The Smithfield Town Council met in regular session on Tuesday, June 5, 2018 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

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

<u>Councilmen Absent</u> Emery Ashley, At-Large Administrative Staff Present
Michael Scott, Town Manager
John Blanton, Fire Chief
Ted Credle, Public Utilities Director
Gary Johnson, Parks & Rec Director
Shannan Parrish, Town Clerk
R. Keith Powell, Chief of Police
Greg Siler, Finance Director
Stephen Wensman, Planning Director

<u>Present</u>:
Bob Spence, Town Attorney
Bill Dreitzler, Town Engineer

Administrative Staff Absent Lenny Branch, Public Works Director Tim Kerigan, Human Resources/PIO

## **CALL TO ORDER**

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

#### INVOCATION

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

#### APPROVAL OF AGENDA:

Mayor Pro-Tem Scott made a motion, seconded by Councilman Rabil to move Business Item 4. Consideration and Approval to allow employees to donate sick leave to an employee in the Public Utilities Department and Business Item 5. Consideration and Approval to allow employees to donate sick leave to an employee in the Police Department to the Consent Agenda. Unanimously approved.

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

PRESENTATIONS: NONE

## **PUBLIC HEARINGS:**

 Rezoning Request – Landis Bullock (RZ-18-05): The applicant was requesting to rezoning a 1.43 acre portion of a 2.91 acre tract of land from the HI (Heavy Industrial) zoning district to the B-3 (Highway Entrance Business) zoning district.

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

Planning Director Stephen Wensman addressed the Council on a request by Landis Bullock to rezone a 1.43 acre portion of a 2.91 acre tract of land from the HI (Heavy Industrial) zoning district to the B-3 (Highway Entrance Business) zoning district. The property considered for rezoning was located on the southwest side of West Market Street approximately 180 feet southwest of its intersection with Whitley Drive. The property is further identified as a portion of Johnston County Tax ID# 15044023A. Mr. Wensman explained the portion of property considered for rezoning has approximately 130 feet of road frontage on West Market Street. An existing 3,900 square foot open sided barn structure is located on the property. All future development proposals will require a subdivision or a recombination of land and be required to meet or exceed all minimum development standards of the Unified Development Ordinance to include parking, landscaping and buffer

requirements.

#### **Consistency with the Strategic Growth Management Plan**

The rezoning request was consistent with the Town of Smithfield Future Land Use Plan which has identified this property as being suitable for commercial endeavors.

#### **Consistency with the Unified Development Code**

The rezoning request would be consistent with the Town of Smithfield Unified Development Ordinance as all proposed future land uses and site specific development plans must meet the minimum development standards of the Town of Smithfield Unified Development Ordinance.

## **Compatibility with Surrounding Land Uses**

The property considered for a rezoning was located on the West Market Street entry corridor. The majority of land uses within this corridor are commercial in nature. Rezoning the property to a commercial zoning district would not create compatibilities issues with the adjacent land uses.

The Planning Department recommended approval of the zoning map amendment; and recommend the approval of a consistency statement declaring the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan and the request was reasonable and in the public interest.

The Planning Board, at its May 3, 2018 meeting, unanimously voted to recommend approval of the rezoning of approximately 1.4 acres of land from HI (Heavy Industrial) zoning district to the B-3 (Highway Entrance Business) zoning district and adopted a statement declaring the rezoning was consistent with the town's plans and policies.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the June 5, 2018 agenda packet.

Mayor Moore asked if there were any questions from the Council

Mayor Pro- Tem Scott questioned if there would be a problem with the buffer. Mr. Wensman replied that it would not be a problem .

Councilman Barbour questioned if there would be flooding issues. Mr. Wensman responding that would all be investigated.

Mayor Moore asked if there were any comments/questions from those in attendance. There were none.

Councilman Barbour made a motion, seconded by Councilman Stevens to close the Public Hearing. Unanimously approved.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Rabil, to approve the Rezoning Request, RZ-18-05, HI (Heavy Industrial) zoning district to the B-3 (Highway Entrance Business) zoning district and declared the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan, reasonable and in the public interest. Unanimously approved.

2. Rezoning Request – W. Frank Lee (RZ-18-06): The applicant was requesting to rezone four tracts of land totaling approximately 2.26 acres from the R-20A (Residential-Agricultural) zoning district to the PUD (Planned Unit Development) zoning district.

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

Planning Director Stephen Wensman addressed the Council on a request by W. Frank Lee to rezone four tracts of land totaling approximately 2.26 acres from the R-20A (Residential-Agricultural)

zoning district to the PUD (Planned Unit Development) zoning district. The properties considered for rezoning were located on the east side of Buffalo Road approximately 160 feet south of its intersection with Booker Dairy Road and further identified as Johnston County Tax ID# 14075030G, 14075030F, 14075027 and 14075028.

Mr. Wensman explained the Future Land Use Map guides this property and the surrounding properties as a Commercial Service Node. In the Comprehensive Growth Management Plan, a Commercial Service Node is envisioned as a mixed use - limited commercial focus area to service the neighborhood. The Town has no "mixed use district", but does allow PUD zoning to allow for mixed use development (a form of conditional zoning).

