

The Smithfield Town Council met in regular session on Tuesday, November 6, 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
Emery Ashley, At-Large
John A. Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Administrative Staff Present

Michael Scott, Town Manager
John Blanton, Fire Chief
Lenny Branch, Public Works Director
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

Present:

Bob Spence, Town Attorney
Bill Dreitzler, Town Engineer

Administrative Staff Absent

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:

Councilman Dunn made a motion, seconded by Councilman Rabil, to amend the agenda as follows:

Add the following to the Consent Agenda:

- Consideration and Approval to Adopt Resolution #632 (19-2018) Designation of Applicant's Agent for FEMA Relief – Hurricane Florence.

Unanimously approved.

PRESENTATIONS:

1. Report Concerning Local Area Schools

Town Manager Michael Scott introduced Mark Dorsin co-director of the Julius Chambers Center for Civil Rights. Mr. Dorsin provided a report to the Council on a study of high school attendance areas, diversity and capacity on Johnston County Schools. Mr. Dorsin informed the Council that he had been working with the Concerned Citizens for Successful Schools on this study.

2. Introduction of the Town of Smithfield's New Cell Phone App

IT Specialist Eric McDowell introduced the Town of Smithfield's new cell phone app to the Council.

PUBLIC HEARINGS:

- 1. Rezoning Request - Johnston County (RZ-18-08):** The applicant was requesting to rezone a 24.50 acre tract of land from the Town of Smithfield R-20A (Residential-Agriculture) and B-3 (Highway Entrance Business) zoning

districts to the O/I (Office/Institutional) zoning district. Portions of the property considered for rezoning are located on northwest and southwest quadrant of the intersection of a US Hwy 70 Business East and Yelverton Grove Road and another portion is located on the east side of Yelverton Grove Road approximately 790 feet north of its intersection with US Hwy 70 Business East. The property is further identified as Johnston County Tax ID# 15L11011.

Councilman Ashley 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 Johnston County to rezone a 24.50 acre tract of land from the R-20A (Residential-Agriculture) and B-3 (Highway Entrance Business) zoning districts to the O/I (Office/Institutional) zoning district. Mr. Wensman explained the property considered for rezoning had a single parcel number but could really be thought of as three distinct tracts of land that were created by default when the right-of-ways of US 70 Business and Yelverton Grove Road were originally recorded. The largest tract was approximately 16.84 acres in area with approximately 768 feet of road frontage on US Highway 70 Business East and 300 feet of road frontage along Yelverton Grove Road. The portion of property located on the northwest quadrant of US Hwy 70 Business and Yelverton Grove was approximately 5.23 acres in size. The smallest portion of the parcel was located on the southeast quadrant of US Hwy 70 Business and Yelverton Grove was approximately 2.31 acres in size. The property contained a 100 foot utility easement but does appear to be a buildable lot providing all structures are located outside of this easement.

Mr. Wensman explained if the property was rezoned to the O/I (Office / Institutional) zoning district, all permitted uses allowed in the O/I zoning district could be considered for future approval. These used included governmental buildings, governmental uses such as fire, police, sheriff offices, parks, recreational facilities and restaurants which are all uses by right and can be approved administratively.

The Future Land Use Map identified this property as guided for low density residential land uses. However, the area is zoned for mix of R-20A and B-3, of which, the B-3 zoning district is not consistent with the land use plan. Adjacent properties within this corridor are currently zoned and developed as commercial so the use of this site for non-residential was contextually consistent and appropriate.

The rezoning would be consistent with the Town of Smithfield Unified Development Ordinance as all existing land uses on the subject property are permitted in the O/I (Office / Institutional) and, all future land uses would be permitted in accordance with Article 6 of the Town of Smithfield Unified Development Ordinance.

The property considered for rezoning was immediately adjacent to B-3 (Highway Entrance Business) zoned properties. Compatibility issues are unlikely provided that any future redevelopment in the area is non-residential in nature.

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

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the November 6, 2018 agenda packet.

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

Councilman Ashley questioned if there have been any traffic studies conducted for the area. Mr. Wensman responded a traffic study had not been conducted. Councilman Ashley further questioned if traffic had been a concern for the Planning Board. Mr. Wensman responded that any traffic concerns would be addressed during the development phase.

Councilman Barbour questioned if the Council was simply approving the zoning and not the potential use for the property. Mr. Wensman responded in the affirmative.

