE B

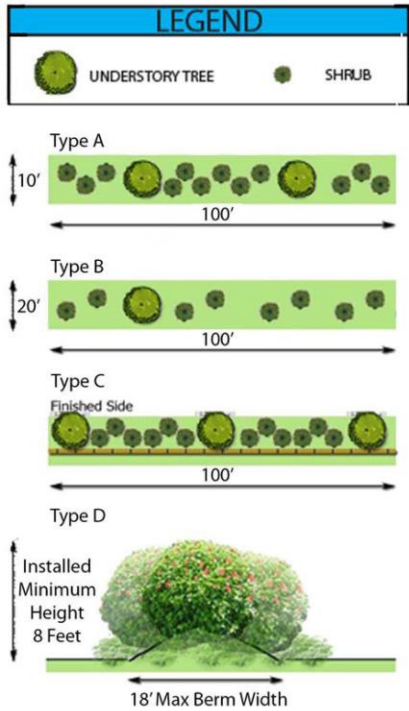
Type C Bufferyard Screening.

The design, color and materials of any fence or screen used to meet bufferyard requirements shall be approved by the UDO Administrator. The side of the fence facing the affected property owner shall be the finished side of the fence. The planting shall be three canopy trees and 12 shrubs per 100 linear feet of fencing. All planted screening required to be used in conjunction with a fence shall be approved by the UDO Administrator and planted on the finished side of the fence facing the affected use, and the remaining plantings shall be equally distributed in the bufferyard. The width of the planting bed shall be no less than five (5) feet and shall be wide enough to accommodate the plantings at maturity.

Type D Bufferyard Screening.

An earthen berm may be used in conjunction with planted vegetation made up of small, intermediate, and large shrubs, as approved by the UDO Administrator, provided that the combined height of the berm and planted vegetation shall be an installed minimum height of 6 feet. The slope of the berm shall be stabilized with vegetation and no steeper than 1½:1. The height of the berm shall be a maximum of 8 feet, with a level or rounded area on top of the berm. The berm shall be constructed of compacted earth. Depending upon plant type, plantings should be close enough to ensure an opaque screen at maturity.

NOTE: It is recommended and encouraged that native species and related cultivars be planted.



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10.15.3. Dumpsters or Other Trash Holding Areas.

~~All dumpsters or other trash holding areas shall be screened on three (3) sides by means of an opaque fence, opaque wall, or solid vegetative buffer. In all zoning districts, dumpsters must be located on a concrete pad with a six (6) foot high solid enclosure with solid gates. All dumpsters or other trash holding areas shall be accessed internally to the site.~~

10.15.4. Encroachment into Setbacks.

10.15.4.1. If an existing building structure is located within a setback where the implementation of the streetyard and/or bufferyard requirements are physically impossible and the encroachment into the yard (streetyard or bufferyard) allows for a minimum of three (3) feet of planting area, only the required shrubs shall be planted.

10.15.4.2. If the encroachment into the yard (streetyard or bufferyard) allows for less than three (3) feet of planting area, no planting shall be required in that yard.

10.15.5. Double Fronted Lots.

On all commercial, industrial, institutional, multifamily development (except townhouses) with street frontage on both the front and rear property lines, a 15' wide vegetated street yard shall be required along the rear frontage consisting of one tree per 50 lineal feet of road frontage; 20 shrubs per 100 lineal feet of road frontage. Single-family-dwelling and townhouses subdivisions shall provide a minimum 15' wide with class C buffer.

Sec. 10.16. Landscape Plan.

Landscape plans shall be submitted with minor or major site plans, special use permit application, and/or request for a zoning certificate of compliance, if Section 10.8 applies. The plans shall be drawn to scale and prepared by a landscape architect, licensed landscape contractor, architect, engineer, or other licensed design professional. These plans shall contain the following information:

10.16.1. Date of plan preparation.

10.16.2. Project name and description of land use.

10.16.3. Project owner and mailing address.

10.16.4. A tree removal permit is required for the removal of any protected trees as specified in Section 10.9.2.

10.16.5. A map at a scale of one (1) inch equals one hundred (100) feet or less showing:

10.16.5.1. North arrow.

10.16.5.2. Scale.

10.16.5.3. Approximate locations and species of all existing hardwood trees at least eight (8) inches DBH, all conifer trees at least twelve (12) inches DBH, and all protected trees (see subsection 10.9.2.1). The canopy drip line of those trees shall be delineated. If groves of protected trees exist that will not be removed or disturbed, it is permitted to label the grove as such on the map, stating the approximate number of protected trees and species mix, without specifying data on each individual tree.

10.16.5.4. Note on plan stating that prior to any clearing, grading, or construction activity, tree protection fencing will be installed around protected trees or groves of trees. And no construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.

- 10.16.5.5. Locations, dimensions and square footages of required buffer strips and parking lot landscaping.
- 10.16.5.6. Details of required landscaping showing species, dimensions, and spacing of planted materials, including turfgrass sod or seeded areas, and the use and protection of existing vegetation.
- 10.16.5.7. All existing and proposed utilities and if applicable, their associated easements.
- 10.16.5.8. Location and square footage of structures and parking lots.
- 10.16.5.9. Adjacent zoning districts.
- 10.16.5.10. Approximate locations of all trees greater than eight (8) inches DBH within required buffers and of all areas of natural vegetation to be used as part of the buffer.
- 10.16.5.11. Setbacks of all structures and specifications and shielding of certain uses, as required.
- 10.16.5.12. Location of planting bed edges with edging and mulch materials identified.
- 10.16.5.13 Identification or notes indicating provisions for irrigation or other water supplies.
- 10.16.5.14. Landscape plan notes and special planting instructions.

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Sec. 10.34. Outdoor Lighting.

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10.34.3. General Standards for Outdoor Lighting.

- 10.34.3.1. Unless otherwise specified in Sections 10.34.4 through 10.34.9 below, the maximum light level shall be 0.5 maintained footcandle at any property line in a residential district, or on a lot occupied by a dwelling, congregate care, or congregate living structure, and 2.0 maintained footcandle at any public street right-of-way, ~~unless otherwise approved by the Planning Board and Town Council.~~
- 10.34.3.2. All flood lights shall be installed such that the fixture shall be aimed down at least forty-five (45) degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield. Flood lights and display lights shall be positioned such that any such fixture located within fifty (50) feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees from perpendicular to the right-of-way.
- 10.34.3.3. All flood lamps emitting one thousand (1,000) or more lumens shall be aimed at least sixty (60) degrees down from horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public right-of-way.
- 10.34.3.4. All wall pack fixtures shall be cutoff fixtures.
- 10.34.3.5. Service connections for all freestanding fixtures installed after application of this ordinance shall be installed underground.
- ~~10.34.3.6. Within the B-3 District, all outdoor lighting fixtures shall be at minimum semi-cutoff fixtures.~~
- 10.34.3.7. All light fixtures installed by public agencies, their agents, or contractors for the purpose of illuminating public streets are otherwise exempt from this regulation. For regulations regarding street lighting, see Section 10.35.

10.34.4. Lighting in Parking Lots and Outdoor Areas.

~~10.34.4.1. Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures of more than two thousand (2,000) lumens shall be cutoff fixtures or comply with subsection 10.34.4.3.~~

~~10.34.4.2. The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed forty-one (41) feet above finished grade, unless approved by the Planning Board and Town Council as having no adverse effect.~~

10.34.4.3. Lighting in parking lots shall be shoebox style, downward facing with flush lens and fixtures shall be LED with a correlated color temperature that does not exceed 3000K.

10.34.4.4. Outdoor display areas shall have a maximum point of illuminance of 24 maintained footcandles (FC).

10.34.4.5. Exceptions:

10.34.4.5.1. Non-cutoff fixtures may be used when the maximum initial lumens generated by each fixture shall not exceed nine thousand five hundred (9,500) initial lamp lumens per fixture.

10.34.4.5.2. All metal halide, mercury vapor, fluorescent, induction, white high-pressure sodium, and color improved high pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.

10.34.4.5.3. All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide-body refractive globe.

10.34.4.5.4. All non-cutoff fixture open-bottom lights shall be equipped with full cutoff fixture shields that reduce glare and limit uplight.

10.34.5. Lighting for Vehicular Canopies.

Areas under a vehicular canopy shall have a maximum point of horizontal illuminance of 24 maintained footcandles (FC). Areas outside the vehicular canopy shall be regulated by the standards of Section 10.34.4 above. Lighting under vehicular canopies shall be designed with a recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy so as not to create glare off-site. ~~Acceptable methods include one or more of the following:~~

~~**10.34.5.1.** Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.~~

~~**10.34.5.2.** Light fixture incorporating shields, or shielded by the edge of the vehicular canopy itself, so that light is restrained to five (5) degrees or more below the horizontal plane.~~

~~**10.34.5.3.** Surface-mounted fixture incorporating a flat glass that provides a cutoff fixture or shielded light distribution.~~

~~**10.34.5.4.** Surface-mounted fixture, typically measuring two (2) feet by two feet, with a lens cover that contains at least two (2) percent white fill diffusion material.~~

~~**10.34.5.5.** Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.~~

~~**10.34.5.6.** Other methods approved by the Planning Board.~~

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10.34.7. Lighting of Outdoor Display Areas.

10.34.7.1. Parking lot outdoor areas shall be illuminated in accordance with the requirements for Section 10.34.4 above. Outdoor display areas shall have a maximum point of illuminance of twenty-four (24) maintained footcandles (FC).

10.34.7.2. All light fixtures shall meet the IESNA definition of cutoff fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within twenty-five (25) feet of any public street right-of-way. ~~Alternatively, directional fixtures (such as flood lights) may be used provided they shall be aimed and shielded in accordance with Sections 10.34.3.1 and 10.34.3.2 of this ordinance.~~

10.34.7.3. The mounting height of outdoor display area fixtures shall not exceed forty-one (41) feet above finished grade, ~~unless approved by the Planning Board and Town Council as having no adverse effect.~~

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10.34.10. Permits.

A permit is required for any work involving outdoor lighting. ~~The applicant for any permit required for work involving outdoor lighting shall submit documentation at time of site plan or plot plan approval that the proposed lighting plan complies with the provisions of this Ordinance. The submission shall contain, but not be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in this Ordinance:~~

10.34.10.1. A point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained footcandles required by this ordinance.

10.34.10.2. Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including, but not limited to, manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]).

The UDO Administrator or his/her designee(s) may waive any or all of the above permit requirements, provided the applicant can otherwise demonstrate compliance with this ordinance.

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PART V. TRAFFIC IMPACT STUDY

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10.41.1. Special Use Permits.

10.41.1.1. Time of Submission. The traffic impact study shall be submitted to the UDO Administrator with, and as a part of, the application for the special use permit.

10.41.1.2. Implementation. The UDO Administrator and such other agencies or officials as may appear appropriate in the circumstances of the case shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to the proposed use.

The Town Council ~~or Board of Adjustment, as appropriate,~~ shall consider the impact study and the analysis of the impact study before the application is approved or denied. The Town Council ~~or Board of Adjustment, as appropriate,~~ may decide that certain improvements on or adjacent to the site or on roadways or

intersections for which the improvements are needed to adequately and safely accommodate site traffic are mandatory for special use permit approval and may make these improvements conditions of approval, may require modifications in the use, or may deny the permit.

10.41.2. Site Plan Approval.

10.41.2.1. Time of Submission. The traffic impact study will be submitted to the UDO Administrator with, and as a part of, the site plan.

10.41.2.2. Implementation. The UDO Administrator and such other agencies or officials as may appear appropriate in the circumstances of the case shall review the impact study to analyze its adequacy in solving any traffic problems that will occur due to development proposed on the site plan. The UDO Administrator may recommend that certain improvements on or adjacent to the site or on roadways or intersections for which the improvements are needed to adequately and safely accommodate site traffic are mandatory for site plan approval and may require these improvements to be on the approved site plan.

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PART IX. OVERLAY DISTRICTS

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~~Sec. 10.93. Entry Corridor Overlay Districts.~~

~~These districts are established to provide development standards for particular roadway corridor areas as shown on the official zoning map which are in addition to those provided by the other zoning districts established by the Unified Development Ordinance. The purpose for establishing these entry corridor overlay districts is first, to recognize the importance that different roadway corridors play in defining the town's character as town entryways and, second, to protect and preserve both the aesthetics of these important roadways and their traffic handling capabilities, thereby contributing to the general welfare of the Town of Smithfield.~~

~~It is the intent of this ordinance that development existing as of the date of its enactment shall not be required to comply with the regulations contained herein unless such development is expanded by twenty (20) percent or more of the gross enclosed floor area of the principal structure.~~

~~10.93.1. Permitted Uses.~~

~~Same as for underlying zoning district(s).~~

~~10.93.2. Special Uses.~~

~~Same as for underlying zoning district(s).~~

~~10.93.3. Prohibited Uses.~~

~~Same as for underlying zoning district(s).~~

10.93.4. Development Standards.

Dimensional requirements and all other development standards shall be the same as for underlying zoning district(s) except as modified herein.

10.93.4.1. Thoroughfare Protection. No improvements other than driveways, sidewalks, parking, and landscaping shall be permitted within the limits of projected rights of way as specified in the Official Thoroughfare Plan.

10.93.4.2. Setbacks. Setbacks shall be the same as for the underlying zoning district; provided, however, one (1) or more principal structures may be authorized within the setback under the following circumstances:

10.93.4.2.1. Such principal structure(s) is not situated within ten (10) feet of the projected right of way line of an entry corridor roadway;

10.93.4.2.2. Parking for the site is placed to the side or rear of such structure(s) so that it is screened from view from the entry corridor by means of such structure(s) and vegetative buffering as provided in Article 10, Part II.

10.93.4.2.3. The landscaping requirement for parking lots located to the side or rear of the principal structure may be reduced by twenty (20) percent.

10.93.4.2.4. The required parking spaces for parking lots located to the side or rear of the principal structure may be reduced by twenty (20) percent.

10.93.4.3. Driveways. Driveways serving a development parcel shall be permitted in accordance with the standards of the North Carolina Department of Transportation (NCDOT); provided, however, a development parcel shall be limited to no more than one (1) driveway on any road and no more than three (3) driveways total, unless a major site plan has been approved with additional driveways. Additional driveways may be permitted when they are necessary to improve traffic movement, increase sight distances, or for other safety reasons. Developers are encouraged to share parking areas and driveways with adjoining developments.

10.93.4.4. Outdoor Storage. Outdoor storage shall be screened from view with six feet high opaque vegetation or fencing, so that it is not visible from a roadway or adjacent properties. Provided, however, this section shall not apply to the outdoor display of goods for sale.

10.93.4.5. Signs. Signs shall be governed by the regulations contained in Article 10, Part III except as modified below:

10.93.4.5.1. Pole Signs. Pole signs are prohibited.

10.93.4.5.2. Freestanding Signs. Each development parcel may include no more than one (1) freestanding sign, which shall not exceed seventy (70) square feet in size and ten (10) feet in height, measured from street grade, for each thoroughfare on which the site has driveway access. For purposes of this paragraph, a development parcel does not include out parcels associated with approved major site plans.

10.93.4.6. Exceptions.

10.93.4.6.1. Single-family and two-family residential dwellings shall be required to comply with the provisions of subsections 10.93.4.1 to 10.93.4.3, above, but they shall not be required to comply with the remaining regulations of the Entry Corridor Overlay Zoning Classification.

10.93.4.6.2. Small lots, defined as lots with less than one hundred (100) feet of frontage on an entry corridor roadway or with less than one hundred (100) feet of depth, may have site constraints which make strict compliance with the regulations contained in this section a hardship. In such cases, the

Board of Adjustment for the town may approve deviations from such regulations so long as the plans of development are consistent with an approved minor site plan.

~~10.93.4.7. Nonconformities. Uses, structures, and lots rendered nonconforming by this ordinance shall be governed by the provisions of Article 9 of the Unified Development Ordinance; provided, however, structures, other than signs, existing as of the effective date of this ordinance which are destroyed by fire or other act of God shall be entitled to be rebuilt in their preexisting location regardless of the degree of damage.~~

Sec. 10.94. Rowhouse Overlay Districts.

This district is established to provide development standards for high density single family residential areas which are in addition to those provided by the underlying zoning districts established by the Unified Development Ordinance. The purpose of establishing this rowhouse overlay district is to allow high density single family residential development in locations where it will be compatible with adjacent land uses.

~~10.94.1. Allowable Zoning Districts.~~

~~B-1, R-6, R-8, and O/I.~~

~~10.94.2. Permitted Uses.~~

~~None~~

~~10.94.3. Special Uses.~~

~~Dwelling, single family; accessory uses; and home occupations.~~

~~10.94.4. Prohibited Uses.~~

~~All uses not specifically permitted by issuance of a special use permit.~~

~~10.94.5. Parking.~~

~~All required parking shall be located in the rear yard.~~

~~10.94.6. Minimum Zoning District Area.~~

~~Twenty thousand (20,000) square feet of contiguous area within the RHO Overlay District. (Note: It is intended that the RHO District will include multiple parcels.)~~

~~10.94.7. Yard, Area, and Height Requirements.~~

~~Refer to Article 8. Minimum yard requirements may be modified through the issuance of a special use permit~~

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PART X. SUBDIVISION REGULATIONS

Sec. 10.96. Applicability.

Sec. 10.96. Applicability.

10.96.1. Subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

10.96.2. Exempt Plats

Exempt plats are not subject to the regulations of this Ordinance and include the following:

10.96.2.1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.

10.96.2.2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.

10.96.2.3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

10.96.2.4 The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance.

10.96.2.5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

10.96.3 Minor Subdivision Plats

Plat recordation is required for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

10.96.3.1. The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.

10.96.3.2. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.

10.96.3.3. The entire area of the tract or parcel to be divided is greater than 2 acres.

10.96.3.4. After division, no more than three lots result from the division.

10.96.3.5. After division, all resultant lots comply with all of the following:

- a. All lot dimension size requirements of the applicable land-use regulations, if any.
- b. The use of the lots is in conformity with the applicable zoning requirements, if any.
- c. A permanent means of ingress and egress is recorded for each lot.

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Sec. 10.101. 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	
Stormwater 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
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	

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 either 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.	X	
(1) Evidence that the subdivider has applied for such approval.	X	
(2) Evidence that the subdivider has obtained such approval.	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
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,	X	X

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.		
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 NCDEQ- DNRC , when land disturbing activity amounts to one acre or more.	X	
All certifications required in Section 10.119.	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 <u>5.7.8.10</u> 5.8.2.6).		X

...

Sec. 10.107. Erosion and Sedimentation Control.

The preliminary plat shall be accompanied by a written statement from NCDEQ ~~NCDENR~~, or the UDO Administrator, as the case may be, that any required soil erosion and sedimentation control plan has been approved.

...

Sec. 10.109 Cluster Mailbox Units (CBU).

A shelter for any United States Postal Service (USPS)-required CBUs in districts permitting residential units is required and shall meet the following additional requirements:

10.109.1. Location.

10.109.1.1. Mail kiosks should be located on a lot deeded to a homeowners' association and be no more than 50 feet from an off-street motorized vehicle parking lot as measured from curb to CBU

10.109.1.2. On-Street. Mail kiosks may be located along (outside) a public right-of-way with parallel on-street parking, where other location options are not feasible, where provided in compliance with the provisions of this Subsection. The required 12-foot travel lanes in either direction shall be maintained at all times.

10.109.2. Structural Cover. A structural cover, meeting the North Carolina State Building Code, may be provided over mail kiosks. Such cover shall have a minimum overhang of two (2) feet where mail is delivered and unloaded.

For purposes of this ordinance, structural covers provided for mail kiosks shall not be considered accessory structures and therefore do not require compliance with accessory structure standards.

10.109.3. Pedestrian Access. Mail kiosks shall be provided with ADA compliant sidewalks. When located in a subdivision or development where sidewalks are required, a sidewalk connection shall be provided from the mail kiosks to the sidewalk network within the public right-of-way. When located in a subdivision or development where sidewalks are not provided, such sidewalk access to the mail kiosks shall connect to the required parking.

10.109.4. Parking. In addition to satisfying off-street Motorized Vehicle Parking space requirements the following minimum and maximum off-street short-term (marked and signed for 10-minute maximum) motorized vehicle parking space requirements must also be met:

<u>Number of Mailboxes</u>	<u>Required Parking Spaces</u>
<u>0-20</u>	<u>1</u>
<u>21-60</u>	<u>2</u>
<u>61-80</u>	<u>3</u>
<u>81-100</u>	<u>4</u>
<u>101+</u>	<u>4 plus 1 per each additional 50 mailboxes or portion thereof above 100</u>

Sec. 10.110. Streets.

10.110.1. Design Standards.

The design of all streets and roads within the jurisdiction of this ordinance shall be designed, dedicated and constructed in accordance with town policies, standards of this ordinance, the adopted Transportation Plan, and the ~~as it pertains to Town of Smithfield Standard Detail and Specifications Manual, or accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The North Carolina Department of Transportation, Division of Highways' Subdivision Roads, Minimum Construction Standards, January 1, 2000, or the current North Carolina Department of Transportation standards, shall apply for any items not included in this ordinance, or where stricter than this ordinance.~~ The property owner/developer shall utilize good land planning practices and Town standards for the type of subdivision or development proposed. The street network shall provide for the continuation or appropriate extensions of principal streets to adjacent and surrounding areas and provide reasonable means of ingress and egress for the thoroughfare network within or adjacent to the proposed development. The arrangement of streets shall provide for pedestrian connectivity with existing and proposed streets, sidewalks, greenways, multi-use trails, parks, schools and other civic and service uses, and in addition:

10.110.1.1. Conformity to Existing Maps and Plans.

10.110.1.1.1. The location and width of all proposed streets shall be in conformity with the officially adopted ~~Thoroughfare~~ Transportation Plan for the Town of Smithfield and shall be in conformity with all current plans of the Town of Smithfield.

10.110.1.1.2. The proposed street system within a subdivision shall, whenever possible, be tied in with the existing street system. The proposed street system shall also provide for the continuation of the existing town and state systems, whenever possible.

10.110.1.1.3. Connect to Destinations. A proposed subdivision or development shall provide multiple direct connections with the existing local street network to and between local destinations where

feasible, such as parks, schools, and shopping without requiring the use of major or minor thoroughfares and streets.

10.110.1.2. All streets shall be labeled on the preliminary plat as: Arterial, Collector, Local Streets, Major Streets and Highways; Collector Streets; Minor Streets; or Cul-de-sacs.

10.110.1.3. Blocks.

10.110.1.3.1. Blocks shall be a maximum of one thousand (1,000) feet and a minimum of four hundred (400) feet in length.

10.110.1.3.2. Blocks shall have sufficient width to provide two (2) tiers of lots, except where another design may be necessary to separate residential development from through traffic or other non-residential uses.

10.110.1.4. Lots. All newly created lots shall comply with the following minimum requirements: The size, shape, and orientation of non-residential lots shall be such as the Planning Board and Town Council deem appropriate for the type of development or use proposed; however, residential, as well as non-residential lots, shall comply with the following minimum requirements:

10.110.1.4.1 Insofar as practical, side lot lines which are not right-of-way lines shall be at right angles to straight street lines or radial to curved street lines.

10.110.1.4.2. Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all lot size and dimensions, yard space, setback, and other requirements of this Ordinance.

10.110.1.4.3 The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the UDO Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

10.110.1.4.4. Lot Area. All lots shall have a minimum gross area ~~of at least eight thousand (8,000) square feet in accordance with Article 8 Zoning District Design Standard or adopted Conditional Zoning Districts.~~ Additional lot area shall be required when:

10.110.1.4.1.1. A lot ~~is served by either public water, but not public sewer, but not water or sewer, but not both~~ shall have a minimum lot area of 30,000 ~~20,000~~ square feet.

10.110.1.4.1.2. A lot ~~is not served by neither either public water nor or public sewer~~ shall have a minimum lot area of 40,000 ~~25,000~~ square feet.

10.110.1.4.5. Lot Width and Depth. All lots shall have a minimum width and street frontage as required in Article 8, or adopted Conditional Zoning District, measured at the right-of-way, except in the case of the turning circle of cul-de-sacs where a minimum width at the minimum building line at the street right-of-way line of twenty-five (25)-feet is permissible. ~~Corner lots shall have an extra width of ten (10)-feet to permit adequate setback from side streets. The minimum lot depth of single tier lots (when approved) shall be one hundred twenty-five (125) feet. All other lots shall have a minimum depth of 110 feet in depth.~~ Additional lot width and depth shall be required when:

10.110.1.4.5.1. A lot is served by either public water or sewer, but not both: shall have a minimum: Lot width - 100 feet; Lot depth—200 feet.

10.110.1.4.5.2. A lot is not served by neither either public water nor or sewer shall have a minimum: Lot width - 125 feet; Lot depth—200 feet.

10.110.1.4.6. Lot size, shape, and location shall be made with due consideration to topographic conditions, contemplated use, and the surrounding area.

10.110.1.4.7. Every lot shall maintain required street frontage as required in Article 8, or approved conditional zoning district on one of the following:

10.110.1.4.7.1. A public street dedicated to and maintained by the Town of Smithfield or the North Carolina Department of Transportation.

10.110.1.4.7.2. A privately owned street constructed in conformance with the Town’s Standard Detail and Specifications Manual with maintenance responsibilities defined by affirmative restrictive covenants when the lots are located outside the corporate limits of the Town of Smithfield. To the standards of the Town or Smithfield or the North Carolina Department of Transportation, with a written agreement concerning the future maintenance of the street.

10.110.1.4.7.3 A private driveway within a multi-family development where the overall site abuts a public street and is designed in such a manner that access is furnished to all interior lots or building sites by a private driveway with maintenance responsibilities defined by affirmative restrictive covenants.

10.110.1.4.8. Double frontage and reverse frontage lots shall be avoided except where necessary to separate residential development from through traffic or non-residential development. The minimum lot depth of any approved double fronted lot shall be 125 feet.

10.110.1.4.9. Side lot lines shall be substantially at right angles or radial to street lines.

10.110.1.4.10. Flag-shaped lots shall only be permitted in cases where the minimum lot width and lot depth of this ordinance are complied with and the lot has a minimum street frontage of at least sixty (60) feet in width.

10.110.1.5. Easements.

10.110.1.5.1. To provide service to public utility facilities easements of not less than thirty (30) feet in width may be provided for on a subdivision plat.

10.110.1.5.2. To provide access to required engineered stormwater control facilities including ~~BMP~~ SCMs. Easements for stormwater management facilities shall conform to the requirements of the NCDEQ Stormwater Design Manual.

10.110.1.5.3. To provide public access for trails, easements of not less than 30 feet shall be provided for on a subdivision plat.

10.110.1.5.4. The location and extent of such an easement shall be finalized before the approval of the preliminary plat.

10.110.2. Private Streets.

10.110.2.1. Streets designated as private may be allowed in subdivisions when in the opinion of the Town Council they provide adequate ingress and egress onto collector streets, and sufficient assurance is provided through a legally established homeowners' association, that the street shall be properly maintained.

10.110.2.2. All such streets shall be designated a "private street" on the preliminary plans and final plats. Whenever a private street intersects a U.S. or North Carolina highway or North Carolina secondary road, a statement of approval for the intersection, signed by the District Engineer, North Carolina Department of Transportation, Division of Highways for Johnston County, shall be submitted concurrent with the final plat.

10.110.2.3. All private streets shall conform to the Town's Standard Detail and Specifications Manual ~~must meet Department of Transportation~~ standards for construction and maintenance.

10.110.2.4. A homeowners' association shall be established for each subdivision containing private streets and drainage systems. The final plat for each such subdivision shall contain a certificate indicating the book and page number of the homeowners' association covenants, conditions, and restrictions. The covenants, conditions, and restrictions shall specify lot owners' responsibilities for maintenance of private streets and drainage systems and shall provide for assessments to finance all maintenance activities. Covenants shall provide that the homeowners' association will construct all stub streets prior to offering any connecting for acceptance by NCDOT or the town. Final plats for subdivisions containing private streets and drainage improvements will not be approved until the subdivider's homeowners' association documents have been submitted and approved by ~~the Town Council~~ the Town Attorney.

10.110.3. Marginal Access Streets.

Where a tract of land to be subdivided adjoins a ~~principal~~ arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a ~~minor~~ local street for the lots to be developed adjacent to the arterial street. Where reverse frontage is established, private driveways shall be prevented from having direct access to the ~~expressway~~ arterial street. In the case of minor subdivisions fronting on an arterial ~~a major highway~~, the ~~Planning Board~~ Town Council may regulate access onto an existing or proposed highway by requiring:

10.110.3.1. That access be limited to a ~~minor~~ local or collector street, when available.

10.110.3.2. That another access design, such as joint driveways, be used to achieve the intent of this regulation.

...

10.110.7. Collector and ~~Minor~~ Local Streets.

Collector and ~~minor~~ local streets shall be so laid out that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, and other places of public assembly.

10.110.8. Nonresidential Streets.

The subdivider of a nonresidential subdivision shall provide streets in accordance with the Town's Standard Detail and Specifications Manual, ~~I.F. 4 of the North Carolina Roads, Minimum Construction Standards, January 1, 2000; or current applicable North Carolina Department of Transportation Standards; and the standards of this Ordinance, whichever are stricter in regard to each particular item.~~

10.110.9. Right-of-Way Widths.

Right-of-way widths shall be in accordance with the Smithfield Standard Detail and Specifications Manual and the Smithfield Transportation Plan. ~~not be less than the following:~~

- Principal Arterial (Freeways)—350 feet.
- Principal Arterial (Other)—200 feet.
- 4-5 Lane Arterial with median—
- 4-Lane Arterial—76 feet.
- 2-Lane Collector—60
- Major Thoroughfare other than Freeway and Expressway—90 feet.
- Minor Thoroughfare—60 feet.
- Local Street—60 feet (may be no less than 50 feet if approved by Town Council due to special conditions).
- Cul-de-sac turnaround—100 feet diameter for turnaround and 45 feet for street right-of-way.

10.110.10. ~~Pavement Widths.~~ Street Design

Streets shall be designed in accordance with the Smithfield Standard Detail and Specifications Manual.

~~Pavement widths or graded widths shall be as follows:~~

	<u>Streets with Curb and Gutter</u>	<u>Streets without Curb and Gutter</u>
Minor Thoroughfare Collector	28 ft.	40 ft.
Local Road	24 ft.	20 ft.
Marginal Access (frontage)	24 ft.	20 ft.
Cul-de-sac	24 ft.	20 ft.
Cul-de-sac turnaround	100 ft. in dia.	80 ft. in dia.

~~Pavement widths for principal arterials and major thoroughfares shall be determined in concert with the Town of Smithfield or the North Carolina Department of Transportation standards and the current and the Smithfield Thoroughfare Plan.~~

10.110.11. ~~Roads and Street Surfaces.~~

~~All public subdivision streets and roads shall be constructed and paved to meet the current requirements of the North Carolina Department of Transportation, Division of Highways' standards for state maintenance.~~

10.110.12. ~~Tangents.~~

~~A tangent of at least one hundred (100) feet shall be provided between reverse curves on all streets.~~

10.110.13. Street Intersections.

Street intersections shall be laid out as follows:

~~10.110.13.1.~~ All streets shall intersect as nearly as possible at right angles and no street shall intersect at less than sixty (60) degrees.

~~10.110.13.2.~~ Intersections with a major street shall be at least one thousand (1,000) feet apart, measured from centerline to centerline.

~~10.110.13.3.~~ Where a centerline offset (jog) occurs at an intersection, the distance between centerline of the intersecting streets shall be not less than two hundred (200) feet.

~~10.110.13.4.~~ Property lines at intersections should be set so that the distance from the edge of pavement of the street turnout to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. The property line can be established as a radius or as a sight triangle. Greater offsets from the edge of pavement to the property lines will be required, if necessary, to provide sight distance for the vehicle on the side street.

~~10.110.13.5.~~ Turn lanes or deceleration lanes may be required to be constructed within one hundred fifty (150) feet of any intersection, or other point of ingress or egress, where a substantial number of conflicting turning movements is anticipated, if the Council determines that the safety of motorists and pedestrians merit such construction.

10.110.14. Alleys.

~~10.110.14.1.~~ Alleys shall may be required to serve lots used for commercial and industrial purposes ~~except that this requirement may be waived where other definite and assured provision is made for service access.~~ Alleys shall not be provided in residential subdivisions unless necessitated by ~~unusual~~ special circumstances, they are to privately owned and maintained by a property owners association and are approved by the ~~Planning Board and Town Council.~~

~~10.110.14.2.~~ All alleys shall be designed in accordance with the Town of Smithfield Standard Detail and Specifications Manual. ~~Department of Transportation, Division of Highways' specifications and standards and shall meet the following requirements:~~

Right of way width	20 feet
Property line radius at alley intersection	15 feet
Minimum centerline radius when deflection angle of not more than 10 degrees occurs	35 feet
Minimum turnaround diameter of dead end alley (right of way width)	80 feet

~~10.110.14.3.~~ Sharp changes in alignment and grade shall be avoided.

~~10.110.14.4.~~ All alleys shall be designed in accordance with North Carolina Department of Transportation Standards.

10.110.15. Geometric Characteristics.

The standards outlined below shall apply to all subdivision streets proposed for addition to the state highway system or municipal street system. In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor, the requirements of dedication and reservation discussed under right of way shall apply.

~~10.110.15.1.~~ Design Speed. The design speeds for subdivision type streets shall be:

<u>Urban</u>	<u>Desirable (mph)</u>	<u>Minimum (mph)</u>
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Minor Thoroughfares	60	50
Local Streets	40	40

10.110.15.2. Desirable and Minimum Grades. The desirable/minimum for subdivision type streets grades in percent shall be:

Type of Topography	<u>60 Desirable</u> (50 Minimum)	<u>40 Desirable</u> (40 Minimum)
Flat NCDOT Divisions	3	5
1, 2, 3, 4, and 5	(4)	(5)

The minimum grade in no case shall be less than one-half (0.5) percent. Grades for one hundred (100) feet each way from intersections should not exceed five (5) percent.

10.110.16. Minimum Sight Distances.

In the interest of public safety, the minimum sight distance applicable shall be provided in every instance. Vertical curves that connect each change in grade shall be provided and calculated using the following parameters. (General practice calls for vertical curves to be multiples of fifty (50) feet. Calculated lengths should be rounded up in each case.)

<u>Design Speed, MPH</u>	<u>20</u>	<u>30</u>	<u>40</u>	<u>50</u>	<u>60</u>
Stopping Sight Distance					
—Min. Stopping Distance, Ft.	150	200	275	350	475
—Des. Stopping Distance, Ft.	150	200	300	450	650
Minimum K* Value For:					
—Min. Crest Vert. Curve	16	28	55	85	160
—Des. Crest Vert. Curve	16	28	65	145	300
—Min. SAG Vert. Curve	24	35	55	75	105
—Des. SAG Vert. Curve	24	35	60	100	155
Passing Sight Distance					
—Min. Passing Distance, Ft. (2 lane)		1,100	1,500	1,800	2,100
—Min. K* Value for Crest Vert. Curve		365	686	985	1,340

K* is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve which will provide minimum sight distance.

Sight distance provided for stopped vehicles at intersections should be in accordance with the Unified Development Ordinance for the Town of Smithfield.

10.110.17. Design Speeds.

The following table shows the maximum degree of curve and related maximum superelevation for design speeds. The maximum rate of roadway superelevation (e) for roads with no curb and gutter is .08. The maximum rate of superelevation for streets with curb and gutter is .06, and .04 being desirable.

<u>Design Speed MPH</u>	<u>Maximum e*</u>	<u>Minimum Radius (Rounded)</u> <u>Feet</u>	<u>Maximum Degree of Curve</u> <u>(Rounded)</u> <u>Degrees</u>
20	.04	125	45.00
30	.04	302	19.00

40	-.04	573	10.00
50	-.04	955	6.00
60	-.04	1528	3.45
20	-.06	115	50.00
30	-.06	273	21.00
40	-.06	509	11.15
50	-.06	844	6.45
60	-.06	1380	4.15
20	-.08	110	53.50
30	-.08	252	22.45
40	-.08	468	12.15
50	-.08	764	7.30
-60	-.08	1206	4.45

*Maximum rate of roadway superelevation, foot per foot.

...

10.110.19. PUD Streets.

10.110.19.1. A dense network of narrow streets with reduced curb radii may be fundamental to sound design. This network serves to both slow and disperse vehicular traffic and provide a pedestrian friendly atmosphere. Such alternate guidelines are encouraged in PUDs when the overall design ensures that non-vehicular travel is to be afforded every practical accommodation that does not adversely affect safety considerations. The overall function, comfort, and safety of a multi-purpose or "shared" street are more important than its vehicular efficiency alone.

10.110.19.2. PUDs should have a high proportion of interconnected streets, sidewalks, and paths. Sidewalks should be provided on both sides of each street. Streets and rights-of-ways are shared between vehicles (moving and parked), bicycles, and pedestrians. A dense network of PUD streets will function in an interdependent manner, providing continuous routes that enhance non-vehicular travel. Most PUD streets should be designed to minimize through traffic by the design of the street and the location of land uses. Streets should be designed to only be as wide as needed to accommodate the usual vehicular mix for that street while providing adequate access for moving vans, garbage trucks, fire engines, and school buses.

10.110.20. Street Construction Standards.

All streets must be constructed ~~to the Town of Smithfield Construction Standards.~~ in conformance with the Town of Smithfield Standard Detail and Specifications Manual.

...

Sec. 10.111. Street Connectivity Requirements.

10.111.1. [Interconnected Street System.]

An interconnected street system is necessary in order to protect the public health, safety, and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance nonvehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes. All proposed new streets shall be platted according to the current town ~~thoroughfare~~ transportation plan. In areas where such plans have not been completed, the streets shall be designated and located in relation to existing and proposed streets, the topography, to natural features such as streams and tree cover, to public safety and convenience, and to the proposed use of land to be served by such streets.

10.111.6. [Extensions.]

Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way, and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds one hundred and fifty ~~five hundred (500)~~ (150) feet in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated, or established by other means.

10.111.7. [Utility Stub-Outs.]

Utility stub-outs shall be provided at all required points of street connectivity.

10.111.8 Ingress/Egress.

Single-family or two-family developments with 30 or more lots and multi-family residential developments with more than 100 dwelling units shall have a minimum of two (2) ingress/ egress points onto a public street, or as required by the Fire Code.

10.111.9. Exemptions.

New subdivisions that intend to provide one (1) new cul-de-sac street shall be exempt from the connectivity requirement when the UDO Administrator determines that the subdivision will provide for connectivity with adjacent future development and there are no options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors.

10.112. Sidewalks.10.112.1. [Construction Required.]

Except as provided in Section 10.112.3, ~~the Town Council may require the construction of sidewalks are required~~ adjacent to one (1) side of new streets in subdivisions. The sidewalks required by this section shall be ~~four (4)~~ five (5) feet in width ~~if on both sides of the street and five (5) feet in width if on one (1) side of the street.~~ All sidewalks shall be constructed according to the Smithfield Standard Detail and Specifications Manual ~~specifications set forth in the Town of Smithfield construction standards.~~

10.112.2. [Pedestrian Access.]

Whenever the town finds that a means of pedestrian access is necessary from a subdivision to schools, parks, open space, playgrounds, roads, or other facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer shall be required to reserve an unobstructed easement of at least ten (10) feet in width and a five-foot sidewalk to provide such access.

10.112.3. [Subdivisions.] Exception.

Subdivisions fronting on major thoroughfares are required to construct ~~four~~ five (5) foot wide sidewalk(s) on the thoroughfare right-of-way or adjacent to the right-of-way in a public easement. If the Smithfield Pedestrian Plan

~~identifies a trail on the thoroughfare frontage or an eight (8) foot wide trail shall be installed in lieu of a sidewalk~~
~~of whether or not a sidewalk exists on the opposite side of the street. The sidewalk(s) and trails shall comply with~~
~~the Town of Smithfield Standard Detail and Specifications Manual construction standards and NCDOT~~
~~requirements.~~

Sec. 10.113. Utilities.

10.113.1. Water and Sewerage Systems.

10.113.1.1. When available, the subdivider shall connect to the water and sewerage systems owned and operated by the town. For all residential and commercial development, the town may require that the developer install lines larger than required by the development in order to support future growth. The town will pay the material cost difference between the required utilities and the upsized lines.

10.113.1.2. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the County Health Department shall be submitted with the preliminary plat indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal. The statement from the County Health Department shall be based upon a field investigation. The field investigation for sewage disposal shall include a sufficient number of percolation tests (at least one (1) per acre) to determine absorption capacity of the soil and test holes at least six (6) feet deep (as needed) to determine the depth to the ground water table, and the presence of rock formations or other impervious strata.

10.113.1.3. All Town utilities shall be installed ~~per town requirements~~ in accordance with the Smithfield Standard Detail and Specifications Manual and at the direction of the Public Utilities Director.

...

10.116.2. - Acceptance of Dedications.

10.116.2.1. At the time of submittal of a preliminary plat with streets, utilities, or other proposed to be dedicated for acceptance by the town as public, the Town Council will decide if it will approve the dedication, subject to the street(s), parks, utilities, sidewalks, or other complying with all town requirements for acceptance. The Town of Smithfield is not obligated to accept any offer of dedication.

10.116.2.2. Acceptance of dedication will be provided by ~~adoption of a resolution of~~ administrative approval of the final plat by the Town of Smithfield Town Council.

Sec. 10.117. Adjustments.

~~The Board of Adjustment may authorize an adjustment from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any adjustment, the Board of Adjustment shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The Board of Adjustment deliberations of the request must follow quasi-judicial procedures. No adjustment shall be granted unless the Board finds:~~

~~**10.117.1.** There are special circumstances or conditions affecting that property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of this land.~~

~~**10.117.2.** The adjustment is necessary for the preservation and enjoyment of a substantial property right of the petitioner.~~

~~10.117.3.~~ The circumstances giving rise to the need for the adjustment are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.

~~10.117.4.~~ The granting of the adjustment will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which the property is situated.

An appeal to the Board's decision on an adjustment request shall be made to the Town Council. The Council's consideration of the appeal must follow quasi-judicial procedures.

...

Sec. 10.119. Final Plat Certifications and Other Documentation.

10.119.1. Exempt Plats.

10.119.2.1. Exempt Certification. I hereby certify that this recorded plat has been found to comply with the subdivision ordinance of the Town of Smithfield, North Carolina, and that this plat has been approved for recording in the register of deeds of Johnston County.

UDO Administrator

Date

PART 3

[Revise Appendix A, to reflect required 160D changes and to better reflect terms in the table of uses and activities and performance standards.]

Sec. A.3. Definitions.

Abutting. A property which directly touches another piece of property, including those separated by a street, railroad, or other transportation corridor.

Agricultural products. Agricultural products are defined as products obtained primarily through farming or agricultural activities, including but not limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pine straw; bees and beekeeping products; seafood; dairy products, any USDA-recognized agricultural product. Processed or prepared food products of any kind shall not be considered as agricultural products.

Art gallery. An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This classification does not include libraries, museums, or non-commercial art galleries.

Assembly Uses/Event Center. The principal use of a site or facility owned and/or operated for social, educational, or recreational purposes for-profit or non-profit. Typical uses include but are not limited to weddings, receptions, private parties, educational/informational workshops, fraternal organizations and union halls defined as assembly uses in the NC State Building Code.

Automobile off street parking (commercial lot). Any building or premises, except a building or premises described as a private garage, used for the storage of motor vehicles for the public or private businesses, including O&I uses.

Automobile repair shop. A building or other structure where the following uses and activities are permitted: major mechanics, body work, straightening of body parts, along with all uses and activities of an automotive care center.

The use of a site for the repair of automobiles, noncommercial trucks, motorcycles, motorhomes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

Automobile service stations. A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles, excluding body work, overhauling, and painting.

Automobile wash or automatic car wash. A building or structure where chain conveyors, blowers, steam cleaners, and other mechanical devices are employed for the purpose of washing motor vehicles.

Automotive care center. Three (3) or more automotive care uses planned and constructed as a single unit, where the following uses and activities associated with each would be permitted:

(1) — Auto parts store

(2) — Muffler shop

(3) — Transmission shop

(4) — Tune-up shop

(5) — Lubrication shop

(6) — Auto trim and detail shop, including wash, wax, and vacuum.

(7) — Tire store with service (including alignment)

(8) — Brake shop

Uses permitted do not include major mechanical and body work, straightening of body parts, storage of automobiles not in operational condition, or other work involving noises, glare, fumes, smoke, or other characteristics to an extent greater than normally found in facilities of this type.

An automotive care center is not a garage for the general repair of automobiles, or a body shop, but does include an automotive trim shop.

Bulk storage system. A facility containing storage tanks, pipe network, power, and control systems which allow dry bulk materials to be aerated and handled as required. Normally used to store materials which are consumed in relatively large quantities (i.e., barite, bentonite, and cement).

Car wash. A building or structure where chain conveyors, blowers, steam cleaners, and other mechanical devices are employed for the purpose of washing motor vehicles.

Collocation. (Amended 10/3/2017) The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, town utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocation" does not include the installation of new utility poles, Town utility poles, or wireless support structures.

Commercial amusement use. Any use which provides entertainment, amusement, or recreation activities for commercial gain. This definition shall not include special events or functions customarily sponsored by or associated with schools, churches, nonprofit organizations, civic groups, fraternal orders, and charitable institutions.

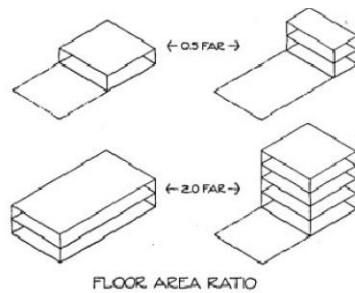
Data Center. A data center is a building, dedicated space within a building, or a group of buildings used to house computer systems and associated components, such as telecommunications and storage systems.

Entertainment, Indoor. An establishment offering entertainment or games of skill to the general public for a fee or charge where the activity takes place indoors. Typical uses include bowling alleys; indoor

tennis facilities; indoor swimming pools; inflatable play equipment; racquet clubs; game rooms including but not limited to video games, mechanical games, pay devices, or tables for which charge in money or some other valuable is made either directly or indirectly; laser tag; escape rooms; climbing walls; trampoline park; and electric go-karts.

Entertainment, Outdoor. An establishment offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, excluding golf courses and public parks. Typical uses include archery ranges, athletic fields, batting cages, golf driving ranges and miniature golf courses, swimming pools and tennis courts.

FAR (Floor Area Ratio). The maximum square foot amount of total floor area including all stories and all uses permitted for each square foot of land area.



Gross density. The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This would include all nonresidential land uses and private streets of the development, as well as rights-of-way of dedicated streets; the result being the number of dwelling units per gross acre of land.

Home occupation. An incidental use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services. The term "home occupation" shall not be deemed to include a tourist home.

Industrial, Heavy. Wholesale and industrial uses that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, processing, assembling, finishing, cleaning or developing any product or commodity.

Industrial, Light. Wholesale and warehousing and industrial uses that include fabrication, manufacturing, assembly or processing of materials that do not require an NPDES permit for an industrial discharge or requires the use or storage of any hazardous material or requires the use or storage of any hazardous material for the purpose of manufacturing, processing, assembling, finishing, cleaning or developing any product or commodity.

Lawn and garden stores. A place of business where retail and wholesale products and produce are sold to the consumer. These stores, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Lot, flag. (Amended 4/3/2018) A lot with two (2) distinct parts:

- (1) The flag, which typically contains building site; and is located behind another lot; and

- (2) The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is no less than 60 feet in width, than or equal to the minimum lot width for the zone.

M

Major and/or multi-unit development. Development consisting of:

- (1) Structures on a tract of two (2) acres or more, or
- (2) Nonresidential structures having a total floor area of ten thousand (10,000) square feet or more.

Manufacturing and processing. An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include food processing and beverage bottling, large-scale bakeries, electronics assembly, pharmaceuticals, monuments, tobacco products, dry cleaning plants and printing and publishing.

Mini-storage/self-service storage. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

Multifamily development. A single building on a single lot or tract containing more than two (2) dwelling units.

Net acreage, acres, land area, square footage of land area. Land area with streets, rights-of-way, driveways which serve as access to more than two (2) dwelling units or uses, and major transmission line easements not included in its measurement.

Parking facility structures and underground parking garages, commercial. Any area (except an accessory use), either open or enclosed, structural or natural, for the storage of a vehicle or vehicles. Each parking facility structure shall have an approved means of ingress and egress. A parking lot is a subclassification of a parking facility.

Plant nursery. A use for which the principal purpose is the growing of plants outside or in a greenhouse for wholesale or retail sales.

Shopping center, major. Two (2) or more commercial establishments, planned and constructed, as a single unit with off-street parking and loading facilities provided on the property with a total building area of twenty-five thousand (25,000) square feet or greater.

Shopping center, minor. Two (2) or more commercial establishments, planned and constructed, as a single unit with off-street parking and loading facilities provided on the property with a total building area less than twenty-five thousand (25,000) square feet.

Stormwater management definitions. For the purposes of Article 10, Part VI, Stormwater Management, the following items, phrases and words shall have the meaning herein:

- (1) **Approved accounting tool.** The most recent version of the accounting tool for calculating nutrient loading and reduction approved by the Division for the relevant geography and development type under review.
- (2) **Built-upon area (BUA).** Means the same as defined in N.C.G.S. 143-214.7(b2).
- (3) **Design Manual.** The State Stormwater Design Manual approved by the Department for the proper implementation of the State Minimum Design Criteria for engineered stormwater controls. All references herein to the Design Manual are to the latest published edition or revision.
- (4) **Developer.** Means the same as defined in N.C.G.S. 160D-102(11).

- (5) **Development.** Any of the following actions taken by a public or private individual or entity:
- (a) ~~The division of a lot, tract, or parcel of land into two (2) or more lots, plots, sites, tracts, parcels, or other divisions by plat or deed.~~
 - (b) ~~Any land change, including, without limitation, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting, and filling of land.~~
- Means the same as defined in N.C.G.S. 143-214.7(a1)(1).
- (6) **Division.** The Division of Water Resources in the Department.¹
- (7) **Existing development.** ~~An individual non-residential site with site plan approval by the Planning Department or a non-residential subdivision with preliminary subdivision approval from the Planning Board.~~ Means the same as defined in 15A NCAC 02H .1002(18).
- (8) **Engineered stormwater control.** A physical device designed to trap, settle out, filter, or otherwise remove pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Engineered stormwater control includes physical practices such as constructed wetlands, vegetative practices, vegetated conveyances, filter strips, grassed swales, and other methods installed or created on real property. "Engineered stormwater control" is synonymous with "structural practice," "Primary SCM", "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this ordinance. It is a broad term that may include practices that do not require design by a professionally licensed engineer.
- (9) ~~**Land disturbance.** Removal of topsoil, grubbing, stump removal, and/or grading.~~
- (10) **Land disturbing activity.** Means the same as defined in 15A NCAC 02B .0202(33). **Load.** Means the mass quantity of a nutrient or pollutant released into surface waters over a given time period. Load in this ordinance refers to pounds of nitrogen or phosphorus per year.
- (11) **Loading rate.** Means the mass quantity of a nutrient or pollutant released from a given area into surface waters over a given time period. Loading rate in this ordinance refers to pounds of nitrogen or phosphorus per acre per year.
- (12) **Minimum Design Criteria.** Means the same as defined in 15A NCAC 02H .1002(24).
- (13) **Nitrogen.** Means total nitrogen unless specified otherwise.
- (14) **1-year, 24-hour storm.** Means the same as defined in 15A NCAC 02H .1002(30).
- (15) **Outfall.** A point at which stormwater (1) enters surface water or (2) exits the property of a particular owner.
- (16) **Owner.** The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.
- (17) **Permanent nutrient offset credits.** Means the same as defined in 15A NCAC 02B .0701(38).

- (18) Redevelopment. Means the same as defined in N.C.G.S. 143-214.7(a1)(2).
- (19) Runoff treatment. Means the same as defined in 15A NCAC 02H .1002(43).
- (20) Runoff volume match. Means the same as defined in 15A NCAC 02H .1002(44).
- (21) Total nitrogen. Means the sum of the organic, nitrate, nitrite, and ammonia forms of nitrogen in water.

Street. A public thoroughfare which affords access to abutting property and is recorded as such in the office of the Johnston County Register of Deeds. The following classifications apply:

- ~~(1) **Superhighway.** Major thoroughfares consisting of interstates, freeways, expressways, or parkway links that are characterized by limited access control.~~
- ~~(2) **Major arterial.** A major street in the town's street system that serves as an avenue for the circulation of traffic into, out, or around the town and carries high volumes of traffic. It is designed to carry more than twelve thousand (12,000) but less than twenty four thousand (24,000) trips per day.~~
- ~~(3) **Minor arterial.** A major street in the town's street system that serves as an avenue for the circulation of traffic into, out, or around the town and carries high volumes of traffic. It is designed to carry more than five thousand (5,000) but less than twelve thousand (12,000) trips per day.~~
- ~~(4) **Collector.** A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It is designed to carry more than two thousand five hundred (2,500) but less than five thousand (5,000) trips per day. Typically, a collector is able to serve, directly or indirectly, between two hundred and fifty (250) and five hundred (500) dwelling units.~~
- ~~(5) **Subcollector.** A street whose principal functions are both to carry traffic between minor and local streets and collectors, or to join two (2) collectors, or a collector and an arterial, and to serve abutting properties. It is designed to carry more than five hundred (500) but less than two thousand five hundred (2,500) trips per day. Typically, a subcollector is able to serve, directly or indirectly, between fifty (50) and two hundred fifty (250) dwelling units.~~
- ~~(6) **Local road.** A street whose sole function is to provide access to abutting properties. It is designed to carry more than one hundred fifty (150) but less than five hundred (500) trips per day. Typically, a local road is able to serve, directly or indirectly, between fifteen (15) and fifty (50) dwelling units.~~
- ~~(7) **Minor street.** A street whose sole function is to provide access to abutting properties. It is designed to carry one hundred fifty (150) or less trips per day. Typically, a minor street serves fifteen (15) or fewer dwelling units.~~
- ~~(8) **Alley.** A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.~~
- (1) Arterial. The arterial system should serve the major centers of activity of an urban area, the highest traffic volume corridors, and the longest trip desires; and should carry a high proportion of the total urban area travel on a minimum of mileage. Arterials consist of Interstates; Other Freeways and Expressways; and Other Principal Arterials.
- (2) Collector. The collector street system provides land access service and traffic circulation within residential neighborhoods, commercial and industrial areas. It differs from the arterial system in that facilities on the collector system may penetrate residential neighborhoods, distributing trips from the arterials through the area to the ultimate destination.
- (3) Local. The local street system consists of all roads not defined as arterials or collectors and primarily provides access to land with little or no through movement.

(4) Alley. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Subdivision, major. All subdivisions shall be considered major subdivision except those defined as minor subdivisions or exempt from subdivision regulations:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
- (2) division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

Subdivision, minor. A subdivision shall be considered a minor subdivision if all the following criteria are met:

- (1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.
- (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than 5 acres.
- (4) After division, no more than three lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
 - a. All lot dimension size requirements of the applicable land use regulations, if any. NC General Statutes Chapter 160D Article 8-2
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

A minor subdivision is a tract to be subdivided which is five (5) acres or less in size, and three (3) or fewer lots result after subdivision:

- (1) — All of which front on an existing approved public street;
- (2) — Not involving any new public streets or public street improvements, right-of-way dedication, or prospectively requiring any new street for access to interior property;
- (3) — Not requiring drainage improvements or easements to serve the applicant's property or interior properties;
- (4) — Not involving any utility extensions; and
- (5) — Not requiring any easements, other than rear and side lot line easements.
- (6) — Not creating any new or residual parcels which do not satisfy the requirements of this ordinance.

Temporary emergency, construction or repair residence. A subordinate residence (which may be a Class B A manufactured home, travel trailer) that is: located on the same lot as a single-family dwelling made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, ~~or~~ (ii) is located on the same lot as a while the primary residence that is under construction or undergoing substantial repairs or reconstruction and is occupied by the persons intending to live in such permanent residence when the work is completed.

Temporary office units/modular office units. Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to, and installation at other sites.

Video arcade. An indoor area containing coin-operated video games.

Yard, street. A landscaped area located along a street.

PART 4

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

PART 5

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

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

Duly adopted this the ____ day of _____ 2024.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
ZA-23-06**

Whereas the Smithfield Town Council, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160D-605, 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 §160D-605, 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-23-06 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the 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-23-06 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



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

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:

<u>Planning Department</u>	<u>350 E Market Street</u>
Petitioner's Name	Address or PO Box
<u>Smithfield</u>	<u>919-934-2116, ext 1114</u>
City, State, Zip Code	Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:
 Articles 2, 10 and Appendix A to update performance standards in conjunction
 with the updates to the Standard Specifications and Details Manual.

(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.
2. How the amendment proposed will enhance or promote the purposes and goals of the adopted plans and policies of the governing body.

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.

 Signature of Petitioner

4/26/23
 Date

FOR OFFICE USE ONLY

File Number: _____	Date Received: _____	Amount Paid: _____
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10.35.3. Policy.

The Town Council of the Town of Smithfield hereby establishes the following:

10.35.3.1. The owner, developer, or subdivider of a site plan or subdivision shall be required to install street lighting via underground distribution unless specifically approved otherwise by the Town Council, along all proposed streets and along all adjoining existing streets and thoroughfares in accordance with this section.

10.35.3.2. Through the site plan and subdivision plan approval process, the Town Council may approve street lighting which exceeds the standard town requirements for residential streets so as to reduce the length of sag vertical curves provided the street lights are operational prior to the issuance of any certificates of occupancy on such street. In any case, the minimum allowable length of sag vertical curves shall be as follows: residential streets—20A; cul-de-sacs and loop roads—15A.

10.35.3.3. All underground electrical distribution systems for street lighting within the corporate limits of the Town of Smithfield and its extraterritorial planning jurisdiction shall be installed according to the following standards:

10.35.3.3.1. Underground service for light fixtures shall be installed by the developer in conformance with Progress Energy and Town of Smithfield standards at the developer's expense.

10.35.3.3.2. The placement of street lighting fixtures in residential areas shall be at four hundred (400) to six hundred (600) foot intervals unless:

10.35.3.3.2.1. The roadway length is less than four hundred (400) feet but more than two hundred (200) feet in which case a street light will be provided at the end of the street; or

10.35.3.3.2.2. Where the roadway length is less than two hundred (200) feet and a street light is placed at the intersection and no natural features create a problem, no street light will be placed at the end of the roadway; or

10.35.3.3.2.3. The vertical and horizontal street alignment or natural features necessitate shorter spacing intervals.

10.35.3.3.3. The placement of street lighting along thoroughfares, marginal access streets, and collector streets and in nonresidential areas shall be in accordance with the latest revision of the Illuminating Engineering Society's American National Standards for Roadway Lighting.

10.35.3.3.4. A street light shall be provided at all street intersections.

10.35.3.4. Street light fixtures shall conform to the following:

10.35.3.4.1. All fixtures in residential areas shall be either five thousand eight hundred (5,800) or nine thousand five hundred (9,500) lumen enclosed high pressure sodium lamps on standard Progress Energy or Town of Smithfield poles twenty-five (25) feet in height. The five thousand eight hundred (5,800) lumen fixture shall be placed only at the "neck" of cul-de-sacs.

10.35.3.4.2. All fixtures along thoroughfares shall be twenty-eight thousand five hundred (28,500) lumen enclosed high pressure sodium lamps on Progress Energy or Town of Smithfield standard fiberglass poles thirty (30) feet in height or fifty thousand (50,000) lumen enclosed high pressure sodium lamps on Progress Energy or Town of Smithfield standard fiberglass poles thirty-five (35) feet in height. The twenty-eight thousand five hundred (28,500) lumen fixtures shall be placed in residential areas when spillover from the fifty thousand (50,000) lumen fixtures would be excessive.

10.35.3.5. Authorization for street light installations shall occur at such time as:

10.35.3.5.1. A developer, through the Town of Smithfield, requests the installation of street lights prior to the issuance of any certificates of occupancy. The developer shall incur a monthly electrical expense billed from Progress Energy or the Town of Smithfield equal to the monthly electrical expense incurred

by the Town of Smithfield, for each street light installed. The developer will be billed by Progress Energy or the Town of Smithfield for the period beginning with installation of the street light and ending with notification to the Town of Smithfield, by the Developer, of issuance of a certificate of occupancy in the immediate area of each street light location, or

10.35.3.5.2. A certificate of occupancy is issued in the immediate area of the proposed street light location, or

10.35.3.5.3. A thoroughfare, marginal access street, or collector street is constructed or widened as a part of development. Thoroughfares, marginal access streets, and collector streets that are constructed or widened by the Town of Smithfield shall be lighted immediately after construction, dependent on the availability of funds.

10.35.3.6. Street lighting facilities and street lights shall be installed by the developer on any roadway, portion of roadway, or widening prior to the Town of Smithfield's acceptance of that roadway for routine maintenance unless otherwise approved by the Public Works Director.

10.35.3.7. Residents along a street may request the relocation of a street light provided that the proposed street light location meets town standards and the relocation is approved by the Public Works Director.

Residents living at the cul-de-sac end of a street may request the replacement of an existing nine thousand five hundred (9,500) lumen semi-enclosed light fixture with a five thousand eight hundred (5,800) lumen semi-enclosed light fixture. A petition, signed by all persons owning property fronting on the street within the boundaries of the next closest installed or proposed street lights, shall be required. Also, the relocation or replacement cost and all facilities abandonment costs must be paid in full to Progress Energy or the Town of Smithfield in advance by the resident(s) requesting the relocation or replacement.

10.35.3.8. A developer may request to use decorative or "private" street lighting within a development provided:

10.35.3.8.1. Street light fixture types and locations must meet the minimum criteria set forth in this article and must be approved by the Town of Smithfield.

10.35.3.8.2. The developer and/or Homeowner's Association shall be responsible for all installation costs and monthly operating costs above what is accepted by policy of the Smithfield Town Council associated with the street lights.

10.35.3.8.3. The developer and/or Homeowner's Association shall be responsible for any costs associated with deletion of the street lights and any costs associated with installing the town's standard street lights.

10.35.3.8.4. The developer shall include all responsibilities of the Homeowner's Association pertaining to the street lighting in the development covenants. The developer shall inform all purchasers of property in the development of these same responsibilities.

Parking Requirements for Restaurants - Comparison

Cary	1 per each 150 sf, including outdoor waiting/seating/dining areas, or 1 per every 3 persons of maximum fire-rated capacity*
Clayton	1 space per 3 seats including outdoor seats
Durham	1 space for every 4 seats
Raleigh	1 space per 100 SF of gross floor area
Wake Forest	1 per 200 sf (minimum of 8)
Holly Springs	3 / 1,000 sf min and 5 / 1,000 sf max
Fuquay-Varina	1 per 50 sf of public use area or 1 per 4 seats (including indoor/outdoor seating areas, whichever is greater)
Wendell	1 for each 4 seats plus 1 per employee

Updated for 11/12/24 Town Council Meeting

10.110.1.4. Lots. All newly created lots shall comply with the following minimum requirements: The size, shape, and orientation of non-residential lots shall be such as the Planning Board and Town Council deem appropriate for the type of development or use proposed; however, residential, as well as non-residential lots, shall comply with the following minimum requirements:

10.110.1.4.1 Insofar as practical, side lot lines which are not right-of-way lines shall be at right angles to straight street lines or radial to curved street lines.

10.110.1.4.2. Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all lot size and dimensions, yard space, setback, and other requirements of this Ordinance.

10.110.1.4.3 The location of required front, side, and rear yards on irregularly shaped lots shall be determined by the UDO Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

10.110.1.4.4. Lot Area. All lots shall have a minimum gross area of at least eight thousand (8,000) square feet in accordance with Article 8 Zoning District Design Standard or adopted Conditional Zoning Districts. Additional lot area shall be required when:

10.110.1.4.1.1. A lot is served by either public water, but not public sewer, but not water or sewer, but not both shall have a minimum lot area of 30,000 20,000 square feet.

10.110.1.4.1.2. A lot is not served by neither either public water nor or public sewer shall have a minimum lot area of 25,000 40,000 square feet.

10.110.1.4.5. Lot Width and Depth. All lots shall have a minimum width and street frontage as required in Article 8, or adopted Conditional Zoning District, measured at the right-of-way, except in the case of the turning circle of cul-de-sacs where a minimum width at the minimum building line at the street right-of-way line of twenty five (25) feet is permissible. Corner lots shall have an extra width of ten (10) feet to permit adequate setback from side streets. The minimum lot depth of single tier lots (when approved) shall be one hundred twenty five (125) feet. All other lots shall have a minimum depth of 110 feet in depth. Additional lot width and depth shall be required when:

10.110.1.4.5.1. A lot is served by either public water or sewer, but not both: shall have a minimum: Lot width - 100 feet; Lot depth - 200 feet.

10.110.1.4.5.2. A lot is not served by neither either public water nor or sewer shall have a minimum: Lot width - 125 feet; Lot depth - 200 feet.

Explanation:

- Johnston County now requires a minimum lot area of 30,000 sf for lots served by septic systems – no public sewer- 40,000 sf when in a watershed district or environmentally sensitive area.
- Johnston County requires a minimum lot area of 40,000 sf for lots served by well water – no public water.
- The larger lot sizes for wells is justified because wells need to be 50’ from drain fields and 25’ from structures in addition to impervious requirements.
- Soil texture and # bedrooms determine the size of septic drain fields. Clay soils result in larger drain fields.

10.110.1.4.6. Lot size, shape, and location shall be made with due consideration to topographic conditions, contemplated use, and the surrounding area.

10.110.1.4.7. Every lot shall maintain required street frontage as required in Article 8, or approved conditional zoning district on one of the following:

10.110.1.4.7.1. A public street dedicated to and maintained by the Town of Smithfield or the North Carolina Department of Transportation.

10.110.1.4.7.2. A privately owned street constructed in conformance with the Town’s Standard Detail and Specifications Manual with maintenance responsibilities defined by affirmative restrictive covenants when the lots are located outside the corporate limits of the Town of Smithfield. To the standards of the Town or Smithfield or the North Carolina Department of Transportation, with a written agreement concerning the future maintenance of the street.

10.110.1.4.7.3 A private driveway within a multi-family development where the overall site abuts a public street and is designed in such a manner that access is furnished to all interior lots or building sites by a private driveway with maintenance responsibilities defined by affirmative restrictive covenants.

Explanation:

- Section 10.110.1.4.7 has been updated since that last Council meeting to begin addressing the multi-family development issues. Additional amendments are being prepared for future Council review.

Sec. 10.113. Utilities.

10.113.1. Water and Sewerage Systems.

10.113.1. 1. When available, the subdivider shall connect to the water and sewerage systems owned and operated by the town. For all residential and commercial development, the town may require that the developer install lines larger than required by the development in order to support future growth. The town will pay the material cost difference between the required utilities and the upsized lines.

10.113.1.2. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the County Health Department shall be submitted with the preliminary plat indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal. The statement from the County Health Department shall be based upon a field investigation. The field investigation for sewage disposal shall include a sufficient

number of percolation tests (at least one (1) per acre) to determine absorption capacity of the soil and test holes at least six (6) feet deep (as needed) to determine the depth to the ground water table, and the presence of rock formations or other impervious strata.

10.113.1.3. All Town utilities shall be installed ~~per town requirements~~ in accordance with the Smithfield Standard Detail and Specifications Manual and at the direction of the Public Utilities Director.

~~**10.114.1.4** On site wastewater (septic) systems shall be located on the lot which the system serves unless an alternative location within an easement is approved by the Town Council.~~

Explanation:

- Proposed section 10.114.1.4 is being deleted because of a recent statute that prohibits municipal government from restricting off-site septic systems



Request for Town Council Action

**Business
Agenda
Item:** CMAQ
Grant
Date: 11/12/24

Subject: Smithfield NC Walking Trail CMAQ/CRP Project BN-0001
Planning, Design Engineering and Permitting Contract

Department: Planning Department

Presented by: Town Engineer - Bill Dreitzler, P.E.

Presentation: Business Agenda Item

Issue Statement

The Town of Smithfield was awarded a CMAQ Grant from NCDOT, TIP #BN-0001. The scope of work is to design, permit and construct a multi-use path along US 70 Business from Wilson's Mills Road to the Neuse River Bridge. On February 28, 2024 a Request for Letters of Interest (RFLOI) was advertised for the engineering and permitting phase of the project. Kimley-Horn was the highest scoring firm and this Action Form provides a copy of the proposed engineering and permitting agreement.

Financial Impact

The agreement with NCDOT is for 80% federal funding and 20% local funding. The project budget is \$2,344,400. Therefore, \$1,875,520 in federal grant funding and \$468,880 in local funding. The,595 Kimley-Horn agreement includes a lump sum fee of \$214,978.83 with 2 tasks as an estimate based on the number of parcels impacted. The estimate for legal descriptions for right-of-way acquisition is \$500/parcel with a \$9,000 maximum. For ROW acquisition, the unit rate is \$3,000/parcel with a \$54,000 maximum. If the maximum unit rate tasks are needed, the total cost will be \$277,978.83. The Town's responsibility will be 20% or \$55,595.77.

Action Needed

Council to vote to accept or deny the Kimley-Horn lump sum fee agreement in the amount of \$214,978.83 and the unit rate of \$500/parcel for legal descriptions related to ROW acquisition and \$3,000/parcel for the ROW acquisition services.

Recommendation

Staff recommends award of the contract to Kimley-Horn.

Approved: Town Manager Town Attorney

Attachments:

1. Kimley-Horn Fee Agreement
2. Request for Qualifications
3. Kimley-Horn RFLOI Submittal
4. RFLOI Scoring Spreadsheet



Staff Report

**Business CMAQ
Agenda Grant
Item:**

Date: 11/12/24

Kimley-Horn was selected following the requirements of the mini-brooks act. The Town received submittals from 7 engineering firms. Based on the average scoring from independent criteria reviews from Stephen Wensman, Ted Credle and William Dreitzler, Kimley-Horn was the highest scoring firm. Staff selection required submittal of all RFLOI documents to NCDOT for review and concurrence with the selection. Upon selection, the negotiated contract with Kimley-Horn also required submittal to NCDOT for review and concurrence. This was a months long process with NCDOT issuing concurrence with both the selection of Kimley-Horn and concurrence with the Kimley-Horn fee agreement.

Bill Dreitzler, P.E.
Smithfield Town Engineer

Town of Smithfield
REQUEST for LETTERS of INTEREST (RFLOI)

Smithfield NC Walking Trail CMAQ/CRP Project BN-0001

TITLE: Planning and Design for the Town of Smithfield, NC Sidewalk CMAQ and CRP Project BN-0001

ISSUE DATE: February 28, 2024

SUBMITTAL DEADLINE: March 22, 2024

ISSUING AGENCY: Town of Smithfield

SYNOPSIS

The Town of Smithfield desires professional consulting services for Planning and Design services for CMAQ and CRP Project BN_0001 for the installation of **an 8' Multi-use trail along US 70 Business (W Market ST) from Wilson's Mill Rd to Neuse River bridge in Smithfield.**

SUBCONSULTANTS ARE PERMITTED UNDER THIS CONTRACT.

This contract shall be partially reimbursed with Federal-aid funding through the North Carolina Department of Transportation (hereinafter referred to as the Department). The solicitation, selection, and negotiation of a contract shall be conducted in accordance with all Department requirements and guidelines.

The primary and/or subconsultant firm(s) (if Subconsultants are allowed under this RFLOI) shall be pre-qualified by the Department to perform ALL/ ANY COMBINATION of the work codes listed below for the Town of Smithfield. Work Codes required are:

- **32: Categorical Exclusions/Minimum Criteria Determination Checklist**
- **70: Erosion and Sediment Control Design**
- **132: Landscape and Streetscape Design**
- **152: Pavement Design**
- **155: Pavement Markings Plan**
- **168: Project Management**
- **171: Public Involvement**
- **235: Subsurface Utility Engineering**
- **247: Traffic Management Plan Level 3 and 4**
- **269: Urban Roadway Design**

- **270: Utility Coordination**
- **280 Wetland and Stream Delineation**
- **294: Roadway Foundation Investigation & Design**
- **296: Retaining Wall Design**
- **297 Pavement Design Investigation**
- **316 Multi-Use Trail Design, Survey & Layout**
- **360 Topographic Surveying**
- **433 Tier I Basic Hydrologic and Hydraulic Design**
- **434 Tier II Complete Hydrologic and Hydraulic Design**
- **97 Guide Sign Design**

WORK CODES for each primary and/or subconsultant firm(s) (if Subconsultants are allowed under this RFLOI) SHALL be listed on the respective RS-2 FORMS (see section ‘SUBMISSION ORGANIZATION AND INFORMATION REQUIREMENTS’).

LETTERS OF INTEREST (LOI) SUBMITTALS

Electronic LOIs should be submitted in .pdf format using software such as Adobe, CutePDF PDF Writer, Docudesk deskPDF, etc.

LOIs SHALL be received BY MAIL, OR HAND-DELIVERY no later than 3:00 P.M., March 22, 2024.

The address for electronic deliveries is: stephen.wensman@smithfield-nc.com

The address for mailings is:

Town of Smithfield
350 East Market St
PO Box 761
Smithfield, NC 27577

The address for hand-deliveries is:

Town of Smithfield
350 East Market St
PO Box 761
Smithfield, NC 27577

Marking prominently on the initial cover page of the document:

Letters of Interest for:
Town of Smithfield Sidewalk – CMAQ and CRP Project BN-0001
Attn: Stephen Wensman

LOIs received after this deadline will not be considered.

Except as provided below any firm wishing to be considered must be properly registered with the Office of the Secretary of State and with the North Carolina Board of Examiners for Engineers and Surveyors. Any firm proposing to use corporate subsidiaries or subcontractors must include a statement that these companies are properly registered with the North Carolina Board of Examiners for Engineers and Surveyors and/or the NC Board for Licensing of Geologists. The Engineers performing the work and in responsible charge of the work must be registered Professional Engineers in the State of North Carolina and must have a good ethical and professional standing. It will be the responsibility of the selected private firm to verify the registration of any corporate subsidiary or subcontractor prior to submitting a Letter of Interest. Firms which are not providing engineering services need not be registered with the North Carolina Board of Examiners for Engineers and Surveyors. Some of the services being solicited may not require a license. It is the responsibility of each firm to adhere to all the laws of the State of North Carolina.

The firm must have the financial ability to undertake the work and assume the liability. The selected firm(s) will be required to furnish proof of Professional Liability insurance coverage in the minimum amount of \$1,000,000.00. The firm(s) must have an adequate accounting system to identify costs chargeable to the project.

SCOPE OF WORK

The **Town of Smithfield** is soliciting proposals for the services of a firm/team for the following contract scope of work:

Proposed Contract Scope: Planning, Design Engineering and Permitting for a multi-use trail along US 70 Business (W Market St) from Wilson's Mill Rd to Neuse River Bridge in the Town of Smithfield. The consultant will complete all surveying, planning and design required to submit a complete set of plans, specifications, and estimate (PS&E) package to complete approximately 4,000 LF +/- of 8' multi-use path for project BN-0001.

Design Documents: The firm will prepare engineering design and construction plans for **BN-0001**. The firm will present 30%, 60%, 90%, and final construction plans to be designated Town of Smithfield's staff for review. After any comments and/or concerns have been addressed, the plans will be submitted to NCDOT for review and approval.

Proposed Contract Payment Type:

After selections are made, the Town will negotiate fair and reasonable compensation with the selected Firm. Compensation will include negotiation of profit as a separate element of price as per 2 CFR 200.323(b). If the compensation amount cannot be successfully negotiated, the Town will begin compensation negotiations with the next Firm in line, and so on.

The proposed method of payment for this contract is a Lump Sum basis. Progress payments will be made on a monthly or bi-monthly basis.

SUBMITTAL REQUIREMENTS

All LOIs are limited to fifteen (15) pages (RS-2 forms are not included in the page count) inclusive of the cover sheet and shall be typed on 8-1/2" x 11" sheets, single-spaced, one-sided.

Fold out pages are not allowed. In order to reduce costs and to facilitate recycling; binders, dividers, tabs, etc. are prohibited. One staple in the upper left-hand corner is preferred.

LOIs containing more than fifteen (15) pages will not be considered.

Five (5) total copies of the LOI should be submitted.

Firms submitting LOIs are encouraged to carefully check them for conformance to the requirements stated above. If LOIs do not meet ALL of these requirements, they will be disqualified. No exception will be granted.

SELECTION PROCESS

Following is general description of the selection process:

- The LGA's Selection Committee will review all qualifying LOI submittals.
- For Limited Services Contracts (On-Call type contracts), the LGA's Selection Committee MAY, at the LGA's discretion, choose any number of firms to provide the services being solicited. Version: 2017.09.11.RJS 4
- For Project-Specific Contracts (non On-Call type contracts), the LGA's Selection Committee MAY, at the LGA's discretion, shortlist a minimum of three (3) firms to be interviewed. IF APPLICABLE, dates of shortlisting and dates for interviews are shown in the section SUBMISSION SCHEDULE AND KEY DATES at the end of this RFLOI.
- The Town will select an engineering firm as Prime to provide the Construction Engineering and Inspection Services.
- All Firms who submitted LOIs will be notified whether or not they were selected. Firms may request a brief feedback phone call.
- In order to be considered for selection, consultants must submit a complete response to this RFLOI prior to the specified deadlines. Failure to submit all information in a timely manner will result in disqualification.

TITLE VI NONDISCRIMINATION NOTIFICATION

The Town of Smithfield in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all RESPONDENTS that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit LETTERS of INTEREST (LOIs) in response to this ADVERTISEMENT and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

SMALL PROFESSIONAL SERVICE FIRM (SPSF) PARTICIPATION

The Department encourages the use of Small Professional Services Firms (SPSF). Small businesses determined to be eligible for participation in the SPSF program are those meeting size standards defined by Small Business Administration (SBA) regulations, 13 CFR Part 121 in Sector 54 under the North American Industrial Classification System (NAICS). The SPSF program is a race, ethnicity, and gender-neutral program designed to increase the availability of contracting opportunities for small businesses on federal, state or locally funded contracts. SPSF participation is not contingent upon the funding source.

The Firm, at the time the Letter of Interest is submitted, shall submit a listing of all known SPSF firms that will participate in the performance of the identified work. The participation shall be submitted on the Department's Subconsultant Form RS-2. RS-2 forms may be accessed on the Department's website at NCDOT Connect Guidelines & Forms.

The SPSF must be qualified with the Department to perform the work for which they are listed.

Real-time information about firms doing business with the Department and firms that are SPSF certified through the Contractual Services Unit is available in the Directory of Transportation Firms. The Directory can be accessed on the Department's website at Directory of Firms -- Complete listing of certified and prequalified firms.

The listing of an individual firm in the Department's directory shall not be construed as an endorsement of the firm.

PREQUALIFICATION

The Department maintains on file the qualifications and key personnel for each approved discipline, as well as any required samples of work. Each year on the anniversary date of the company, the firm shall renew their prequalified disciplines. If your firm has not renewed its application as required by your anniversary date or if your firm is not currently prequalified, please submit an application to the Department prior to submittal of your LOI. An application may be accessed on the Department's website at Prequalifying Private Consulting Firms -- Learn how to become Prequalified as a Private

Consulting Firm with NCDOT. Having this data on file with the Department eliminates the need to resubmit this data with each letter of interest.

Professional Services Contracts are race and gender neutral and do not contain goals. However, the Respondent is encouraged to give every opportunity to allow Disadvantaged, Minority-Owned and Women-Owned Business Enterprises (DBE/MBE/WBE) subconsultant utilization on all LOIs, contracts and supplemental agreements. The Firm, subconsultant and sub firm shall not discriminate on the basis of race, religion, color, national origin, age, disability or sex in the performance of this contract.

SELECTION CRITERIA

All prequalified firms who submit responsive letters of interest will be considered.

In selecting a firm/team, the selection committee will take into consideration qualification information including such factors as:

1. Firm's experience, knowledge, familiarity and past performance with Engineering services and NCDOT projects involving FHWA funding - **30%**
2. The experience of the firm's proposed staff to perform the type of work required - **40%**
3. Firm understands of the project specific issues and their responsibility in delivering services for the advertised project – **30%**.

After reviewing qualifications, if firms are equal on the evaluation review, then those qualified firms with proposed SPSF participation will be given priority consideration.

SUBMISSION ORGANIZATION AND INFORMATION REQUIREMENTS

The LOI should be addressed to Stephen Wensman, Planning Director, and must include the name, address, telephone number, and e-mail address of the prime consultant's contact person for this RFLOI.

The LOI must also include the information outlined below:

Chapter 1 - Introduction

The Introduction should demonstrate the consultant's overall qualifications to fulfill the requirements of the scope of work and should contain the following elements of information:

- Expression of firm's interest in the work;
- Statement of whether firm is on register;
- Date of most recent private engineering firm qualification;
- Statement regarding firm's (') possible conflict of interest for the work; and

- Summation of information contained in the letter of interest.

Chapter 2 - Team Qualifications

This chapter should elaborate on the general information presented in the introduction, to establish the credentials and experience of the consultant to undertake this type of effort. The following must be included:

1. Identify recent, similar projects the firm, acting as the prime contractor, has conducted which demonstrates its ability to conduct and manage the project. Provide a synopsis of each project and include the date completed, and contact person.
2. If subconsultants are involved, provide corresponding information describing their qualifications as requested in bullet number 1 above.

Chapter 3 - Team Experience

This chapter must provide the names, classifications, and location of the firm's North Carolina employees and resources to be assigned to the advertised work; and the professional credentials and experience of the persons assigned to the project, along with any unique qualifications of key personnel. Although standard personnel resumes may be included, identify pertinent team experience to be applied to this project. Specifically, the Department is interested in the experience, Version: 2019.11.04.RJS 8 expertise, and total quality of the consultant's proposed team. If principals of the firm will not be actively involved in the study/contract/project, do not list them. The submittal shall clearly indicate the Consultant's Project Manager, other key Team Members and his/her qualifications for the proposed work. Also, include the team's organization chart for the Project / Plan. A Capacity Chart / Graph (available work force) should also be included. Any other pertinent information should also be listed in this section.

Note: If a project team or subconsultant encounters personnel changes, or any other changes of significance dealing with the company, NCDOT should be notified immediately.

Chapter 4 - Technical Approach

The consultant shall provide information on its understanding of, and approach to accomplish, this project, including their envisioned scope for the work and any innovative ideas/approaches, and a schedule to achieve the dates outlined in this RFLOI (if any project-specific dates are outlined below).

APPENDICES- CONSULTANT CERTIFICATION Form RS-2

Completed Form RS-2 forms SHALL be submitted with the firm's letter of interest. This section is limited to the number of pages required to provide the requested information.

Submit Form RS-2 forms for the following:

- **Prime Consultant firm**

Prime Consultant Form RS-2 Rev 1/14/08; and

- **ANY/ALL Subconsultant firms** (If Subconsultants are allowed under this RFLOI) to be, or anticipated to be, utilized by your firm.

Subconsultant Form RS-2 Rev 1/15/08.

In the event the firm has no subconsultant, it is required that this be indicated on the Subconsultant Form RS-2 by entering the word “None” or the number “ZERO” and signing the form.

Complete and sign each Form RS-2 (instructions are listed on the form).

The required forms are available on the Department’s website at:

<https://connect.ncdot.gov/business/consultants/Pages/Guidelines-Forms.aspx>

Prime Consultant Form RS-2

Subconsultant Form RS-2

All submissions, correspondence, and questions concerning this RFLOI should be directed to

Town of Smithfield
Planning Department
350 E Market St
Smithfield, NC 27577
ATTN: Stephen Wensman
919-934-2116, ext. 1114

stephen.wensman@smithfield-nc.com

SUBMISSION SCHEDULE AND KEY DATES

RFLOI Release – February 28, 2024

Pre-submittal meeting – Not Applicable

Deadline for Questions – March 20, 2024

Issue Final Addendum – March 21, 2024

Deadline for LOI Submission – 3 PM on March 22, 2024

Shortlist Announced * - April 4, 2024

Interviews (if determined necessary) – the week of April 15th to 19th

Firm Selection and Notification ** - April 30, 2024

* Notification will ONLY be sent to shortlisted firms.

** Notification will ONLY be sent to selected firms.

Other anticipated dates:

Notice to Proceed- June 5, 2024

June 12, 2024

Stephen Wensman
Town of Smithfield
Planning Director
350 East Market Street
Smithfield, NC 27577

Re: BN-0001: Smithfield Walking Trail
Professional Services Agreement

Dear Mr. Wensman,

Kimley-Horn and Associates, Inc. (“Kimley-Horn” or “Consultant”) is pleased to submit this letter agreement (the “Agreement”) to the Town of Smithfield (the “Town” or “Town”) for providing professional consulting services for the BN-0001: Smithfield Walking Trail (the “Project”). Our project understanding, scope of services, schedule, and fee are below.

Project Understanding

The project consists of constructing an eight-foot-wide asphalt trail with a variable width grass strip to the existing shoulder on the east side of US 70 (East Market Street) from the Neuse River Bridge to Wilson Mills Road (approximately 4400 LF). The project will be partially reimbursed with federal-aid funding through the Federal Highway Administration (FHWA). The Town has entered into a municipal agreement with NCDOT for NCDOT to administer the federal funds on behalf of FHWA. Kimley-Horn will complete all surveying and design required to submit a complete Plans, Specifications, and Estimate (PS&E) package to construct the project. Kimley-Horn will also provide right-of-way services to acquire any needed right-of-way or easements on behalf of the Town.

Scope of Services

Kimley-Horn will provide the services specifically set forth below.

Task 1 – Project Management

Project Kick-Off Meeting – Upon receiving notice to proceed, a project kick-off meeting will be held onsite to discuss the project’s objectives and critical issues, particularly regarding coordination and scheduling between the different parties involved. This meeting will also establish the preferred greenway location. During this meeting the Consultant and these parties will finalize the project schedule, determine the extent of existing data available, define additional data to be collected, and establish an approval process.

Design Review Meetings – Review meetings with the Town included in this scope of services will occur as specifically identified herein. Consultant will have up to two (2) staff members attend three (3) Design Review Meetings at major project milestones. These meetings will be scheduled in conjunction with the monthly progress meetings to the extent possible in respect to the overall project schedule.

Progress Meetings – Progress meetings with the Town will be held monthly (virtually) to provide an update on the project schedule and coordinate the outstanding issues. Consultant shall provide up to two (2) staff to attend a maximum of twelve (12) progress meetings associated with the Project.

Meetings with North Carolina Department of Transportation (NCDOT) – Consultant will have up to two (2) staff members attend up to two (2) meetings with the Town and NCDOT to discuss comments on major milestones.

Coordination – Consultant will maintain coordination with the Town as required for review of analyses, documents, and designs. Consultant will develop a project work plan, summarize the project schedule, and maintain the schedule for the anticipated nine (9) month project duration.

Meetings beyond those described above will be considered additional services.

Task 2 – Roadway and Sidewalk Design

30% Plans

Kimley-Horn will submit 30% Preliminary Design Plans to the Town and NCDOT. This submittal will include title sheet, preliminary typical sections, plan and profile sheets with horizontal and vertical alignments, cross-sections, construction limits, curb, and trail design. Super-elevation will be shown on the plans and cross-sections. All plans, designs, specifications, and estimates shall conform to the latest edition of AASHTO and NCDOT standards and practices for highway construction.

Kimley-Horn will prepare the trail plans at a scale of 1-inch = 30-feet horizontal and 1-inch = 10-feet vertical using CAD software. Preliminary cross sections will be prepared at a scale of 1-inch = 10-feet. Kimley-Horn will provide a Quality Control/Quality Assurance review of the 30% plans prior to submittal. Kimley-Horn will submit the 30% Plans in electronic (PDF) format to the Town as well as a preliminary Kimley-Horn's Opinion of Probable Construction Cost (OPCC). Up to three (3) hard copies of the 30% Plans will be provided to the Town if requested. The Town will submit the 30% Plans in electronic (PDF) format to the NCDOT for review in the EBS Portal.

Kimley-Horn has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. All provided opinions of probable costs are based on the information known to Kimley-Horn at the time and represent only Kimley-Horn's judgment as a design professional familiar with the construction industry. Kimley-Horn cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

Final Plans

Kimley-Horn will review and incorporate comments from the Town and NCDOT on the 30% plans. Kimley-Horn will provide a Quality Control/Quality Assurance review of the 90% Final Plans prior to submittal. Kimley-Horn will submit 90% Final Plans, draft technical specifications, and final OPCC, to the Town in electronic (PDF) format. The Town will submit 90% PS&E in electronic (PDF) format to the NCDOT for review in the EBS Portal for approval.

Kimley-Horn will incorporate comments from the Town and NCDOT on the 90% PS&E and submit the 100% final signed and sealed PS&E in electronic (PDF) format for use by the Town in the bidding and construction phases. Reproducible drawings will be 22-inch by 34-inch in accordance with NCDOT standards. One hard copy set of the 100% final signed and sealed PS&E will be provided to the Town if requested. Kimley-Horn will provide applicable CADD files to the Town in DGN and/or DWG format if requested.

Project Manual

Kimley-Horn will prepare contract documents in accordance with Town and NCDOT Standards for the Town to issue a bid advertisement. This will include NCDOT front end documentation as well as project general and special provisions and technical specifications.

Kimley-Horn will provide the Project Manual to the Town in electronic (PDF) format. The Town will submit the Project Manual to NCDOT for review in the EBS Portal for review and approval.

Bid Phase Services

The Town will be responsible for developing and issuing the bid advertisement on the Town website and in the local newspaper, and conducting the bid opening. Kimley-Horn will maintain a bidder's log, attend one Pre-Bid Conference, responding to Contractors' questions, and issue formal addendum as needed. The provided addenda will include minutes to the Pre-Bid Conference. Kimley-Horn will assist the Town with tabulating the bids received, evaluating the compliance of the bids received with the bidding documents. Kimley-Horn will be responsible for providing project plans and specifications to the local plan rooms for review by Contractors, if requested by the Town.

If bid phase services are required in addition to those listed above due to project readvertisement or other bid phase complications, then those services shall be considered Additional Services outside of the intended scope of this Contract.

Task 3 – Hydraulics

There is a FEMA regulated stream (Neuse River) within the project corridor and based on a preliminary review of the existing FEMA model reveals that the trail will be both in the Floodway and 100-year floodplain. Due to insurable structures within the Floodway/floodplain, no-rise in the 100-year water surface will be allowed with the construction of the trail. This scope of services assumes that a no-rise condition can be achieved with the incorporation of the improvements. Kimley-Horn will utilize the effective Spring Branch FEMA model (downloaded from NCFRIS website) for the analysis. Peak flow rates within the FEMA model will not be changed for this analysis. Kimley-Horn will create a duplicate effective model, a corrected effective model, and a proposed conditions model in order to determine the effect of improvements on the 100-year water surface profile. The proposed conditions model will incorporate the trail design, and any associated fill. The hydraulic analysis and No-Rise Certification process will include the following steps:

- Perform a field investigation and gather supplemental hydraulic data
- Review effective and preliminary FEMA hydrologic and hydraulic modeling data for the Neuse River
- Develop duplicate effective and corrective effective HEC-RAS modeling plans. The corrected effective modeling geometries will incorporate corrections to the base model based on survey and field investigation data
- Incorporate proposed improvements into the proposed conditions model
- Prepare a No-Rise Certification report.
- Coordinate with Town staff and NCFPM to facilitate review and approval of the No-Rise Certification report.

In addition to the tasks associated with the no-rise certification, tasks associated with final hydraulic design are described below.

Kimley-Horn will perform field reconnaissance of the existing and proposed drainage features and patterns for the piped and ditch systems will be conducted, including up to one (1) visit to the project site. Once completed, Kimley-Horn will utilize the approved 30% design plans to begin drainage design. Hydraulic designs for roadside ditches, storm drainage systems, inlet locations, cross pipes, and outfall analyses will be developed.

Kimley-Horn will evaluate and design necessary revisions to the existing hydraulic structures (storm drain, drop inlets, cross pipes, headwalls) that may be impacted by the proposed project improvements. The proposed drainage features (storm drain systems, inlets, ditches, cross pipes,

etc.) and associated labeling will be completed in CAD software. Drainage features (storm drain, ditches, cross pipes, inlets, etc.) will be indicated on the Plan/Profile Sheets for the purposes of identifying right of way and easement requirements. Kimley-Horn will draft the proposed ditches and cross pipes into the profiles.

A Pre versus Post Outfall analysis will be conducted, as well a NCDOT Drainage Summary Sheet upon approval of the hydraulic design.

Drainage comments received from review of the 90% Plans will be addressed in writing and incorporated into the Final Plans by Kimley-Horn. Kimley-Horn will develop a hydraulic summary sheet and a tabulation of drainage related quantities to be submitted with the Final Plans.

Kimley-Horn assumes that on-site detention for water quality and quantity will not be needed to meet any local standard more than is standard to NCDOT. If it is determined that the diffused flow methodologies cannot handle the water quality requirements and the ultimate outfall ditches cannot handle the post development flows, Kimley-Horn can design stormwater control measure(s) (SCMs) or stormwater best management practices (BMPs) as Additional Services.

Task 4 – Erosion Control

Kimley-Horn will design and specify erosion control measures which minimize erosion and limit off-site sedimentation during construction. The design will be in accordance with the design standards of the NCDEQ Division of Energy, Mineral, and Land Resources (DEMLR). The project impacts are expected to be more than the 1-acre threshold necessary for a permit. Kimley-Horn will prepare and submit an NCG01 permit for review and approval by NCDEQ. The Town will be responsible for paying the applicable review and permitting fees to NCDEQ.

Task 5 – Public Involvement and Environmental Policy

Data Collection

Kimley-Horn will collect relevant available online data such as state and local GIS shapefiles, known historic resources from the NCDOT, NC OneMap files, and other sources to document and estimate impacts to known environmental and community features surrounding the portion of the proposed project. Reasonably ascertainable regulatory lists such as permitted hazardous waste sites, leaking underground storage tanks, registered underground storage tanks and Resource Conservation and Recovery Act (RCRA) generators for documented environmental incidents within the project area will also be reviewed.

Agency Scoping Letter

Kimley-Horn will prepare a Scoping/Start of Study Letter and accompanying figures. The letter will include the project description, the TIP number, anticipated project schedule, and the type of documentation proposed for the project. Kimley-Horn will distribute the letter to appropriate federal, state, and local agencies and summarize comments received from agencies.

Per NCDOT guidelines, the Consultant will also prepare tribal coordination letters for distribution to relevant tribes. The letters will be prepared on NCDOT letterhead and sent by NCDOT to each tribe.

Additionally, archaeological, and historic architecture investigations are not anticipated but may be necessary if scoping letter responses received from the respective agencies warrant further investigation and coordination. If further agency coordination and archaeological or historic architecture investigation is required, it will be considered Additional Services.

Environmental Document

Kimley-Horn will prepare environmental documentation consistent with NEPA as federal funds will be used for construction. It is anticipated that a Categorical Exclusion (CE) will be the appropriate documentation for this project. Kimley-Horn will prepare the CE in accordance with current NCDOT and FHWA procedures. The CE will reference the Environmental Screening Memo prepared in Task 5 and data collection tasks listed above. If further NEPA documentation, Environmental Justice analysis, cultural resources survey, or Section 6(f) coordination is required by NCDOT or FHWA, then it will be considered Additional Services.

Upon completion of the draft CE, the Consultant will submit an electronic version to the Client. The Client will submit to NCDOT via the EBS system for initial review and comment. The Consultant will incorporate the preliminary comments and submit an electronic version of the revised CE to NCDOT for a second review. If needed, the Consultant will incorporate additional revisions and submit a PDF to FHWA for review. The Consultant will incorporate FHWA's comments. The final CE will be circulated by the Consultant via DocuSign to signatories. The Consultant will provide Client with an electronic (PDF) version of the approved CE.

Public Involvement Support

Kimley-Horn will prepare one postcard to provide information on the proposed design after the 30% designs are submitted and approved by the Client. The postcard will include a graphic showing the proposed design of the project and Town contact information to leave comments or concerns regarding the proposed project. An electronic PDF version of the postcard will be provided to the Town for review. The Consultant will perform one round of revisions based on comments received from the Town.

Kimley-Horn will prepare a mailing list based on publicly available property information and will facilitate printing and mailing the postcards to the addresses included on the project mailing list. No translation, interpretation, or specific Environmental Justice outreach is anticipated to be needed.

No public meetings are included in this scope of services – this service will be considered an additional service.

Task 6 – Natural Environment

Natural Resources Technical Report

Kimley-Horn will conduct a detailed field investigation to determine the absence or presence of streams, wetlands, and/or open waters within the project corridor utilizing the three-parameter approach for wetland delineation as described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. Potentially jurisdictional features will be assessed and verified in the field using the guidelines presented in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the 2012 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). Based on the project's location in the Neuse River Basin, streamside riparian buffer zones may be regulated by the NCDWR. Kimley-Horn will review the most recent NRCS Soil Survey of Johnston County and USGS 1:24,000 topographic maps for the area and determine the likely applicability of the riparian buffer rules within the project corridor. Data forms required for certification by the U.S. Army Corps of Engineers (USACE) and/or the North Carolina Division of Water Resources (NCDWR) will be completed with the data necessary obtained during field investigations. Any jurisdictional streams will be classified as either perennial or intermittent and will be documented per NCDWR stream classification protocol. The delineated wetland and stream boundaries will be flagged, and GPS located with a handheld GPS unit, as necessary.

In anticipation of potential state or federal funding, Kimley-Horn will prepare a Natural Resources Technical Report (NRTR) following the most recent NCDOT NRTR Guidance and Template (updated September 2021). The NRTR will document streams and wetlands, threatened and endangered

species habitats, terrestrial communities, riparian buffer requirements, critical water resources, and other natural resources based on Kimley-Horn's investigation. The NRTR will also render biological conclusions for federally listed threatened and endangered plant and avian species known to occur in the project vicinity per the US Fish and Wildlife Service (USFWS) IPaC database and the NC Natural Heritage Program (NCNHP) database of known element occurrences. Additionally, up to two bat habitat assessment forms following guidance outlined in the March 2024 Standard Operating Procedures (SOP) NCDOT Preliminary Bat Habitat Assessments (Structures, Caves & Mines) will be completed to assess potentially suitable foraging and/or roosting habitat within the project corridor. Aquatic surveys, acoustic bat surveys, and mist net bat surveys are not anticipated to be required and are not included in this task. If aquatic and/or bat surveys are required by USFWS, these can be provided as an additional service. Consultant will submit a draft NRTR to Client for review and comment. Consultant will complete the revisions and electronically submit the final NRTR following US Army Corps of Engineers (USACE) and NC Division of Water Resources (NCDWR) field verification of delineation to Client.

Coordination with USFWS is not included as part of this task but can be provided as an additional service.

Preliminary Jurisdictional Determination Request Package

Kimley-Horn anticipates that a Preliminary Jurisdictional Determination (PJD) request will best meet the Client's objectives for the project corridor. Kimley-Horn will prepare the PJD request package for submittal to the USACE based on the delineation completed in the Natural Resources Technical Report task. Kimley-Horn will seek to obtain concurrence from the USACE on the wetlands, open waters, and/or streams identified within the project corridor. The request package will consist of a cover letter, the required PJD forms, required figures, and supporting data forms. It is anticipated that one site inspection will be required with the USACE where Kimley-Horn will review the final delineation in the field with applicable agency representatives. Kimley-Horn will perform any minor modifications to the jurisdictional feature boundaries that may be deemed necessary by the USACE in order to obtain concurrence.

No Permit Required Concurrence Request Package

Based on the preliminary design approach for the project, it is assumed that the proposed project will be able to avoid potentially jurisdictional streams, wetlands, or open waters, and will not require authorization from the USACE or NCDWR under Sections 404/401 of the Clean Water Act. Using the findings of the stream and wetland delineation in the Natural Resources Technical Report task, Kimley-Horn will prepare a No Permit Required (NPR) Concurrence Request package for submittal to the USACE and the NCDWR consisting of a cover letter, the PJD Request package completed as part of Preliminary Jurisdictional Determination Request Package task, the required figures, supporting data forms, and the design plans for the project. Kimley-Horn will submit this application package to the USACE and the NCDWR. Kimley-Horn will respond to up to one round of comments from the USACE and the NCDWR.

If the USACE determines that there are jurisdictional features within the project corridor and that a Section 404/401 permit (Nationwide or Individual) is required, preparation and submittal of those permit application packages will be considered as additional services.

Task 7 – Utilities Coordination

Private Utilities Coordination

Kimley-Horn will identify ownership of private utilities (dry utilities) within the Project corridor and coordinate with the utility owners on what will need to be relocated, adjusted, or abandoned. The design and adjustment of privately owned utilities will be the responsibility of the respective owners. Kimley-Horn will review utility relocations to make sure they do not conflict with roadway and sidewalk

design or each other. Kimley-Horn will contact the private owners and request the utility owners provide private utility relocation plans.

Kimley-Horn will develop Utilities by Others (UBO) plans which will be used in the field to verify existing utilities, locations, types, available sizes, and available services to buildings. Existing and proposed private utility locations will be shown on the UBO plans. The UBO plans will include retaining or removing existing utility poles, and relocating needed private utility services to buildings, provided by utility companies. Kimley-Horn will utilize information provided by private owners to determine restrictions to relocations. Such information will be utilized to determine the costs and benefits of shifting the alignment(s) versus relocating the private utility facilities.

Following the completion of the 30% Plan phase of the Project, Kimley-Horn will conduct a preliminary utility coordination to review the proposed design with utility owners. The utility owners will be asked to begin drafting their conceptual private utility relocation plans at this time.

Following the Hydraulic Design phase of the Project, Kimley-Horn will provide drainage design plans to all private utilities. Kimley-Horn will coordinate with utility owners to determine restrictions to relocations, and to identify cost-prohibitive adjustments. This will occur such that development of private utility relocation plans, and any necessary easements may be coordinated and included in the 90% Plans submittal. Kimley-Horn will work with utility owners to identify areas that may require additional permanent utility easements (PUE), advanced excavation (fill or cut) and/or tree clearing to prepare site for new pole locations.

Utility Construction Plans consisting of any water and sewer relocation design, as well as the construction coordination of these relocations (both dry and wet utilities) would be considered Additional Services. Kimley-Horn will continue to assist with utility coordination efforts up to the Pre-Construction meeting. Street Lighting Coordination with the Town or Duke Energy progress will be considered Additional Services.

Task 8A – Location Surveys

McKim and Creed as a subconsultant to Kimley-Horn will perform the Survey Scope of Work May 14, 2024 (Attachment B).

Task 8B – Legal Descriptions

McKim and Creed as a subconsultant to Kimley-Horn will perform the Survey Scope of Work May 14, 2024 (Attachment B).

Task 9 – Right-of-Way Acquisition Services

The Right-of-Way Group as a subconsultant to Kimley-Horn will perform the Right-of-Way Acquisition Services Scope of Work May 28, 2024 (Attachment C).

Additional Services

Any services not specifically provided for in the above scope will be billed as additional services and performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following:

- Direct and Indirect Screening Tool Memo
- Geotechnical Investigations
- Public Meeting
- SCM and BMP Design
- Environmental Justice Analysis
- Cultural Resources Survey
- Historic Architecture Investigation
- Section 6(f) Coordination
- Phase I or Phase II archaeological investigations
- Significant modification or redesign based on agency comments
- Section 7 Consultation with the USFWS
- Groundwater studies or analysis
- NCDWR Isolated Waters/Wetlands Permit Preparation
- Stream/Buffer Determination
- Major or Minor Riparian Buffer Variances
- Preparation or submittal of a No Practical Alternatives Analysis
- Preparation or submittal of Nationwide or Individual Section 404/401 Permit
- Preparation or submittal of Major or Minor Riparian Buffer Variances
- On-site mitigation design
- Water and Sewer Relocation Design
- Lighting, Electrical, and Irrigation design
- Utility Relocation/Construction Coordination
- Retaining Wall Investigation and Design
- Street Lighting Coordination
- Construction Phase services

Information Provided By Client

We shall be entitled to rely on the completeness and accuracy of all information provided by the Client or the Client’s consultants or representatives. The Client shall provide all information requested by Kimley-Horn during the project, including but not limited to the following:

- Existing record information, investigations and reports including previous roadway construction plans, utility plans and inventories available within the project corridor
- Record drawings for water and sanitary sewer systems
- Project advertising and permitting fees
- Timely review of submittals and responses to requests for information

Schedule

We will provide our services as expeditiously as practicable based on a mutually agreed upon schedule.

Fee and Expenses

Consultant will perform the services described in the Scope of Services (Tasks 1-8A) for a lump sum fee per the man day estimate for the project of **\$214,978.83**.

Consultant will perform the services described in the Scope of Services (Tasks 8B and 10) for a lump sum fee per the project estimate for the following breakdown:

- Task 8B – Legal Descriptions - **\$500/parcel for up to 18 parcels (\$9,000 maximum)**
- Task 9 – Right-of-Way Acquisition Services - **\$3,000/parcel for up to 18 parcels (\$54,000 maximum)**

All permitting, application, and similar project fees will be paid directly by the Client. Fees will be invoiced monthly based upon the percentage of services completed as of the invoice date. Payment will be due within 30 days of the date of the invoice.

Kimley-Horn will not exceed the total maximum fees shown without authorization from the Client. All permitting, application, and similar project fees will be paid directly by the Client. Lump sum fees will be invoiced monthly based upon the overall percentage of services performed and unit price based fees will be invoiced monthly based on units provided. Payment will be due within 25 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the attached Standard Provisions, which are incorporated by reference. As used in the Standard Provisions, "Consultant" shall refer to Kimley-Horn and Associates, Inc., and "Client" shall refer to the Town of Smithfield.

Kimley-Horn, in an effort to expedite invoices and reduce paper waste, submits invoices via email in an Adobe PDF format. We can also provide a paper copy via regular mail if requested. Please include the invoice number and Kimley-Horn project number with all payments. Please provide the following information:

_____ Please email all invoices to _____

_____ Please copy _____

If you concur in all the foregoing and wish to direct us to proceed with the services, please have authorized persons execute both copies of this Agreement in the spaces provided below, retain one copy, and return the other to us. We will commence services only after we have received a fully-executed agreement. Fees and times stated in this Agreement are valid for sixty (60) days after the date of this letter.

To ensure proper set up of your projects so that we can get started, please complete, and return with the signed copy of this Agreement the attached Request for Information. Failure to supply this information could result in delay in starting work on your project.

We appreciate the opportunity to provide these services to you. Please contact me if you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Bryan Vickery, P.E.
Project Manager



Earl Lewellyn, P.E.
Vice President

TOWN OF SMITHFIELD

SIGNED: _____

PRINTED NAME: _____

TITLE: _____

DATE: _____

Client's Federal Tax ID: _____

Client's Business License No.: _____

Client's Street Address: _____

Attachment A – Standard Provisions

Attachment B – McKim & Creed Scope

Attachment C – The Right of Way Group Scope

Client only if expressly provided for in this Agreement. Any electronic files not containing an electronic seal are provided only for the convenience of the Client and use of them is at the Client's sole risk. In the case of any defects in the electronic files or any discrepancies between them and the hardcopy of the documents prepared by Kimley-Horn, the hardcopy shall govern.

