

The Smithfield Town Council met in regular session on Tuesday, March 7, 2006 at 7:30 p.m. in the Council Chambers of the Smithfield Town Hall. Mayor Norman Johnson presided.

Councilmen Present:

Charles Williams
Vic Ogburn
Daniel Evans
Clayton Narron
Andy Moore
Tom Bell
Sidney Broadwell

Councilmen Absent:

Staff Present:

Pete Connet, City Manager
Debra Holmes, Town Clerk/Personnel
Steve Gillikin, Police Chief
Bobby Tripp, Public Utilities Director
Tim Johnson, Parks/Rec Director
Patrick Harris, Fire/EMS Director
Marty Anderson, Public Works Director
Paul Embler, Planning Director
Billy Langston, Asst Fire Chief/EMS

Also Present:

Bob Spence, Jr, Town Attorney

Staff Absent:

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

APPROVAL OF AGENDA

Councilman Broadwell made a motion, seconded by Councilman Ogburn, to move #5 under the Public Hearings "Rezoning Petition - William W. Smith, Jr. (RZ-06-02), to #3. Unanimous.

Councilman Broadwell made a motion, seconded by Evans, to approve the agenda as amended. Unanimous.

PRESENTATIONS

Proclamation to Paige Ridout

Mayor Johnson advised that this item would be postponed until the April meeting.

FY2004-2005 Annual Audit Report

Brian Gantt, CPA with Martin Starnes & Associates, CPAs, addressed the Council on the findings of the FY 2004-2005 audit report. Mr. Gantt reported that the Town's unreserved fund balance was 10% of the general fund expenditures which is above the required LGCU guidelines of 8%.

Councilman Broadwell questioned why the motor vehicle tax collection rate was 10% less than real property tax collection. Mr. Gantt stated that due to the nature of the collections, the overall motor vehicle collection rate is down.

Mayor Pro-Tem Evans asked if Mr. Gantt had any recommendations for the Town. Mr. Gantt stated that basically the financial condition of the town was sound but he would like to see the unreserved fund balance at 20-25%.

Councilman Bell questioned if there were any problems with the year-end inventories. Mr. Gantt stated no.

There being no further comments, Mayor Pro-Tem Evans made a motion, seconded by Councilman Williams, to accept the audit report. Unanimous.

Town Clerk Debbie Holmes swore in persons wishing to speak during the public hearings.

PUBLIC HEARINGS

- 1(a) Adoption of a Loan Resolution and Financing agreement with the US Department of Agriculture - Rural Development Office on borrowing \$300,000 for the renovation to the EMS Garage and Storage area and authorizing the Mayor and Town Clerk to file the loan application documents with the USDA and to execute the financing agreements (ATTACHMENT I)**
- 1(b) Adoption of a Loan Resolution and Financing agreement with the US Department of Agriculture - Rural Development Office on borrowing \$250,000 for sidewalk repairs as part of the Downtown Streetscape Project and authorizing the Mayor and Town Clerk to file the loan application documents with the USDA and to execute the financing agreements (ATTACHMENT II)**

Mayor Johnson opened the public hearing.

City Manager Pete Connet addressed the Council on the final loan application documents for the EMS Garage and Storage area project and the downtown sidewalk/streetscape project. He stated that both projects carry a 30-year maximum term on the loan and an interest rate of 4.5%. There is no penalty for the repayment of the loan. DSDC will be supplying the funds for the sidewalk loan if we choose to use this funding mechanism. The Town will be paying for the EMS renovation out of the current operating budget. Further, he suggested that the Town set up payments on a 15-year basis (\$28,000/yr) and pay the loan out as early as possible. This loan was originally budgeted for payout over a 5-year period (\$44,000/yr) in the earlier budget planning.

Mayor Johnson asked for comments from the Council on the EMS Garage and Storage area financing agreement.

Councilman Moore questioned the status of the project. Mr. Connet stated that once these documents are authorized for signatures and approved, the plans are ready to be bid.

Councilman Narron questioned if the new building would include storage for records and medicines. Billy Langston, Asst Fire Chief, stated that a more secure area would be constructed.

Councilman Moore noted that the Town would not be approving any bids at this time but would only be making application for the \$300,000 loan.

Mayor Johnson asked for comments from the audience. There were none.

Councilman Narron made a motion, seconded by Councilman Moore, to adopt the Loan Resolution Security Agreement and authorize the Mayor and Town Clerk to file the loan application documents with the USDA and to execute the financing agreements for the EMS Building project. Unanimous.

