

The Smithfield Town Council met in regular session on Tuesday, July 7, 2020 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

John Dunn, Mayor Pro-Tem
Marlon Lee, District 1
David Stevens, District 2
Dr. David Barbour, District 4
Stephen Rabil, At-Large
Roger Wood, At-Large

Councilmen Absent

Travis Scott, District 3

Administrative Staff Present

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

(Note: All Town Department Heads were present, but due to Social Distancing and Mass gathering restrictions related to Covid19, they were not present in the meeting room unless an item from their Department was discussed)

Also Present

Bob Spence, Town Attorney (via conference call)

Administrative Staff Absent

Lenny Branch, Public Works Director

CALL TO ORDER

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

INVOCATION

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

APPROVAL OF AGENDA:

Councilman Wood made a motion, seconded by Councilman Stevens, to approve the agenda with the following amendment:

Presentations

- Add Item #1: Consideration and Request for approval to adopt Resolution #660 (09-2020) Condemning the Death of George Floyd

Consent Agenda

- Remove Item #2: Special Event: Food Truck Rodeo
- Add Item: Career Ladder Promotion- Water Plant: consideration and Request for approval to promote a Water Plant Trainee to Water Plant Operator I
- Move Item 10: Bid Award and request for approval to enter into an agreement for Meter reading services from the Consent agenda to Business Item #2

Unanimously approved.

PRESENTATIONS:

1. Consideration and Request for approval to adopt Resolution #660 (09-2020) Condemning the Death of George Floyd

Councilman Wood made a motion, seconded by Councilman Stevens, to adopt Resolution #660 (09-2020). Unanimously approved.

**TOWN OF SMITHFIELD
RESOLUTION # 660 (09-2020)**

WHEREAS, on May 25, 2020, George Floyd was senselessly killed in Minneapolis, Minnesota while in Police custody; and

WHEREAS, the Town of Smithfield recognizes the deep anguish this tragedy has caused in our community and the country, particularly among African Americans; and

WHEREAS, George Floyd's death is the latest example of the racism that exists in our society; and

WHEREAS, the Town of Smithfield supports the right of people to peaceably protest this tragedy and call for needed change; and

WHEREAS, racial diversity is historically woven into the fabric of the Town of Smithfield yet we know much more can and must be done to make the Town of Smithfield a more inclusive community to ensure it is a place where racism does not exist in any place; and

WHEREAS, we must reach out, listen and learn from each other so we can identify where change can be made and how we can make it; and

WHEREAS, the Smithfield Police Department has and continues to actively support efforts to resist racism and will work with residents to further improve police policies and practices.

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

1. The Town Council condemns the murder of George Floyd.
2. The Town Council supports the right of people to peaceably protest.
3. The Town Council commits itself and the Town to be deliberate and intentional in its efforts to engage the community in constructive, honest and substantial dialogue to better understand where racism exists and to adopt policies to abolish it. These actions must be concrete and intended to bring about real change and we will consistently measure our success or failure to bring it about.
4. The Town Council commits that the Smithfield Police Department will continue its efforts to resist racism, promote policies to hire more African American and minority officers and continue with best practices related to eliminating racial profiling and supporting other initiatives intended to eliminate racial bias and excessive force in policing.
5. The Town Council is committed to a safe and healthy environment where all its citizens, visitors and employees can thrive.

PUBLIC HEARINGS:

1. **Zoning Text Amendment- Mosquito Squad of Raleigh (ZA-20-01)**: The applicant was

requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 6, Table 6.5 Table of Uses and Activities to allow Exterminating Services as a use by right in the Light Industrial (LI) zoning district.

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

Planning Director Stephen Wensman informed the Council that Michael Lee, the owner of Mosquito Squad, was requesting an amendment to the Unified Development Ordinance, Article 6, Table 6.5, Table of Uses and Activities to allow Exterminating Services in the Light Industrial District as a permitted use. Mr. Wensman explained Mr. Lee 's business was located in the light industrial district and was informed that the exterminating services were not permitted in that zoning district. They are limited to the B-2 and B-3 Business Districts with a special use permit, and the Heavy Industrial District as a permitted use.

Exterminating Services involve the storage and use of chemicals to exterminate pests. The industry is regulated by the state to ensure safety in the storage and use of chemicals. The use also can involve a fleet of small trucks to dispatch throughout the region. Exterminating services are a good fit for the Heavy Industrial District because of the storage of chemical and fleet vehicles.