Mayor Moore asked if there was anyone present who wished to speak on this matter.

William Ragsdale III of 192 Packing Plant Road expressed his concerns about the rezoning request. Mr. Ragsdale stated the only opportunity left for growth and increased tax based in Smithfield was along the US 70 Business East corridor. He further stated this was a major entrance into the Town and the addition of the County jail on the proposed property would not be an asset to the Town of Smithfield. He urged the Council to deny the rezoning requesting stating this was not a proper location for the County jail.

Bill Roark from McGill and Associates explained his firm were the engineers for this project. Mr. Roark explained the reason for the rezoning was to eliminate the split zoning of the tract of lane. Mr. Roark further explained that a traffic impact study had not been completed, but NCDOT had been consulted. Preliminary results indicate a right and left lane may be needed for the US Highway 70 Business East entrance. Also, the largest portion of the parcel may have some delineated wetlands. A formal assessment would be completed to determine if the wetland area would have to be left intact. Mr. Roark stated that even with the possible wetland area, there was still plenty of buildable space.

Charles Avera questioned why Johnston County needed another jail. Mr. Avera stated if parking was the major concern then Smithfield should consider building a parking deck in downtown.

Councilman Barbour stated if the Council approved the rezoning request that didn't necessarily mean that the jail would be built there. Mr. Wensman responded if the property was rezoned to the O/I zoning district any permitted use could be administratively approved.

Mr. Roark explained that current designs for detention centers are typically attractive buildings and most are not thought of as simply jail facilities. Johnston County could build a support services complex to include the Sheriff's office and a 911 communications center.

Councilman Stevens stated the detention center needed to be close to the courthouse. The detention center would economically benefit the Town because County employees would still need places to eat and places to shop.

Mayor Moore questioned if the rezoning could be considered spot zoning. Town Attorney Bob Spence responded that it was not considered spot zoning

Councilman Lee questioned why the County needed a new jail. He stated the perception would be that there was a crime problem in Smithfield. Adding the jail to this location would hinder people from moving into Smithfield.

Councilman Barbour questioned if Johnston County was requesting annexation. Mr. Wensman responded they were not requesting annexation and he did not anticipate they would in the future.

Mark Lane of 2080 Yelverton Grove Road informed the Council he was not opposed to the jail being located on the property. His concern was the increased traffic in the area. Mr. Lane explained that in the morning and the evening, it was difficult to get off of Yelverton Grove Road onto US 70.

Sheriff Steve Bizzell informed the Council that the proposed detention center would not have the appearance of a prison. The idea was to build the detention center at the back of the property and hopefully the Sheriff's office on the front of the property. In the future, Sheriff Bizzell would like the 911 Center moved to the property, but that would be a decision for the County Commissioners. Also, the County could work with the Town to have a fire station built on the site. Sheriff Bizzell stated the current jail in downtown was overcrowded and Johnston County was paying to have inmates housed in other Counties. It was the Sheriff's desire to keep County government buildings in the County seat of Smithfield where they belonged.

Mayor Moore expressed his appreciation for the Sheriff's desire to keep the county government buildings in Smithfield

Rocky Lane of Sanford Holshouser explained the detention center was a commercial enterprise that Smithfield already had in the downtown area. If the detention center was built in another part of Johnston County, the Town of Smithfield would lose that economic impact. County employees who work in Smithfield also spend money in Smithfield.

Monique Clark of 401A South Third Street stated the jail would provide jobs, but it would also increase incarceration rates. She asked the Council to consider the impact on the economically disadvantaged youth.

Councilman Ashley asked that the County consider the signage not to include the words detention center or jail.

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 Rabil, to approve Rezoning Request RZ-18-08, from R-20A (Residential-Agriculture) and B-3 (Highway Entrance Business) zoning districts to the O/I (Office/Institutional) zoning district. Unanimously approved.

Councilman Ashley made a motion, seconded by Councilman Dunn, to approve the Consistency statement as set forth in the agenda declaring its consistency with the Town of Smithfield Comprehensive Growth Management Plan and that it was reasonable and in the public interest. Unanimously approved.

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

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

Planning Director Stephen Wensman addressed the Council on a request by Durwood Stephenson to amend the Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities to allow licensed child care centers in the O/I (Office/Institutional) zoning district as special uses with supplementary standards. The UDO allows licensed child care centers in the commercial business districts and industrial districts. Licensed child care centers would be as compatible or more compatible with permitted uses in the O/I zoning district as compared with permitted uses in those commercial and industrial zoning districts. For instance, most typically, daycare uses in industrial districts are only allowed as accessory to a principal use. Daycare in the O/I zoning district will not displace retail activities (pedestrian and vehicular traffic) as it often does in commercial business districts. Licensed child care center use is supportive of office and institutional uses by providing child care services for workers in the area and nearby residential areas without causing disruption.

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

Planning Staff and the Planning Board recommend approval of zoning text amendment ZA-18-09 with a consistency statement declaring the request was consistent with the Town of Smithfield Comprehensive Growth Management Plan and the request was 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 November 6, 2018 agenda packet.

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

Mayor Moore asked if there was anyone present that wished to speak on this matter. There were none.

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

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Scott, to approve Text Amendment Ordinance ZA-18-09 as submitted stating the request was consistent with the Town of Smithfield Comprehensive Growth Management Plan and the request was reasonable and in the public interest. Unanimously approved.

ORDINANCE # ZA-18-09
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT
ORDINANCE ARTICLE 6. SECTION 6.5 TABLE OF USES AND ACTIVITIES

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

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

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

[Revise Article 6, Zoning Districts, Section 6.5 Table of Uses and Activities to allow for Child Care Centers as a special use with supplemental standards within the O/I (Office and Institutional) Zoning District.]

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

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

PART 2

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

PART 3

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

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

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

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

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

With the approval of Zoning Text Amendment, ZA-18-09, child care centers in the O/I Zoning District require a special use permit complying with the supplementary standards for child care centers found in Article 7, Section 7.4. The supplementary standard 7.4.1.1 required an outdoor play area that is 75 sq. ft. per child and that it was shaded by a building, awnings, trees or other methods. The play area is sized appropriately, but no shade has been shown for the play area. The applicant has indicated that shade trees will be planted 30 ft. on center inside the fenced play area. The landscape plan should be amended to show required shade over the play area.

The childcare center will have up to seven employees on duty when the center is at capacity with proposed hours of operation to be Monday – Friday, 6 AM to midnight. The childcare center licensed for 30 children was required to have 9 parking stalls. The site plan shows 19 parking stalls, one of which is shown to be handicap accessible. The site was first developed prior to the stormwater management ordinance. The child care center will not increase the impervious conditions of the site, so no stormwater management will be required. An existing ground sign was located near the street entrance. This sign will be repurposed for the childcare center. Any modifications to the signs for the facility require a separate sign permit issued by the Planning Department.

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

STAFF'S FINDINGS OF FACT

1. The proposed child care center will not significantly change the site from what it is currently. There is adequate open space for the child play area and adequate parking. The hours of operation will not have an impact on adjacent properties.
2. The child care center will be in harmony as it is similar to other permitted uses in the O/I such as schools, family child care homes family care homes.
3. The surrounding properties are all developed but for the one to the south. The use of this site for a child care center will have no impact on the normal and orderly development or improvements of surrounding properties.
4. Utilities to the site will be unchanged from what exists presently.
5. Ingress and egress on the site will remain unchanged
6. All regulations have been conformed with, or will be conformed with prior to issuance of a permit.
7. The access conforms to plans.

8. The access conforms to plans

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

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

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the November 6, 2018 agenda packet.

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

Councilman Barbour questioned if there was another child care facility located near the proposed property. Mr. Wensman responded he believed there was another child care facility in the vicinity.

Mayor Moore asked the applicant if he was in agreement with the testimony provided by Planning Director Stephen Wensman. Durwood Stephenson testified he was in agreement, but assured the Council he would not be operating a child care center. Mr. Stephenson testified the property was purchased for the relocation of an existing child care facility.

Mayor Pro-Tem Scott questioned if the hours of operation would be 6 am until midnight. Mr. Stephenson testified that the child care facility would be operational during those hours to accommodate hospital staff's shift schedules.

Councilman Dunn made a motion, seconded by Councilman Stevens, to close the public hearing. Unanimously approved.

The Written Finding

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

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

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
2. The special use will be in harmony with the existing development and uses within the area in which it is to be located.
3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
7. Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.
8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.

Record of Decision: Approval of Conditional Use Permit Application Number SUP-18-11

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Scott, 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-18-11 with the following conditions:

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

Unanimously approved.