The proposed master plan appeared to meet the requirements for a mixed use commercial service node. The master plan buffers the commercial with residential and the office institutional land uses are already in place. The uses appeared to be of a neighborhood scale. Pedestrian connections are abundant in the plan. The private street will provide a shared internal access to all the lots and uses in the site.

State Right-of-Way Dedication. The master plan took into consideration the future widening of Buffalo Road. The master plan showed an additional +/- 35 feet of right-of-way consistent with the width of the right-of-way at the Booker Dairy Road/Buffalo Road intersection. Actual right-of-way dedication will be determined with the future platting of the subdivision.

Mixed Use. The submitted master plan showed a mix of uses comprised of retail shops or offices with apartments above, residential apartments and a commercial convenience center with gas pumps, all consistent with the comprehensive plan guidance for the property. The commercial convenience center was around 63,00 square feet in area and includes convenience grocery/household retail, a carwash and fuel pumps with a canopy, and drive-thru food pickup. The 6 retail/office/2nd story apartments were 2,200 square feet each on the ground floor. Access to the retail/office was off the private street and the apartments are accessed from stairs located in the rear of the structures by the parking lot. Within each building are three apartments for a total of 18 apartments. The 2 story - 3 apartment buildings, labeled B, are around 7200 sq. feet each and each contains a mix of 1, 2 and 3 bedroom units with a total of 24 apartments.

Subdivision Lots. The master plan identified three individual lots, one for the convenience commercial, one for the retail/offices with residential apartments above, and one for the apartments, and a shared private road. The commercial convenience center and the apartments have road frontage on Buffalo Road. The retail/office/second floor apartments have no frontage on a public road.

Access-Private Street. A shared private street connecting Booker Dairy Road and Buffalo Road would provide access to the subdivision lots and would provide internal circulation. The road connections to Booker Dairy and Buffalo Road will need NCDOT approval because they are both State roads. The private street will also cross a NCDOT owned property to the north of the development site. It is highly likely that both entrances to the development will be restricted to right-in, right-out. The UDO permits private streets as long as they comply with Article 10, Section 10.108.2, and meet NCDOT Standards for construction and maintenance. The private street will need to owned and maintained by a homeowners' association.

PUD Street Connectivity. UDO Article 10, Section 10.108.19 requires PUDs to have a more enhanced street and pedestrian network. The master plan shows sidewalks along Buffalo Road, along the private street and along the parking lots, all connecting to the Town's Community Park. The master plan meets this requirement.

Stormwater Management. The master plan identified three areas for stormwater management, one for each of the proposed lots on the master plan. The locations of the BMPs appeared to be in suitable locations for gravity flow, although the BMP in the northwest of the site may be too linear and narrow to function appropriately. No details have been provided.

Parking. There is adequate parking for the uses shown on the site plan. The site plan identifies onstreet parking (private street) and parking lots with handicap parking stalls. Tree Preservation. There are a few trees on site around the existing residence and along the rear property line. No survey has been provided. Tree replacement if required will need to be addressed when the site develops

Landscaping and Buffering. The applicant provided a schematic landscape plan that showed the locations of overstory trees, ornamental trees and shrubs. Although, no specific plant materials have been selected, the plans demonstrated the site can accommodate the required landscaping as designed and that the applicant intends to comply with the landscaping requirements.

Site Lighting. A schematic lighting plan has been provided. The lighting plan illustrated that the developer is planning a common lighting theme and will comply with the UDO.

Site Grading. The applicant has provided a schematic drainage plan indicating the high spots on the site and generally how the site will drain after development.

Utilities. The applicant has provided a schematic utility plan that illustrates the developer's general compliance with town requirements.

Signs. The master plan identifies locations for proposed ground signs for each proposed subdivision lot. Signs will most likely be a combination of ground signs and wall signs. A separate sign permit will be required prior to installation of any signs.

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

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the June 5, 2018 agenda packet.

Mayor Moore asked if there were any questions from the Council

Mayor Pro-Tem Scott questioned who the applicant would respond to the proposed widening of Buffalo Road. Mr. Wensman responded they would have to work with NCDOT.

Mayor Pro-Tem Scott questioned the buffering as it relates to the park. Mr. Wensman responded they would have to comply with the UDO.

Councilman Stevens questioned the retention ponds and making sure that the water doesn't flood the park. Mr. Wensman responded that the applicant will have to comply with all stormwater regulations.

Councilman Barbour questioned the Sheets gas station as mentioned at the planning board and if the commercial first phase would have to comply with the additional phases. Mr. Wensman responded that the development would have to comply with the Master Plan provided to the Council. If there were any major deviations from the Master Plan, it would have to be brought back to the Council for approval.

Member of Council expressed their concerns about increased traffic.

Mayor Moore asked if there were any comments/questions from those in attendance

Paul Embler speaking on behalf of the applicant explained that during phase 1 there has not been any contract with Sheets for construction of a gas station there. The design was based on a similar complex in Clayton. The development currently meets or exceeds the current Town standards. A traffic impact analysis would have to be conducted.

The Council expressed some concerns about the existing house on Booker Dairy Road and how they would be impacted by the road that would be constructed.