Having exterminating services in the B-2 and B-3 Business Districts does little for commerce. Extermination businesses are rarely a destination that would generate additional business to adjacent commercial properties. The location in the business district is mostly good for exterminating companies to obtain drive by exposure of their company and for the convenience of the business owners and employees. The use is most like a contractor's office in terms of how it benefits or generates traffic for adjacent commercial properties. The B-2 District appears intended for intensive business, whereas the B-3 District is more focused on enhancement of trade, tourism, capital investment, and the general welfare. The stated purposes of the B-2, B-3, LI and HI districts are:

6.3.8. B-2 General Business District.

The purpose of this district is to provide for those business areas adjacent to the downtown core as well as other intensive and extensive business areas in Smithfield.

6.3.9. B-3 Highway Entranceway Business District.

The purpose of this district is to allow commercial uses with proper regulations and safeguards to promote the safe and efficient movement of traffic, and the orderly development of land along major arteries leading into Town, while enhancing and preserving the environmental and aesthetic qualities of these areas. The proper location and development of the uses along these corridors will contribute to and enhance trade, tourism, capital investment, and the general welfare.

6.3.11 Light Industrial.

The purpose of this district is to accommodate commercial warehousing and light industrial uses which will be compatible with the Smithfield area and will not cause adverse effects for the area or adjacent uses.

6.3.12 Heavy Industrial.

The purpose of this district is to accommodate Commercial, warehousing, and heavy industrial uses which will be compatible with the Smithfield area and will not cause adverse effects for the area or adjacent uses.

Exterminating services are more compatible in the Light Industrial District than in the business districts. The use in the Light Industrial District are unlikely to cause adverse effects for the area or adjacent industrial uses and there is no expectation for attracting walk-in or drive by customers. The requirement for a special use permit in the B-2 and B-3 makes sense in order to give the Council control over chemical storage and fleet parking and to mitigate any negatives the use might have on other adjacent retail type establishments. Staff does not believe control over chemical storage and fleet parking is needed in the Light Industrial District, and there should be no negative impacts on adjacent industrial business.

Planning Staff and the Planning Board recommend approval of the zoning text amendment ZA-20-01 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the July 7, 2020 agenda packet.

Mayor Moore asked if there were any questions from the Council

Councilman Barbour questioned if this were approved then any exterminating business could operate in the Light Industrial (LI) zoning district. With the chemical usage, this could potentially endanger the community. Mr. Wensman responded all chemicals are regulated by the State therefore there is no inherent danger. An exterminating business is less compatible in the B-2 and B-3 zoning districts which are more retail in nature.

Councilman Barbour questioned why the UDO did not address this issue when it was updated. Mr. Wensman respond he is unsure why this was not addressed because he was not employed with the Town at the time of the UDO update. He stated there were other issues in the UDO that would have to be addressed, but in this instance, you have a business owner that opened an exterminating business in the LI district not knowing it was illegal because his landlord didn't inform him or he didn't do his research. He is now trying to do the correct the problem by requesting the text amendment. Staff supports this because we believe it is a good fit for the Light Industrial and the Heavy Industrial. It will still require a special use permit if proposed in the B-2 and B-3 zoning districts.

Councilman Barbour stated he was concerned about an exterminating business being allowed in the LI district by right because of the potential impact it could have on adjacent properties. His primary concern was the storage of chemicals. He stated it should be included in the special use permit process.

Mayor Moore questioned if exterminating service businesses were allowed in the Heavy Industrial (HI) zoning district by right. Mr. Wensman stated that type of business was a permitted use in the HI districts.

Mayor Pro-Tem Dunn stated there were regulations in place for the storage of chemicals which have to be locked inside the building unless in use.

Mayor Moore asked if there was anyone in attendance that wished to speak on the matter. There was no one in attendance that wished to speak on the matter.

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

Councilman Stevens made a motion, seconded by Councilman Wood, to approve Ordinance ZA-20-01 in accordance with NCGS 160A-383 stating the petition was consistent with the Comprehensive Growth Management Plan and other applicable adopted Town plans and that it is reasonable and in the public interest based on staff's findings outlined on page 5 of the agenda packet. Councilman Stevens, Councilman Wood, Mayor Pro-Tem Dunn, Councilman Lee, Councilman Rabil voted in favor of the motion. Councilman Barbour voted against the motion. Motion passed 5 to 1.