Mayor Johnson asked for comments from the Council on the sidewalk repairs financing agreement.

Councilman Moore questioned the status of the project. Mr. Connet stated that once these documents are authorized for signatures, NCDOT would approve them and accept bids for construction with a completion date of September 1.

Councilman Ogburn noted that this project included sidewalk repairs, curb & guttering, landscaping and additional street lighting.

Mayor Johnson asked for comments from the audience. There were none.

There being no further comments, Mayor Johnson declared the public hearing closed.

Councilman Ogburn made a motion, seconded by Councilman Moore, to adopt the Loan Resolution Security Agreement and authorize the Mayor and Town Clerk to file the loan application documents with the USDA and to execute the financing agreements for the Downtown Streetscape Project. Unanimous.

2 Special Use Permit Request and Subdivision Approval to allow for single family dwellings on a .76 acre tract of land located at the southeast side of the intersection of Front Street and Bridge Street - James and Julia Narron - SUP-06-04

Mayor Johnson opened the public hearing.

Planning Director Paul Emblar addressed the Council on a Special Use Permit request and subdivision approval to allow for single family dwellings within the Downtown Overlay District. The applicant is proposing a major subdivision and site plan approval of a .76 acre tract of land located on the southeast side of the intersection of Front Street and Bridge Street. The proposed major subdivision will be divided into five residential lots. All proposed lots will be served by the existing city streets and a private alley. City water and sewer is available at or near the site considered for development. The proposed subdivision is within the Downtown Overlay District and petitioner is requesting utilization of reduced lot sizes, reduced building setbacks, and increased maximum building heights as allowed by the district with a Special Use Permit for the land division and preliminary site plan approval. The applicant has simultaneously submitted a preliminary site plan for 5 residential units to include building elevations. Substantial design changes from the site plan or reconfiguration of lots on the preliminary subdivision as approved by Town Council will require a revised Special Use Permit by the Town Council. All other requirements will be required to be met prior to issuance of a zoning permit by Planning Staff. The Planning Board and Appearance Commission unanimously voted to recommend approval.

Mayor Johnson asked for comments from the Council.

Councilman Broadwell made a motion, seconded by Councilman Moore, to allow Councilman Narron to abstain from voting due to a conflict of interest. Unanimous.

Mayor Johnson asked for comments from the audience. There were none.

There being no comments, Mayor Johnson declared the public hearing closed.

The Council reviewed the Finding of Fact as follows:

- a. The Council agreed that all applicable specific conditions pertaining to the proposed use have been satisfied per staff with regard to meeting the zoning code.
- b. Councilmen agreed that access roads or entrance and exist drives are sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.
- c. Councilmen agreed that off-street parking, loading, refuse and other service areas being located so as to be safe, convenient, allow for access in case of emergency, and will minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood.
- d. Councilmen agreed that utilities, schools, fire, police and other necessary public and private

facilities and other services will be adequate to handle the proposed use.

- e Councilmen agreed that the location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways will harmonize with adjoining properties and the general area and minimize adverse impacts.
- f Councilmen agreed that the type, size and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.

Councilman Bell made a motion, seconded by Councilman Broadwell, to approve the Special Use Permit request based on the Findings of Fact being met. Unanimous.

3 Rezoning Petition - 4 acre portion of an 83 acre tract of land located on East Market Street, approximately 700 feet southeast of its intersection with Interstate Highway 95 - from R-20A to B-3 - William W. Smith, Jr., - RZ-06-02

Mayor Johnson opened the public hearing.

Planning Director Paul Embler addressed the Council on a request to rezone from R-20A to B-3, a 4 acre portion of an 82-acre tract of land located on East Market Street approximately 700 feet southeast of its intersection with I-95 Highway. The property will be divided to accommodate future commercial uses. The Planning Board unanimously voted to recommend approval.

Mayor Johnson asked for comments from the Council.

Councilman Broadwell questioned if the petition met all the requirements of the Findings of Fact. Mr. Embler stated yes.

Mayor Johnson asked for comments from the audience.

William Smith, father of the property owners, stated that a good viable business would be located on the property.

There being no comments, Mayor Johnson declared the public hearing closed.

Councilman Ogburn made a motion, seconded by Councilman Broadwell, to approve the rezoning request. Unanimous.