Tucker Twisdale of 1755 Buffalo Road expressed her concerns about the development of this property. Stating the Town could have purchased this property for the park. this property could have also been a complete retirement center that could have benefited the Town and the County.

Councilman Dunn made a motion, seconded by Councilman Rabil to close the Public Hearing. Unanimously approved.

Councilman Dunn made a motion, seconded by Councilman Stevens, approving the Rezoning, RZ-18-06, from R20A to PUD based on consistency with the Town's plans and policies with emphasis that a traffic impact study be conducted. Unanimously approved.

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

3. Special Use Permit Request by Faith Miracle Ministry Church of Christ for all People (SUP-18-06): The applicant was requesting a special use permit to construct and operate a place of worship on a 1.87 acre tract of land located within an R-6 (Residential) zoning district. The property considered for approval is located on the west side of the intersection of Blount Street and East Lee Street and further identified as a Johnston County Tax ID# 15069013.

Councilman Lee made a motion, seconded by Councilman Barbour, to open the Public Hearing. Unanimously approved.

Planning Director Stephen Wensman addressed the Council on a request by The applicant is requesting a special use permit for a Church / Place of Worship on property located within an R-6 (Residential) zoning district. In accordance with Town of Smithfield Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities, Churches / Place of Worship are permitted uses within the R-6 (Residential) zoning district with a valid special use permit issued by Town Council. The UDO provides only general development standards and does not provide any additional supplemental performance standards required for churches located in residential zoning districts.

**General Site.** A sketch plan prepared by BLR Engineering and Surveying indicates a 4,240 square foot structure on approximately 1.879 acres of property. Building setbacks of the R-6 (Residential) zoning district setbacks are shown to be met. Maximum building heights within residential zoning districts are limited to 40 feet. However, church steeples are exempt from this maximum building height limitation. No architectural details or building elevations documenting building height are provided at this time.

**Utilities.** The property has access to a six inch water main located within the right-of-way of Blount Street and an eight inch gravity sewer main located within the Town of Smithfield utility easement located within CSX railroad right-of-way. Town of Smithfield electric service is available within the right-of-way of Blount Street. A detailed utility plan is not provided at this time.

**Stormwater.** The sketch plan indicates approximately 35,800 square feet of proposed impervious surfaces. Since more than  $\frac{1}{2}$  acre of impervious is being added, stormwater attenuation will be required. A nitrogen buy down option will be available to the project providing the nitrogen loading does not exceed 10 pounds per acre. The sketch plan indicates a proposed stormwater detention facility to be located behind the sanctuary and adjacent to the CSX railway. Engineered stormwater calculations are not provided at this time.

Landscaping. The sketch plan indicates areas reserved for required landscaping to include a 20 foot type B landscape buffer adjacent to the residential zoned property to the south. A standard 15 foot street yard is proposed adjacent to Blount Street. Standard five foot transition yards are provided between the proposed project and CSX railway. Foundation plantings will be required adjacent to the church sanctuary. A detailed landscape plan documenting the species, size at planting and location of all plant material will be required prior to final site plan approval.

Parking and Access. Fifty-two standard parking spaces are shown on the sketch plan. Minimum parking requirements are based on one space per three seats in the main sanctuary. The maximum seating capacity of the sanctuary shall not exceed 156 without providing additional on-site parking. Standard 24 foot drive isles are proposed as well as two 24 foot driveways on Blount Street. Standard driveway curb radii and sidewalks adjacent to Blount Street are required. Abandoned driveway curb cuts are required to be replaced. The proposed driveways are setback approximately 150 feet from the intersection of East Lee Street and approximately 500 feet from CSX railway crossing. The proposed church facility is oriented on the perimeter of Sandy Run with safe access to South Brightleaf Boulevard. Close proximity to South Brightleaf Boulevard will serve to reduce the need for visiting traffic to access the site from within the neighborhoods while remaining convenient to the residents of Sandy Run and Belmont.

**Dumpster Enclosure.** A dumpster enclosure is proposed in the rear of the site. Adequate access to this dumpster enclosure is provided from Blount Street. Standard details and screening is not shown on the sketch plan.

**Signs.** The project will qualify for one wall sign and one monument sign on the side facing Blount Street. All new signs for the proposed church will require a separate sign permit issued by the Planning Department. No signs are proposed at this time.

The Planning Department recommends the following condition of approval:

1. Applicant submits a complete landscape plan, stormwater plan, lighting plan, utility plan, grading plan and building elevations that meets all requirements of the UDO.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the June 5 2018 agenda packet.

Mayor Moore asked if there were any questions from the Council

Councilman Lee questioned if the proposed stormwater pond was sufficient. Brian Leonard, Engineer for the Applicant, responded that they will address all stormwater issues as required by the code.

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

Mayor Moore asked if there were any comments/questions from those that had been duly affirmed to offer testimony. There were none.

Councilman Dunn made a motion, seconded by Councilman Rabil, to close the Public Hearing. Unanimously approved.

# **The Written Finding**

Mayor Pro-Tem Scott made a motion, seconded by Councilman Dunn, to vote in the affirmative to all of the below eight Findings of Fact. Unanimously approved.

