

The Smithfield Town Council met in regular session on Tuesday, March 6, 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
 Tom Bell
 Andy Moore
 Sidney Broadwell
 Clayton Narron

Councilmen Absent:

Daniel Evans

Administrative 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
 Patrick Harris, Emergency Services Director
 Steve Gillikin, Police Chief

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 Moore made a motion, seconded by Councilman Narron, to approve the agenda with the following amendments:

- (1) Closed Session to discuss litigation pursuant to NCGS 143-318.11(3)

Unanimous.

Presentations

- 2. Mayor Johnson read a proclamation for Multiple Sclerosis Awareness Week.
- 3. Mayor Johnson presented to the family of Margaret Lee a Resolution in her memory for outstanding contributions to Smithfield and Johnston County (#434) (Attachment I)
- 4. Sarah Campbell addressed the Council on a Girl Scout Project to place signs along the riverwalk signifying wildlife and plant life along the river. It was the general consensus of the Council to allow Ms. Campbell to proceed with her project.

Public Hearings

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

- 1. Hearing on Proposed financing for street resurfacing, and consideration and approval of a

Bank	Rate of Interest	Annual Payments	Additional Fees	Total Pay
First Citizens	3.74%	60,850.18	-	608,501.80
RBC Centura	3.89%	61,308.37	-	613,083.70
BB&T	3.98%	61,584.11	-	615,841.10
Wachovia	4.56%	63,375.96	-	633,759.60
Four Oaks	4.59%	63,480.05	-	634,800.50

financing agreement as authorized by NCGS 160A-20

Mayor Johnson opened the public hearing.

Finance Director Mark Stephens addressed the Council on the proposed financing for street resurfacing and award of the financing bid to the low bidder as follows:

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

Mayor Johnson asked for comments from the Council.

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

Councilman Broadwell made a motion, seconded by Councilman Williams, to award the low bid for the financing agreement to First Citizens Bank at a rate of 3.74% for a 10 year with a total amount of \$608,501.80. Unanimous.

2. Special Use Permit Request to allow for the construction and operation of a New Pizza Hut Restaurant with a drive-thru window - located on the north side of North Bright Leaf Boulevard, approximately 510 feet northeast of its intersection with Hospital Road - Johnston Properties, Inc. - SUP-07-02

Mayor Johnson opened the public hearing.

Planning Director Paul Embler addressed the Council on a Special Use Permit request to allow for the construction of a New Pizza Hut restaurant with a drive-thru. The new facility will be adjacent to the existing Pizza Hut Restaurant, which is located in the parking lot of the Pine Needles Shopping Center. The Planning Board voted to recommend approval based on the Findings of Fact being met. The Appearance Commission voted to recommend approval with the condition that the street yard landscaping be planted on all sides of the Pine Needle Shopping Center that front on a public right-of-way. The Board of Adjustment voted to grant the project a 15' variance from the required 50' building setback along Bright Leaf Boulevard with the condition that the northeastern most right-of-way along Bright Leaf Boulevard be widened from 30' to 36'. Mr. Embler stated that the condition from the Board of Adjustment was in error and staff would comply with the condition if approved by the North Carolina Department of Transportation.

Mayor Johnson opened the public hearing and asked for comments from the audience. There were none.

Mayor Johnson asked for comments from the Council.

Councilman Narron commended the petitioner with regards to the proposed landscaping in the shopping center.

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

Councilman Broadwell reviewed the Findings of Fact with staff and the Council 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 would not 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 not have significant adverse impacts on adjoining properties or the

neighborhood.

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

3. