

The Smithfield Town Council met in regular session on Tuesday, November 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
Sidney Broadwell
Andy Moore
Clayton Narron

Councilmen Absent:

Tom Bell

Staff Present:

Pete Connet, City Manager
Debra Godwin, Town Clerk/Personnel Director
Steve Gillikin, Police Chief
Bobby Tripp, Interim Public Utilities Director
Mark Stephens, Finance Director
Patrick Harris, Fire/EMS Director
Tim Johnson, Parks/Rec Director
Paul Embler, Planning Director

Also Present:

Bob Spence, Jr, Town Attorney

Staff Absent:

The invocation was given by Councilman Williams, followed by the Pledge of Allegiance (led by Boy Scout Wesley Gilmore).

APPROVAL OF AGENDA

Councilman Broadwell made a motion, seconded by Councilman Williams, to approve the agenda with the following amendments:

- Item "Resolution requesting that the recommendations from the Traffic Impact Analysis by Ramey Kemp and Associates be added to the County, Region (RPO) and NCDOT Transportation Improvement Plans (TIP)" be removed from Consent Agenda and placed under New Business;
- Item "Approval of a budget amendment to provide funding for the renovation of the Jones House on Buffalo Road for Parks/Recreation office space" be removed from the agenda for discussion at the December meeting; and
- Closed Session to discuss personnel.

Unanimous.

Mayor Johnson welcomed Boy Scout Troop 77 Wesley Gilmore, from the First Baptist Church.

PUBLIC HEARINGS

Item 1: Special Use Permit Request to operate a private nightclub on property - located within a B-3 zoning district on West Market Street approximately 725 feet north of its intersection with Wilson's Mills Road - SUP-06-12 - Eduardo Garcia

Mayor Johnson opened the public hearing.

Planning Director Paul Embler addressed the Council on a request for a Special Use Permit to operate a private nightclub in the former Heilig-Meyers Furniture Store, located in the shopping center with Kmart in western Smithfield. Mr. Embler stated that if the request is approved, staff recommended the following: (1) that the applicant provide the Planning Department with a letter signed by the property owner agreeing to the proposed use; (2) obsolete signs be removed or repaired and brought into compliance with the Town's zoning ordinances; (3) parking lot landscaping, street yard landscaping and vehicular surface screening be installed in accordance to current regulations; and (4) a trash corral be constructed in accordance with current regulations. The Planning Board unanimously voted to recommend denial of the request.

Mayor Johnson asked for comments from the audience.

Lawrence Dilda, Manager of the SuperKMart Department Store, spoke in opposition to the request due to families and children in the parking lot during the operating hours of the nightclub. Further he stated that it would have a negative impact on his store.

Mayor Johnson asked for comments from the Council.

Councilman Williams questioned the reasons why the Planning Board recommended denial. Mr. Embler stated that he did not have the minutes of the draft board meeting but staff had advised that safety issues as well as providing adequate security to the area were concerns of the Planning Board.

Councilman Moore stated that he had a concern with the proposed time to open the night club (7:00 p.m.) and felt it would have an adverse impact on the adjoining property in the shopping center.

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

The Council reviewed the Findings 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 are 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 not harmonize with adjoining properties and the general area and would have an adverse impact on the properties and general area.
- 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 have significant adverse impacts on adjoining properties or the neighborhood.

Councilman Moore made a motion, seconded by Councilman Mayor Pro-Tem Evans, to deny the Special Use Permit request based on the Findings of Fact (e & f) not being met. Unanimous.

Item 2: Special Use Permit Request to construct and operate a wastewater treatment facility on 148 acres of property - located within an R-20A zoning district approximately 3400 feet northeast of the intersection of Wildberry Road and Galilee Road - SUP-06-14 - Johnston County

Mayor Johnson opened the public hearing.

Planning Director Paul Embler addressed the Council on a request for a Special Use Permit to construct and operate a wastewater treatment facility on 148 acres of property off Galilee Road. The Planning Board voted to recommend approval.

Mayor Johnson asked for comments from the Council.

Councilman Broadwell requested the access road location on the map.

Mayor Johnson asked for comments from the audience.

Tim Broome, Public Utilities Director for Johnston County, addressed the Council on the concerns of the neighbors in the proposed area. He noted that a meeting had been held with residents to discuss and address concerns by citizens.

Councilman Narron questioned the number of cars to access the property per day. Mr. Broome stated 10 to 20.

Councilman Moore questioned if the access road would be built to DOT standards. Mr. Broome stated that it was not anticipated to become a public road for future development.

Councilman Moore and Mayor Pro-Tem Evans stated their concern that the access road would hinder or limit growth along those properties.

Judith Kolcum, 1603 Galilee Road, stated opposition to the project on behalf of the residents. She stated concerns regarding odors emerging from the plant. Further, she stated that residents had only known about this proposal for five to six weeks and that they were threatened with imminent domain by the County.

Mr. Broome addressed the concern of odor by stating that the facility is water tight and will remove 95% of the odor.

Following discussion, Mayor Johnson declare the public hearing closed.

The Council reviewed the Findings 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 are 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.

Mayor Pro-Tem Evans made a motion, seconded by Councilman Moore, to approve the Special Use Permit request based on the Findings of Fact being met with the condition that Johnston County allow access for future growth and that the private roadway be upgraded by Johnston County and publicly dedicated to DOT standards following the request by the Town of Smithfield. Unanimous.

Item 3: Special Use Permit Request to construct a drive-thru window at an existing commercial development - located within the B-3 zoning district on the southeast side of the intersection of North Bright Leaf Boulevard and Peedin Road - SUP-06-15 - Greenwood Development Co.