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

- 1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
- 2. The special use will be in harmony with the existing development and uses within the area in which it is to be located.
- The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in

the district.

- 4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
- 5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 6. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
- 7. Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.
- 8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.

#### Record of Decision: Approval of Conditional Use Permit Application Number SUP-18-06

Mayor Pro-Tem Scott made a motion, seconded by Councilman Rabil, based upon satisfactory compliance with the above eight stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to recommend approval of Special Use Permit Application # SUP-18-06 with the following conditions:

 Applicant submits a complete landscape plan, stormwater plan, lighting plan, utility plan, grading plan and building elevations that meets all requirements of the UDO.

Unanimously approved.

## **4.** FY 2018- 2019 Budget

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

Town Manager Michael Scott presented the FY 2018-2019 Budget to the Town Council.

Highlights of the Budget Included the following:

• Balanced in all funds

\$13,738,975 - General Fund \$ 943,861
 \$16,774,000 - Electric Fund \$ 13,000
 \$ 8,714,000 - Water/Sewer Fund \$ 1,712,500

- \$ 2.669.361
- No Tax Increase (0.57)
- Electric Fees and Charges are Status Quo
- Water and Sewer Fees increased; Based on 2016 Tiered Increase Projections
- General Fund Balance remains above 25% Fiscal Policy Requirements
- Includes Necessary Capital Expenditures
  - \$ 1,425,600 General Fund

\$ 950,000 - Electric Fund \$ 1,338,000 - Water Sewer Fund

- Maintained Medical Employee Benefits at Similar Level
- No Change in Electric Rates
- Planned Change in Water and Sewer Tiered increases approved in 2016

Equates to an additional \$5.50/month for 4000 GM

- No Capital Asset Transfer from Electric to Utility Fund.
- Continues Brogden Road Substation Conversion project

Mayor Moore asked if there was anyone in attendance that would like to speak on the proposed FY 2018-2019 Budget.

William Ragsdale asked how much the SRAC was losing a year. The Town Manager responded that it was losing approximately \$170,000 a year in operating expenses which did not include the debt service.

Maxine Hunter of East Street asked that the Council consider a solution for the flooding issues in her neighborhood. The Town Manager responded that a stormwater study is being conducted for the entire Town.

Mayor Moore asked for questions for comments from the Council.

Mayor Pro-Tem Scott stated that an additional \$320,000 was allocated for more street repairs.

Councilman Barbour informed the public that the Council chose not to implement a motor vehicle tax and did not increase taxes.

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

Councilman Barbour made a motion, seconded by Councilman Dunn to adopt the FY 2018-20019 Budget and Fee Schedule. Unanimously approved.

A copy of the adopted budget and fee schedule is on file in the Office of the Town Clerk)

## CITIZENS' COMMENTS:

- Matthew Clancy of 320 Dogwood Street addressed the Council on a request to assist him with landscaping for his property since the white fence on Smithfield Crossings cannot be extended. The estimated cost for these plantings would be \$5,000. Mr. Clancy explained that he has people trespassing on his property to get to the outlet area.
- Richard Scott of Clayton, NC apologized to the Council because he held an official tournament at the SRAC where there was an issue with a spectator. He explained that this was an isolated incident and would not happen again.

## **CONSENT AGENDA:**

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

- 1. Approved the following Minutes:
  - April 24, 2018 Budget Session

- April 26, 2018 Budget Session
- May 1, 2018 Regular Meeting
- May 1, 2018 Close Session
- May 7, 2018 Budget Session
- 2. Special Event River Rat Regatta: Approval was granted to the Smithfield Parks and Recreation Department to hold the first annual cardboard boat race on July 14, 2018 from 8:00 am until 3:00 pm at the corner of Front and Market Street. The event will require street closure and amplified sound.
- 3. Special Event Tent Revival: Approval was granted to the Light Church to hold tent revival services with amplified sound on June 25 28, 2018 from 7:00 pm until 11:00 pm at 724 N. Brightleaf Blvd.
- 4. Special Event Tent Revival: Approval was granted to the First Missionary Baptist Church to hold tent revival services with amplified sound on July 31 August 2, 2018 from 7:00 pm until 8:30 pm at 502 Martin Luther King, Jr. Drive.
- 5. Approved updating the Town of Smithfield's Pay Plan

{Attached by reference and made a part of these official minutes is a copy of the Town of Smithfield's Pay Plan which is on file in the Office of the Town Clerk}

- 6. Approved Career Ladder promotions in the Police Department to become effective July 2,2018.
- 7. Approved a Career Ladder promotion in the Police Department. The officer was promoted from the rank of Police Officer I to the rank of Police Officer II
- 8. Approved Career Ladder promotion in the Fire Department. The employee was promoted from Firefighter I to Firefighter II.
- 9. Approved an update to the Public Utilities Department Capital Improvement Plan.