4 Special Use Permit Request to construct a multi-family development on properties located on the north side of Berkshire Road, approximately 200 feet northeast and 200 feet southwest of its intersection with West Edgerton Street - Integra Development Partners - SUP-06-05

Mayor Johnson opened the public hearing.

Planning Director Paul Embler addressed the Council on a Special Use Permit request to construct a 54 unit multi-family complex across two separate parcels. The western most parcel is approximately 3.21 acres in area and is zoning O&I and contains 24 units in three separate buildings as well as a community building to serve as an active recreational area. The eastern most parcel is approximately 2.93 acres in area and is zoned R-6. The eastern portion contains 32 units in four separate buildings. The property is

within the 100 year flood plain and all proposed permanent structures will be required to be elevated two feet above base flood elevation. Both parcels will be required to be setback and buffered from all adjacent non multi-family developments. The Planning Board voted 6-1 to recommend approval. The Appearance Commission unanimously voted to recommend approval.

Mayor Johnson asked for comments from the Council.

City Manager Pete Connet stated that Chris Johnson had emailed the Council with his comments regarding this project because he was unable to be at the meeting.

Councilman Narron questioned if the property was taxable. Mr. Embler stated yes after conferring with Integra.

Mayor Johnson asked for comments from the audience.

Kay Joyner, 4 Nottingham Place, addressed the Council on her concerns: (1) additional traffic along Berkshire Road with regard to the current residents, nursing home, daycare and probation office clients, (2) No need for additional housing in the area as there are ads in the local paper for rental of apartments in the area (3) too density for the population; and (4) additional units will affect the schools, more police patrol and EMS calls. Further, Ms. Joyner presented to the Mayor a petition signed by residents in opposition of the project. ATTACHMENT III

Catherine Putnam, representing Integra Development Partners, stated that her firm has conducted market studies before the decision was made to proceed with the project in this area. Further, she stated that there is strong support for this kind of affordable housing in this area. Further, she stated that the firm would give the necessary easement for access to the greenway.

Councilman Narron questioned the number of cars allotted for the development. Ms. Putnam stated 2 cars per unit for a total of 112 parking spaces.

Councilman Moore noted that there had been no formal traffic study conducted.

Councilman Moore questioned the expected monthly rent. Ms. Putnam stated that she did not have the figures but it would be 60% of the Johnston County area medium. Further, she stated that the project would not be subsidized housing.

Councilman Moore questioned the income limits. Judith Core, also representing Integra Development Partners, stated somewhere in the \$18,000-\$22,000 range with rents being between \$350 and \$700, depending on a one, two, three, or four bedroom apartment.

Councilman Moore noted that the Planning Board recommended sidewalks in front of the properties. Ms. Core stated that the firm would also place sidewalk along the adjacent property (Urgent Care/Probation Office) to connect all parcels.

Councilman Broadwell questioned if the applicant had met the recreational space commitment. Mr. Embler stated yes. Further, Councilman Broadwell questioned the type of curbing. Mr. Embler stated that it would be the standard 30" curb and gutter sections.

Councilman Narron questions other sites similar to this one. Ms. Core stated Columbia, Wilkesboro, Henderson, Edenton and Elizabeth City North Carolina.

Barbara Smith, 3 Nottingham Place, discussed her opposition to the project due to the additional amount of traffic along the street.

There being no further comments, Mayor Johnson declared the public hearing closed.

Councilman Narron made three points: (1) He would like to see a traffic study conducted by the applicant and paid for by the applicant; (2) He feels this project could help single parents with affordable housing; and (3) He didn't feel that it was fair to assume that students in the affordable housing facilities were poor performers. Further, he offered his support for the project.

Councilman Moore stated that statistics by the school system show that students with free or reduced lunches on average do not perform as well as others.

The Council reviewed the Finding of Fact as follows:

- a. The Council agreed that all applicable specific conditions pertaining to the proposed use have been satisfied per staff with regard to meeting the zoning code.
- b. Councilmen agreed that access roads or entrance and exist drives are sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency in so far as the proposed units themselves are concerned.
- c. Councilmen agreed that off-street parking, loading, refuse and other service areas or the proposed units are per the plans located so as to be safe, convenient, allow for access in case of emergency, and minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood.
- d. Councilmen agreed that utilities, schools, fire, police and other necessary public and private facilities and other services will be adequate to handle the proposed use.
- e. Councilmen agreed that the location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways as proposed will harmonize with adjoining properties and the general area and minimize adverse impacts. It is not the location and arrangement of the use but the high density residential use that will have an substantially adverse impact on the adjoining properties or neighborhood.
- f. Councilman Bell noted that the type, size and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will have significant adverse impacts on adjoining properties or the neighborhood. He noted traffic density as a specific issue as it is channeled into the neighborhoods from the location.