4. **Annexation Petition:** Navaho Investment Company, LLC, was requesting to annex approximately 32.79 acres of land into the Town of Smithfield's corporate limits. The property considered for annexation on Galilee Road about 1900 feet south of Black Creek Road, near West Smithfield Elementary School.

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

At the September 4, 2018 meeting, the Town Council passed Resolution # (625) 12-2018, directing the Town Clerk to investigate the sufficiency of the petition should the Council wish to move forward with the annexation of the property into the corporate Town limits. The Town Clerk investigated the petition and has determined it to be valid. At the October 3, 2018 meeting, the Town Council approved Resolution # 628 (15-2018) setting the date for the Public Hearing.

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

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

Mayor Moore stated the Town's Ordinance requires sidewalks, but the County's does not. He questioned if part of the subdivision would have sidewalk and the other portion would not. Mr. Wensman responded there were several differences between the County's requirements and the Town's requirement. Mayor Moore questioned if requiring sidewalks could be a condition of annexation. Town Attorney Bob Spence responded that conditions could not be placed on annexations. Mayor Moore further questioned if the applicant had submitted the plat for the portion of land that was in the Town's ETJ. Mr. Wensman responded that had not been submitted.

Mr. Wensman stated Smithfield would provide sewer and water utilities with a master meter on Johnston County's service lines and electricity will be provided by Duke Energy. Johnston County Utilities has requested that the entire development be served by the Town of Smithfield. The Town has the first right of refusal on water and sewer services.

Mr. Wensman further stated that during the Clerk's investigation it was determined that the Town does not have a limit on noncontiguous annexation. The Town can accept as much noncontiguous annexation as it needs or wants.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the November 6, 2018 agenda packet.

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

Mayor Pro-Tem Scott asked for clarification on the noncontiguous rule. Town Attorney Bob Spence responded that the general statute was clear that Smithfield was exempt from that requirement.

Councilman Dunn stated it would be beneficial for the Council to know all the nonconformities before a decision was made.

Mayor Moore stated the portion of the development in Johnston County has already been platted and the Town Council is now being asked to annex the property into the corporate limits without knowing exactly what the Town was annexing. Mayor Moore's concern was the Town was being asked to supply services to the area without knowing the density of the subdivision. He questioned the additional cost of providing services to the area. Town Manager Michael Scott responded there would be some additional costs associated with providing trash receptacles, but no additional labor or infrastructure costs.

Mayor Pro-Tem Scott questioned who would incur the cost for the lift station. The Town Manager responded the developer would pay for the installation of the lift station.

Councilman Ashley questioned how the Town could provide services without any additional cost. The Town Manager responded the residents would pay garbage collection fees. Councilman Ashley stated he was not opposed to the annexation request, but felt he did not have enough information to make a decision

Mayor Moore questioned if the applicant was in attendance. They were not.

Mayor Moore asked if there was anyone present that wished to speak on this matter.

Pam Lampe of 405 North Second Street stated she was not no for against the request. She asked that the Council consider tabling the request until staff had time to determine the actual cost of providing services to the area.

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

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Scott, to table the request until no later than the January 2019 regular Town Council meeting. Unanimously approved.

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

Mayor Pro-Tem Scott 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 Last Investments, LLC requesting a Preliminary Subdivision Plat for Swift Creek Road Tract, a proposed 110 lot single-family detached residential development on a 97.57 acre parcel in the R-20A zoning district. Mr. Wensman explained that utilities would be Town water with master meter charged as out of town customers, on-site septic, and Duke electric. The proposed subdivision is in this ETJ and at this time no annexation has been requested. The proposed lot sizes are 20,000 sq. ft. (.46 acres) to 67,513 sq. ft. (1.55 acres) and phasing of the subdivision is undetermined, likely 20 lots per year in phase 1 starting in the front possibly.

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

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

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

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

The development property contains a low wetland area on the southwest corner of the property and a blue line stream near the southeast corner of the property. The required 50 ft. riparian buffer is shown on the preliminary plans. There is also an existing ditch crossing the property in a north-south direction with an area of poor draining soils. There are several lots in the development that appear to be located on poorly draining soils that may not be suitable for on-site septic. Soil borings have been scheduled.