{Attached by reference and made a part of these official minutes is a copy of the Public Utilities

Department Capital Improvement Plan which is on file in the Office

of the Town Clerk}

10. Consideration and Approval of a contract renewal with Thompson, Price, Scott, Adams & Co., P.A. to conduct the FY 2017-2018 audit

{Attached by reference and made a part of these official minutes is a copy of the contract with Thompson, Price, Scott, Adams & Co., P.A. which is on file in the Office of the Town Clerk}

- 11. The following Advisory Board Appointments were approved:
  - Jason Yang was appointed to serve a two-year term on the Parks and Recreation Advisory Commission as a High School representative
  - Jacqueline Aguilar- Delgado was appointed to serve a two-year term on the Parks and Recreation Advisory Commission as a High School representative

#### 12. New Hire Report

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<u>Position</u>	<b>Department</b>	Budget Line Rat	e of Pay
P/T Instructor	P & R – Aquatics	10-60-6220-5100-0230 \$15	.00/hr.
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220 \$7.	50/hr.
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220 \$7.	50/hr.
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220 \$7.	50/hr.

P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T SRAC Staff	P & R – Aquatics	10-60-6220-5100-0220	\$8.00/hr.
P/T SRAC Staff	P & R – Aquatics	10-60-6220-5100-0220	\$9.00/hr.
P/T SRAC Staff	P & R – Aquatics	10-60-6220-5100-0220	\$9.00/hr.
P/T SRAC Staff	P & R – Aquatics	10-60-6220-5100-0220	\$9.00/hr.
P/T Temp. Zoning Compl. Ass	t.Planning	10-10-4900-5100-0200	\$15.00/hr.
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200	\$13.08/hr. (\$27,206.40/yr.)

#### **Current Vacancies**

<u>Position</u>	<u>Department</u>	Budget Line
Police Officer I	Police	10-20-5100-5100-0200
P/T General Laborer	PU – Water / Sewer	30-71-7220-5100-0200
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200

- 13. Approved entering into an Agreement with Eddie Sutton for the placement of a Gateway Wayfinding Sign on Mr. Sutton's property.
- 14. Authorized Town employees to donate sick time to an employee in the Public Utilities Department.
- 15. Authorized Town employees to donate sick time to an employee in the Police Department.

Unanimously approved.

#### **BUSINESS ITEMS:**

## 1. Consideration and Approval to update the Potable Water Construction Standards

Public Utilities Director Ted Credle addressed the Council on a request to update the Town of Smithfield's potable water construction standards. Mr. Credle explained that current Town Construction details & standards were approved by Council in 2000. In the last 18 years certain construction methods & materials have modernized. Such modern updates are not reflected in the Town's current standards. The Public Utilities Department has updated the potable water construction standards for the Town and is asking for these updated standards to be adopted.

Councilman Barbour made a motion, seconded by Councilman Rabil to approve the update to of the Town's Potable Water Construction Standards. Unanimously approved.

# 2. Consideration and Approved entering into a contact with the Wooten Company for Design Consultant Services for the expansion of the Water Plant

Public Utilities Director Ted Credle addressed the Council on a request to enter into a contract with the Wooten Company for the design of the water plant expansion. Mr. Credle explained the Town of Smithfield Water Treatment Plant Expansion project was needed to respond to customer increased water demands. The existing facility was permitted to produce over 6 million gallons per day (MGD) of treated water; but recent studies and near-future projections show the demand exceeding the Town's ability to produce reliable water. In fact, by contract, the plant will exceed 80% of its capacity within the next 16 months; which triggers a NCDEQ policy that requires the Town to respond with actionable plans to the impending shortage. By expanding the Water Plant now, the Town will be proactive in avoiding potential water shortages, providing a reliable source of water for the expected growth in the Town and have a modern plant that should produce reliable supplies of water for the foreseeable future. Mr. Credle further explained that the first step was to hire a design firm to assist the Town in this process. This desire was publically advertised, and upon review by the Town Engineer, the Utility Director and the Water Plant Superintendent, the selected qualified firm was The Wooten Company. Negotiations were held and an agreement was reached on price. The contract has been reviewed and approved by the Town Attorney.

Councilman Barbour made a motion, seconded by Councilman Stevens, award the contract to The Wooten Company, for the design of the Town of Smithfield Water Treatment Plant Expansion project; and to authorize the Town Manager to execute the contract which is not to exceed \$1,370,000.00. Unanimously approved.

3. Consideration and Approval to enter into an Agreement with Envirolink for the purpose of performing an analysis that will be the basis of the beginning of a discussion regarding the implementation of System Development Fees

Public Utilities Director Ted Credle addressed the Council on a request to enter into an agreement with Envirolink to perform an analysis on the potential for system development fees. Mr. Credle explained the court case of Quality Built Homes vs. Town of Carthage has changed how municipalities conduct the process of assessing System Development Fees. HB 436 mandates a "defensible methodology" when calculating how a municipality derives its fee structure. To this end, municipalities have been using consulting firms to find these "defensible methodologies". Envirolink, after having developed the fee structure at other small Towns (Angier, Elm City, and Spring Hope) were asked to provide a proposal to assist Smithfield with the same service. It is of note that the template of fee structure, once designed, provides the maximum number a municipality may assess. It would be up to the Town to actually implement the fee it felt was appropriate for the Town. Staff was requesting to have the consultant perform the analysis and get the fee structure designed, so that such information may be brought before the Council to determine how, where, and at what level future System Development Fees can be set.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Lee, to table this request for thirty days. Unanimously approved.