Article 6, Section 6.5 is to be amended to read as follows:

SECTION 6.5 TABLE OF USES AND ACTIVITIES.

P - Permitted Use
S - Special Use

PS - Permitted Use with Supplemental Regulations
SS - Special Use with Supplemental Regulations

Blank - Not Permitted

Uses	Primary Zoning Districts													Overlay Districts		Supplemental Regulations	
	R-20A	R-10	R-8	R-6	R-MH	PUDS	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AD AHH	OS	RHO		ECO
RETAIL SALES AND SERVICES																	
Exterminating services									S	S		P	P				

2. Rezoning Request-Kiddie College of Canterbury (RZ-20-03): The applicant was requesting to rezone one tract of land totaling approximately .454 acres from an R-8 (Residential) to an OI (Office and Institutional) zoning district. The property considered for rezoning was located on the west side of Canterbury Road, approximately 190 feet south its intersection with Berkshire Road and further identified as Johnston County Tax ID# 15004023A.

Councilman Wood made a motion, seconded by Councilman Rabil, to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman informed the Council the applicants, Phil and Barbara Wilkins, the owners of Kiddie Kollege of Canterbury, are requesting the rezoning of their property from R-8 Residential to OI Office Institutional. Mr. Wensman explained the property was originally built as a childcare center in the R-8 zoning district when the development was constructed. The roughly 3,500 sq. ft. building containing the Kiddie Kollege childcare center is a commercial building with multiple rooms and a bathroom designed for the daycare. In the front and side of the building is a +/-5 stall parking lot, with two driveways off Canterbury Road, and a playground in the back of the building. The building is well screened from adjacent residential parcels by trees along the property line.

Mr. Wensman further explained rezoning the property to the OI zoning district will serve to reflect existing land uses more accurately on the site. The property is now and has been used as a day care for many years. Having a conforming site with respect to zoning and land uses, will make the property more marketable in the future. Conformance with zoning will allow for an easier permitting process if the property is damaged by fire or other natural disaster. Rezoning the property to the OI will allow for all land uses permitted in the OI zoning district to be considered for future approvals.

Mr. Wensman further stated most of the neighboring properties are residential in nature, but there is a church across the street from the site. The church is zoned AR10, but it is an institutional use.

In North Carolina, spot zoning is not illegal in and of itself, however, it should be clearly supported by a reasonable basis to be upheld. In this case, the proposed zoning is office/institutional and

directly across the street is a large Church of Latter-Day Saints which is an institutional use in a residential zoning district with a much greater impact on the neighborhood in terms of traffic than this small commercial building would be if zoned to Office/Institutional District.

Staff and the Planning Board recommend approval of RZ-20-03 with a consistency statement declaring the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the July 7, 2020 agenda packet.

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

Councilman Barbour stated there were many permitted uses within the OI district that could be permitted if this were to be approved. He questioned how staff could determine that a large Church of Latter-Day Saints which is an institutional use in a residential zoning district would have a much greater impact on the neighborhood in terms of traffic than this small commercial building would if zoned to Office/Institutional District. Mr. Wensman responded the site has only six parking stalls. Therefore, it is extremely limited as to the type of business that could fully utilize the property. In the OI zoning, you still must meet some parking requirements. This site is not configured that will work for a lot of different uses, as a restaurant and be more like a coffee shop with maybe a small cafe, which is more of a neighborhood walkable type of use. You are not going to get a big commercial use on that property. Most of those uses would not locate there. It is more likely to be a small architect's office, something quieter with less traffic. The daycare probably has more traffic than most any of those uses on that list. Given the nature of that building and site, the only way you could really increase the capacity and traffic would be to demolish the existing structure and rebuild. That would not be cost effective.

Councilman Barbour questioned if any of the adjacent property owner expressed concerns about this rezoning. Mr. Wensman stated he had not received any input from the adjacent property owners.

Mayor Moore asked if there was anyone in attendance that wished to speak on the matter. There was no one in attendance that wished to speak on this matter.

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

Councilman Stevens made a motion, seconded by Councilman Barbour, to approve the rezoning request in accordance with NCGS 160A-383 stating the petition was consistent with the Comprehensive Growth Management Plan and other applicable adopted Town plans and that it is reasonable and in the public interest based on staff's findings outlined on page 20 of the agenda packet. Unanimously approved.

Councilman Stevens expressed his appreciation to Barbara Wilkins for all she has done for the children in this community.