Councilman Narron made a motion, to approve the request with the condition that a traffic study be conducted by the applicant and paid for by the applicant. The motion failed for lack of a second.

Following discussion, Councilman Bell made a motion, seconded by Councilman Ogburn, to deny approval of the Special Use Permit request based on (f) of the Findings of Fact not being met. Councilmen Williams, Bell, Ogburn, Broadwell, Moore, and Evans voted yes. Councilman Narron voted no. Motion passed 6-1.

In support of the preceding ultimate findings required by the ordinance, the Town Council specifically finds that the type, size and intensity of the proposed use will have significant adverse impacts on the adjoining properties and neighborhood. The Council further specifically finds as follows. Edgerton Street opens perpendicularly into Berkshire Road and connects that road to Highway 301. From Berkshire Road, Edgerton Street extends through an old residential area. Edgerton Street itself, designed long before current design standards, is below modern standards in road construction, width, dimensions or

drainage facilities. It is adequately described by one of the witnesses as "little more than a dirt path paved over". It simply can not support substantial additional traffic from Highway 301 to Berkshire or vice versa. Furthermore, the design features have a width of dedicated street area that is not sufficient to allow the applicant or the town to improve the street.

Edgerton Street, is by far the most direct route to Highway 301 from the properties in question. The only other route is to drive parallel to Highway 301 down the length of Berkshire Drive to either Hospital Road on one end or down the length of Berkshire to Canterbury Road on the other. Each of the proposed apartment units is to have spaces for 2 cars, a normal number for a family. Each car would likely take four or five trips between the units and Highway 301 a day. The proposal is to place the 56 apartment units right across from the entrance to Edgerton Street. The location of the units would channel the traffic from the apartments to Highway 301 right through this already strained old residential area located along Edgerton Street.

Edgerton Street is a small residential neighborhood for families, elderly people, and young children. Houses are close to the street. Play areas are inadequate. Carolina House Assisted Living Center is on one corner at Berkshire and the Smithfield Manor Nursing home is at the other corner with Berkshire flank the intersection of Berkshire Drive and Edgerton Street. The high density usages of these two centers as well as the medical and probation offices directly across from the intersection of Berkshire and Edgerton have already damaged the peace, quiet, traffic, through-flow, and appearance of this residential area. To increase this density by allowing 56 apartments with two to three hundred trips daily directly across from the intersection would further impinge on the subdivision, overly burden its substandard street system, and damage the quality of the neighborhood. Such a density would substantially impair the ability of many residents, especially children and older adults, to make any safe pedestrian use of the street despite being in easy walking distance of medical care and retail and grocery stores by walking along Edgerton Street to the Highway 301 sidewalks.

As stated in the preceding paragraphs, Berkshire Road extends from Hospital Road to Canterbury Drive and runs parallel to Highway 301. The intersection of Berkshire Road and Canterbury Drive is at the southeastern end of the single family residential section of Fairfield Subdivision. The Road itself is well designed and built. However, developers have located numerous multi-family housing projects, subsidized and not subsidized, along Berkshire between Canterbury and Edgerton. Further multi-family housing flanks the full length of Sussex that also runs parallel the highway 301 and intersects through Canterbury Drive a block from Berkshire Road. The location of these units has created high density residential usage that interferes with pedestrian use of the street, cycling, and places heavy rushed traffic down these roads. The formerly quiet character of Fairfield Subdivision, accessible only by Canterbury and Berkshire, has been hurt by the increased noise, traffic, and density of these units.

The Town Council has been concerned that additional density in these neighborhoods would have a significant adverse impact and has previously so found as it does tonight. In May of 2000, the Town Council turned down a special use for 72 apartments in the same neighborhood because of the effect on Sussex and Canterbury Streets. The Council finds from the public record of that proceeding that the following specific findings of the Council at that time still apply and cause an significant adverse impact on the surrounding neighborhoods of the project in question and are findings of adverse impact in this application:

The neighborhood where the applicant proposes to locate the project has high density uses because of the large number of multi-family complexes mixed in with a single-family subdivision as well as nursing homes and offices. The application would allow more density than otherwise permitted and the Board does not believe that additional density at the proposed location would be in the best interest of the Town. Sussex Drive as it extends north of Canterbury Road has duplexes on either side with parking spaces

directly on the streets extending perpendicular into the lots. Access to the street is barely restricted and pedestrian or bicycle travel has no buffer from cars directly exiting the parking spaces.