4. Consideration and Approval of various fiscal year end budget amendments

Finance Director Greg Siler addressed the Council on a request to approve year-end budget amendments and encumbrances are often required at year end to balance departmental budgets and/or to carry over funds for ongoing projects or items ordered through purchase orders. See the budget description under each budget amendment. All budget increases could be accomplished using other departmental budgets or contingency dollars.

Councilman Dunn made a motion, seconded by Councilman Stevens, to approve year end budget amendments for FY 2017-2018. Unanimously approved.

	NERAL FUND	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
1.	Expenditures 10-10-4100-5300-4501 General Government - Service ntracts	\$ 14,647	\$ 20,000	\$ 34,647
	10-00-9990-5300-0000 General Fund Contingency	72,658 \$ 87,305	(20,000) \$ =	52,658 \$ 87,305
То	fund town wide pay study			
2.	Revenue	_		_
	10-00-3460-3100-0000 Occupancy Tax	<u>\$</u> 195,000	<u>\$</u> 84,000	<u>\$</u> 279,000
	Expenditures 10-61-4110-5300-5601 Non-Departmental - Occupancy	<u>\$</u>	<u>\$</u>	<u>\$</u>

Tax	/JC Tourism	190,000	84,000	274,000
To i	increase occupancy tax expenses to match receipts			
3.	Expenditures			
	10-20-5300-5300-3470 Fire - Reimburse Vol. Fireman	\$ 118,000	\$ (118,000)	\$ -
	10-20-5300-5100-0220 Fire - Vol. Fireman	\$ 118,000	118,000 \$	118,000 \$ 118,000
То	relocate volunteer firemen stipend to salary line			
4.	Revenue		•	
	10-20-3300-3307-0010 SAFR Grant	\$ -	<u>\$</u> 78,143	\$ 78,143
	Expenditures	¢	¢	¢
	10-20-5300-5100-0200 Fire - Salaries	<u>\$</u> <u>877,828</u>	<del>78,143</del>	<u>\$</u> 955,971
To 1	fund salaries paid by SAFR Grant			
5.	Revenue	¢	¢	¢
	10-40-3400-3403-0001 Riverside Cemetery Lot Sales	<u>2,500</u>	20,000	22,500
Inc	<b>Expenditures</b> 10-60-5500-5300-3410 General Services - Riverside Ext.	\$ 2,500	\$ 20,000	\$ 22,500
To f	und additional lot sales at Riverside Cemetery			
•	Devenue			
6.	Revenue	Φ.	\$	\$
	10-00-3900-3900-0000 Fund Balance Appropriation	<u>\$ -</u>	<u>125,000</u>	<u>125,000</u>
	Expenditures	\$	\$	\$
	10-76-5800-5970-9100 Tranfer to GF Capital Projects	<u>\$</u> 50,000	125,000	175,000
To c	change the funding source for the Street Sweeper purchase	from loan to fund	balance	
7.	Expenditures	¢	¢	¢
	10-10-4900-5300-0800 Planning - Training and Confer.	\$ 3,600	\$ 2,700	\$ 6,300
	10-20-5300-5100-0250 Fire - Overtime 10-20-5300-5100-0500 Fire - FICA	10,000	7,000	17,000

	67,912	3,000	70,912
10-30-5600-5700-7400 Streets - Capital Outlay	30,000	7,000	37,000
10-40-5800-5300-4501 Sanitation - Service Contracts	1,000	15,000	16,000
10-00-9990-5300-0000 General Fund Contingency	52,658 \$ 165,170	(34,700) \$	17,958 \$ 165,170

To balance departments at year end

# WATER/SEWER FUND

# 8. Expenditures

30-00-9990-5300-0000 Water Contingency	\$	\$	\$
	80,815	(5,000)	75,815
30-71-7200-5300-0771 Water - Unemploy. Comp.	<u>\$</u> 80.815	5,000 \$	5,000 \$ 80.815

To fund unemployment claims reimbursement to the State

# **ELECTRIC FUND**

# 9. Expenditures

31-76-7230-5970-9110 Elect Transfer to Electric CRF	\$	\$	<b>\$</b>
	115,000	(115,000)	-
31-76-7230-5970-9102 Elect Transfer to Electric CPF	847,415 \$ 962,415	115,000 \$	962,415 \$ 962,415

To move Capital Reserve Fund Budget to Capital Project Fund to encumber for next years Bucket Truck purchase

# 10. Expenditures

•	\$	\$	\$
31-72-7230-5300-4501 Elect Service Contracts	193,000	(60,000)	133,000
31-72-7230-5300-4401 Elect Debit/Credit Card Fee	\$	60,000 \$	60,000 \$
	<u>193,000</u>	<u>-</u>	<u>193,000</u>

To move bank charges for merchant services to expense line solely dedicated to these cost

# 11. Expenditures

31-00-9990-5300-0000 Electric Contingency	\$	\$	\$
	609,275	(5,000)	604,275
31-72-7230-5300-0771 Electric - Unemploy. Comp.	<u>\$</u> 609,275	5,000 \$	5,000 \$ 609,275