There is a cemetery on the north edge of the property. Access to the cemetery is shown to be over a 30 ft. wide easement centered on the property line. Planning Staff did receive comments from a member of the Avera family claiming that the 30' access easement was not properly executed. One of the issues will be the cemetery access which was allowed by a verbal agreement. Staff has found no recorded deed of easement. The applicant will have to provide proof of recorded easement.

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

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

Mr. Wensman explained Lots 92 and 93 do not meet the Town's lot requirements. UDO Section 10.108.1.4.3. states that lot size, shape, and location shall be made with due consideration to topographic conditions, contemplated use, and the surrounding area. Staff believes the hook shapes are an issue for surrounding properties. These areas will be difficult to maintain and may not be maintained appropriately so nearly detached from the main parcel. In addition, the County does not enforce nuisance complaints, so the hooks are likely going to be an enforcement issue for the surrounding homeowners. UDO Section 10.108.1.4.6. requires that side lot lines be substantially at right angles or radial to street lines. The hook lots do not conform to this code provision.

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

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

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

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

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

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

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

Staff received comments from the adjacent property owner. She does not want the lateral access to the north and asked that it be removed as her family has no intentions of developing the adjacent property. Also, Cemetery access should not be through her property and she wishes to have the existing tree line preserved.

Staff recommends the Planning Board recommend approval of preliminary plat S-18-02 with the following conditions:

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

Councilman Barbour questioned if the only utility the subdivision was requesting was water. Mr. Wensman responded that the County would provide it, but the Town has the first right of refusal.

Councilman Barbour stated the West Smithfield had an issue with septic tanks and they were ineffective. Should the applicant choose to annex in the future, providing sewer service would be an issue for the Town. Mr. Wensman responded that if any soil testing comes back and they are unable to build on those lots, they will be eliminated.

Councilman Ashley questioned the required buffer. Mr. Wensman responded there are no buffer requirements for single family residential areas or agricultural areas.

Councilman Barbour stated his concerns about providing water services to an area that did not want to annex into the Town. Mr. Wensman responded that staff is working on a policy for those to develop without annexation.

Sue Avera of 313 North Second Street expressed her concerns about the proposed development because it is adjacent to the Avera Family Farm. She explained the land had been in the Avera family since 1702 and is registered as an NC Century Farm. She further explained this was a working farm and it was the intent to keep it as a working farm. She requested that a buffer or permanent fence be installed along the property line to thwart nuisances. The Council should consider putting guidelines in place for rural land conservation issue such as wind and soil erosion. She asked that the tree line be left in place. Mrs. Avera asked that the lateral access to the north of her family's property be removed because there was no desire to develop the land. She further requested that the Council investigate voluntary agriculture districts guideline that encourages preservation and protection of farm land.

Emma Gemmel of 207 Hancock Street provided photos to the Council to ensure they could see the encroachment that could happen on her family's land. Mrs. Gemmel explained there was a pond on the property and the trees were not barriers to curious children from the subdivision trespassing on the Avera Family Farm. By not providing a permanent barrier, the Town was leaving the Avera family with a liability. Mrs. Gemmel further stated that the developer will build the houses and the Avera family will be left to deal with the residents of the subdivision.

Brenda Avery of 107 Garnet Lane Clayton expressed her concerns about accessing her family's

cemetery. She and her sister have been maintaining the cemetery since 2010 when they discovered their ancestors' final resting place. Currently, they have been accessing the cemetery through Swift Creek road.

Richie Hines representing the applicant stated there was a cemetery easement on the surveyor's map, but it was never recorded. Mr. Hines stated the applicant would be amenable to allow the family to access the cemetery possibly through the subdivision. Mr. Hines explained that the Town of Smithfield does not require a buffer of fencing from the applicant's property to the adjacent property and fencing is not being proposed. The applicant is willing to leave the tree line at the rear of the property and it's their practice to leave a buffer along the rear and side property lines.

Councilman Barbour questioned if fencing was being proposed. Mr. Hines responded that fencing was not being proposed, but individual home owners may install fencing.

Councilman Dunn stated that even if the applicant planned to leave the tree line, each individual property owner could remove those trees once they purchased the property. Town Attorney Bob Spence responded a recorded easement could eliminate the removal of the trees.

Mr. Hines stated the applicant was agreeable to the removal of the lateral access to the north. Mr. Hines explained that Johnston County was currently evaluating both the septic system and the repair on each lot. The boundary has been surveyed, but the lots have been rough staked because not every lot will have the soil needed for septic systems.