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

- 3. Special Use Permit Request – Smithfield Independent Living (SUP-20-05):** The applicant was requesting a special use permit to construct and operate a multi-unit assisted housing facility with services on a 4.24-acre tract of land located within an O/I (Office/Institutional) zoning district. The properties considered for approval was located on the west side of Kellie Drive approximately 700 feet north of its intersection with M. Durwood Stephenson Parkway. The properties are further identified as Johnston County Tax ID# 14075022D and 14075022C.

Councilman Wood makes a motion, seconded by Councilman Stevens, to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman testified this request was being made by Carolina Commercial Contractors. They were the same contractors that built the assisted living facility across the street. The applicants were proposing this facility on a 4.24-acre parcel and an 11.06-acre parcel which would be combined as one parcel as part of this process.

Mr. Wensman testified that both properties contain open buildable land along the frontage of Kellie Drive with wetlands and woodlands towards the rear. A Piedmont Natural Gas Easement crosses the northern portion of the northerly property (outside the proposed construction site). The area around the proposed development has become a hub of medical offices with an assisted living facility. When the Smithfield Assisted Living Facility was constructed, the developer had intentions to also construct the independent living facility nearby. The Smithfield Living Facility complements the existing uses nearby and its residents will utilize support services and benefit from the nearby dentist office, orthopedic office and the Smithfield Recreation and Aquatics Center (SRAC).

Vehicular access will be from driveways on Kellie Drive. There are public sidewalks on both sides of Kellie Drive. The southernmost driveway lines up with the road to the Neuse Charter School

The site plan for the Smithfield Living Facility shows 93 parking spaces (including 4 handicap spaces) for the 83 units facility with 98 bedrooms (12 – Studio / 59 – 1-BR / 12 – 2 BR). The 1 parking stall per unit standard is appropriate given some residents will have cars, while others will not and will utilize Johnston County Area Transit System (JCATS) to get around town.

The site plan does not address landscaping, lighting, stormwater, and other UDO requirements. The site plan references landscaping and lighting requirements. All UDO requirements will be addressed through the site plan review process.

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

STAFF'S FINDINGS OF FACT

1. The special use will be beneficial to the public health, safety and general welfare.
2. The special use is complementary to the existing assisted living facility and the medical office hub along Kellie Drive.
3. The special use represents normal and orderly development and will be beneficial to the surrounding properties.
4. Adequate facilities will be provided or are existing to meet the needs of the SUP.
5. Adequate egress and ingress will be provided.
6. With a special use permit, the use will conform to the applicable regulations.
7. There are no conflicts with the Town's adopted plans.
8. With a special use permit, the use is permitted within an area guided for commercial uses.

The Planning Department recommends approval of the Special Use Permit, SUP-20-05, with the following conditions:

1. That the applicant submits plans for loading, landscaping, lighting, stormwater management in strict accordance with UDO requirements.
2. That the two properties be recombined into one lot.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the July 7, 2020 agenda packet.

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

Councilman Barbour questioned if there were any plans for a traffic signal in that area given this additional use and the traffic that flows from Neuse Charter School. Mr. Wensman responded driveways were a necessity for the use and having it lined up directly across from the Neuse Charter School was the best location. There was also a secondary driveway, but there were no plans for a traffic signal. That could be something needed in the future after the Town assumes responsibility of the road.

Mayor Moore asked the applicant if he agreed with the testimony provided by Mr. Wensman. Corey Mavis, representative of Carolina Commercial Contractors located at 1600 Colin Road, Sanford, North Carolina, and Ken Waldrid representative of ALG Senior stated they agreed with the testimony provided by Mr. Wensman and they were excited about this project.

Mayor Moore asked if there was any in attendance sworn to testify in this matter. There was no one in attendance sworn to testify on this matter.

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

The Written Finding

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

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

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

Record of Decision: Approval of Conditional Use Permit Application Number SUP-20-05

Councilman Barbour made a motion, seconded by Councilman Wood, 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-20-05 with the following conditions:

1. That the applicant submits plans for loading, landscaping, lighting, stormwater management in strict accordance with UDO requirements.
2. That the two properties be recombined into one lot.

Unanimously approved.

- 4. Special Use Permit Request – Johnston Community College (JCC) Engineering Building. (SUP-20-06):** The applicant was requesting a special use permit to construct and operate a 46,365 square foot educational facility on the Johnston Community College campus. The property considered for approval was located on the southeast side of College Road approximately 400 feet south of its intersection with East Market Street and further identified as Johnston County Tax ID# 15K10199F.

