

The Smithfield Town Council met in regular session on Tuesday, February 5, 2007 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
Andy Moore
Sidney Broadwell
Clayton Narron

Councilmen Absent:

Tom Bell

Staff Present:

Peter T. Connet, City Manager
Debra Godwin, Town Clerk/HR Director
Mark Stephens, Finance Director
Paul Embler, Planning Director
Bobby Tripp, Interim Public Utilities Director
Marty Anderson, Public Works Director
Tim Johnson, Parks/Recreation Director

Also Present:

Bob Spence, Jr., Town Attorney

Staff Absent :

Patrick Harris, Emergency Services Director
Steve Gillikin, Police Chief

The invocation was given by Councilman Williams. Larry Lane with Boy Scout Troop 77 led the Pledge of Allegiance.

Approval of Agenda

Councilman Moore made a motion, seconded by Mayor Pro-Tem Evans , to approve the agenda with the following amendment: (1) Move "Audit Contract Award" from the Consent Agenda to New Business. Unanimous.

Citizen Comments

1. Robert Pearson, Executive Director of "Not Just Another Community Center" addressed the Council on a celebration for the youth and their families that is scheduled for July 2007. He requested that the Town donate \$1500.00 for food and supplies. Mayor Johnson advised that the Council will discuss this at budget session and the City Manager would be contact Mr. Pearson once a decision is made.

Consent Agenda

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

- Additions to Minutes of December 5, 2006 per Town Attorney
- Minutes of January 9, 2007
- Receive the JB George Fund status report for FY ending June 30, 2006
- Board Appointments
Carolyn Ennis to a first term on the Library Board of Trustees

Unanimous.

New Business

1. **Audit Contract Award**

Councilman Broadwell questioned the total contract price and was advised by Finance Director Mark Stephens that the price was \$28,000. Further, Mr. Broadwell questioned the “fixed rate” range. Mr. Stephens stated that the range included salary ranges from staff accountant to senior partner. Further, Mr. Stephens stated that the Town has not in the past two years had to use the hourly rate for any projects.

Councilman Broadwell made a motion, seconded by Councilman Williams, to approve the Audit Contract for FY 06-07 to Martin Starnes & Associates, CPAs, PA. Unanimous.

2. Resolution of Consideration # 419 for Annexation identifying the area described herein as being under consideration for annexation and notification to certain property owners of their rights to a delayed effective date of annexation of qualified properties

Planning Director Paul Embler addressed the Council on re-adopting the resolution of consideration as part of the annexation process under State Law. The resolution gives the Council the opportunity to annex selected areas within the existing ETJ boundary and the “proposed” ETJ extended boundary. The resolution is valid for a period of 24 months and does not obligate the Town to annex any areas.

Councilman Narron made a motion, seconded by Councilman Ogburn, to adopt the resolution and map. Unanimous. (Attachment II)

3. Consideration to declare Old Water Plant property surplus and available for sale

City Manager Pete Connet addressed the Council on an appraisal of \$150,000 received for the Old Water Plant property. He stated that he had spoken with two of the adjoining property owners and at least one of them was interested in making an offer. Mr. Connet recommended that the successful bidder have a time period of 6 to 9 months maximum to clear the property as well as the Town retaining utility and greenway easements.

Councilman Ogburn stated his reservations to selling riverbank property. Councilman Moore agreed.

Following discussion, Councilman Ogburn made a motion, seconded by Councilman Williams, to delay action at this time for discussion at the Council Retreat on February 26, 2007.

4. Budget Amendment #3 from Smithfield Appearance Commission

City Manager Pete Connet addressed the Council on a budget amendment request from the Smithfield Appearance Commission in the amount of \$1500.00 from the General Fund. The Commission had thought they could carry over funds from the prior fiscal year from the JB George account for some expenses. Further, the Commission has received a NC Arts Council Grant in the amount of \$2500.00 to be added as part of the budget amendment as follows:

<u>Revenue</u>		
Prior Year Taxes	103010.0200	\$1500.00

Grant Revenue	103900.1700	\$2500.00
<u>Expenditure</u>		
Appearance Commission	105500.3700	\$4000.00

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

5. Award of bids for Brogden Road Substation Project - underground primary cable, overhead transformers, and installation of ductbank

Interim Public Utilities Director Bobby Tripp addressed the Council on bids received for the underground primary cable that will be installed in the Ductbank from the substation to the overhead system at I-95. Further, Mr. Tripp stated that bids for the contract to transfer load from the Smithfield 12KV system to the new 23 KV system, resulting in the need for 62 transformers. Four companies submitted quotes. Bids were also opened to install the ductbank.