## To fund unemployment claims reimbursement to the State

# **GENERAL CAPITAL PROJECT FUND**

1	2.	Revenues
	<b>Z</b> .	Revenues

46-40-3980-5800-0002 Loan/Street Sweeper	\$	\$	\$
	125,000	(125,000)	-
46-75-3870-3870-0300 Transfer General Fund	1,309,083 \$ 1,434,083	125,000 \$	1,434,083 \$ 1,434,083

To change the funding source for the purchase of Street Sweeper from loan to fund balance

## 13. Revenue

46-75-3870-3870-0300 Transfer General Fund Expenditures	\$1,309,083.0	108,095.0	\$1,417,178.0
	0	0	0
46-20-5300-5700-7402 JAS Building Purchase and Refurbishment	<u>\$</u> 425,750.00	\$ 108,095.0 <u>0</u>	<u>\$</u> 533,845.00

\$

To fund cost of refurbishing JAS building

## 14. Revenue

46-60-3800-3800-6204 Miracle Park - Friends of the Park Expenditures	\$ -	<u>\$</u> 62,000.00	<u>\$</u> 62,000.00
	<u>\$</u>	<u>\$</u>	\$
46-60-6200-5700-7406 Miracle Park - Phase I	<u>701,000.00</u>	<u>62,000.00</u>	<u>763,000.00</u>

To fund overages at Miracle Park

## **Firemen Relief Fund**

# 15. Revenue

		<u> </u>	<u> </u>
50-3900-3900-000 Fund Balance Appropriations	\$ -	11,000	11,000
Expenditures			

Councilman Dunn made a motion, seconded by Councilman Rabil, to approve year end project and purchase encumbrances for FY 2017-2018. Unanimously approved

10-10-4100-5300- 4501 10-61-4110-5300-	Service Contracts (Pay Study)	\$ 20,000
5710 10-10-4900-5300-	Non-Departmental - Economic Development	6,200
4502 10-20-5100-5300-	Planning - Condemnation	50,000
3305 10-60-5500-5300-	Police - Miscellaneous	7,000
3440 10-60-5500-5700-	General Services - Appearance Commission General Services - Capital Outlay (Mausoleum	7,000
7400	Roof)	8,000

10-30-5600-5300- 7300 10-30-5700-5700- 7310	Streets - Sidewalks & Curb (Booker Dairy Side Walks)	103,906		
	Powell Bill - Resurface	260,000		
10-60-6200-5300- 3900 10-60-6200-5700-	Recreation - Swimming Pool Demolition	10,000		
7400	Recreation - Capital Outlay (Dog Park)	6,000 \$ 478,106		
WATER FUND				
30-71-7200-5700- 7400 30-71-7220-5700- 7400 ELECTRIC FUND 31-76-7230-5970- 9102	Water Plant - Capital Outlay Water/Sewer Distribution Plant - Capital Outlay  Electric - Transfer to Electric CPF (Bucket Truck)	\$ 24,157  163,736 \$ 187,893  \$ 115,000		
		<u>\$</u> 115,000		
J.B. GEORGE BEAUTIFICATION FUND				
40-61-4100-5300- 3400	J.B. George Projects	\$ 761		
40-61-4100-5300- 3410	J.P. George Projects	257 \$ 1,018		

Councilman Dunn made a motion, seconded by Councilman Rabil, to approve year-end purchase order encumbrances for 2017-2018. Unanimously approved

# **ENCUMBRANCES FOR PURCHASE ORDERS ISSUED PRIOR TO 6/30/18**

GENERAL FUND			PO Number	
10-10-4100-5700- 7400 10-61-4110-5300-	General Government - Capital Outlay Non-Departmental - PEG	Municipal Code Corp.	20186293	\$9,600.00
5716 10-10-4900-5300-	Channels Planning - C.S./Storm	Steven Smith	20175468	\$5,450.00
4500	Water Plan Engineering Planning -	Storm Water Plan	20186704	\$100,000.00
10-10-4900-5300- 4504	C.S./Comprehensive Growth Mgmt Planning -	Comp Growth Mgmt	20186702	\$81,250.00
10-10-4900-5300- 4505 10-20-5100-5300-	C.S./Comprehensive Transportation Plan	Comp Transportation	20186703	\$98,943.60
3305 10-60-5500-5300-	Police - Misc. General Services - Stream	Radios Stream Restoration	20186683 20186716	\$9,336.96 \$88,890.00