Kay Joyner, 4 Nottingham Place Smithfield, duly sworn, advised that she had done a survey of the area and offered the following comments concerning her results: "As you enter Canterbury Road a car dealership is on the right hand side, and they do take road trips down our road to try to sell cars and to diagnose engine problems. We also have a trailer sales lot on the left which causes Canterbury to be closed completely at times when a new trailer is moved in or when a trailer is sold and has to be moved out. We have a doctors' office adjacent to the trailer sales, which has five physicians (now six), four of which are on site at any one time. I spoke with the business manager there and she says that they average two hundred (200) patients a day who come and go, and they have a staff of nineteen (19). A daycare is located also on Canterbury Road which is in charge of seventy seven (77) children a day involving sixty (60) families who come and go. And if you've been by one of them you know mothers and fathers are in a hurry in the morning and in the afternoon. We also have a church which replaces weekday traffic, which God is happy for, on Sunday. We have a group home at the corner of Berkshire and Canterbury which has staff changes and movement of clients on a daily basis. The first road into the Fairfield subdivision is Sussex Drive. It's divided into North and South. South Sussex has forty-one (41) housing units. There are town homes there, duplexes and whatever. North Sussex has twenty (20) duplexes plus one (1) triplex. Forty-three (43) residences before you even get to the proposed apartment site. All parking is arranged so that you have to move back into Sussex to get out of your parking space.

Midway between the beginning of and the back part of Sussex is also another road called Towbridge Drive, which is home to a thirty-six (36) unit complex that is subsidized and they must use North Sussex to go into Canterbury to exit the subdivision. There are twenty-seven (27) apartments and three large buildings. Nine (9) of these apartments have back into the street parking. Four (4) town houses adjacent to the daycare have been the same kind of parking, you have to go back into Canterbury to get out of your parking lot. Finally you come to Landsdown, Nottingham, Runnymede, and part of Canterbury which is home to forty (40) families. Like I said, my heart is here. My immediate neighbors have eighty (80) years, just the people who touch my property, of living back there in Fairfield. Many people I talk to don't even know we're back there all they see is what's in front. And I'm glad that the people who are proposing this apartment mentioned Berkshire Drive (Canterbury connects to Highway 301 and Berkshire). I have surveyed the businesses there and these are the figures on the so-called comings and goings on Berkshire. The largest nursing home located on Berkshire road has one hundred seventy (170) to one hundred seventy-five (175) people employed in three (3) shifts. They said that the traffic was a problem for them. It also is home to one hundred eighty (180) clients who if they would have one (1) visitor per week, you could see the number of people that come and go just to that site. The smallest nursing home has a staff of forty-five (45) in three (3) shifts and sixty (60) full beds who also have visitors.

An urgent care business has thirty (30) to fifty (50) patients a day and a staff of eleven (11). Another doctors' office has thirty (30) to forty (40) patients a day and a staff of five (5). This is all on Berkshire. Another daycare has seventy-three (73) children whose parents come and go two times a day, and a staff of ten (10). The probation office which is adjacent to another group home of sorts, has eleven (11) people employed on one side and side B would not answer, but they do have clients who come and go daily. A recent development on Berkshire leading off to Berkshire, we're not talking about a little road into, we're talking directly on to it. Twenty-nine (29) units on Henley Street leading directly into Berkshire, twenty four (24) units across the street which would have been there for some time. Twenty-eight (28) units are near completion leading into Berkshire, already twice flooded in recent years. Another group home is also located adjacent to those apartments and before you get to the probation office. A traffic light at Canterbury and Bright Leaf is a necessity, not a luxury. A left turn signal from Bright Leaf, I was asked by people I spoke to, is also needed to get onto Hospital Road. That would maybe help some of the congestion. Even before I retired, my car pool abandoned turning left onto Canterbury. Why, because I was afraid we were going to get hit in the turning lane. About 1/7 of my neighbors have elected to buy the lots adjacent to their homes because they were afraid of what may come to our neighborhood next.