Mayor Johnson opened the public hearing.

Planning Director Paul Embler addressed the Council on a request for a Special Use Permit to construct a drive-thru window at the commercial site located on the corner of North Bright Leaf Boulevard and Peedin Road. Zoning ordinance requires a minimum eight foot landscaped transition yard between the proposed drive-thru isle and the adjacent property to the east. The site plan indicates approximately 1 foot of the transition will remain at the drive isle's closest point to the eastern property line. The applicant has requested a seven foot variance to the required eight foot transition yard from the Board of Adjustment. Staff recommends that a condition be placed on the project if the request is approved, to require the developer to install tree protection fencing around existing landscaping on adjacent properties prior to land disturbing activities at this site. The Planning Board voted to recommend approval with the condition for protection of existing landscaping on adjacent property and curbing of the drive thru surface.

Mayor Johnson asked for comments from the audience.

Durwood Stephenson, owner, stated that the project would be positive for the community.

John Greenwood, Project Manager, discussed the proposed drive-thru.

Mayor Johnson asked for comments from the Council.

Councilman Moore stated that this project would be very beneficial for the town as the building has been vacant for several years.

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

The Council reviewed the Findings 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 are 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 William made a motion, seconded by Councilman Ogburn, to approve the Special Use Permit request based on the Findings of Fact being met. Unanimous.

Presentation - FY05-06 Annual Audit

Brian Gantt, representing the Town's Audit Firm, Martin Starnes & Associates, CPAs, reviewed the annual audit report with the Council.

Mayor Pro-Tem Evans requested statistics regarding the percentage that other municipalities spend on public safety.

Councilman Broadwell made a motion, seconded by Councilman Williams, to accept the audit report. Unanimous.

Citizen Comments

Councilman Moore note that Christine Pitchie, long-time resident, had passed away and recognized her family and her dedication to the town.

Consent Agenda

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

- Minutes of October 3, 2006
- Resolution authorizing the Mayor and Town Clerk to enter into a landscape agreement with NCDOT for landscape improvements at Exit 93 (Brogden Road) interchange on I-95 (ATTACHMENT I)

Unanimous.

Old Business**New Business**

1. Resolution requesting that the recommendations from the Traffic Impact Analysis by Ramey Kemp and Associates be added to the County, Region (RPO) and NCDOT Transportation Improvement Plans (TIP)

City Manager Pete Connet addressed the Council on the proposed traffic improvements at/near Exit 95, US 70 Business and Industrial Park Drive.

Following discussion, Councilman Williams made a motion, seconded by Councilman Ogburn, to adopt the resolution requesting that the recommendations from the Traffic Impact Analysis by Ramey Kemp and Associates be added to the County, Region (RPO) and NCDOT Transportation Improvement Plans (TIP) . Unanimous. (ATTACHMENT II)

2. Approval of the final report for creating an existing business retention and expansion program for Smithfield

City Manager Pete Connet addressed the Council on recommendations made by Sanford-Holshouser Group for our Business Retention and Expansion Program Plan. Mr. Connet recommended funding the project from the Utilities Fund since this fund would ultimately benefit from increased usage by companies deciding to expand or stay in the Smithfield area.

Councilman Narron volunteered to serve on the steering committee.

Following discussion, Councilman Ogburn made a motion, seconded by Councilman Broadwell, to accept the final report. Unanimous.

3. **Approval of installment purchase contract with a bank to purchase vehicles and equipment as approved in 2006-2007 budget**

Finance Director Mark Stephens addressed the Council on bids received for an installment purchase contract for financing of vehicles and equipment as approved in the budget as follows:

Bank	Rate of Interest	Annual Payments	Additional Fees	Total Pay
First Citizens	3.69%	72,369.22	150.00	361,996.10
RBC Centura	3.77%	72,532.76	-	362,663.80
BB&T	3.88%	72,757.89	-	363,789.45
Four Oaks	3.91%	72,825.22	-	364,126.10
Wachovia	4.81%	74,672.98	-	373,364.90

Councilman Broadwell made a motion, seconded by Councilman Narron, to award the contract to First Citizens Bank at 3.69%. Unanimous.

4. Resolution of Intent to satellite annex property owned by the Town on Brogden Road

City Manager Pete Connet addressed the Council on satellite annexing property owned by the Town for construction of the new electric substation - delivery point on Brogden Road. By General Statutes, this would exempt the Town from acquiring a Utilities Commission permit for a transmission line tap, saving about \$40,000 in engineering and legal fees.

Mayor Pro-Tem Evans made a motion, seconded by Councilman Moore, to adopt the resolution. Unanimous. ATTACHMENT III

5. **Adoption of the “Mountains to the Sea” Trail Plan for Johnston County**

Planning Director Paul Embler addressed the Council on adoption of the Mountains-to-Sea Trail Master Plan as a comprehensive planning document and as a greenway master plan for the Town.

Councilman Narron made a motion, seconded by Councilman Moore, to adopt the plan. Unanimous.

CLOSED SESSION

Councilman Broadwell made a motion, seconded by Councilman Ogburn, to go into closed session to discuss personnel. Unanimous.

Closed Session Minutes:

The Council discussed the former Public Utilities Director and the current position vacancy position. Further, the Council discussed plans for the City Manager’s upcoming evaluation process. No action.

Councilman Narron made a motion, seconded by Councilman Broadwell, to reconvene into regular session.

There being no further business, the meeting was adjourned.

Norman R. Johnson, Mayor

ATTEST:

Debra W. Godwin, Town Clerk