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

Planning Director Stephen Wensman testified the Timmons Group was requesting a special use permit to construct a new building on the Johnston Community College (JCC) campus in the O/I Office/Institutional District. In Table 6.5 Table of Uses and Activities, community college is a listed as requiring a special use permit.

The proposed site of the new 46,365 sq. ft. engineering building is at the east end of the parking lot nearest East Market Street and in the wooded greenspace. The 2-story building will displace 35 parking stalls and require the removal of some existing mature pine trees. There is pedestrian access from the parking lot and to other campus buildings. There is no pedestrian access along College Road or along the East Market Street frontage and no pedestrian access to adjacent commercial properties.

The Johnston Community College is comprised of numerous campus classroom and operational buildings arranged around shared parking. The engineering building will be a new 2-story, 46,365 sq. ft. building that complements the existing campus structures and utilizes the shared parking lot.

Vehicular access from College Road as it is currently. A new service entrance to the building will be located off Jaguar Drive (private drive) that loops behind the building and campus. The site plans show pedestrian access to other campus buildings and parking, but no sidewalk on College Road or East Market Street.

Section 2.22 of the UDO requires all new O/I district construction to provide 5' sidewalks on the street right-of-way. The Engineering building is one new structure on a large campus. Although it may not be justified to require a five-foot sidewalk along all the road frontages, some additional pedestrian connectivity should be considered. It would benefit the student body and adjacent commercial businesses to have a pedestrian connection to East Market Street. Furthermore, the Town is planning a recreational trail around the College Pond that will ultimately connect to Smith Collins Park and to the Buffalo Creek Greenway. A trail or sidewalk connection from the future College Pond trail to East Market Street would a worthy goal. The Council might want to consider requiring a sidewalk along a portion of College Road in conjunction with this permit request. Staff felt the sidewalk requirement should be placed as a conditional of approval. The applicant does not agree with this condition.

The new building will displace 35 existing parking stalls along the east end of the large shared parking lot. The site plans show future 92 stall parking lot (Alternate #1), although staff is not requiring construction of this parking lot at this time and not until the day that additional parking is demonstrated as needed. The multiple buildings including the theater will not be at full capacity all at the same time. For example, the theater is more likely used in the evenings and weekends so some excess parking capacity should be available for the new engineering building. The applicant has agreed (in writing provided to the Planning Director) that should the need for additional parking arise, they would construct additional parking.

The applicant is proposing a dry detention basin as an aesthetic feature near the entrance to the building. The applicant will be responsible for a Nitrogen offset payment.

The applicant will be landscaping the disturbed areas of the site in accordance with the Town's landscape ordinance. A lighting plan was submitted showing pedestrian lighting and parking lot lighting, all in accordance with the lighting code.

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

STAFF'S FINDINGS OF FACT

1. The special use will not be detrimental or endanger public health, safety, or general welfare.
2. The special use is complementary to the existing campus.
3. The special use represents normal and orderly development of the campus.
4. Adequate utilities, parking, access and other facilities exist or are being adequately provided for.
5. Adequate egress and ingress currently exist to the site.
6. With a special use permit, the use will conform to the applicable regulations.
7. There are no conflicts with the Town's adopted plans.
8. With a special use permit, the use is permitted within the zoning district

The Planning Department recommends approval of the Special Use Permit, SUP-20-06, with the following conditions:

1. That the Alternate #1 parking be installed if it is determined that additional parking is needed by the Smithfield Planning Director.
2. That a public sidewalk be provided from the new building to East Market Street in or adjacent to the College Road right-of-way.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the July 7, 2020 agenda packet.

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

Councilman Barbour questioned the sidewalk requirement and where it would be located. Mr. Wensman responded the sidewalks would be constructed from the sidewalk of the new building to the College Road right of way until it reached East Market Street.

Councilman Barbour questioned if there were currently sidewalks on Market Street. Mr. Wensman responded there were sidewalks at the new College Plaza and sidewalks at the Golden Coral

location. Mr. Wensman stated sidewalks are required in the OI district with any new construction. The hope is that additional sidewalks will be constructed along East Market Street so there is connectivity.

Councilman Barbour stated every dollar spent on sidewalks is money that cannot be spent on students in our community. While he understood the need for sidewalks, he did not believe they needed to be constructed at this time.

Mayor Moore asked the applicant if they agreed with the testimony provided by Mr. Wensman. Garrett Frank and Michael Haldeman with the Timmons Group representatives for Johnston Community College stated they agreed with the testimony provided by Mr. Wensman.

Mr. Frank testified as to the first condition concerning parking. He stated that parking was something they wanted to provide but constructing the parking may not provide for something else in the plan based on the overall budget of the project. If there are funds left in the budget, the additional parking will be added. As to the second condition, they were surprised that the sidewalks would be a requirement. He spoke with Dr. Johnson and he stated he could see the benefit of the sidewalks, but they would have to reprioritize items in the project based on this additional requirement. The College is working to keep its campus competitive and making the funding for the project go as far as it can. Dr. Johnson wants to be a partner with the Town, but there are concerns about leading people to the intersection of College Road and East Market Street without there being pedestrian crossing. Mr. Frank further testified if the sidewalks are a requirement, then other items from the overall project may not be able to be completed. The College wants to work with the Town on the pedestrian connection, but they do not want to waste these dollars for sidewalks.

Mayor Moore asked if there was any in attendance sworn to testify in this matter. There was no one in attendance sworn to testify in this matter.

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

The Written Finding

Councilman Barbour made a motion, seconded by Councilman Wood, 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-20-06

Councilman Barbour made a motion that 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-20-06 with the following conditions:

1. That the Alternate #1 parking be installed if it is determined that additional parking is needed by the Smithfield Planning Director.

Motion died for lack of a second

Councilman Wood made a motion, seconded by Councilman Stevens 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-20-06 with the following conditions:

1. That the Alternate #1 parking be installed if it is determined that additional parking is needed by the Smithfield Planning Director.
2. That a public sidewalk be provided from the new building to East Market Street in or adjacent to the College Road right-of-way.

Councilman Wood, Councilman Stevens, Mayor Pro-Tem Dunn, Councilman Lee and Councilman Rabil voted in favor of the motion. Councilman Barbour voted against the motion. Motion passed 5 to 1.

CITIZEN'S COMMENTS:

- Antoine Williams of 6 Cedar Drive presented the Council with a petition signed by the neighbors on Cedar Drive. He explained there was still major flooding on Cedar Drive especially at 8 Cedar Drive. He questioned if larger pipes could be installed to alleviate the flooding. Mayor Moore asked the Town Manager to investigate this matter. Councilman Lee stated this was an ongoing issue and the Council should do its due diligence to address the issue and try to correct it.

CONSENT AGENDA:

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

1. The following minutes were approved
 - May 14, 2020 – Recessed Session
 - May 18, 2020 – Regular Meeting
2. Approval was granted for a salary increase for an employee in the electric department.
3. Approval was granted for various FY 2019-2020-year end budget amendments

GENERAL FUND

1. **Expenditures**

BEFORE

ADJ.

AFTER

10-30-5650-5300-3300 Garage - Supplies	\$ 11,300	\$ 5,000	\$ 16,300
10-30-5600-5300-2900 Streets - Professional Fees/Dues	850	7,000	7,850
10-40-5800-5300-4500 Sanitation - Landfill Fees	245,500	10,000	255,500
10-00-9990-5300-0000 General Fund Contingency	<u>191,538</u>	<u>(22,000)</u>	<u>169,538</u>
	<u>\$ 449,188</u>	<u>\$ -</u>	<u>\$ 449,188</u>

To balance departments at year end

WATER/SEWER FUND

2. Expenditures

30-71-7200-5127-0700 Water Plant - Retirement	\$ 44,040	\$ 5,000	\$ 49,040
30-71-7200-5300-3300 Water Plant - Supplies	597,941	10,000	607,941
30-71-7240-5400-9503 D/S 2015 Equipment Loan	42,441	150	42,591
30-00-9990-5300-0000 Water/Sewer Contingency	<u>218,060</u>	<u>(15,150)</u>	<u>202,910</u>
	<u>\$ 902,482</u>	<u>\$ -</u>	<u>\$ 902,482</u>

To balance departments at year end

ELECTRIC FUND

3. Expenditures

31-72-7230-5400-9501 Debt Serv. - 2015 Equipment Loan	\$ 8,693	\$ 50	\$ 8,743
31-00-9990-5300-0000 Contingency	<u>185,481</u>	<u>(50)</u>	<u>185,431</u>
	<u>\$ 194,174</u>	<u>\$ -</u>	<u>\$ 194,174</u>

To balance departments at year end

FIREMEN RELIEF FUND

4. Revenue

50-20-3300-3310-0000 Firemen Relief - Reimbursements	\$ -	\$ 12,703	\$ 12,703
50-20-3900-3900-0000 Fund Balance Appropriations	<u>\$ 12,703</u>	<u>(12,703)</u>	<u>-</u>

To correct revenue source

4. Approval was granted for a FY 2020-2021 budget amendment

GENERAL FUND CAPITAL PROJECT FUND

1. Expenditures

	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
46-20-5300-5700-7404 Fire Engine #1 Replacement	\$ -	\$ 560,500	\$ 560,500
46-20-5800-5700-7404 Hook Lift Truck	<u>560,500</u>	<u>(560,500)</u>	<u>-</u>
	<u>\$ 560,500</u>	<u>\$ -</u>	<u>\$ 560,500</u>

To correct budget system entry error for Fire Engine #1 Replacement

5. Agreement was approved and bid was awarded to Lane Lawn Care in the amount of \$69,000 for grounds maintenance services. Bids received are as follows:

• Lane Lawn Care	\$69,000.00
• Chem Pro of JC Inc.	\$151,200.00

6. Agreement was approved and bid was awarded to Heat Transfer Solutions in the amount of \$6,684.48 for HVAC services. Bids received are as follows:

• Heat Transfer Solutions	\$6,684.48
• Hines Heating & AC Inc	\$7,152.00
• Dail Mechanical	\$7,200.00
• Central Carolina Air Conditioning	\$43,443.00

7. Agreement was approved and bid was awarded to Coverall in the amount of \$33,672 for janitorial services. Bids received are as follows:

• Coverall	\$33,672.00
• Ace Cleaning Service	\$50,484.00
• Pro Cleaning	\$204,000.00

8. Agreement was approved and bid was awarded to Clegg's Pest Control in the amount of \$2,310 for pest control services. Bids received are as follows:

• Clegg's Pest Control	\$2,310.00
• Home Masters	\$3,564.00
• Griffin Exterminators	\$3,720.00
• Orkin	\$3,732.00
• Bugout	\$8,040.00
• Economy Exterminators	\$8,772.00
• Terminix	\$8,940.00

9. Approval was granted to enter into a reimbursement agreement with Johnston County for Coronavirus Relief Funds.

Attached hereto and made a part of these official minutes is the agreement with Johnston County which is on file in the office of the Town Clerk.

10. Approval was granted to Adopt Resolution #661 (10-2020) amending the Fair Housing Plan
Attached hereto and made a part of these official minutes is Resolution # 661 (10-2020) amendment to the Fair Housing Plan which is on file in the office of the Town Clerk

11. The following Advisory Board Appointment was approved.

- Stuart Lee was appointed to a first term on the Appearance Commission.

12. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Lifeguard	P&R - Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T Police Sergeant	Police	10-20-5100-5100-0200	\$16.85/hr.

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Assistant Finance Director	Finance	10-10-4200-5100-0200
Police Officer I (4 positions)	Police	10-20-5100-5100-0200
Pump Station Mechanic	PU – Water/Sewer	30-71-7220-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

13. Approval was granted to promote a Water Plant Trainee to a Water Plant Operator I in accordance with the approved Career Ladder program.

Business Items:

1. Consideration and Request for approval to enter into a contract for the construction of the splash pad

Parks and Recreation Director Gary Johnson address the Council on a request to enter into a contract with Carolina Recreation and Design for the construction of a Splash Pad on the former site of the Eva Ennis Municipal Pool adjacent to Smith-Collins Park in the amount of \$ 119,600.00. Mr. Johnson explained \$ 125,000 was allocated in the FY 2019-2020 for the construction of the splash pad. Mr. Johnson, Bill Dreitzler and Councilman Lee met several times at the location. The former site of the Eva Ennis Pool was chosen as the site for the new splash pad. Requests for qualifications were received for the design and construction of the splash pad. Carolina Recreation and design was selected and approved to design and construct the splash pad.