Councilman Ashley questioned if the applicant would add a 20 ft buffer behind each lot and add it as a common space for the HOA. Mr. Hines responded that he would like to investigate that with the Johnston County Health Department because he didn't believe they needed that amount of space for the septic systems, but possibly some easement could be worked out.

Councilman Barbour questioned if the applicant had any desire to annex into the Town. Mr. Hines responded the Town would not be in favor of extending all utilities to the proposed subdivision. Mr. Hines explained that all of the agencies are reviewing the full set of plans for the subdivision and to go back now and require annexation would be costly. Councilman Barbour stated that a major advantage of annexation would be ensuring that the subdivision stays up to code. Mr. Hines responded that the applicant uses a management company to enforce the rules and regulations of the HOA.

Councilman Ashley stated he wanted to respect the rights of the adjacent property owners since vacant land is becoming so obsolete. The hope is that the applicant would work with the neighboring property owners concerning a buffer to protect the integrity of their land and the integrity of the subdivision. Mr. Hines responded that he did speak with the applicant prior to them leaving the country and they are agreeable to leaving the buffer, but the width of the buffer should be discussed. Mrs. Gemmel stated the trees were not a buffer; the family desired a fence to be installed the full length of the property so people could not trespass on their farm land.

Charles Avera informed the Council that there were federally protected mussels in the creek on the Avera Family Farm.

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

Councilman Ashley suggested that applicant meet with the adjacent property owners and the engineer to work out a compromise. Mr. Hines was agreeable to this request.

Councilman Ashley made a motion, seconded by Councilman Barbour, to table this request until the December meeting. Unanimously approved.

Mayor Moore asked the Planning Director to work with the applicant, the adjoining property owners and the owners of the cemetery.

CITIZENS' COMMENTS:

- Lucy Washington of 306 Birch Street expressed her appreciation to the Council for repaving Birch Street, but stated a pile of asphalt was left in the cul-de-sac. There was also a trench between the pavements that would hold water. She requested the Town consider notifying residents in advance when any work would be performed in their area.
- Steve Reed of the Johnstonian News introduced himself to the Town Council stating the Johnstonian News would begin coverage of the Town of Smithfield.

CONSENT AGENDA:

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

1. The following minutes were approved
 - October 2, 2018 – Regular Meeting
 - September 4, 2018 – Close Session
 - September 20, 2018 – Special Meeting
2. Approval of Ordinance #496 to amend Chapter 6, Cemeteries, Section 50 Mausoleums, to allow for personal mausoleums on lots purchased prior to June 5, 2001

TOWN OF SMITHFIELD
North Carolina
ORDINANCE # 496

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

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

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

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

Sec. 6-50. - Mausoleums.

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

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

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

This ordinance shall be effective upon adoption

3. Approval of Resolution #629 (16-2018) accepting the Water Shortage Response Plan for the Town of Smithfield Water Service

TOWN OF SMITHFIELD
RESOLUTION #629 (16-2018)

FOR APPROVING TOWN OF SMITHFIELD (PWSID# 03-51-010)
WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143 355 (I) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the Town of Smithfield, has been developed and submitted to the North Carolina Department of Environmental Quality, Division of Water Resources for approval; and

WHEREAS, the Smithfield Town Council finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143 355 (I) and that it will provide appropriate guidance for the future management of water supplies for the Town of Smithfield, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Town of Smithfield that the Water Shortage Response Plan entitled, Town of Smithfield Water Shortage & Conservation Plan dated October 5, 2018, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Smithfield Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

{Attached hereto and made a part of these official minutes is the Water Shortage Response Plan for the Town of Smithfield Water Service}

4. Approval of Resolution #630 (17-2018) accepting the Water Shortage Response Plan for the Smithfield South Water District Service Area

TOWN OF SMITHFIELD
RESOLUTION #630 (17-2018)
FOR APPROVING SMITHFIELD SOUTH WATER
DISTRICT (PWSID# 40-51-007) WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143 355 (I) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the Town of Smithfield, has been developed and submitted to the North Carolina Department of Environmental Quality, Division of Water Resources for approval; and

WHEREAS, the Smithfield Town Council finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143 355 (I) and that it will provide appropriate guidance for the future management of water supplies for the Town of Smithfield, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Town of Smithfield that

the Water Shortage Response Plan entitled, Smithfield South Water District Water Shortage & Conservation Plan dated October 5, 2018, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Smithfield Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