- 6) **Intellectual Property.** Kimley-Horn may use or develop its proprietary software, patents, copyrights, trademarks, trade secrets, and other intellectual property owned by Kimley-Horn or its affiliates ("Intellectual Property") in the performance of this Agreement. Unless explicitly agreed to in writing by both parties to the contrary, Kimley-Horn maintains all interest in and ownership of its Intellectual Property and conveys no interest, ownership, license to use, or any other rights in the Intellectual Property to Client. Any enhancements of Intellectual Property made during the performance of this Agreement are solely owned by Kimley-Horn and its affiliates. If Kimley-Horn's services include providing Client with access to or a license for Kimley-Horn's (or its affiliates') proprietary software or technology, Client agrees to the terms of the Software License Agreement set forth at <https://www.kimley-horn.com/khts-software-license-agreement> ("the License Agreement") which terms are incorporated herein by reference.
- 7) **Opinions of Cost.** Because Kimley-Horn does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited to the costs of construction and materials, are made solely based on its judgment as a professional familiar with the industry. Kimley-Horn cannot and does not guarantee that proposals, bids or actual costs will not vary from its opinions of cost. If the Client wishes greater assurance as to the amount of any cost, it shall employ an independent cost estimator. Kimley-Horn's services required to bring costs within any limitation established by the Client will be paid for as Additional Services.
- 8) **Termination.** The obligation to provide further services under this Agreement may be terminated by either party upon seven days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof, or upon thirty days' written notice for the convenience of the terminating party. Kimley-Horn shall be paid for all services rendered and expenses incurred to the effective date of termination, and other reasonable expenses incurred by Kimley-Horn as a result of such termination.
- 9) **Standard of Care.** The standard of care applicable to Kimley-Horn's services will be the degree of care and skill ordinarily exercised by consultants performing the same or similar services in the same locality at the time the services are provided. No warranty, express or implied, is made or intended by Kimley-Horn's performance of services, and it is agreed that Kimley-Horn is not a fiduciary with respect to the Client.
- 10) **LIMITATION OF LIABILITY.** In recognition of the relative risks and benefits of the Project to the Client and Kimley-Horn, the risks are allocated such that, to the fullest extent allowed by law, and notwithstanding any other provisions of this Agreement or the existence of applicable insurance coverage, that the total liability, in the aggregate, of Kimley-Horn and Kimley-Horn's officers, directors, employees, agents, and subconsultants to the Client or to anyone claiming by, through or under the Client, for any and all claims, losses, costs or damages whatsoever arising out of or in any way related to the services under this Agreement from any causes, including but not limited to, the negligence, professional errors or omissions, strict liability or breach of contract or any warranty, express or implied, of Kimley-Horn or Kimley-Horn's officers, directors, employees, agents, and subconsultants, shall not exceed twice the total compensation received by Kimley-Horn under this Agreement or \$50,000, whichever is greater. Higher limits of liability may be negotiated for additional fee. This Section is intended solely to limit the remedies available to the Client or those claiming by or through the Client, and nothing in this Section shall require the Client to indemnify Kimley-Horn.
- 11) **Mutual Waiver of Consequential Damages.** In no event shall either party be liable to the other for any consequential, incidental, punitive, or indirect damages including but not limited to loss of income or loss of profits.
- 12) **Construction Costs.** Under no circumstances shall Kimley-Horn be liable for extra costs or other consequences due to unknown conditions or related to the failure of contractors to perform work in accordance with the plans and specifications. Kimley-Horn shall have no liability whatsoever for any costs arising out of the Client's decision to obtain bids or proceed with construction before Kimley-Horn has issued final, fully approved plans and specifications. The Client acknowledges that all preliminary plans are subject to substantial revision until plans are fully approved and all permits obtained.
- 13) **Certifications.** All requests for Kimley-Horn to execute certificates, lender consents, or other third-party reliance letters must be submitted to Kimley-Horn at least 14 days prior to the requested date of execution. Kimley-Horn shall not be required to execute certificates, consents, or third-party reliance letters that are inaccurate, that relate to facts of which Kimley-Horn does not have actual knowledge, or that would cause Kimley-Horn to violate applicable rules of professional responsibility.

- 14) **Dispute Resolution.** All claims arising out of this Agreement or its breach shall be submitted first to mediation in accordance with the American Arbitration Association as a condition precedent to litigation. Any mediation or civil action by Client must be commenced within one year of the accrual of the cause of action asserted but in no event later than allowed by applicable statutes.
- 15) **Hazardous Substances and Conditions.** Kimley-Horn shall not be a custodian, transporter, handler, arranger, contractor, or remediator with respect to hazardous substances and conditions. Kimley-Horn's services will be limited to analysis, recommendations, and reporting, including, when agreed to, plans and specifications for isolation, removal, or remediation. Kimley-Horn will notify the Client of unanticipated hazardous substances or conditions of which Kimley-Horn actually becomes aware. Kimley-Horn may stop affected portions of its services until the hazardous substance or condition is eliminated.
- 16) **Construction Phase Services.**
- a. If Kimley-Horn prepares construction documents and Kimley-Horn is not retained to make periodic site visits, the Client assumes all responsibility for interpretation of the documents and for construction observation, and the Client waives any claims against Kimley-Horn in any way connected thereto.
 - b. Kimley-Horn shall have no responsibility for any contractor's means, methods, techniques, equipment choice and usage, equipment maintenance and inspection, sequence, schedule, safety programs, or safety practices, nor shall Kimley-Horn have any authority or responsibility to stop or direct the work of any contractor. Kimley-Horn's visits will be for the purpose of endeavoring to provide the Client a greater degree of confidence that the completed work of its contractors will generally conform to the construction documents prepared by Kimley-Horn. Kimley-Horn neither guarantees the performance of contractors, nor assumes responsibility for any contractor's failure to perform its work in accordance with the contract documents.
 - c. Kimley-Horn is not responsible for any duties assigned to it in the construction contract that are not expressly provided for in this Agreement. The Client agrees that each contract with any contractor shall state that the contractor shall be solely responsible for job site safety and its means and methods; that the contractor shall indemnify the Client and Kimley-Horn for all claims and liability arising out of job site accidents; and that the Client and Kimley-Horn shall be made additional insureds under the contractor's general liability insurance policy.
- 17) **No Third-Party Beneficiaries; Assignment and Subcontracting.** This Agreement gives no rights or benefits to anyone other than the Client and Kimley-Horn, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole benefit of the Client and Kimley-Horn. The Client shall not assign or transfer any rights under or interest in this Agreement, or any claim arising out of the performance of services by Kimley-Horn, without the written consent of Kimley-Horn. Kimley-Horn reserves the right to augment its staff with subconsultants as it deems appropriate due to project logistics, schedules, or market conditions. If Kimley-Horn exercises this right, Kimley-Horn will maintain the agreed-upon billing rates for services identified in the contract, regardless of whether the services are provided by in-house employees, contract employees, or independent subconsultants.
- 18) **Confidentiality.** The Client consents to the use and dissemination by Kimley-Horn of photographs of the project and to the use by Kimley-Horn of facts, data and information obtained by Kimley-Horn in the performance of its services. If, however, any facts, data or information are specifically identified in writing by the Client as confidential, Kimley-Horn shall use reasonable care to maintain the confidentiality of that material.
- 19) **Miscellaneous Provisions.** This Agreement is to be governed by the law of the State where the Project is located. This Agreement contains the entire and fully integrated agreement between the parties and supersedes all prior and contemporaneous negotiations, representations, agreements, or understandings, whether written or oral. Except as provided in Section 1, this Agreement can be supplemented or amended only by a written document executed by both parties. Any conflicting or additional terms on any purchase order issued by the Client shall be void and are hereby expressly rejected by Kimley-Horn. If Client requires Kimley-Horn to register with or use an online vendor portal for payment or any other purpose, any terms included in the registration or use of the online vendor portal that are inconsistent or in addition to these terms shall be void and shall have no effect on Kimley-Horn or this Agreement. Any provision in this Agreement that is unenforceable shall be ineffective to the extent of such unenforceability without invalidating the remaining provisions. The non-enforcement of any provision by either party shall not constitute a waiver of that provision nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

June 11, 2024

241817

Kimley Horn & Associates, Inc.
421 Fayetteville Street, Suite 600
Raleigh, NC 27601

Attn: Bryan Vickery, PE

Ref: BN-0001 Smithfield Walking Trail

Dear Mr. Vickery,

Thank you for requesting our Geomatics services for the above project. Please find below our proposed scope of work, fee, and schedule.

Survey Limits

Survey limits for this project are per the "BN-0001 Survey Limits.png" provided by Kimley Horn on May 6, 2024. Exhibit A attached, shows the survey limits provided.

1. **Courthouse Research (approximately 36 parcels)**

McKim & Creed will perform courthouse research for properties to cover the limits. Copies of deeds and plats will be saved as PDF files for delivery.

2. **Property Owner Contact**

McKim & Creed will mail letters to all affected property owners prior to beginning our field work. Field personnel will have copies of this letter in hand while performing our fieldwork. We will knock on doors and attempt to make personal contact with owners before entering private properties as needed. The owner's information will also be inputted into a project PropCon database. This database will be included in the deliverables.

3. **Project Control**

All survey control will be referenced horizontally to the NAD 83/2011 SPC System and vertically to the NAVD 88 datum. We will locate control points horizontally using a minimum of two VRS-GPS positions. GPS control will be established at each end of the project.

4. **Baseline Control (+/- 4,400LF)**

McKim & Creed will establish baseline control covering the project limits. All baseline

control points will be referenced horizontally and vertically as described above. McKim & Creed will set 3 benchmarks throughout the project.

5. Benchmarks

Three (3) benchmarks will be established along the project corridor and elevated from project control. Benchmarks will be BenchLite nails set in trees near the survey limits, if possible. Care will be taken to place benchmarks in a location that will not be affected by construction. No benchmarks will be set in utility poles or any other utility. Each benchmark will have a complete level loop ran to it and a loop closure report will be provided.

6. Loc of Pavement DTMs

We will collect approximately 4,400 feet of roadway for DTM and planimetric purposes. McKim & Creed will only locate and map the Northbound lane of US 70 as per the limits request.

7. Loc. Of Earth DTMs (Including Obscured areas)

McKim & Creed will locate DTM information within the survey limits.

8. Field Property Ties & Recon (36 parcels)

We will recon & locate front corners only to establish approximate property line locations. Back corners will be required only if front corners are not found. We will also recon and locate existing right-of-way monumentation if available.

9. Property Analysis and Computations (36 parcels)

McKim & Creed will perform computations and analysis on existing properties and easements within the limits.

10. Loc. Of U/G Storm Utilities

We will locate storm and sanitary structures to one structure outside the limits. This will include structure and inverts on the project side. All mappings will be performed per current L&S standards.

11. 811 Collection/Mapping- McKim & Creed will call 811 to locate all existing utilities within the project area. We will only submit one ticket and wait the appropriate amount of time to locate any field paint from the utility company. MCE will only locate and map what has been marked. Anything after the first submitted ticket would be considered additional services. McKim & Creed will not be held liable for the utility markings.

12. 2D/3D Mapping

McKim and Creed will map all 3D data into one DTM file and create an overall TIN file. The FS file will contain all the 2D data long with the 811 data.

13. Travel

Round trip travel from our Raleigh office to the project site is approx. 1.5HR (80 miles)

14. Project Management & Supervision

Time will be allowed for a PLS to manage and supervise this project.

15. Traffic Control & Safety

McKim and Creed will perform a full safety meeting with all personnel prior to beginning this project. Proper safety signage will be required when working near roadways. Proper personal protective equipment (PPE) will be always required.

Easement Acquisition Surveys

McKim & Creed will write legal descriptions based on the provided easement files from Kimley Horn. McKim & Creed will not be responsible for creating or updating exhibit maps or will be held liable for easement drawings and their accuracy. The fee to produce legal description is: **\$500/Per Parcel**

- Prepare legal descriptions (1 per property) (Assumed 18)

The deliverables will include:

- 18 Certified legal descriptions (.pdf and .doc formats)

Deliverables

All data will be delivered per the current NCDOT standards (Microstation V8i format, 1" = 50')

- DTM file
- TIN file
- FS file
- GPK File
- Deed Book.PDF file
- Plat Book.PDF file

Exclusions

- R/W or Easement Staking
- Construction Staking
- Wetland Delineation, Mapping (Flag location will be mapped in FS file only, permit mapping is not included in this proposal)
- Geotech Hole Staking/Locations
- SUE Quality Level A (Test Holes) & SUE Quality Level B/C
- Property Surveys, Exhibit mapping

Schedule

McKim and Creed can begin work within 10 working days after receiving a fully executed subconsultant agreement. McKim and Creed can complete the above scope of work within an additional 45 working days.

Compensation

Kimley-Horn agrees to compensate McKim & Creed a Lump Sum Fee per the following breakdown. Additional services beyond the above scope of work will require a supplemental agreement.

Survey	\$ 60,586.42
<u>Easement Legal Descriptions (\$500/parcel)</u>	<u>\$ 9,000.00 (Assumed 18 parcels)</u>
Total (Not Including Easement Tasks)	\$ 60,586.42

PAYMENT

The Client is specifically requested to review the “Billing and Payment” Section of the attached McKim & Creed General Conditions. McKim & Creed’s ability to continue providing services on your project is dependent on the timely payment of our invoices. McKim & Creed reserves the right, and the Client acknowledges this right by entering into this Agreement, to stop work and withhold the submittal of our documents should the Client’s invoices become past due.

SCHEDULE OF SERVICES

We will perform the work described in the above Scope of Services as expeditiously as practical, weather permitting, to meet a mutually agreed schedule upon receipt of your written authorization to proceed.

ASSUMPTIONS / CLARIFICATIONS

Information to be provided by Client: Surveyor shall rely on the completeness and accuracy of all information and technical data provided by the Client and Client’s other consultants. The Client shall provide all necessary information required by the Surveyor to complete its work, including any updates to previously provided information and any other information reasonably requested by Surveyor.

Surveyors Certifications: The Surveyor shall not be required to sign any documents, no matter by whom they may be requested, that would result in the Surveyor's having to certify, guarantee or warrant the existence of conditions which the Surveyor cannot ascertain. The Client also agrees that it has no right to make the resolution of any dispute with the Surveyor or the payment

of any amounts due to the Surveyor in any way contingent upon the Surveyor's signing any such certification.

ATTACHMENTS

The following documents are attached hereto and incorporated herein by reference:

1. Survey Limits
2. McKim & Creed General Conditions

ACCEPTANCE

If acceptable, sign and return one (1) copy of this document and all attachments for our files. Our receipt of the executed copy of this proposal will serve as our Notice to Proceed. This proposal is valid for thirty (30) days from the date of the proposal. If the proposal is not accepted within thirty (30) days, we reserve the right to revise or withdraw the proposal entirely at our discretion.

We look forward to working with you on this project and appreciate this opportunity to serve Kimley Horn's surveying needs. If you have any questions or need additional information, please feel free to call us.

Thanks again for requesting our services. I truly look forward to working with you and Kimley Horn again!

Sincerely,



Richard Mitchell, PLS
Transportation Survey Manager
McKim & Creed

I hereby authorize McKim & Creed, Inc. to proceed with the work described above.

Kimley Horn

By: _____ Date: _____
(Print or Type Name)

(Signature)

Title: _____

Attest: _____ Date: _____
(Print or Type Name)

(Signature)

Title: _____



THE RIGHT OF WAY GROUP

ACQUISITION SERVICES

Date: May 28, 2024

Bryan Vickery, P.E.
 Kimley-Horn 421 Fayetteville Street Suite 600
 Raleigh, NC 27601

BN-0001 Smithfield Walking Trail Proposal for Right of Way Negotiations

Mr. Vickery: I am pleased to provide Kimley-Horn with a Scope of Work and Fee schedule to provide professional land acquisition services in support of the above-referenced project. Based upon the information provided by Kimley-Horn, there are (18) individual parcels.

Fee Schedule	Unit Price	Total Price
Negotiations (18 parcels)	\$3,000 per parcel	\$54,000.00
TOTAL		\$54,000.00

Scope of Work:

Our scope of services includes negotiation of the land acquisition process for the above-referenced project. We will provide ROW claim reports to be approved so the official offers can be made to the property owners. The ROW claim reports will be based on a percentage of current tax value with the support of recent sales where available. We will maintain a diary of all property owner contacts and instructions provided by the client. In the event that settlement is achieved, we will deliver the executed documents to the client. We will request that the client be responsible for excise tax stamps/recording fees/consideration checks to the affected owners.

Items to be provided by Kimley-Horn: ROW / Easement CADD descriptions of impacted areas, ROW / Easement CADD maps with impacted areas, Preliminary ROW / Easement staking, Negotiation limits/Recordation of the documents/Checks to the Affected Owners Appraisals for final offers in preparation for condemnation (where required).

It is understood and agreed that the cost of appraisals and preliminary title opinions are NOT included in this proposal. If appraisals and titles are needed The Right of Way Group will have the right to provide a supplement to this proposal to include the costs associated with the appraisals and titles. If you have any questions or comments regarding the proposal, please do not hesitate to call the number provided below. We look forward to working with Kimley-Horn on this project. Thank you for your consideration. Please contact me with questions or if you require additional information.

Sincerely,

Mark T. Smith | Manager
The Right of Way Group, LLC
 (910)734-1949

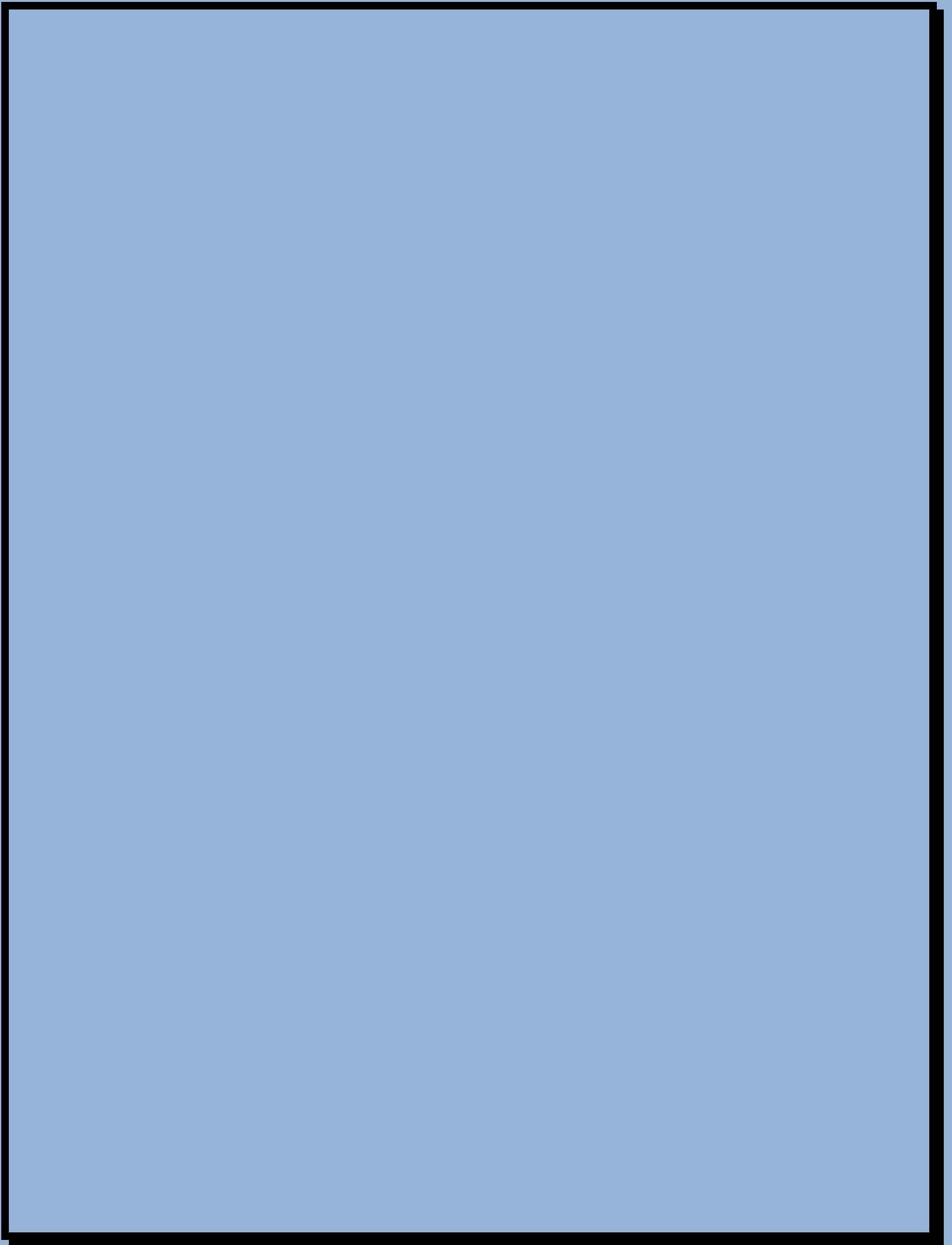
RFLOI Evaluation - Planning & Design - NC Sidewalk CMAQ and CRP Project BN-0001

Criteria Evaluation	Points	AMT			Kimley-Horn			RKK		
		Dreitzler	Wensman	Credle	Dreitzler	Wensman	Credle	Dreitzler	Wensman	Credle
Firm Experience	30	25	20	25	30	30	26	26	30	28
Staff Experience with CMAQ/Sidewalks	40	30	20	36	35	35	35	35	30	37
Understanding of Project - Project Delivery	30	20	22	26	27	25	26	25	20	24
Individual total	100	75	62	87	92	90	87	86	80	89
AVERAGE		74.67			89.67			85.00		

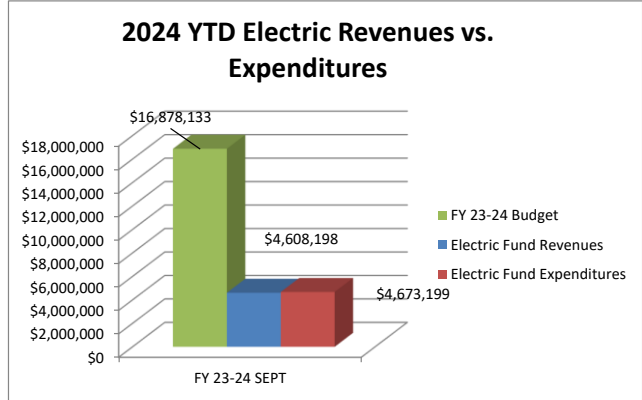
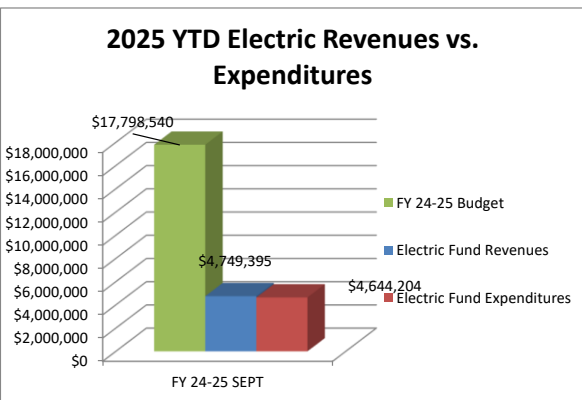
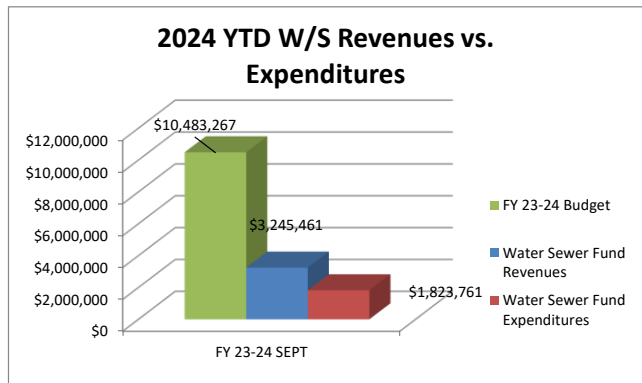
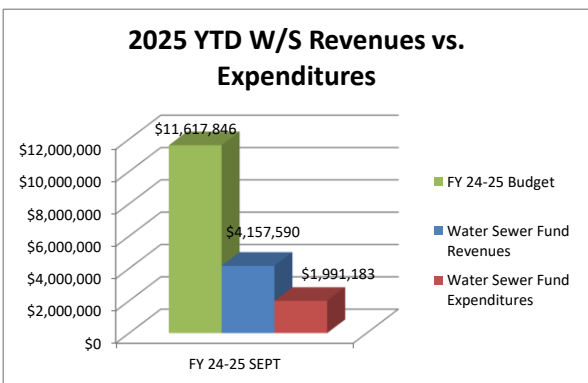
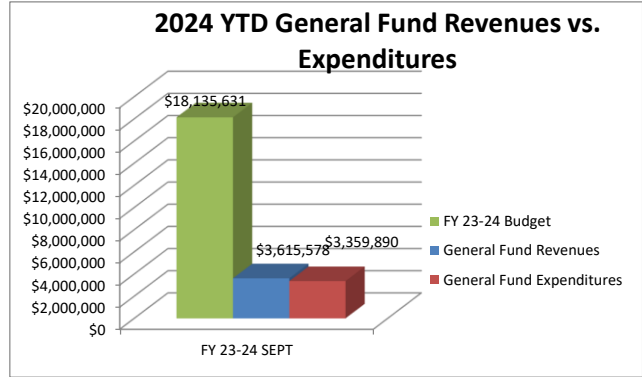
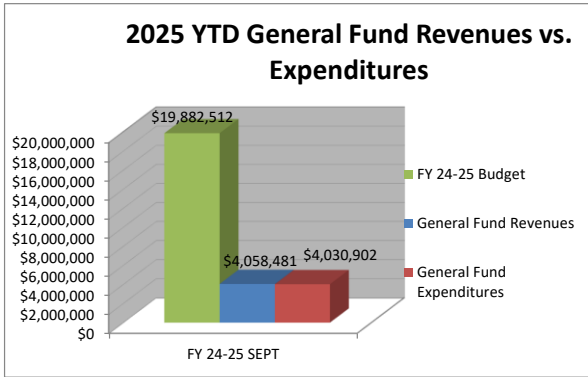
Criteria Evaluation	Points	Summit			TransSystems			Wetherill		
		Dreitzler	Wensman	Credle	Dreitzler	Wensman	Credle	Dreitzler	Wensman	Credle
Firm Experience	30	20	10	24	25	28	27	25	25	25
Staff Experience with CMAQ/Sidewalks	40	30	15	34	25	20	36	28	20	35
Understanding of Project - Project Delivery	30	25	25	24	20	20	28	23	20	28
Individual total	100	75	50	82	70	68	91	76	65	88
AVERAGE		69.00			76.33			76.33		

Criteria Evaluation	Points	KCI		
		Dreitzler	Wensman	Credle
Firm Experience	30	25	23	22
Staff Experience with CMAQ/Sidewalks	40	30	15	35
Understanding of Project - Project Delivery	30	25	27	25
Individual total	100	80	65	82
AVERAGE		75.67		

Financial Report



Town of Smithfield Revenues vs. Expenditures



TOWN OF SMITHFIELD
MAJOR FUNDS FINANCIAL SUMMARY REPORT
September 30, 2024
Gauge: 3/12 or 25 Percent

25.00%

GENERAL FUND						
	Frequency	Actual to Date		Budget	Actual to Date	YTD %
		FY '23-24	FY '24-25	FY '24-25	FY '24-25	Collected
Revenues						
Current & Prior Year Property Taxes	Monthly	\$ 1,044,532	\$ 8,110,000	\$ 1,727,224		21.30%
Motor Vehicle Taxes	Monthly	83,020	825,000	169,221		20.51%
Utility Franchise Taxes	Quarterly	-	1,000,000	-		0.00%
Local Option Sales Taxes	Monthly	1,036,401	3,700,000	746,351		20.17%
Aquatic and Other Recreation	Monthly	249,677	759,000	267,530		35.25%
Sanitation (Includes Penalties)	Monthly	389,072	1,560,900	408,962		26.20%
Grants		3,769	220,500	58,156		26.37%
All Other Revenues		809,107	2,483,892	681,037		27.42%
Transfers (Electric and Fire Dist.)		-	712,790	-		0.00%
Fund Balance Appropriated		-	510,430	-		0.00%
Total		\$ 3,615,578	\$ 19,882,512	\$ 4,058,481		20.41%

	Actual to Date		Budget	Actual to Date	YTD %
	FY '23-24	FY '24-25	FY '24-25	FY '24-25	Spent
Expenditures					
General Gov.-Governing Body	\$ 110,643	\$ 712,507	\$ 129,491		18.17%
Non Departmental	296,296	1,465,743	388,313		26.49%
Debt Service	211,469	419,096	201,870		48.17%
Finance	35,062	157,950	32,571		20.62%
IT	53,173	150,700	38,431		25.50%
Planning	88,746	413,250	85,326		20.65%
Police	821,829	5,908,835	1,223,007		20.70%
Fire	651,977	3,403,656	631,121		18.54%
General Services/Public Works	176,821	1,226,906	236,622		19.29%
Streets	74,862	572,027	94,150		16.46%
Motor Pool/Garage	48,356	173,700	58,362		33.60%
Powell Bill	22,310	398,195	18		0.00%
Sanitation	301,308	1,706,469	337,474		19.78%
Stormwater	12,625	286,480	28,766		10.04%
Parks and Rec	223,991	1,416,944	270,568		19.10%
SRAC	222,310	1,236,800	263,212		21.28%
Sarah Yard Center	8,112	51,300	11,600		22.61%
Contingency	-	181,954	-		0.00%
Total	\$ 3,359,890	\$ 19,882,512	\$ 4,030,902		20.27%

YTD Fund Balance Increase (Decrease) 255,688 (0) 27,579

TOWN OF SMITHFIELD
MAJOR FUNDS FINANCIAL SUMMARY REPORT
September 30, 2024
Gauge: 3/12 or 25 Percent

25.00%

WATER AND SEWER FUND

Revenues	Actual to Date	Budget	Actual to Date	YTD %
	FY '23-24	FY '24-25	FY '24-25	Collected
Water Charges	\$ 844,417	\$ 2,950,000	\$ 854,273	28.96%
Water Sales (Wholesale)	784,024	2,610,000	880,117	33.72%
Sewer Charges	1,372,662	5,000,000	1,374,738	27.49%
Penalties	16,926	60,000	13,124	21.87%
Tap Fees	12,505	15,000	6,175	41.17%
Other Revenues	214,927	524,950	571,267	108.82%
Transfer from Booker Dairy Rd Fund	-	457,896	457,896	100.00%
Total	\$ 3,245,461	\$ 11,617,846	\$ 4,157,590	35.79%

Expenditures	Actual to Date	Budget	Actual to Date	YTD %
	FY '23-24	FY '24-25	FY '24-25	Spent
Water Plant (Less Transfers)	\$ 541,686	\$ 2,714,715	\$ 540,517	19.91%
Water Distribution/Sewer Coll (Less Transfers)	1,199,018	5,336,706	1,367,609	25.63%
Transfer to W/S Capital Proj. Fund	-	1,975,000	-	0.00%
Debt Service	83,057	1,020,336	83,057	8.14%
Contingency	-	571,089	-	0.00%
Total	\$ 1,823,761	\$ 11,617,846	\$ 1,991,183	17.14%

YTD Fund Balance Increase (Decrease) 1,421,700 - 2,166,407

ELECTRIC FUND

Revenues	Actual to Date	Budget	Actual to Date	YTD %
	FY '23-24	FY '24-25	FY '24-25	Collected
Electric Sales	\$ 4,464,854	\$ 16,270,040	\$ 4,591,145	28.22%
Penalties	22,329	85,000	17,169	20.20%
All Other Revenues	121,015	450,375	141,081	31.33%
Fund Balance Appropriated	-	993,125	-	0.00%
Total	\$ 4,608,198	\$ 17,798,540	\$ 4,749,395	26.68%

Expenditures	Actual to Date	Budget	Actual to Date	YTD %
	FY '23-24	FY '24-25	FY '24-25	Spent
Administration/Operations	\$ 875,165	\$ 3,136,602	\$ 813,933	25.95%
Purchased Power - Non Demand	1,274,993	3,940,660	1,459,094	37.03%
Purchased Power - Demand	1,891,412	7,828,164	1,739,548	22.22%
Purchased Power - Debt	289,044	1,156,176	289,044	25.00%
Debt Service	342,585	342,586	342,585	100.00%
Capital Outlay	-	35,000	-	0.00%
Contingency	-	278,446	-	0.00%
Transfers to Electric Capital Proj Fund	-	1,000,000	-	0.00%
Transfers to General Fund	-	95,150	-	0.00%
Total	\$ 4,673,199	\$ 17,798,540	\$ 4,644,204	26.09%

YTD Fund Balance Increase (Decrease) (65,001) - 105,191

TOWN OF SMITHFIELD
MAJOR FUNDS FINANCIAL SUMMARY REPORT
September 30, 2024
Gauge: 3/12 or 25 Percent

25.00%

CASH AND INVESTMENTS FOR SEPTEMBER

General Fund (Includes P. Bill)	20,578,020
Water and Sewer Fund	15,293,282
Electric Fund*	12,969,851
Public Safety Equipment Grant (21)	609,884
JB George Endowment (40)	8,739
Water Plant Expansion (43)	954,817
Capital Project Fund: Wtr/Sewer (45)	1,484,666
Capital Project Fund: General (46)	1,011,004
Capital Project Fund: Electric (47)	416,618
FEMA Acquisitions and Elevations (48)	550
Firemen Relief Fund (50)	102,584
Fire District Fund (51)	159,361
General Capital Reserve Fund (72)	6,666
Total	<u>\$ 53,596,042</u>

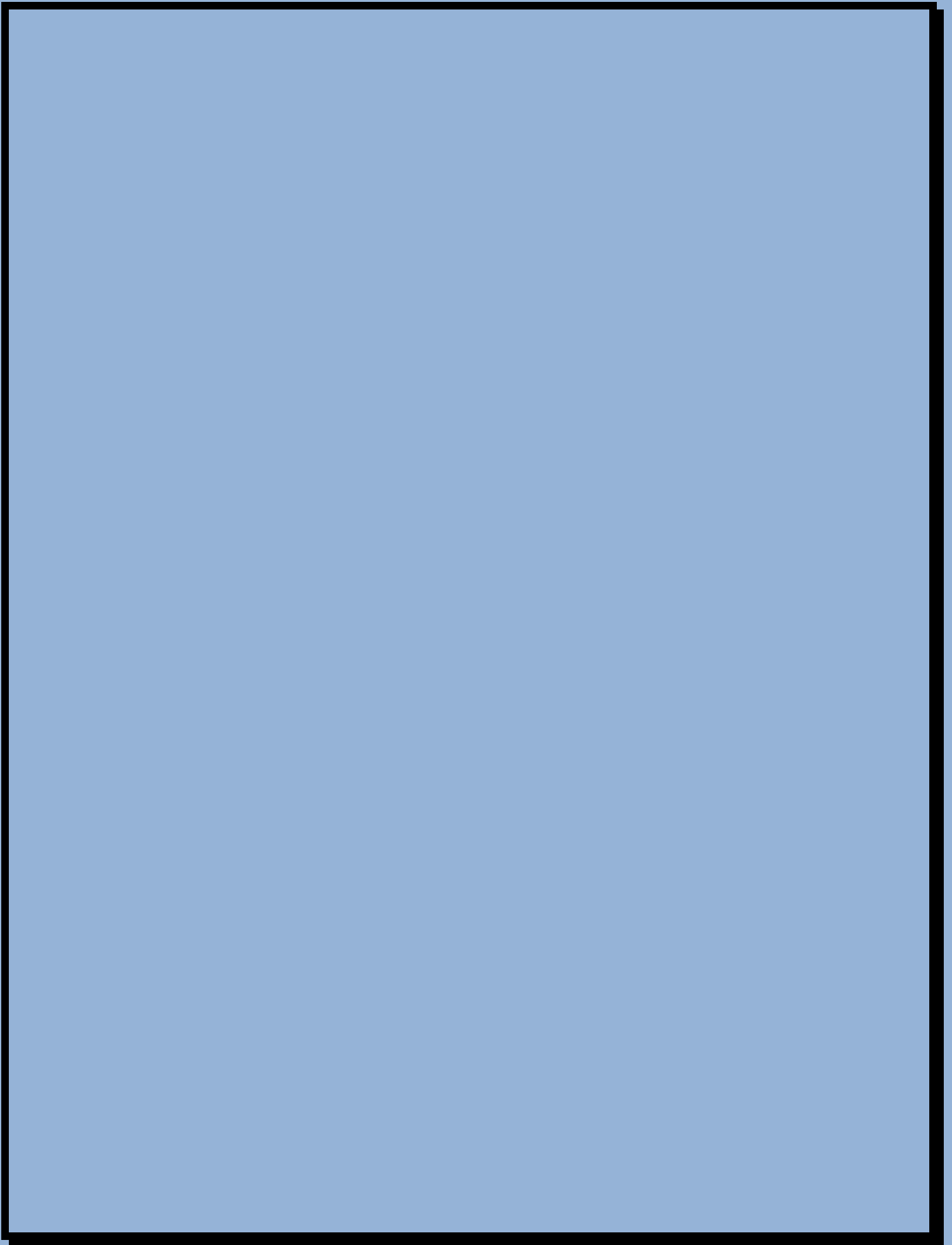
1st CITIZENS	35,622,883	1.75%
NCCMT	5,493,426	5.000%
KS BANK	2,291,402	3.00%
TRUIST	<u>10,188,331</u>	3.25%
	<u>\$ 53,596,042</u>	

*Plug -

Account Balances Confirmed By Finance Director on

10/31/2024

Department Reports



FINANCE DEPARTMENTAL REPORT FOR NOVEMBER 2024

ACCOMPLISHMENTS

- Implemented monthly financial reporting for the appearance commission
- Accounts Receivable related policies written for board approval
- Assisted with the implementation of the new employee benefit management team
- Refunded numerous utility accounts with credit balances or applied credit balances to new accounts for old utility accounts; cleaned up the inactive revenue codes on utility accounts
- Saved \$3,600 in professional fees (Finance Department) and approximately \$2,000 in bank service charges (General, Water Sewer, Electric Fund)
- Implemented invoice and pre audit approval process for accounts payable
- Updated all grant and capital project ordinances to comply with ordinance and resolution statutory requirements

WORK IN PROGRESS

- In process of updating the Customer Service Policy Manual (approval delayed for new regulations) and creating a Red Flag Policy for utility billing customer information
- In process of implementing a monthly closing schedule for all finance functions for timely reporting
- In process of setting up general ledger account reconciliations and delegating those tasks to finance and customer service staff
- In process of updating internal control policies and procedures in relation to finance and customer service
- Drafting the revised employee handbook for council approval in the near future
- In process of comprehensive inventory of fixed assets for all departments
- In process of working with Town Clerk and Town Manager to properly account for capital reserve / capital project funds
- In process of working to implement online payments with PIO for various departments including planning and fire inspection fees
- Assisting with the transition of various tasks related to the exiting Human Resource Director, such as NEOGOV (delayed)
- In process of implementing a training plan for each employee in finance and customer service departments
- Assisting with the phone implementation and internet / fiber projects
- In process of implementing purchase card program with potential savings of \$85K based on historical spending patterns

GOALS

- Update all policies and procedures related to finance and customer service in the near term for council approval
- Work with various departments to obtain a document management system so all departments can access documents for various town projects



Planning Department Development Report

Monday, November 4, 2024

Project Name: **937 N Brightleaf Blvd**
 Request: 8' variance from side yard setback
 Location
 Tax ID#: PIN#:
 Project Status
 Notes:

BOA 2024-01	
Submittal Date:	11/4/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	3/28/2024

Project Name: **Holly's Open Air market**
 Request: 15' Front setback variance for gas canopy
 Location
 Tax ID#: PIN#:
 Project Status
 Notes:

BOA 2024-03	
Submittal Date:	11/4/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	4/25/2024

Project Name: **JCC Repaving**
 Request: Remodel and repave parking lot
 Location
 Tax ID#: PIN#:
 Project Status
 Notes:

2024-12	
Submittal Date:	10/24/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **36 East Edgerton**
 Request: rezone property from HI to B-3
 Location
 Tax ID#: PIN#:
 Project Status
 Notes:

Map Amendment 2024-09	
Submittal Date:	10/23/2024
Planning Board Review:	11/14/2024
Board of Adjustment Review:	
Town Council Hearing Date:	12/17/2024
Approval Date:	

Project Name: **Finley Landing Alternative Plan**
 Request: To approve an alternative plan for Townhouses in lieu of the
 Location
 Tax ID#: PIN#:
 Project Status
 Notes: **DENIED**

Conditional Zoning 2024-06
Submittal Date: 10/17/2024
Planning Board Review: 10/3/2024
Board of Adjustment Review:
Town Council Hearing Date: 10/15/2024
Approval Date:

Project Name: **Smithfield West (old K-mart/Helieg Meier**
 Request: new commercial building and site improvemnts
 Location
 Tax ID#: PIN#:
 Project Status
 Notes:

2024-11
Submittal Date: 10/17/2024
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date:

Project Name: **Smithfield Storage**
 Request: Site Expansion
 Location 1343 West Market Street
 Tax ID#: 15077023 PIN#: 168412-87-5386
 Project Status In First Review
 Notes: **In Code Enforcement for lack of follow through and zoning violations**

Site Plan 2024-11
Submittal Date: 10/16/2024
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date:

Project Name: **Local 70 (Interim Plat)**
 Request: subdivide for ownership, not development
 Location
 Tax ID#: PIN#:
 Project Status
 Notes:

Subdivision 2024-06
Submittal Date: 10/9/2024
Planning Board Review: 11/14/2024
Board of Adjustment Review:
Town Council Hearing Date: 11/19/2024
Approval Date:

Project Name: **Multi-family amendments**
 Request: various amendments to MF standards
 Location
 Tax ID#: PIN#:
 Project Status
 Notes:

Text Amendment 2024-03
Submittal Date: 10/8/2024
Planning Board Review: 11/14/2024
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date:

Project Name: **Waddell Dr. Townhomes**
 Request: 16 lot townhouse development
 Location
 Tax ID#: PIN#:
 Project Status
 Notes:

Conditional Zoning 2024-07
Submittal Date: 10/8/2024
Planning Board Review: 11/14/2024
Board of Adjustment Review:
Town Council Hearing Date: 12/3/2024
Approval Date:

Project Name: **Village on the Neuse**
 Request: 117 lot detached single-family subdivision.
 Location
 Tax ID#: PIN#:
 Project Status
 Notes:

Conditional Zoning 2024-08
Submittal Date: 10/4/2024
Planning Board Review: 11/14/2024
Board of Adjustment Review:
Town Council Hearing Date: 12/3/2024
Approval Date:

Project Name: **Stadler Station**
 Request: a special use permit for Stadler Station, a 168-unit residential a
 Location
 Tax ID#: PIN#:
 Project Status
 Notes:

2024-05
Submittal Date: 9/20/2024
Planning Board Review: 9/24/2024
Board of Adjustment Review:
Town Council Hearing Date: 11/19/2024
Approval Date:

Project Name: **Heritage Townes at NC210**

Request: 51 unit TH development

Location

Tax ID#: PIN#:

Project Status

Notes: **tabled by applicant**

Special Use 2024-04	
Submittal Date:	9/5/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Country Club Road Townhomes**

Request: special use permit for Country Club Road Townhomes, a 60-un

Location

Tax ID#: PIN#:

Project Status

Notes:

Special Use 2024-03	
Submittal Date:	9/4/2024
Planning Board Review:	9/24/2024
Board of Adjustment Review:	
Town Council Hearing Date:	11/19/2024
Approval Date:	

Project Name: **Johnston County Tax ID# 15063037 - Reginald Barnes**

Request: requesting a variance to the Town of Smithfield Unified Develo

Location

Tax ID#: PIN#:

Project Status

Notes:

BOA 2024-05	
Submittal Date:	8/30/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/29/2024

Project Name: **Brightleaf Plaza Sign Variance**

Request: a 10' sign setback variance to allow a new sign to match the se

Location

Tax ID#: PIN#:

Project Status

Notes:

BOA 2024-06	
Submittal Date:	8/30/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/29/2024

Project Name: **Powell Tract Subd**

Request: 19 Lot SFD

Location

Tax ID#: PIN#:

Project Status

Notes:

Subdivision 2024-05	
Submittal Date:	8/29/2024
Planning Board Review:	10/3/2024
Board of Adjustment Review:	
Town Council Hearing Date:	11/19/2024
Approval Date:	

Project Name: **Hartley Drive Townhomes**

Request: 94 unit TH dev

Location

Tax ID#: PIN#:

Project Status **Approved**

Notes:

Special Use 2024-01	
Submittal Date:	8/21/2024
Planning Board Review:	8/2/2024
Board of Adjustment Review:	
Town Council Hearing Date:	8/20/2024
Approval Date:	8/20/2024

Project Name: **Remove MF from B-3 District**

Request:

Location

Tax ID#: PIN#:

Project Status **Approved**

Notes:

Text Amendment 2024-02	
Submittal Date:	8/14/2024
Planning Board Review:	7/11/2024
Board of Adjustment Review:	
Town Council Hearing Date:	7/16/2024
Approval Date:	7/16/2024

Project Name: **400 Brightleaf Blvd Dupree**

Request: Rezone 400 Brightleaf and adjacent residential parcels, 1.21 ac

Location

Tax ID#: 15015033, 15016033, PIN#:

Project Status **Approved**

Notes:

Map Amendment 2024-06	
Submittal Date:	8/14/2024
Planning Board Review:	7/11/2024
Board of Adjustment Review:	
Town Council Hearing Date:	7/16/2024
Approval Date:	8/13/2024

Project Name: **Stadler Station**
 Request: 168 unit apartments
 Location
 Tax ID#: PIN#:
 Project Status: Scheduled for Public Hearing
 Notes:

Special Use 2024-05	
Submittal Date:	8/12/2024
Planning Board Review:	10/3/2024
Board of Adjustment Review:	
Town Council Hearing Date:	10/15/2024
Approval Date:	

Project Name: **Buffalo Ridge Subdivision**
 Request: 210-lot sf subdivision
 Location
 Tax ID#: PIN#:
 Project Status: **Approved**
 Notes:

Conditional Zoning 2024-05	
Submittal Date:	7/25/2024
Planning Board Review:	9/5/2024
Board of Adjustment Review:	
Town Council Hearing Date:	9/17/2024
Approval Date:	9/17/2024

Project Name: **Market Street Plaza**
 Request: maximum 8' variance from the 15' Street Yard requirements of
 Location
 Tax ID#: PIN#:
 Project Status
 Notes:

BOA 2024-04	
Submittal Date:	7/22/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/29/2024

Project Name: **606 S 3rd Street**
 Request: Rezone from R-8 to O/I
 Location
 Tax ID#: PIN#:
 Project Status
 Notes: **Denied**

Map Amendment 2024-08	
Submittal Date:	7/8/2024
Planning Board Review:	9/5/2024
Board of Adjustment Review:	
Town Council Hearing Date:	9/17/2024
Approval Date:	

Project Name: **Massey Street Subdivision**
 Request: zoning for 3 lot subdivision
 Location
 Tax ID#: PIN#:
 Project Status **Approved**
 Notes:

Conditional Zoning 2024-04	
Submittal Date:	7/5/2024
Planning Board Review:	8/1/2024
Board of Adjustment Review:	
Town Council Hearing Date:	8/20/2024
Approval Date:	8/20/2024

Project Name: **Town Place Suites**
 Request: new hotel on Equity Drive
 Location
 Tax ID#: PIN#:
 Project Status **First Review Complete**
 Notes:

Site Plan 2024-10	
Submittal Date:	7/2/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Neuse Charter Elementary School**
 Request: Construct Elementary School
 Location 907 M. Durwood St
 Tax ID#: 14057005E PIN#: 260405-19-9924
 Project Status **Approved**
 Notes:

Site Plan 24-09	
Submittal Date:	5/21/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	7/2/2024

Project Name: **Market Street Plaza**
 Request: Retail Center
 Location 1551 East Market Street
 Tax ID#: 15K10023 PIN#:
 Project Status **Second Review Complete**
 Notes: **Application requires conditional zoning or variance to move forward.**

Site Plan 24-08	
Submittal Date:	5/17/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Johnston County Waste Water Plant Building**

Request:

Location 1000 East Huntley Street

Tax ID#: 15099006 PIN#:

Project Status **Approved**

Notes:

Site Plan 24-07	
Submittal Date:	5/13/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	5/29/2024

Project Name: **Driveway Ordinance**

Request:

Location

Tax ID#: PIN#:

Project Status **Approved**

Notes:

Text Amendment 2024-01	
Submittal Date:	5/3/2024
Planning Board Review:	6/6/2024
Board of Adjustment Review:	
Town Council Hearing Date:	6/18/2024
Approval Date:	6/18/2024

Project Name: **Buffalo Ridge Subdivision**

Request:

Location

Tax ID#: 140001021 PIN#:

Project Status

Notes: **210 Lot SF Subdivision - application denied**

Conditional Zoning 2024-03	
Submittal Date:	5/3/2024
Planning Board Review:	6/6/2024
Board of Adjustment Review:	
Town Council Hearing Date:	6/18/2024
Approval Date:	

Project Name: **Watershed overlay map amendment**

Request:

Location

Tax ID#: PIN#:

Project Status **Approved**

Notes:

Map Amendment 2024-05	
Submittal Date:	5/3/2024
Planning Board Review:	6/6/2024
Board of Adjustment Review:	
Town Council Hearing Date:	6/18/2024
Approval Date:	6/18/2024

Project Name: **CarMax**
 Request: Dealership and Auction
 Location
 Tax ID#: 15L10061 PIN#:
 Project Status **Second Review Complete**
 Notes:

Site Plan 24-06	
Submittal Date:	4/24/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Wellons Woods**
 Request: 44 lot single family subdivision
 Location
 Tax ID#: 15049017 15049014 PIN#:
 Project Status **Withfdrawn**
 Notes: **Tabled by applicant**

Subdivision 2024-03	
Submittal Date:	4/23/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Local 70**
 Request: Mixed Use PUD with 627 dwelling units consisting of 324 multi
 Location
 Tax ID#: 14057011X, 14057011 PIN#:
 Project Status **Approved**
 Notes:

Conditional Zoning 2024-02	
Submittal Date:	4/22/2024
Planning Board Review:	5/2/2024
Board of Adjustment Review:	
Town Council Hearing Date:	5/21/2024
Approval Date:	5/21/2024

Project Name: **Johnston County**
 Request: rezone R20A to O/I
 Location
 Tax ID#: 15L11014A 15L11014E PIN#:
 Project Status **Approved**
 Notes:

Map Amendment 2024-02	
Submittal Date:	4/5/2024
Planning Board Review:	5/2/2024
Board of Adjustment Review:	
Town Council Hearing Date:	5/21/2024
Approval Date:	5/21/2024

Project Name: **Heavner Properties**
 Request: Rezone 9.61 acres from R-10/R-20A to R-8
 Location
 Tax ID#: 15K09010A,15K09010 PIN#:
 Project Status **Approved**
 Notes:

Map Amendment 2024-04	
Submittal Date:	4/5/2024
Planning Board Review:	5/2/2024
Board of Adjustment Review:	
Town Council Hearing Date:	5/21/2024
Approval Date:	5/21/2024

Project Name: **Hillcrest-Poplar-Riverdale**
 Request: 11 lot subdivision
 Location
 Tax ID#: 15083049B PIN#: 169406-48-0447
 Project Status **Approved**
 Notes:

Subdivision 2024-02	
Submittal Date:	3/27/2024
Planning Board Review:	4/4/2024
Board of Adjustment Review:	
Town Council Hearing Date:	4/16/2024
Approval Date:	4/16/2024

Project Name: **Equipment Share - 1515 S. Brightleaf Blvd**
 Request: Develop an equipmnet rental facility
 Location
 Tax ID#: PIN#:
 Project Status
 Notes:

Site Plan 2024-05	
Submittal Date:	3/24/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Express Oil Change**
 Request: Site Plan Approval
 Location 1266 North Bright Leaf Boulevard
 Tax ID#: 14074013A PIN#: 260414-44-7577
 Project Status **Withdrawn**
 Notes:

Site Plan 24-04	
Submittal Date:	3/3/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **SST Annexation**
 Request: Annexation of Samet Property
 Location
 Tax ID#: 15077033C PIN#:
 Project Status **Approved**
 Notes:

Annexation 2024-01	
Submittal Date:	3/1/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	5/21/2024
Approval Date:	5/21/2024

Project Name: **Hollys Open Air Market**
 Request: 15' Variance for Gas Canopy
 Location 716 South Brightleaf Boulevard
 Tax ID#: 15041023 PIN#: 169306-48-0172
 Project Status **Approved**
 Notes: **April BOA Meeting**

Variance 2024-03	
Submittal Date:	3/1/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	4/25/2024

Project Name: **937 N BRIGHTLEAF**
 Request: 8' SIDE YARD VARIANCE
 Location 937 North Brightleaf Boulevard
 Tax ID#: 15007001 PIN#: 260413-13-3627
 Project Status **Approved**
 Notes:

Variance BA-24-01	
Submittal Date:	2/20/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	3/25/2024

Project Name: **Airport Industrial Park Lot 13**
 Request: Additional Building & Improvements with stormwater SCM
 Location 55 Airport Industri Drive
 Tax ID#: 15J08017P PIN#: 168500-40-5363
 Project Status **Approved**
 Notes:

Site Plan 2024-03	
Submittal Date:	2/7/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/6/2024

Project Name: **CarMax Conditional Rezoning**
 Request: B-3 Conditonal Rezoning
 Location 1331 Outlet Center Drive
 Tax ID#: 15L10061 PIN#: 27577
 Project Status **Approved**
 Notes:

Conditional Zoning 2024-01	
Submittal Date:	2/2/2024
Planning Board Review:	3/7/2024
Board of Adjustment Review:	
Town Council Hearing Date:	3/19/2024
Approval Date:	3/19/2024

Project Name: **Bulldog Harley-Davison**
 Request: Site and Store renovation
 Location 1043 Outlet Center Drive
 Tax ID#: 15074012R PIN#: 27577
 Project Status **Approved**
 Notes:

Site Plan 2024-02	
Submittal Date:	2/1/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	3/25/2024

Project Name: **Lynn's Automotive Repair**
 Request: Site Improvements and Building reuse
 Location 559 West Market Street
 Tax ID#: 15080062D PIN#: 27577
 Project Status **Approved**
 Notes:

Site Plan 2024-01	
Submittal Date:	1/17/2024
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	5/17/2024

Project Name: **Jubilee Creek Subdivision**
 Request: 7-lot subdivision
 Location
 Tax ID#: PIN#: 167300-68-6746
 Project Status **Approved**
 Notes:

Subdivision 2023-01	
Submittal Date:	12/18/2023
Planning Board Review:	3/7/2024
Board of Adjustment Review:	
Town Council Hearing Date:	4/16/2024
Approval Date:	4/16/2024

Project Name: **Johnston County Neuse River Pump Station**
Request: new replacement pump station
Location
Tax ID#: 15J10015J PIN#: 168319-60-6281
Project Status **Approved**
Notes:

Site Plan 2023-13
Submittal Date: 12/18/2023
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date: 1/22/2024

Project Name: **SCC Real Estate**
Request: Contractor Building and Yard
Location
Tax ID#: 15079005G PIN#:
Project Status **Approved**
Notes:

Site Plan SP-23-11
Submittal Date: 12/1/2023
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date: 8/1/2024

Project Name: **Smithfield Venue - 230 N Equity Dr**
Request: Reuse of building as an event venue
Location 230 North Equity Drive
Tax ID#: 15008045C. PIN#: 260417-20-2951
Project Status **Approved**
Notes:

Site Plan 2023-12
Submittal Date: 11/15/2023
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date: 2/1/2024

Project Name: **96 Gulf Stream Court Industrial**
Request: Site Plan review
Location 96 Gulfstream Court
Tax ID#: 15079005D PIN#: 168510-47-8027
Project Status **Approved**
Notes:

Site Plan 2023-10
Submittal Date: 10/25/2023
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date: 1/8/2024