The design is 1296 SF and includes:

- (7) in ground spray elements
- (3) above ground spray elements
- (1) activator sensor (to activate the elements)
- (1) 12" x 12" drain
- (1) Water wise controller
- (1) WDS manifold (with 18 outputs)
- (2) Removable bases (for future spray features)

By design (with the expanded manifold) the splash pad can easily be expanded an additional 36' X 36' feet in a future phase should the Town opt to do so. The Parks and Recreation Department recommends that the Town enter into a contract with Carolina Recreation and Design for the construction of the splash pad. Mr. Johnson further explained that based on 120 days / 8 hours of use per day, the splash pad would use approximately 3,859,200 GPY of water at an annual cost of \$ 9,070.00 based on a rate of \$ 2.35 per 1,000 gallons.

Councilman Rabil questioned if there would be shade structures. Mr. Johnson stated there would be some benches and some shade structures. The additional funds would be used for amenities.

Councilman Stevens made a motion, seconded by Councilman Wood, to approve the contract with Carolina Recreation and Design in the amount of \$119,600 for the construction of the splash park. Unanimously approved.

2. Bid Award and request for approval to enter into an agreement for Meter reading services

Public Utilities Director Ted Credle addressed the Council on a request to enter into an agreement with Grid One Solutions for meter reading service. Mr. Credle explained staff sent out 5 bid packets on June 11th and bids were received from three companies on July 2nd. Staff reached out to the apparent low bidder because their bid was extremely lower than the other two. Alexander's Contract Services presumed they could employ one person to read all the meters in Town. The current company employs three people to read all the meters in the Town. That number will be reduced to two people later in the fiscal year. Once Alexander Contract Services realized the scope of the project, they agreed that two people was needed for meter reading services in the Town at a cost of \$1.56 per read meter. Mr. Credle explained it was the recommendation of staff to award the bid to Grid One Solutions because they are familiar with the Town's system and they have a local presence. Alexander Contract Services is based out of Utah and they would employ people from Norfolk, VA to provide meter reading services to the Town. Also, the new company would like to install a cloud-based system which would not integrate with the Town's software. The request was to award the low bid to Grid One Solutions and allow the Town Manager to execute the contract on behalf of the Town.

Councilman Stevens made a motion, seconded by Councilman Rabil, to approve the contract with Grid One solutions for meter reading services and authorize the Town Manager to execute the contract on behalf of the Town. Unanimously approved.

Councilmembers Comments:

- Councilman Lee expressed his appreciation to Chief Powell, Chief Blanton, Tiffany Pearson, Kristin Sasser, Torch Light Academy in Wake County, C3 Church for all their assistance at the Sarah Yard Community Center. He expressed his concern about Code Enforcement explaining all property owners should be treated equally. Councilman Lee also addressed the need for adult athletics in the Parks and Recreation Department. He stated there has not been an adult basketball league since 2001. This would help provide something to do for the young adults in the community. He also suggested having an event to celebrate Juneteenth. Councilman Lee expressed his appreciation to Mayor Moore, Michael Scott, Tim Kerigan, Lawrence Davis and Chief Powell for attending the 100 Men in Suits event.
- Councilman Wood expressed his appreciation to Chief Blanton for the rolling parade the Fire Department recently conducted for a young man in his community. He also wished Mrs. Johnson a Happy 80th Birthday.
- Mayor Moore commended Councilman Lee for the 100 Men in Suits gathering. Mayor Moore informed the public that he and the Council fully supported the Smithfield Police Department and its officers. He expressed his appreciation to the officers who protect and serve in the Town of Smithfield. Mayor Moore asked that citizens be mindful when they are driving. Recently, he witnessed a rear end collision involving one of the Town trash trucks. He was very thankful that none of the Sanitation workers were on the back on the truck because they would have been injured. Mayor Moore informed Public Works Superintendent Lawrence Davis that he received a voicemail from a citizen commending the Sanitation employees. He asked Mr. Davis to convey that message to the employees. Mayor Moore asked Tim Kerigan to explain the recent awards the Town received. Mr. Kerigan responded the Town received 2 awards from NC3C. The awards were based on the efforts of Marketing and Communications Specialist Brian Eaves.

Town Manager's Report:

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

- The 100 Men in Suits was a great event and he commended Councilman Lee for organizing the event.
- Parks and Recreation Director Gary Johnson informed the Council that the elephant hunt is currently underway on the Greenway. There are 25 elephants hiding in the trees. This is a great way to enjoy the Greenway. Also, Oakie the talking Oak tree has been restored.

Adjourn

Being no further business, Councilman Wood made a motion, seconded by Councilman Stevens to adjourn the meeting. The meeting adjourned at approximately 9:01pm

ATTEST:

M. Andy Moore, Mayor

Shannan L. Parrish, Town Clerk