{Attached hereto and made a part of these official minutes is the Water Shortage Response Plan for the Smithfield South Water District Service Area}

5. Bid was awarded to Barrs Recreation, LLC in the amount of \$48,673.01 for the procurement and installation of playground equipment at Smith-Collins Park through the NIPA purchasing cooperative
6. Approval was granted for the temporary promotion of a Sergeant to the Rank of Lieutenant due to the Lieutenant on C Squad being out on extended medical leave
7. Approval was granted for a temporary promotion Police Officer to the Rank of Sergeant due to the Lieutenant on C Squad being out on extended medical leave
8. Approval was granted to accept Lake Park Circle as a Town maintained street.

9. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Facility Maintenance Specialist	PW – General	10-60-5500-5100-0200	\$11.07/hr. (23,025.60/hr.)
P/T Lifeguard	P&R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T Lifeguard	P&R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200	\$11.52/hr. (\$28,059.20/yr.)
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200	\$12.83/hr. (\$26,686.40/yr.)
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200	\$14.73/hr. (\$30,638.40/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Electric Line Technician	PU- - Electric	31-72-7230-5100-0200
Police Officer I	Police	10-20-5100-5100-0200
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200

10. Approval of Resolution #632 (19-2018) Designation of Applicant’s Agent for FEMA Relief – Hurricane Florence
{Attached hereto and made a part of these official minutes is Resolution #632 (19-2018)}

Unanimously approved.

Business Items

1. **Consideration and Approval to Adopt Resolution #631 (18-2018) to begin the Upset Bid Process for property located at 916 Third Avenue in accordance with NCGS 160A-269**

Town Manager Michael Scott addressed the Council on a request to begin the upset bid process for property located at 916 Third Avenue. The Town Manager explained the Town acquired the lot several years ago following what appeared to be a condemnation. The house originally located

on the property was removed and the lot was currently vacant and required normal maintenance from Town staff such as mowing. Under NC G.S. 160A-268, 269, & 270, the Town can sell real property through the method of sealed bids, upset bids, or public auction. The lot currently provides no service to the Town of Smithfield and appears it would be better used if owned by a private citizen. A beginning bid recommendation has been received in the amount of \$6,500. 5% of the bid amount would be deposited with the Clerk upon the approval of the bid by Council. Staff is recommending the Council approval an upset bid process to sell the lot with the beginning bid of \$6,500.

Mayor Moore questioned if the Town demolished the house and the cost of the demolition. The Town Manager responded the Town did demolish the house, but he could find no record of the cost.

Councilman Barbour questioned the tax value on the property. The tax value was \$10,250.

Councilman Ashley made a motion, seconded by Councilman Dunn, to approve the Resolution #631 (18-2018) and the request to move forward with the upset bid process. Unanimously approved

Town of Smithfield Resolution # 631 (18-2018)
Resolution Authorizing Upset Bid Process

WHEREAS, the Town of Smithfield owns certain property located at 916 Third Avenue-Johnston County Tax ID #15064012/ NCPin 169310-46-8076; and

WHEREAS, North Carolina General Statute § 160A-269 permits the Town to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the Town has received an offer to purchase the property described above, in the amount of \$6,500.00, submitted by Vertis R Richardson III; and

WHEREAS, Vertis R Richardson III has agreed to pay the required five percent (5%) deposit on his offer;

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD RESOLVES THAT:

1. The Town Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.
2. The Town Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Town Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Town Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the Town Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Town Council.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The Town will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The Town will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that the Town Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and the buyer must pay with cash at the time of closing.
8. The Town reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate Town officials are authorized to execute the instruments necessary to convey the property to Vertis R. Richardson III.

2. Bid Award to JP Edwards in the amount of \$32,323 and contract approval for the removal of the Eva Ennis Pool and adjacent structures

Town Manager Michael Scott stated the removal of the Eva Ennis Pool and adjacent structures was approved by vote of the Council in June 2016 with the understanding that the Town would create a recreation center at Smith Collins Park. The Town is currently operating the Sarah Yard Community Center to provide a recreational center for the area. A Request for Proposal was originally distributed on March 7, 2017 soliciting quotes for the removal of the pool and associated building structures at the Eva E. Ennis Park. The bid process was delayed to allow for the completion of an asbestos assessment and the acquisition of additional budgeted funds. The evaluation found no asbestos present and prospective contractors were notified of the results.