Project Name: **Rapid Response Electric**
 Request: Site plan review for expansion
 Location 228 Tyler Drive
 Tax ID#: 15J11023N PIN#: 168206-38-3045
 Project Status **Approved**
 Notes:

Site Plan 2023-09
Submittal Date: 10/19/2023 Planning Board Review: Board of Adjustment Review: Town Council Hearing Date: Approval Date: 1/23/2024

Project Name: **JCC Greenhouses**
 Request:
 Location 1240 East Market Street
 Tax ID#: 15L11005N PIN#: 169308-89-4088
 Project Status **Approved**
 Notes:

Site Plan 2023-08
Submittal Date: 10/5/2023 Planning Board Review: Board of Adjustment Review: Town Council Hearing Date: Approval Date: 10/6/2023

Project Name: **Johnson's Tire & Auto**
 Request: Rezoning form R-20A to B-3
 Location 267 NC Hwy 210
 Tax ID#: 15076014 PIN#: 168400-93-3800
 Project Status **Approved**
 Notes: **Rezones a .5 acre portion of 1.5 acre tract of land**

Map Amendment 2023-02
Submittal Date: 8/4/2023 Planning Board Review: 9/7/2023 Board of Adjustment Review: Town Council Hearing Date: 10/2/2023 Approval Date: 10/2/2023

Project Name: **Slim Chickens**
 Request: Free Standing Restaurant
 Location 1311 North Brightleaf Boulevard
 Tax ID#: 14074019A PIN#: 260411-55-9256
 Project Status **Approved**
 Notes: **Under Construction**

Site Plan 2023-07
Submittal Date: 7/18/2023 Planning Board Review: Board of Adjustment Review: Town Council Hearing Date: Approval Date: 8/9/2023

Project Name: **Buffalo Road Subdivision**
 Request: 222 unit subdivision
 Location Buffalo Road
 Tax ID#: 14A03005 PIN#: 260412-06-3802
 Project Status **Approved**
 Notes: **TC tabled to the March TC meeting**

Conditional Zoning 2023-01	
Submittal Date:	6/30/2023
Planning Board Review:	11/2/2023
Board of Adjustment Review:	
Town Council Hearing Date:	1/23/2024
Approval Date:	7/9/2024

Project Name: **Johnston County / Yelverton Grove Road Rezoning**
 Request: Rezone 49.02 acers from R-20A to OI
 Location Yelverton Grov
 Tax ID#: 15L11012 PIN#: 260300-46-7578
 Project Status **Approved**
 Notes: **Planning Board Reccomends Approval**

Map Amendment 2023-01	
Submittal Date:	6/2/2023
Planning Board Review:	7/13/2023
Board of Adjustment Review:	
Town Council Hearing Date:	8/1/2023
Approval Date:	8/1/2023

Project Name: **Sidewalk Fee in lieu of**
 Request: Amend Article 2 to create a sidewalk fee in lieu of option
 Location
 Tax ID#: PIN#:
 Project Status **In First Review**
 Notes: **Town Council tabled discussion to future workshop**

Text Amendment 2023-07	
Submittal Date:	6/2/2023
Planning Board Review:	7/13/2023
Board of Adjustment Review:	
Town Council Hearing Date:	8/1/2023
Approval Date:	

Project Name: **Big Dan's Car Wash**
 Request: Car wash tunnel
 Location 100 Smithfield Cros
 Tax ID#: 15008045Y PIN#: 260305-09-6780
 Project Status **Approved**
 Notes: **Old Checkers Site**

Site Plan 2023-06	
Submittal Date:	6/1/2023
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	9/15/2023

Project Name: **Cox Automotive Addition**
 Request: Open canopy addition to building
 Location
 Tax ID#: PIN#:
 Project Status **Approved**
 Notes:

Site Plan 2023-05	
Submittal Date:	5/22/2023
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	5/22/2023

Project Name: **General Design Standards**
 Request: Article 2,10 and Appendix A
 Location
 Tax ID#: PIN#:
 Project Status **In First Review**
 Notes: **Town Council tabled discussion to future workshop**

Text Amendment 2023-06	
Submittal Date:	5/1/2023
Planning Board Review:	5/4/2023
Board of Adjustment Review:	
Town Council Hearing Date:	7/11/2023
Approval Date:	

Project Name: **Airport Industrial Lot 4**
 Request: 8000 sq ft Industrial Flex Space
 Location 154 Airport Ind Drive
 Tax ID#: 15J08017H PIN#: 68500-04-6994
 Project Status **Approved**
 Notes: **Under Construction**

Site Plan 2023-04	
Submittal Date:	4/19/2023
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	6/9/2023

Project Name: **Westerman Place Sub'd**
 Request: variance to create a lot on a private easement
 Location 350 Westerman Place
 Tax ID#: 15I07040 PIN#: 167500-74-2102
 Project Status **Approved**
 Notes: **10.110.1.4.4,10.110.1.4.4.1 and 10.110.1.4.4.2 to allow a 6.77-acre lot on an access easement**

Variance 2023-05	
Submittal Date:	4/7/2023
Planning Board Review:	
Board of Adjustment Review:	4/27/2023
Town Council Hearing Date:	
Approval Date:	4/27/2023

Project Name: **Home2Suites**
Request: 98 Room Hotel
Location 180 Towne Center Place
Tax ID#: 15L11001H PIN#: 260305-08-8796
Project Status **Approved**
Notes: **Construction Eminent**

Site Plan 2023-03	
Submittal Date:	3/17/2023
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	6/22/2023

Project Name: **Ram Rent-All**
Request: Free standing storage building
Location 804 North Brightleaf Boulevard
Tax ID#: 15006010 PIN#: 260413-02-1766
Project Status **Approved**
Notes: **1,800 square foot metal building**

Site Plan 2023-04	
Submittal Date:	2/10/2023
Planning Board Review:	
Board of Adjustment Review:	3/30/2023
Town Council Hearing Date:	
Approval Date:	4/13/2023

Project Name: **Perfect Ride**
Request: Variance from Street Yard, Paking lot trees, Parking lot striping
Location 721 North Brightleaf Boulevard
Tax ID#: 15006006 PIN#: 169416-92-9618
Project Status
Notes: **Denied by TOSBOA**

Variance 2023-03	
Submittal Date:	2/3/2023
Planning Board Review:	
Board of Adjustment Review:	2/23/2023
Town Council Hearing Date:	
Approval Date:	

Project Name: **Deacon Jones Automotive**
Request: Exemption from parking lot striping
Location 1109 North Brightleaf Boulevard
Tax ID#: 15004022 PIN#: 260413-24-1290
Project Status
Notes: **Denied by TOSBOA**

Variance 2023-02	
Submittal Date:	1/12/2023
Planning Board Review:	
Board of Adjustment Review:	2/23/2023
Town Council Hearing Date:	
Approval Date:	

Project Name: **Deacon Jones Automotive**
 Request: Exceed the maximum of four wall signs for a total of six
 Location 1109 North Brightleaf Boulevard
 Tax ID#: 15004022 PIN#: 260413-24-1290
 Project Status **Approved**
 Notes: **Approved by TOSBOA**

Variance 2023-01	
Submittal Date:	1/6/2023
Planning Board Review:	
Board of Adjustment Review:	1/26/2023
Town Council Hearing Date:	
Approval Date:	

Project Name: **Country Club Road Townhomes**
 Request: 60 unit TH Dev
 Location
 Tax ID#: PIN:
 Project Status
 Notes:

Special Use 24-03	
Submittal Date:	8/1/124
Planning Board Review:	9/5/2024
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Marin Woods Phase 2 Final Plat**
 Request:
 Location
 Tax ID#: PIN:
 Project Status
 Notes:

Subdivision 2021-03	
Submittal Date:	
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	9/23/2024

Project Name: **Hartley Drive Townhomes**
 Request: SUP for 94 lot townhome development
 Location
 Tax ID#: PIN:
 Project Status
 Notes:

Special Use 2024-01	
Submittal Date:	
Planning Board Review:	8/1/2024
Board of Adjustment Review:	
Town Council Hearing Date:	8/20/2024
Approval Date:	

Project Name: **Country Club Road Townhomes**
Request: SUP for 60 lot townhome development
Location
Tax ID#: 15J11023 PIN#:
Project Status
Notes:

Special Use 2024-03	
Submittal Date:	
Planning Board Review:	9/5/2024
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Village on the Neusae**
Request:
Location
Tax ID#: PIN#:
Project Status **Withdrawn**
Notes:

Map Amendment 2024-07	
Submittal Date:	
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	



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

Permits Issued for October 2024

		Permit Fees	Permits Issued
Zoning	Land Use	\$900.00	10
Subdivisions	Major Subdivision	\$875.00	7
Site Plan	Minor Site Plan	\$250.00	7
Zoning	Sign	\$250.00	5
Zoning	ess Communication (Small Cell)	\$0.00	0
Zoning	le Family & Two Family Zoning	\$0.00	0
ROW Encroachment	Right of Way Encroachment	\$0.00	0
Report Period Total:		\$2,275.00	29
Fiscal YTD Total:		\$17,500.00	169

Permit#	Permit Type	Sub Type	Address	File Open Date	Fees
SP24-000150	Site Plan	Minor Site Plan	619 South Third Street Unit B	10/01/2024	25
SP24-000151	Site Plan	Minor Site Plan	101 Quail Run	10/08/2024	25
SP24-000153	Site Plan	Minor Site Plan	22 Cedar Drive	10/14/2024	25
SP24-000154	Site Plan	Major Site Plan	106-136 North Finley Landing Parkway	10/16/2024	150
SP24-000155	Site Plan	Major Site Plan	103-121 North Finley Landing Parkway	10/17/2024	100
SP24-000156	Site Plan	Major Site Plan	339-359 Thompson Overlook Way	10/17/2024	150
SP24-000157	Site Plan	Major Site Plan	365-385 Thompson Overlook Way	10/17/2024	150
SP24-000158	Site Plan	Major Site Plan	364-384 Thompson Overlook Way	10/17/2024	150
SP24-000159	Site Plan	Major Site Plan	960 West Market Street	10/17/2024	100
SP24-000160	Site Plan	Minor Site Plan	510 North Twelfth Street	10/23/2024	25
SP24-000161	Site Plan	Major Site Plan	316-338 Hopewell Branch Court	10/24/2024	75
SP24-000162	Site Plan	Minor Site Plan	808 Blount Street	10/24/2024	25
SP24-000163	Site Plan	Minor Site Plan	1299 North Brightleaf Boulevard	10/24/2024	100
SP24-000164	Site Plan	Minor Site Plan	1222 South Second Street	10/30/2024	25
Z24-000125	Zoning	Sign	1237 Outlet Center Drive	10/03/2024	50
Z24-000126	Zoning	Land Use	711 East Rose Street Bay 1A	10/08/2024	100
Z24-000127	Zoning	Sign	1547 East Market Street Ste 101	10/08/2024	50
Z24-000128	Zoning	Sign	831 North Brightleaf Boulevard	10/09/2024	50
Z24-000129	Zoning	Sign	1289 Outlet Center Drive	10/09/2024	50
Z24-000130	Zoning	Land Use	1000 Wilsons Mills Road	10/10/2024	100
Z24-000131	Zoning	Land Use	1317 North Brightleaf Boulevard Suite A	10/11/2024	100
Z24-000132	Zoning	Land Use	1260 North Brightleaf Boulevard	10/14/2024	100
Z24-000133	Zoning	Land Use	259 Venture Drive Unit A & F	10/17/2024	100
Z24-000134	Zoning	Land Use	555 Rock Pillar Road	10/21/2024	0
Z24-000135	Zoning	Land Use	831 North Brightleaf Boulevard	10/23/2024	100
Z24-000136	Zoning	Land Use	513 Outlet Center Drive	10/23/2024	100
Z24-000137	Zoning	Sign	513 Outlet Center Drive	10/23/2024	50
Z24-000138	Zoning	Land Use	128 Airport Industrial Drive Unit B	10/29/2024	100
Z24-000139	Zoning	Land Use	36 East Edgerton Street Unit 2B	10/29/2024	100



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

Permits Issued for September 2024

		Permit Fees	Permits Issued
Zoning	Land Use	\$300.00	4
Subdivisions	Major Subdivision	\$1,050.00	11
Site Plan	Minor Site Plan	\$225.00	6
Zoning	Sign	\$150.00	3
Zoning	Wireless Communication (Small Cell)	\$50.00	1
Zoning	Single Family & Two Family Zoning	\$0.00	0
ROW Encroachment	Right of Way Encroachment	\$0.00	4
Report Period Total:		\$1,725.00	29
Fiscal YTD Total:		\$15,225.00	169

Permit#	Permit Type	Sub Type	Address	File Open Date	Fees
ROW24-00000	ROW Encroachment	ROW Encroachment	North Lakeside Drive	09/12/2024	0
ROW24-00000	ROW Encroachment	ROW Encroachment	South Rogers Drive	09/12/2024	0
ROW24-00000	ROW Encroachment	ROW Encroachment	Sunset Avenue	09/12/2024	0
ROW24-00000	ROW Encroachment	ROW Encroachment	Outlet Center Drive	09/16/2024	0
SP24-000133	Site Plan	Minor Site Plan	522 South Sixth Street	09/05/2024	25
SP24-000134	Site Plan	Major Site Plan	188-200 Cowlily Court	09/06/2024	100
SP24-000135	Site Plan	Major Site Plan	213-229 Cowlily Court	09/06/2024	125
SP24-000136	Site Plan	Major Site Plan	266-278 New Twin Branch Court	09/06/2024	50
SP24-000137	Site Plan	Major Site Plan	237-251 Hopewell Branch Court	09/06/2024	50
SP24-000138	Site Plan	Minor Site Plan	3250 US Hwy 70 Business West	09/11/2024	100
SP24-000139	Site Plan	Minor Site Plan	704 East Street	09/12/2024	25
SP24-000140	Site Plan	Minor Site Plan	811 Blount Street	09/12/2024	25
SP24-000141	Site Plan	Minor Site Plan	413 Ash Street	09/17/2024	25
SP24-000142	Site Plan	Major Site Plan	137-149 South Finley Landing Parkway	09/20/2024	75
SP24-000143	Site Plan	Major Site Plan	155-161 South Finley Landing Parkway	09/20/2024	50
SP24-000144	Site Plan	Major Site Plan	167-179 South Finley Landing Parkway	09/20/2024	75
SP24-000145	Site Plan	Major Site Plan	185-209 South Finley Landing Parkway	09/20/2024	125
SP24-000146	Site Plan	Minor Site Plan	10 Alpine Circle	09/20/2024	25
SP24-000147	Site Plan	Major Site Plan	2271 Swift Creek Road	09/20/2024	100
SP24-000148	Site Plan	Major Site Plan	387-407 Thompson Overlook Way	09/27/2024	150
SP24-000149	Site Plan	Major Site Plan	390-410 Thompson Overlook Way	09/27/2024	150
Z24-000116	Zoning	Land Use	415 North Seventh Street Suite A	09/03/2024	100
Z24-000117	Zoning	Land Use	110 South Fifth Street	09/03/2024	100
Z24-000118	Zoning	Sign	403 South Brightleaf Boulevard	09/10/2024	50
Z24-000120	Zoning	Wireless Communication (Small Cell)	1051 Outlet Center Drive	09/20/2024	50
Z24-000121	Zoning	Land Use	36 East Edgerton Street Suite 2C	09/23/2024	100
Z24-000122	Zoning	Land Use	1904 South Brightleaf Boulevard	09/25/2024	0
Z24-000123	Zoning	Sign	128 North Second Street	09/25/2024	50
Z24-000124	Zoning	Sign	1025 Outlet Center Drive Suite 70	09/26/2024	50



SMITHFIELD POLICE DEPARTMENT

110 S. Fifth Street • Smithfield, NC 27577
Phone: (919) 934-2121 • Fax: (919) 934-0223

MONTHLY STATISTICS

MONTH ENDING SEPTEMBER 30, 2024

	MONTHLY TOTAL	YEAR TO DATE TOTAL
CALLS FOR SERVICE	1686	15371
INCIDENT REPORTS TAKEN	119	1066
BURGLARY	4	26
CASES CLOSED	65	800
ACCIDENT REPORTS	87	755
ARREST REPORTS TAKEN	62	689
DRUGS	7	156
DWI	8	44
CITATIONS ISSUED	114	1593
PARKING/PAID	22/6	719/166
SPEEDING	11	84
NOL/DWLR	44	572
FICT/CNCL/REV REG CARD/TAG	30	183

Smithfield, North Carolina • The Heart of Johnston County Since 1777

REPORTED UCR OFFENSES FOR THE MONTH OF SEPTEMBER 2024

PART I CRIMES	September 2023	September 2024	+/-	Percent Changed	Year-To-Date 2023	Year-To-Date 2024	+/-	Percent Changed
MURDER	0	0	0	N.C.	1	1	0	0%
RAPE	0	0	0	N.C.	3	2	-1	-33%
ROBBERY	1	0	-1	-100%	5	5	0	0%
Commercial	0	0	0	N.C.	1	2	1	100%
Individual	1	0	-1	-100%	4	3	-1	-25%
ASSAULT	2	9	7	350%	33	40	7	21%
* VIOLENT *	3	9	6	200%	42	48	6	14%
BURGLARY	3	4	1	33%	34	30	-4	-12%
Residential	0	0	0	N.C.	15	17	2	13%
Non-Resident.	3	4	1	33%	19	13	-6	-32%
LARCENY	39	38	-1	-3%	294	268	-26	-9%
AUTO THEFT	4	4	0	0%	19	19	0	0%
ARSON	0	0	0	N.C.	1	1	0	0%
* PROPERTY *	46	46	0	0%	348	318	-30	-9%
PART I TOTAL:	49	55	6	12%	390	366	-24	-6%
PART II CRIMES								
Drug	7	7	0	0%	116	164	48	41%
Assault Simple	17	7	-10	-59%	93	91	-2	-2%
Forgery/Counterfeit	1	4	3	300%	13	15	2	15%
Fraud	7	4	-3	-43%	74	52	-22	-30%
Embezzlement	1	1	0	0%	7	8	1	14%
Stolen Property	0	0	0	N.C.	3	8	5	167%
Vandalism	7	7	0	0%	36	55	19	53%
Weapons	1	2	1	100%	5	10	5	100%
Prostitution	0	0	0	N.C.	0	0	0	N.C.
All Other Sex Offens	0	0	0	N.C.	1	4	3	300%
Gambling	0	0	0	N.C.	0	0	0	N.C.
Offn Agnst Faml/Chld	0	0	0	N.C.	1	4	3	300%
D. W. I.	2	9	7	350%	34	47	13	38%
Liquor Law Violation	0	0	0	N.C.	2	4	2	100%
Disorderly Conduct	0	3	3	N.C.	6	4	-2	-33%
Obscenity	0	0	0	N.C.	0	1	1	N.C.
Kidnap	0	0	0	N.C.	2	1	-1	-50%
Human Trafficking	0	0	0	N.C.	0	0	0	N.C.
All Other Offenses	22	25	3	14%	226	199	-27	-12%
PART II TOTAL:	65	69	4	6%	619	667	48	8%
GRAND TOTAL:	114	124	10	9%	1009	1033	24	2%

N.C. = Not Calculable



**Town of Smithfield
Fire Department
September 2024**

I. Statistical Section

	Sep.
Confirmed Structure Fires	5
EMS Responses	165
Misc./Other Calls	31
Mutual Aid Calls	6
TOTAL EMERGENCY RESPONSES	256

	Sep.	YTD
Fire Inspections	51	645
Public Fire Education Programs	4	15
# Of Children Educated	450	1,061
# Of Adults Educated	100	472
Plans Review Construction/Renovation Projects	19	188
Fire Department Permits reviewed / Issued	37	306
Business Preplans	0	0
Fire Related Injuries & Deaths	0	0
# Of Civilian Deaths	0	0
# Of Civilian Injuries	0	0

II. Major Revenues

	Sep.	YTD
Inspections	\$750.00	\$8,400.00
Fire Recovery USA	\$2,684.00	\$18,239.99

III. Personnel Update:

Continuous Part-time positions available, 19 p/t positions currently filled including the p/t fire inspector.

IV. Narrative of monthly departmental activities:

- Squad was in-service 12 of 21 days
- Total Training Hours for September = 366.5 hours
- Website Updating (Continuing)
- Command Staff Meeting

- Begin Fire Prevention Month Program Scheduling, etc
- Development of billing with Town of Smithfield
- Follow-ups and Re-inspections

V. Upcoming Plans

- ESO Inspections Development
- Fire Prevention Month Programs
- Inventory and order additional Pub Ed material.
- Plan for Amazon Evacuation Drill/Emergency Training
- Haz- Mat Storage Facility training.

**Town of Smithfield
Public Works Department
Sept. 30, 2024**



212 Total Work Orders completed by the Public Works Department

5 Burials, at \$775.00 each = \$3,875.00

0 Cremation Burial, \$475.00 each = \$0.00

\$2,000.00 Sunset Cemetery Lot Sales

\$0 Riverside Extension Cemetery Lot Sales

463.07 tons of household waste collected

132 tons of yard waste collected

5.33 tons of recycling collected

250 scrap tires were recycled



Reporting

09/01/2024 - 09/30/2024

Last Month

Work Orders

Asset Health

Reporting Details

Recent Activity

Export Data

Custom Dashboards

Assigned To

Due Date

Category

+ Add Filter

My Filters

Work Orders 20

Purchase Orders

Reporting

Requests

Assets

Messages 1

Categories

Parts Inventory

Library

Meters

Locations

Teams / Users

Vendors

Work Orders

Created vs. Completed >

+ Add to Dashboard

212

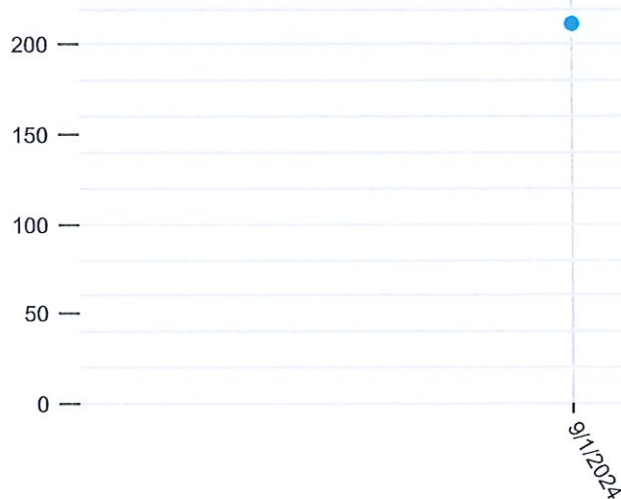
Created

211

Completed

99.5%

Percent Completed



Work Orders by Type ⓘ >

+

4

Preventive

208

Reactive

0

Other

1.9%

Total Preventive Ratio

182

Support

Lawrence Davis >

Settings

Town of Smithfield
Public Works Appearance Division
Cemetery, Landscapes, and Grounds Maintenance
Buildings, Facilities, and Sign Division
Monthly Report
September 30, 2024



I. Statistical Section

- 5 Burials
- 2 Works Orders – Buildings & Facilities Division
- 46 Work Orders – Grounds Division
- 63 Work Orders – Sign Division

II. Major Revenues

Sunset Cemetery Lot Sales:	\$ 2,000.00
Riverside Ext Cemetery Lot Sales:	\$ 0
Grave Opening Fees:	\$ 3,875.00
Total Revenue:	\$ 5,875.00

III. Major Expenses for the Month:

The Appearance Division paid \$2,200.00 to Keith Transportation for CDL Class B training for Willie Tilley.

IV. Personnel Update:

No one hired for the month of September 2024.

V. Narrative of monthly departmental activities:

The overall duties include daily maintenance on cemeteries, landscapes, right-of-ways, buildings and facilities. The Public Works safety meeting was on "Prostate Health" with Jaime Pearce with Wellness Works.