And there were more, but some of them have moved on, and, of course when they moved the developers would develop the lots right beside them.” The Council finds that Ms. Joyner’s survey accurately reflected the conditions and density problem at the proposed site and the surrounding neighborhood.

Ms. Joyner testified to the same concerns about the project in question tonight. In fact, the Council finds the density has increased since this prior denial. Enough is enough and there is simply enough high density residential use in this area for the infrastructure there and the preservation of the character of the adjacent neighborhoods, particularly the several adjacent single family neighborhoods. Based on the ultimate findings required by the ordinance as well as the aforesaid specific findings in support of the ultimate findings by the Council, the Town Council denies the application.

5 Special Use Permit Request to allow for a 43 acre planned unit development on property located on the north side of Huntley Drive, approximately 900 feet west of its intersection with South Bright Leaf Boulevard - JE Wilson - SUP-06-06

Mayor Johnson opened the public hearing.

Planning Director Paul Embler addressed the Council on a Special Use Permit request to allow for a 43 acre planned unit development, to be divided into 48 single family residential lots, 34 town homes, and 24 apartment units. The maximum allowed density for the PUD is 5 units per acre or 215 units. The overall development is proposed to have less than half the allowed number of units. The town home development will require public water and sewer extensions to service the development. The developer will either donate and construct the active recreation component or pay a fee in lieu of facilities to meet the active/passive recreation requirements of the Town. The Planning Board voted 6-1 to recommend approval with the conditions that a 3-way stop be placed at First and Second Streets. The Appearance Commission unanimously voted to recommend approval.

Mayor Johnson asked for comments from the Council.

Councilman Moore questioned if the fee in lieu of recreational facilities would be paid at the time the lots were recorded or sold. Mr. Embler stated that the Council could make that determination.

Mayor Johnson asked for comments from the audience.

Dennis Blackmon, representing the petitioner, stated that he was available to answer any questions.

Molly Hess, 108 W. Wilson Street, noted the following concerns: (1) Increased traffic in the residential area and around the family pool. She noted that the Planning Board requested that the Town Council look into condemning Huntley Street, (2) runoff from the construction debris; and (3) the possibility of development of the other side of Huntley Street. Further, she discussed traffic patterns onto Bright Leaf Boulevard and into down town.

Mr. Embler addressed Ms. Hess’ concerns as follows: (1) He stated that Huntley Street isn’t a street, but an access into the County’s sewer plant and that the street could carry the additional capacity of the units, (2) drainage was adequate for runoff as this area meets the stormwater requirements; and (3) There are no plans at this time for any development on the other side of Huntley Street.

Dennis Blackmon stated that there were only two public access points: Vermont and Crescent.

Following discussion, Mayor Johnson declared the public hearing closed.

Councilman Moore asked the Police Chief on his opinion of a three way stop sign. Chief Gillikin stated that a traffic engineer should look at it.

Following further discussion, the Council reviewed the Finding of Fact as follows:

- a. The Council agreed that all applicable specific conditions pertaining to the proposed use have been satisfied per staff with regard to meeting the zoning code.
- b. Councilmen agreed that access roads or entrance and exist drives are sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.
- c. Councilmen agreed that off-street parking, loading, refuse and other service areas being located so as to be safe, convenient, allow for access in case of emergency, and will minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood.
- d. Councilmen agreed that utilities, schools, fire, police and other necessary public and private facilities and other services will be adequate to handle the proposed use.
- e. Councilmen agreed that the location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways will harmonize with adjoining properties and the general area and minimize adverse impacts.
- f. Councilmen agreed that the type, size and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.

Councilman Moore made a motion, seconded by Councilman Ogburn, to approve the Special Use Permit request based on the Findings of Fact being met with the condition that any fees made in lieu of recreation be paid at the time the lots are sold to individual homeowners and recorded at the Register of Deeds. Unanimous.

Citizen Comments

none

Consent Agenda

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

- ☆ Minutes of February 7 and 21, 2006
- ☆ Declare surplus a 1-TON Utility Truck and trade-in to Tri-Star Fire Apparatus for \$10,000 for new apparatus body on new cab and chassis
- ☆ Authorization for Mayor and Town Clerk to sign a conservation easement to the Clean Water Management Trust Fund for the Spring Branch Wetland Restoration Project
- ☆ Authorization to increase the capital asset threshold: \$5,000 for equipment, \$20,000 for buildings and \$100,000 for infrastructure
- ☆ Authorization to close the 100 block of South Fourth Street for the 100th Anniversary Celebration and Open House of the Fire Station
- ☆ Jamie Stanley and Evelyn Andrews to a first term on the Parks/Recreation Commission; Wanda Crumley to a second term on the Parks/Recreation Commission

Unanimous.