The Town received the following lump sum bids:

JP Edwards, Inc.	\$ 28,107.00
TSI Disaster Recovery, LLC	\$ 51,300.00
TAP Construction, Inc.	\$ 84,970.00

At that time, bid prices far exceeded budgeted funds. \$27,000 was budgeted for this project in the FY 2018-19 budget. The Parks a Recreation department has identified a total of \$6,000 in savings from the purchase of the budgeted F 550 truck and the budgeted playground equipment for Smith Collins Park. This will allow \$33,000 for the completion of this project. Given the 17-month time frame since the original bid, the low bidder has submitted a revised quote of \$32,323.00.

Councilman Lee questioned if the Town was going to add a splash park in the area. The Town Manager responded he did not believe that was formally discussed. Councilman Lee further stated the removal of the pool left nothing in East Smithfield for the children of the community because the Sarah Yard Community Center was only open three days a week.

Councilman Ashley questioned the length of time the pool had been out of service. The Town Manager responded since 2010. Councilman Ashley stated there were some discussions about alternatives for the area, but there was no formal vote.

Councilman Barbour stated the Council should consider and budget funds for a splash park in the East Smithfield Community.

Councilman Barbour made a motion, seconded by Councilman Dunn to approve the request. Councilman Barbour, Councilman Dunn, Mayor Pro-Tem Scott, Councilman Ashley, Councilman Rabil and Councilman Stevens voted in favor of the motion. Councilman Lee voted against the motion. Motion passed 6 to 1.

3. Consideration and Approval to adopt the 2019 Town Council Meeting Schedule

Town Manager Michael Scott addressed the Council on a request to adopt the 2019 Town Council Meeting Schedule. He explained in 2019, the January meeting is scheduled to be held on January 1st which is a holiday. Staff is requesting that this meeting be changed to January 8th. The July meeting is scheduled to be held on July 2nd. Due to this being a typical holiday/vacation week for many, staff is seeking input from the Council to determine if the meeting should be moved to July 9th. Also, the November meeting is scheduled to be held on November 5th which is Election Day. Staff is recommending this meeting be moved to November 12th

Councilman Ashley made a motion, seconded by Councilman Barbour to adopt the 2019 Town Council Meeting Schedule with the recommended changes. Unanimously approved

2019 Town Council Meeting Schedule

January 8th
February 5th
March 5th
April 2nd
May 7th
June 4th
July 9th
August 6th
September 3rd
October 1st
November 12th
December 3rd

Councilmembers Comments

- Councilman Barbour stated he appreciated the local newspaper being in attendance.

Town Manager's Report:

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

- Storm Water Meeting: A public meeting will be held at the Sarah Yard Center on November 13th at 6:30 to discuss storm water concerns in East Smithfield. This is part of our storm water study being completed by Jewell Engineering.
- Wine Walk: The annual downtown wine walk for Harbor is scheduled for Friday, November 16th from 5:00 to 9:00 pm. Please mark your calendars for this event.
- Gobble Wobble: The Gobble Wobble run/walk is scheduled in South Smithfield for November 17th from 8:00 to 11:00 am.
- Grinch Run: The annual Grinch Run is scheduled to begin at Community Park on December 1, 2018 at 10:00. Registration begins at 8:30. This is a great, fun event for all. Dress-up and be part of the Grinch contest. Don't forget to bring your toy for your admission.
- CDBG: The CDBG Grant for housing rehabilitation (\$750,000) has been submitted. The grant proposal included housing rehabilitation as well as demolition and removal of

condemned homes in the target area of East Smithfield. We are uncertain at what point we will learn if we were awarded funds for this project

Department Reports

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

Closed Session: Pursuant to NCGS 143-318.11 (a) (6) – Personnel Matter

Mayor Pro-Tem Scott made a motion, seconded by Councilman Dunn to go into closed session pursuant to NCGS 143-318.11 (a) (6) to discuss a personnel matter. Unanimously approved at 10:23 pm.

Reconvened in open session at 10:40 pm.

Adjourn

Councilman Ashley made a motion, seconded by Councilman Dunn to adjourn the meeting. The meeting adjourned at approximately 10:41 pm.

ATTEST:

M. Andy Moore, Mayor

Shannan L. Parrish, Town Clerk