Reporting

09/01/2024 - 09/30/2024

Last Month

Work Orders

Asset Health

Reporting Details

Recent Activity

Export Data

Custom Dashboards

J.B. Young

Due Date

Category

+ Add Filter

Reset Filters

Work Orders 20

Purchase Orders

Reporting

Requests

Assets

Messages 1

Categories

Parts Inventory

Library

Meters

Locations

Teams / Users

Vendors

Work Orders

Created vs. Completed >

+ Add to Dashboard

63

Created

64

Completed

101.6%

Percent Completed

*More Work Orders were completed than created during this time period



Work Orders by Type ⓘ >

+

0

Preventive

63

Reactive

0

Other

0.0%

Total Preventive Ratio

184

Support

Lawrence Davis >

Settings



Work Orders List for 10/01/2024 - 10/31/2024

WORK ORDER INFO	LOCATION & ASSET	DUE & STATUS	TIME & COST	PROCEDURE ANSWERS
#4052 Pothole Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/03/2024	Total Time Costs Total Time 10m 22s Total Costs \$2.59	\$2.59 10m 22s \$2.59
#4061 Potholes Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/04/2024	Total Time Costs Total Time 1h 14m 16s Total Costs \$18.57	\$18.57 1h 14m 16s \$18.57
#4065 Limbs hanging in street Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/04/2024	Total Time Costs Total Time 27m 39s Total Costs \$6.91	\$6.91 27m 39s \$6.91
#4068 Pothole Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/04/2024	Total Time Costs Total Time 5m 36s Total Costs \$1.40	\$1.40 5m 36s \$1.40
#4069 Pothole Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/04/2024	Total Time Costs Total Time 6m 0s Total Costs \$1.50	\$1.50 6m 0s \$1.50

J.B. Young

#4070

Limbs blocking view of 25mph sign
Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done
Completed by J.B. Young on 10/07/2024

Total Time Costs
Total Time 17m 6s
\$4.28

Total Costs \$4.28

#4071

Blind corner
Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done
Completed by J.B. Young on 10/07/2024

Total Time Costs
Total Time 22m 31s
\$5.63

Total Costs \$5.63

#4073

Pothole
Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done
Completed by J.B. Young on 10/07/2024

Total Time Costs
Total Time 8m 16s
\$2.07

Total Costs \$2.07

#4074

Limbs blocking view of stopsign
Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done
Completed by J.B. Young on 10/07/2024

Total Time Costs
Total Time 10m 25s
\$2.60

Total Costs \$2.60

#4076

Pothole
Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done
Completed by J.B. Young on 10/07/2024

Total Time Costs
Total Time 8m 42s
\$2.18

Total Costs \$2.18

WORK ORDER INFO

LOCATION & ASSET

DUE & STATUS

TIME & COST

PROCEDURE ANSWERS

#4077 Blind corner Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/08/2024	Total Time Costs Total Time \$6.36	\$6.36 25m 27s \$6.36
#4078 Blind corner Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/08/2024	Total Time Costs Total Time \$7.96	\$7.96 31m 51s \$7.96
#4084 Faded children at play sign Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/08/2024	Total Time Costs Total Time \$2.85	\$2.85 11m 23s \$2.85
#4086 Pothole Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/08/2024	Total Time Costs Total Time \$1.81	\$1.81 7m 14s \$1.81
#4087 Pothole Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/08/2024	Total Time Costs Total Time \$1.93	\$1.93 7m 43s \$1.93
#4089 Faded stopsign Type: Reactive	Appearance Division	✓ Done Completed by J.B. Young on 10/08/2024	Total Time Costs Total Time \$6.31	\$6.31 25m 15s

WORK ORDER INFO

LOCATION & ASSET

DUE & STATUS

TIME & COST

PROCEDURE ANSWERS

[Signage](#)

J.B. Young

#4101
Put up Barry Foote sign

Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done
Completed by J.B. Young on 10/10/2024

Total Time Costs
Total Time
1h 25m 47s

Total Costs
\$21.45

Total Costs
\$6.31

#4107
Bolt missing out of stopsign

Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done
Completed by J.B. Young on 10/10/2024

Total Time Costs
Total Time
5m 10s

Total Costs
\$1.29

Total Time Costs
\$1.29

#4108

Faded Bump Sign

Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done
Completed by J.B. Young on 10/10/2024

Total Time Costs
Total Time
20m 12s

Total Costs
\$5.05

Total Time Costs
\$5.05

#4111

25mph sign leaning

Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done
Completed by J.B. Young on 10/11/2024

Total Time Costs
Total Time
7m 23s

Total Costs
\$1.85

Total Time Costs
\$1.85

#4112

Pothole

Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done
Completed by J.B. Young on 10/11/2024

Total Time Costs
Total Time
9m 52s

Total Costs
\$2.47

Total Time Costs
\$2.47

#4114
Faded No Parking Anytime sign
 Type: Reactive
[Signage](#)
 J.B. Young

Appearance Division
 ✓ Done
 Completed by J.B. Young on 10/11/2024

Total Time Costs
 Total Time 8m 21s
Total Costs \$2.09

#4115
Faded 2-HR Parking sign
 Type: Reactive
[Signage](#)
 J.B. Young

Appearance Division
 ✓ Done
 Completed by J.B. Young on 10/11/2024

Total Time Costs
 Total Time 14m 1s
Total Costs \$3.50

#4116
Pothole
 Type: Reactive
[Signage](#)
 J.B. Young

Appearance Division
 ✓ Done
 Completed by J.B. Young on 10/11/2024

Total Time Costs
 Total Time 11m 13s
Total Costs \$2.80

#4123
Pothole
 Type: Reactive
[Signage](#)
 J.B. Young

Appearance Division
 ✓ Done
 Completed by J.B. Young on 10/14/2024

Total Time Costs
 Total Time 7m 27s
Total Costs \$1.86

#4124
Pothole
 Type: Reactive
[Signage](#)
 J.B. Young

Appearance Division
 ✓ Done
 Completed by J.B. Young on 10/14/2024

Total Time Costs
 Total Time 11m 6s
Total Costs \$2.78

#4126 Faded 25mph sign Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/14/2024	Total Time Costs Total Time \$3.52	\$3.52 14m 5s \$3.52
---------------------------------------------------------------------------------------------	---------------------	-------------------------------------------------	-------------------------------------------------	-----------------------------------

#4127 Pothole Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/14/2024	Total Time Costs Total Time \$2.66	\$2.66 10m 39s \$2.66
------------------------------------------------------------------------------------	---------------------	-------------------------------------------------	-------------------------------------------------	------------------------------------

#4131 Faded stopsign Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/15/2024	Total Time Costs Total Time \$3.87	\$3.87 15m 29s \$3.87
-------------------------------------------------------------------------------------------	---------------------	-------------------------------------------------	-------------------------------------------------	------------------------------------

#4137 Potholes Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/15/2024	Total Time Costs Total Time \$3.14	\$3.14 12m 33s \$3.14
-------------------------------------------------------------------------------------	---------------------	-------------------------------------------------	-------------------------------------------------	------------------------------------

#4138 Faded 25mph sign Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/16/2024	Total Time Costs Total Time \$3.20	\$3.20 12m 48s \$3.20
---------------------------------------------------------------------------------------------	---------------------	-------------------------------------------------	-------------------------------------------------	------------------------------------

#4139 Faded street blades Type: Reactive	Appearance Division	✓ Done Completed by J.B. Young on 10/16/2024	Total Time Costs Total Time \$19.09	\$19.09 1h 16m 21s \$19.09
-------------------------------------------------------	---------------------	-------------------------------------------------	--------------------------------------------------	-----------------------------------------

WORK ORDER INFO

LOCATION & ASSET

DUE & STATUS

TIME & COST

PROCEDURE ANSWERS

[Signage](#)

J.B. Young

#4140

Pothole

Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done

Completed by J.B. Young on 10/16/2024

Total Time Costs

Total Time

\$2.24

8m 57s

\$2.24

#4143

Faded stopsign

Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done

Completed by J.B. Young on 10/17/2024

Total Time Costs

Total Time

\$18.43

1h 13m 43s

\$18.43

#4146

Faded stopsign

Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done

Completed by J.B. Young on 10/17/2024

Total Time Costs

Total Time

\$3.93

15m 44s

\$3.93

#4147

Faded stopsign

Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done

Completed by J.B. Young on 10/17/2024

Total Time Costs

Total Time

\$4.28

17m 6s

\$4.28

#4149

Faded stopsign

Type: Reactive

[Signage](#)

J.B. Young

Appearance Division

✓ Done

Completed by J.B. Young on 10/17/2024

Total Time Costs

Total Time

\$5.28

21m 6s

\$5.28

WORK ORDER INFO

LOCATION & ASSET

DUE & STATUS

TIME & COST

PROCEDURE ANSWERS

#4153 Pothole Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/18/2024	Total Time Costs Total Time \$3.58	\$3.58 14m 20s \$3.58
#4154 25mph sign leaning Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/18/2024	Total Time Costs Total Time \$3.40	\$3.40 13m 37s \$3.40
#4160 25mph sign leaning Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/21/2024	Total Time Costs Total Time \$1,016.82	\$1,016.82 67h 47m 16s \$1,016.82
#4165 Graffiti on stopsign Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/21/2024	Total Time Costs Total Time \$3.56	\$3.56 14m 15s \$3.56
#4169 Faded stopsign Type: Reactive Signage J.B. Young	Appearance Division	✓ Done Completed by J.B. Young on 10/21/2024	Total Time Costs Total Time \$3.85	\$3.85 15m 24s \$3.85
#4170 Faded 25mph sign Type: Reactive	Appearance Division	✓ Done Completed by J.B. Young on 10/21/2024	Total Time Costs Total Time \$3.71	\$3.71 14m 50s \$3.71

**Town of Smithfield
Public Works Fleet Maintenance Division
Monthly Report
Sept. 30, 2024**



I. Statistical Section

 0 Preventive Maintenances

 0 North Carolina Inspections

 20 Work Orders

II. Major Revenues

None for the month

III. Major Expenses for the Month:

None for the month

IV. Personnel Update:

None for the month

V. Narrative of monthly departmental activities:

The shop employee performed preventive maintenances on all Town owned generators. The Public Works safety meeting was on "Prostate Health" with Jaime Pearce with Wellness Works.



Reporting

09/01/2024 - 09/30/2024

Last Month

Work Orders

Asset Health

Reporting Details

Recent Activity

Export Data

Custom Dashboards

Ethan Bryant

Due Date

Category

+ Add Filter

Reset Filters

Work Orders 20

Purchase Orders

Reporting

Requests

Assets

Messages 1

Categories

Parts Inventory

Library

Meters

Locations

Teams / Users

Vendors

Work Orders

Created vs. Completed >

+ Add to Dashboard

22

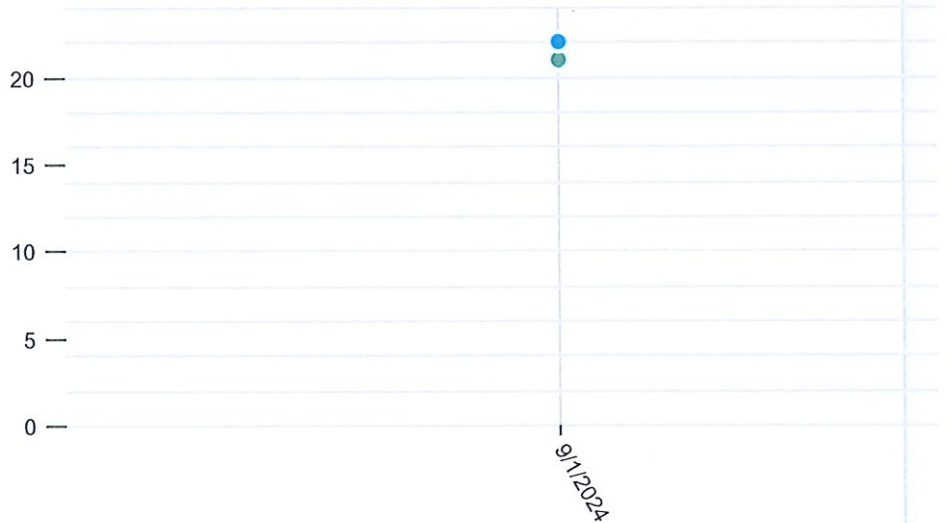
Created

21

Completed

95.5%

Percent Completed



Work Orders by Type ⓘ >

+ Add to Dashboard

0

Preventive

22

Reactive

0

Other

0.0%

Total Preventive Ratio

194

Support

Lawrence Davis >
Settings

**Town of Smithfield
Public Works Drainage/Street Division
Monthly Report
Sept. 30, 2024**



I. Statistical Section

- a. All catch basins in problem areas were cleaned on a weekly basis
- b. Work Orders – 0 Tons of Asphalt was placed in 0 utility cuts, 0 gator areas and 0 overlay.
- c. 0 Work Order – 0 Linear Feet Drainage Pipe installed.
- d. 0 Work Orders - 0 Linear Feet of ditches were cleaned
- e. 17 Work Orders – 850lbs. of Cold Patch was used for 17 Potholes.

II. Major Revenues

None for the month

III. Major Expenses for the Month:

Paid \$9,800 to D.V.H Elite Concrete & Design, LLC Replaced 14 concrete sidewalk panels 200,300 Blocks, Fourth Street, 400Blk and S. Fifth Street

IV. Personnel Update:

No one hired for the month.

V. Narrative of monthly departmental activities:

- VI.** The Public Works safety meeting was on "Prostate Health" with Jaime Pearce with Wellness Works.



Work Orders List for 10/01/2024 - 10/31/2024

WORK ORDER INFO	LOCATION & ASSET	DUE & STATUS	TIME & COST	PROCEDURE ANSWERS
#4042 Drainage issue Type: Reactive Sanitation Division Ethan Bryant		✓ Done Completed by Ethan Bryant on 10/01/2024	Total Time Costs Total Time 13m 28s Total Costs \$4.64	
#4056 Clean up debris Type: Reactive High Drainage Ethan Bryant	Drainage Division	✓ Done Completed by Ethan Bryant on 10/03/2024	Total Time Costs Total Time 55m 25s Total Costs \$19.08	
#4049 104 Canterbury RD Type: Reactive Medium Drainage Ethan Bryant	Drainage Division Drainage Division	10/02/2024 ✓ Done Completed by Ethan Bryant on 10/03/2024	Total Time Costs Total Time 1h 11m 2s Total Costs \$24.46	
#4085 Cut around pond Type: Reactive Medium Streets Division	Drainage Division	✓ Done Completed by Ethan Bryant on 10/08/2024	Total Time Costs Total Time 5h 36m 24s Total Costs \$115.83	

WORK ORDER INFO

LOCATION & ASSET

DUE & STATUS

TIME & COST

PROCEDURE ANSWERS

Ethan Bryant

#4100

Pipe leaking causing sink hole

Type: Reactive

High

Drainage

Ethan Bryant

Drainage Division

✓ Done

Completed by Ethan Bryant on 10/09/2024

Total Time Costs

Total Time

\$78.52

3h 48m 2s

Total Costs

\$78.52

#4121

Pick up trashcans and cones

Type: Reactive

Medium

Streets Division

Ethan Bryant

Drainage Division

✓ Done

Completed by Ethan Bryant on 10/14/2024

Total Time Costs

Total Time

\$10.11

29m 21s

Total Costs

\$10.11

#4122

Deliver cones

Type: Reactive

High

Streets Division

Ethan Bryant

Drainage Division

✓ Done

Completed by Ethan Bryant on 10/14/2024

Total Time Costs

Total Time

\$106.35

5h 8m 51s

Total Costs

\$106.35

#4144

Pick up cones

Type: Reactive

Medium

Streets Division

Drainage Division

✓ Done

Completed by Ethan Bryant on 10/17/2024

Total Time Costs

Total Time

\$8.68

25m 12s

Total Costs

\$8.68

Ethan Bryant

#4148

Pot hole

Type: Reactive

Streets Division

Ethan Bryant

Drainage Division

✓ Done
Completed by Ethan Bryant on 10/17/2024

Total Time Costs
Total Time 2h 52m 6s

Total Costs \$59.26

#4166

Cut grass

Type: Reactive

High

Streets Division

Ethan Bryant

Drainage Division

✓ Done
Completed by Ethan Bryant on 10/21/2024

Total Time Costs
Total Time 3h 40m 53s

Total Costs \$76.06

1088

Ditch needs cleaning

Type: Reactive

High

Drainage

Ethan Bryant

10/08/2024
🔒 Open

Signed off by

Date

**Town of Smithfield
Public Works Sanitation Division
Monthly Report
September 30, 2024**



I. Statistical Section

The Division collected from approximately 4,348 homes, 4 times during the month

- a. Sanitation forces completed 62 work orders
- b. Sanitation forces collected tons 463.07 of household waste
- c. Sanitation forces disposed of loads 66 of yard waste and debris at Spain Farms Nursery
- d. Recycled 0 tons of clean wood waste (pallets) at Convenient Site Center
- e. Town's forces collected 0 tons of construction debris (C&D)
- f. Town disposed of 250 scrap tires that was collected at Convenient Site Center
- g. Recycling forces collected 5.33 tons of recyclable plastic
- h. Recycled 2,256 lbs. of cardboard material from the Convenient Site Center
- i. A total of 0 gals of Anti-freeze was collected at the Convenient Site Center
- j. Recycled 0 lbs. of plastics & glass (co-mingle) from the Convenient Site Center.

II. Major Revenues

- a. Received \$0.00 from Sonoco Products for cardboard material
- b. Sold 0 lbs. of aluminum cans for \$0.00
- c. Sold 0 lbs. of shredder steel for \$ 0.00 to Foss

III. Major Expenses for the Month:

Spain Farms Nursery was paid \$2,508 for disposal of yard waste and debris. CES was paid \$4,614.26 for body dump cylinder for TK# 304. CES was paid \$1,925.25 for hard hydraulic lines for TK3 304. Maintain X was paid \$1,365.00 for premium plan.

IV. Personnel Update: There has been no new hires.

The Public Works Department continues to use Mitchells temporary for 2 positions.

V. Narrative of monthly departmental activities:

Public Works Safety Training was on "Prostate Health" With Jamie Pearce.

Community Service Workers worked 23 Hrs.

**Town of Smithfield
Public Works Storm Water Division
Monthly Report
September 30, 2024**



I. Statistical Section

II. Major Revenues

None

III. Major Expenses for the Month:

Paid \$617.43 to Southern Vac for Street sweeper brush motor.

IV. Personnel Update:

None

V. Narrative of monthly departmental activities:

Street Sweep and storm drain cleaning and repair.

V. The Public Works safety meeting was on "Prostate Health" with Jaime Pearce with Wellness Works.



MONTHLY REPORT FOR SEPTEMBER, 2024

PROGRAMS STATISTICS	SEPTEMBER, 2024	24/25 FY YTD	SEPTEMBER, 2023	23/24 FY YTD
NUMBER OF PROGRAMS	11	28	9	32
TOTAL ATHLETICS PARTICIPANTS	816	2114	367	1070
TOTAL NON/ATHLETIC PARTICIPANTS	377	566	290	1244
NUMBER OF GAMES PLAYED	124	566	75	109
TOTAL NUMBER OF PLAYERS (GAMES)	2924	6525	1938	2686
NUMBER OF PRACTICES	65	230	91	292
TOTAL NUMBER OF PLAYER(S) PRACTICES	1243	4067	1085	3779
SARAH YARD COMMUNITY CENTER VISITS	74	367	133	353
	SEPTEMBER, 2024	24/25 FY YTD	SEPTEMBER, 2023	23/24 FY YTD
PARKS RENTALS	47	109	69	133
USERS (PARKS RENTALS)	3226	17477	2320	7951
TOTAL UNIQUE CONTACTS	7,844	29,002	5,766	16,013
	SEPTEMBER, 2024	24/25 FY YTD	SEPTEMBER, 2023	23/24 FY YTD
PARKS AND RECREATION REVENUES	\$ 17,679.00	\$ 48,309.00	\$ 6,026.00	\$ 31,133.00
PARKS AND RECREATION EXPENDITURES (OPERATIONS)	\$ 92,960.00	\$ 264,446.00	\$ 94,874.00	\$ 215,902.00
PARKS AND RECREATION EXPENDITURE (CAPITAL OUTLAY EQUIP)	\$ -	\$ 8,751.00	\$ 8,088.00	\$ 8,088.00
SARAH YARD COMMUNITY CENTER (OPERATIONS)	\$ 2,445.00	\$ 7,300.00	\$ 3,683.00	\$ 8,112.00
SARAH YARD COMMUNITY CENTER (CAPITAL OUTLAY EQUIP)	\$ -	\$ 4,300.00	\$ -	\$ -

HIGHLIGHTS: Soccer, Fall Baseball, Fall Softball, Red Devils Football and Cheer, Fall Fun and Fellowship Softball
Fall on Front Concert Sereies, Movie in the Park



SRAC MONTHLY REPORT FOR SEPTEMBER, 2024

PROGRAMS SATISTICS	SEPTEMBER, 2024	24/25 FY YTD	SEPTEMBER, 2023	23/24 FY YTD
NUMBER OF PROGRAMS	17	53	16	47
TOTAL CONTACT WITH PROGRAM PARTICIPANTS	1418	5823	3934	7707
SRAC STATISTICS	SEPTEMBER, 2024	24/25 FY YTD	SEPTEMBER, 2023	23/24 FY YTD
SRAC MEMBER VISITS	3916	13570	3584	11568
DAY PASSES	881	6320	783	6369
RENTALS (SRAC)	30	123	44	204
USERS (SRAC RENTALS)	1227	5979	1702	6580
TOTAL UNIQUE CONTACTS	7,442	31,692	10,003	32,224
FINANCIAL STATISTICS	SEPTEMBER, 2024	24/25 FY YTD	SEPTEMBER, 2023	23/24 FY YTD
SRAC REVENUES	\$ 68,457.00	\$ 219,146.00	\$ 57,103.00	\$ 216,865.00
SRAC EXPENDITURES (OPERATIONS)	\$ 59,356.00	\$ 241,547.00	\$ 112,501.00	\$ 277,800.00
SRAC EXPENDITURES (CAPITAL OUTLAY)	\$ 21,664.00	\$ 21,664.00	-	-
SRAC MEMBERSHIPS	4067		3533	

Highlights

Tiger Sharks Fall Swim Clinics and Lessons
Pottery: Wheel and Saturday Clay



- **Statistical Section**

- Electric CP Demand 22,347 Kw relative to August's demand of 27,382 Kw.
- Electric System Reliability was 99.9966%, with one (1) recorded main line outage; relative to August's 99.9751%.
- Raw water treated on a daily average was 4.556 MG relative to 5.146 MG for August; with maximum demand of 5.617 MG relative to August's 6.339 MG.
- Total finished water to the system was 121.806 MG relative to August's 143.499 MG. Average daily for the month was 3.929 MG relative to August's 4.629 MG. Daily maximum was 4.658 MG (September 12th) relative to August's 5.618 MG. Daily minimum was 3.167 MG (September 6th), relative to August's 3.784 MG.

- **Miscellaneous Revenues**

- Water sales were \$266,366 relative to August's \$279,586
- Sewer sales were \$446,553 relative to August's \$452,790
- Electrical sales were \$1,420,338 relative to August's sales of \$1,570,700
- Johnston County Water purchases were \$231,179 for 91.015 MG relative to August's \$339,121 for 133.512 MG.

- **Major Expenses for the Month**

- Electricity purchases were \$1,023,752 relative to August's \$1,196,088
- Johnston County sewer charge was \$467,909 for 104.678 MG relative to August's \$430,391 for 101.988 MG.

- **Personnel Changes**

Ty Forbes was terminated as Water Plant Operator on September 6.



**Town of Smithfield
Electric Department
Monthly Report
September, 2024**

I. Statistical Section

- Street Lights repaired –15
- Area Lights repaired-10
- Service calls – 38
- Underground Electric Locates -601
- Poles changed out/removed or installed -2
- Underground Services Installed -8

II. Major Revenues

- N/A

III. Major Expenses for the Month:

- N/A

IV. Personnel Update:

- The Electrical Dept. has a full staff at this time.
- The Electrical Dept. had a Safety Meeting on Personal Protective Equipment (PPE) and also Hazardous Communication.

V. Miscellaneous Activities:

- The Electrical Dept. has only house services & street lights to install at East River Phases 3,4 & 5 as houses are completed.
- The Electrical Dept. is working on replacing old poles and upgrading lines in the East Market St. area.
- The Electrical Dept has started a Pole Audit Town wide.



Public Utilities Water and Sewer

Monthly Statistics	Month Ending	9/30/2024
	<i>Monthly Total</i>	<i>Year to Date Total</i>
Water Calls	104	728
Sewer Calls	67	571
Utility Locates	436	2,730
Storm Drainage Calls	5	9
Total Calls	612	1740
Quotes for new services	4	60
Inspections	12	136
Locate existing water & sewer services	6	59
Disconnect water	6	37
Reconnect water	1	9
Test meter	5	60
Temp hydrant meter	3	20
Discolored water call	3	31
Low pressure call	4	68
Leak detection	27	168
Meter check	38	208
Meter repair	19	117
Service leak	9	47
Water main leak	1	23
Replace existing water meter	14	72
Install new water meter	29	154
Install new water service	33	69
Renew water service	5	32
Water blow off repair	0	4
Street cuts	7	67
Repair utility cut or sink hole	3	23

Fire hydrant repair	1	17
Fire hydrant replaced	0	10
Camera Sewer main or service	4	34
Sewer odor complaint	1	16
Sewer main repair	11	87
Clean out repair or install	6	71
LF of sewer main cleaned	11407	137099
Lf of sewer service cleaned	910	11150
Lf of storm drain cleaned	3800	4060

- Serviced and maintained 22 Sanitary Sewer Lift Stations 2 times per week
- Inspected all aerial sewer lines
- Inspected all high priority manholes weekly
- **Helped public works with cleaning storm drain lines and catch basin during and before rain events**

Major Expenses for the month of September

- Had Stuckey to make some water and sewer repairs that we were not able to.
- Had the excavator and cat mini loader worked on.
- Had major leak on 7th and Caswell. Had to have contractor come in and install two line stops to stop the water while we fixed the leak and installed additional valves.
- Still having work done on the Vac truck.

Upcoming Projects for the month of October

- I 95 project continues.
- Finley Landing work continues.
- Hydromechanics will resume replacing and repairing fire hydrants.
- Stuckey will be installing the water line on Mallard Rd.

Personnel Updates



MONTHLY WATER LOSS REPORT

September 2024

(17) - Meters with slow washer leaks

(5) ¾" Line, 1/8Hole, 1 day

(2) ¾" Line, 1/8", 2 days

(2) ¾" Line, 1/8", 4 days

6" Line, 3' Split, 4 days

Fire Hydrants Slow drip

Smithfield Water Plant
Distribution Sampling Site Plan

Hydrant Flushing

Street Name	Date	Chlorine	Time	Gallons	Psi	Street Name	Date	Chlorine	Time	Gallons	PSI
Stephson Drive	09/26/24	3	15	7965	10	North Street	09/10/24	2.8	15	17820	40
Computer Drive	09/26/24	3	15	31860	10	West Street	09/10/24	2.2	15	78030	50
Castle Drive	09/26/24	3	15	7965	10	Regency Drive	09/10/24	2.4	15	63720	60
Parkway Drive	09/26/24	3	15	63720	40	Randers Court	09/10/24	2.6	15	15930	40
Garner Drive	09/26/24	3	15	63723	40	Noble Street	09/10/24	2.6	15	15930	40
Hwy 210 LIFT ST.	09/26/24	3	15	15930	40	Fieldale Dr#1(L)	09/10/24	2.8	15	63720	40
Skyland Drive	09/26/24	3	15	7965	10	Fieldale Dr#2(R)	09/10/24	2.8	15	63720	40
Bradford Street	09/26/24	3	15	15930	10	Heather Court	09/10/24	2.6	15	15930	40
Kellie Drive	09/26/24	3	15	7965	10	Reeding Place	09/10/24	2.6	15	15930	40
Edgewater	09/26/24	2.8	15	7965	10	East Street	09/10/24	2.4	15	63720	40
Edgecombe	09/26/24	2.8	15	15930	40	Smith Street	09/10/24	2.2	15	63720	40
Valley Wood	09/26/24	3	15	63720	40	Wellons Street	09/10/24	2.2	15	63720	40
Creek Wood	09/26/24	3	15	63720	40	Kay Drive	09/11/24	3	15	38985	15
White Oak Drive	09/26/24	3	15	7965	10	Huntington Place	09/11/24	3	15	38985	15
Brookwood Drive	09/30/24	3	15	22515	5	N. Lakeside Drive	09/11/24	2.6	15	9750	15
Runnymede Place	09/30/24	3	15	31860	10	Cypress Point	09/11/24	3	15	34890	12
Nottingham Place	09/30/24	3	15	38985	10	Quail Run	09/11/24	3	15	8715	12
Heritage Drive	09/30/24	3	15	38985	10	British Court	09/11/24	3	15	8715	12
Noble Plaza #1	09/30/24	2.8	15	9750	10	Tyler Street	09/11/24	2.6	15	78030	60
Noble Plaza #2	09/30/24	2.8	15	9750	10	Yelverton Road	09/11/24	1.8	15	63720	40
Pinecrest Street	09/30/24	3	15	19500	10	Ava Gardner	09/11/24	3.4	15	63720	40
S. Sussex Drive	09/30/24	3	15	31860	10	Waddell Drive	09/11/24	2.2	15	7965	10
Elm Drive	09/30/24	3	15	9750	10	Henly Place	09/11/24	2.4	15	8715	12
						Birch Street	09/11/24	2.8	15	34890	12
Coor Farm Supply	09/30/24	2	15	7965	10	Pine Street	09/11/24	2.8	15	38985	15
Old Goldsboro Rd,	09/30/24	3	15	7965	10	Oak Drive	09/12/24	2.8	15	37695	14
Hillcrest Drive	09/10/24	3	15	31860	10	Cedar Drive	09/12/24	3	15	31860	10
Eason Street	09/10/24	3	15	38985	40	Aspen Drive	09/12/24	2.4	15	34890	12
Magnolia circle	09/10/24	2.8	15	78030	40	Furlonge Street	09/12/24	2.2	15	34890	12
Rainbow Drive	09/10/24	2.8	15	19500	60	Golden Corral	09/12/24	2	15	40290	16
Rainbow Circle	09/10/24	2.4	15	19500	60	Holland Drive	09/12/24	2	15	9750	15
Moonbeam Circle	09/10/24	2.2	15	19500	60	Davis Street	09/12/24	2.5	15	34890	12
Ray Drive	09/10/24	2.2	15	15930	60	Caroline Ave.	09/12/24	2.8	15	31860	10
Will Drive	09/10/24	2.2	15	63720	40	Johnston Street	09/12/24	3.2	15	38985	15
Michael Lane	09/10/24	1.8	15	63721	40	Ryans	09/12/24	2.2	90	9750	15
Ward Street	09/10/24	2.2	15	15930	40						

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