4502 10-60-5500-5700- 7400	Restoration General Services - Capital Outlay	Locker Room Renovations	20186643	\$20,000.00
10-30-5600-5700- 3300	Streets - Supplies	NC Dept. of Public Safety	20186708	\$676.50
10-30-5600-5700- 7400 10-60-6200-5700-	Streets - Capital Outlay Parks & Rec -Capital	Withers Ravenal	20186722	\$3,024.00
7400 10-60-6200-5700-	Outlay Parks & Rec -Capital	JLP Capentry	20186678	\$14,850.00
7400	Outlay	Outer Banks Tennis Contractors	20186679	\$35,564.10 \$467,585.16
WATER FUND				
30-71-7200-5300- 1700	Water Plant - Equipment Maint	Electric Motor Shop	20186576	\$7,685.00
30-71-7220-5700- 7400 30-71-7220-5700-	Water/Sewer - Capital Outlay Water/Sewer - Capital	Power Secure	20186462	\$1,097.14
7400 30-71-7220-5700-	Outlay Water/Sewer - Capital	Carolina Mgmt Team	20186675	\$28,238.00
7400	Outlay	USA Bluebook	20186697	\$1,672.00 \$38,692.14
ELECTRIC FUND				
31-72-7230-5300- 3300	Electric - Supplies/Operations	Stuart Irby	20186596	\$378.00
31-72-7230-5300- 3300 31-72-7230-5300-	Electric - Supplies/Operations Electric -	Anixter	20186597	\$6,877.68
3302 31-72-7230-5300-	Supplies/Operations	Wesco	20186598	\$2,057.76
3303	Electric - Capital Outlay	Anixter	20186604	\$9,849.00 \$19,162.44

## **Councilmembers Comments**

- Mayor Pro-Tem Scott informed the Council that the committee tasked with meeting with the DSDC would need some more time to discuss the proposed changes to the DSDC's By-laws.
- Councilman Lee expressed concerns about a steep ditch on Old Goldsboro Road and Aetna Street where the grass needed to be cut. Expressed concerns about the flooding in East Smithfield and suggested that preventative maintenance be conducted from Smith Collins Park to Spring Branch. He expressed concerns recent Police incidents at Johnson Court and Massey Street. He stated that the Community Police Officer at the Sarah Yard Center needed to be more visible in the community. He informed the Council that during a recent tragedy for the Town of Smithfield, he was embarrassed that the Town did not issue any type of statement.
- Councilman Barbour informed the Council that he attended the Town Hall dinner in Clayton. He met with other leaders of Johnston County's county and municipal governments and there was a lot of good discussion
- Mayor Moore expressed his appreciation to the Town Manager, the Council, The Finance Director
  and the Department Heads for the long hours spent on the budget. He explained that together we
  accomplished a lot and we provided top quality services for the citizens at the lowest possible cost.
  Mayor Moore informed the Citizens of Smithfield that this was a good group of Council, Manager,
  Attorney and Staff that does well looking after the needs of the Town. He informed the public that

recently a patient at the Hospice House had one last wish to ride around Smithfield in a convertible. Members of the Fire Department helped to make that possible. Mayor Moore expressed his appreciation to Chief Blanton and the entire Fire Department Staff.

## Town Manager's Report:

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

- Bill Dreitzler updated the Council on the Stream Restoration Grant. Mr. Dreitzler explained the stream debris removal grant from Stormwater Conservation allowed for debris removal in Spring Branch, Meadowbrook and Buffalo Creek. The project was bid out and awarded to the lowest bidder the Blackmon group. Once all the work was completed, Mr. Dreitzler walked each of the streams and the Blackmon group did an excellent job. Since the bid was significantly lower, we have asked for additional streams to have debris removal. They are a section off 301 from Walpat Road to 301,1500 beyond 301 and a section off the spring branch tributary. You could see the impact of the flow after the debris removal was completed. The amount of debris pulled from the streams was significant.
- Triathlon: The Three Little Pigs Triathlon is scheduled for June 16th, beginning and ending at the SRAC. This is becoming a great event for the Town and its primary sponsor, Johnston County Rotary.
- The Sharks Swim Team has 100 members scheduled this year. This is the largest group fielded by the SRAC.
- Sink Hole: A Sink hole has developed on Buffalo Road near Booker Dairy. At the time of this report, crews are working to evaluate the cause, as well as a temporary fix to the problem. NCDOT owns this portion of the road so they are responsible for repairs.
- Build Grant: The planning department is working to complete a grant to construct some of the road repairs on North and South Equity Drive. Additional information will follow as we work through this process.
- Altitude Valves: Additional parts for the altitude valves for the elevated water tanks have been received. Installation will continue this week with testing taking place next week.

## **Department Reports**

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

**Close Session:** Pursuant to NCGS 143.318-11 (a)(3):To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Councilman Dunn made a motion, seconded by Councilman Stevens, to enter into Close Session pursuant to the aforementioned statute. Unanimously approved at 9:40 pm.

## **Reconvene in Open Session**

Councilman Barbour made a motion, seconded by Councilman Rabil to reconvene in Open session. Unanimously approved at 10:14 pm.

#### Lawsuit: Town of Smithfield v. Theron Lee McLamb

Mayor Pro-Tem Scott made a motion, seconded by Councilman Barbour, to appeal Judge Foster's ruling against the Town to issue a special use permit for an RV Park placed between

Adjourn	
Councilman Dunn made a motion, seconded by Councilman Barbour, to meeting adjourned at approximately 10:17 pm.	adjourn the meeting. The
ATTEST:  M. Andy M.	Moore, Mayor

Pine Acres subdivision and Venture Drive. Unanimously approved.

Shannan L. Parrish, Town Clerk