Councilman Ogburn made a motion, seconded by Councilman Williams, to award the bids as follows:

Underground primary cable	HD Supply	\$299,450.00
62 transformers	Southeastern Transformer	\$ 86,423.00
Ductbank Construction	Barnes & Powell Electrical	\$574,177.40

Unanimous. (Attachment III)

6. Bid award for 2006-2007 street resurfacing project

Public Works Director Marty Anderson addressed the Council on awarding the bid for the 2006-07 street resurfacing project based on the following bids being received:

SELCO Construction, Inc.	\$447,116.30
S.T. Wooten Corporation	\$476,127.00
Barnhill Contracting Co.	\$483,729.70

Mr. Anderson noted that \$500,000 was budgeted and any additional monies would be used to add more streets to the project.

Mayor Pro-Tem Evans made a motion, seconded by Councilman Broadwell, to award the low bidder to SELCO Construction in the amount not to exceed \$500,000. Unanimous.

7. Bid award for Public Works Leaf Vacuum Truck and Budget Amendment - Marty Anderson

Public Works Director Marty Anderson addressed the Council on three (3) informal bids received for a Hooklift Truck Chassis and two (2) informal bids for a Vacuum Leaf Loader. Staff researched locating a "piggyback" bid for the same units, however, none were available at the time. The bids are as follows:

Hooklift Truck Chassis

Cavalier Equipment Company - 2007 Freightliner M2-106	\$85,862.45
Virginia Truck Center – 2007 Freightliner M2-106	\$85,888.00
Carolina Environmental Systems – 2008 Freightliner M2-106	\$92,671.00

Leaf Vacuum Loader

American Road Machinery (Amick Equipment) – ALC25CM 25-yard	\$43,700.00
Old Dominion Brush Company – SCL800SM 25-yard	\$48,675.00

Expenditure

Capital Outlay	105500.7400	\$(14,500)
Professional Services	105600.0400	\$(16,000)
Capital Outlay	105800.7400	\$ 30,500

Councilman Ogburn made a motion, seconded by Councilman Williams, to award the bid to Cavalier Equipment Company, that the Leaf Vacuum Loader be purchased from Amick Equipment Company and that the budget amendments be approved. Unanimous.

8. Approval of Resolution # 420 and proposed ETJ map and authorization to make presentation to the County Board of Commissioners on March 5, 2007

Planning Director Paul Embler addressed the Council on adoption of a resolution requesting that the Johnston County Board of Commissioners extend the Town’s ETJ to two miles. Further, he stated that staff had worked with the Town Attorney and neighboring municipalities to develop a legal, logical and thoughtful proposed expansion of the one mile ETJ to two miles.

Mayor Pro-Tem Evans made a motion, seconded by Councilman Ogburn, to adopt the resolution and map regarding extension of the ETJ boundaries. Unanimous. (Attachment IV)

9. Resolution #421 agreeing to share architectural and engineering fees with the Johnston County Schools for the Smithfield Recreation and Aquatics Center

City Manager Pete Connet addressed the Council on a resolution committing the Town to share in the architectural and engineering fees with the Johnston County Board of Education on a 50/50 basis. He stated that the Board of Education is willing to proceed with the plans and specs without all the funding in place by the Town if the Town will agree to share the fees should the project not go forward. There will be no charges to the Town between now and August for the fees. The estimated fees to the Town will be approximately \$350,000. A preliminary estimate of the total project costs is in the \$12-\$13 million range including all architectural and engineering fees and a 2% contingency.