New Business

- 6 Approval to use “piggybacking” bid procedure to purchase a refuse truck**

Marty Anderson, Public Works Director, addressed the Council on approval to use the piggyback bid procedure to purchase a 2006 Sterling LT7501 refuse truck with a Heil Dura Pack 5000 rear loader from the City of High Point. This process allows the Town to purchase equipment at the same price as already bid to another government entity through a formal bid process. The refuse truck includes the 27 cubic yard Heil Dura Pack 5000 attached to a 2006 Sterling LT7501 Cab and Chassis for a total of \$111,012.00.

Mayor Johnson asked for comments from the Council.

Councilman Ogburn asked when the Town could take delivery. Mr. Anderson stated 90-120 days.

Councilman Broadwell made a motion, seconded by Councilman Ogburn, to approve the bid process for purchase of the truck. Unanimous.

7 FY 2005-06 Street Resurfacing Program

Public Works Director Marty Anderson addressed the Council on the proposed list of streets to be included in the street resurfacing program at a cost of \$153,652.75:

East Massey Street (Bright Leaf Boulevard to South Ninth Street)

Wilson Street (Bright Leaf Boulevard to South Second Street)

Mill Street (South Fifth Street to Crump Street)

Laurelwood Drive (Barbour Road to Laurel Drive)

East Davis Street (South Second Street to South First Street)

Fairway Drive (US Hwy 70 to Computer Drive)

East Davis Street (South First Street to Vermont Street)

East Davis Street (Vermont Street to end)

Plaza Place (Wilson Street to end)

Durham Street (Fuller Street to end)

Avon Court (Eden Drive to end)

Councilman Broadwell stated that Fifth Street was in need of repair and asked that it be added, if possible.

Councilman Moore stated that Third Street should be placed at the top of the list for next year's project.

Mayor Pro-Tem Evans made a motion, seconded by Councilman Broadwell, to approve the list for the street resurfacing project. Unanimous.

8 Approval of Citizen Participation Plan for Preparation of a Unified Development Ordinance - Paul Embler

Planning Director Paul Embler addressed the Council on the development of a Unified Development Ordinance and that adoption of the citizens participation plan prior to beginning the ordinance development process was the next step in this plan.

Councilman Narron made a motion, seconded by Councilman Bell, to approve the Citizen Participation Plan. Unanimous.

9 Adoption of the Traffic Assessment for the Industrial Park Drive Development - Paul Embler

Planning Director Paul Embler addressed the Council on the traffic assessment for the Industrial Park Drive Development. He stated that over the last several years, traffic problems and complaints have become a major problem. Staff solicited proposals and selected Ramey Kemp and Associates to undertake the Traffic Impact Analysis. In summary, the traffic count at the present time equals about 15,000 vehicles per day. By the end of the planning period, with continued development, the traffic count will jump to approximately 45,000 vehicles per day.

Following discussion, Mayor Pro-Tem Evans made a motion, seconded by Councilman Ogburn, to adopt the study's findings and recommendations with Alternative 1 being used as a planning guide for existing roadway improvements and for the development future roads. Unanimous.

10 Ambulance Purchase

Emergency Services Director Patrick Harris addressed the Council on the need to replace the 1996 Freightliner Medium Duty Ambulance which has recently experienced numerous maintenance problems including the need for an entire engine replacement. He stated that this ambulance was scheduled for replacement in the 2006/07 budget proposal. The current estimate to repair the ambulance is \$12,015 in addition to the \$4,256.41 already committed to this repair. He requested approval to proceed with purchasing a 2005 Wheeled Coach Type III E-450 Ambulance at a state contract price of \$105,664.00.

Councilman Broadwell noted that the item was not budgeted for this year and a budget amendment would need to be made.

Following discussion, Councilman Bell made a motion, seconded by Councilman Broadwell, to approve the purchase of a new ambulance. Unanimous.

There being no further business, the meeting was adjourned.

Norman R. Johnson, Mayor

ATTEST:

Debra W. Holmes, Town Clerk