Councilman Ogburn made a motion, seconded by Councilman Narron, to adopt the resolution agreeing to share the architectural and engineering costs on a 50/50 basis with the Johnston County Board of Education. Unanimous. (Attachment V)

10. Voluntary Annexation Request: East Carolina Farm Credit, 2850 US 70 Hwy Business
A. Council receives petition
B. Resolution #422 directing the Town Clerk to investigate the petition received under G.S.

160A-58.1

- C. Accept Town Clerk's Certificate of Sufficiency
- D. Resolution # 423 fixing the date of public hearing on question of annexation pursuant to G.S. 160A-58.2

Planning Director Paul Embler addressed the Council on a request by East Carolina Farm Credit for voluntary annexation into the corporate limits. The one tract consists of land totaling approximately 10.027 acres and is located on the south side of US 70 Business East at Yelverton Grove Road, approximately 3050 feet east of its intersection with SR 2508 and Interstate 95.

Councilman Broadwell made a motion, seconded by Councilman Williams, to adopt the resolution directing the Town Clerk to investigate the petition received under G.S. 160A-58.1. Unanimous. (Attachment VI)

Councilman Broadwell made a motion, seconded by Councilman Ogburn, to adopt the resolution fixing the date of public hearing on question of annexation pursuant to G.S. 160A-58.2. Unanimous. (Attachment VIII)

- 11 **Voluntary Annexation Request: Frank and Tina Lee, 33.58 acres on Galilee Road.**
 - L. Council receives petition
 - M. Resolution # 424 directing the Town Clerk to investigate the petition received under G.S. 160A-58.1
 - N. Accept Town Clerk's Certificate of Sufficiency
 - O. Resolution # 425 fixing the date of public hearing on question of annexation pursuant to G.S. 160A-58.2

Planning Director Paul Embler addressed the Council on a request by Frank and Tina Lee for voluntary annexation of one tract of land totaling approximately 32.12 acres into the corporate limits. The property considered is located on the south side of Galilee Road, approximately 1700 feet southeast of its intersection with North Johnson Road.

Councilman Broadwell made a motion, seconded by Councilman Ogburn, to adopt the resolution directing the Town Clerk to investigate the petition received under G.S. 160A-58.1. Unanimous. (Attachment VI)

Councilman Williams made a motion, seconded by Councilman Moore, to adopt the resolution fixing the date of public hearing on question of annexation pursuant to G.S. 160A-58.2. Unanimous. (Attachment VIII)

- 12 **Involuntary Annexation: Resolution of Intent # 426 to consider annexation of an area located on the east side of I-95 in the vicinity of Mallard Road and US 70 and fixing the date of a public informational meeting and public hearing on the question of annexation**

Planning Director Paul Embler addressed the Council on consideration of involuntarily annexing into the corporate limits lands that lie on the east side of Interstate 95 in the vicinity of Mallard Road and US 70. The properties include the Johnston County Board of Education offices, the Village Inn Motel and the Village Inn Restaurant and the Tobacco Shop.

Councilman Ogburn made a motion, seconded by Councilman Williams, to adopt the Resolution of Intent to consideration annexation of this area. Unanimous. (Attachment IX)

- 13 **Resolution of Intent # 427 to consider annexation of an area located US 301 South, Galilee Road**

from the School Bus Garage to Holt Lake and fixing the date of a public informational meeting and public hearing on the question of annexation

Planning Director Paul Embler addressed the Council on consideration of involuntarily annexing into the corporate limits lands that lie on the along US 301 South, Galilee Road from the School Bus Garage to Holt Lake.

Councilman Narron made a motion, seconded by Councilman Williams, to adopt the Resolution of Intent to consideration annexation of this area. Unanimous. (Attachment IX)

Closed Session

Mayor Pro-Tem Evans made a motion, seconded by Councilman Broadwell, to go into closed session, to discuss Legal Matters as outlined in GS 143-318.11(a) 3 and GS 143-318.11(a) 5. Unanimous.

Closed Session Minutes

The Council discussed with the Town Attorney current legal issues. There was no action.

Councilman Williams 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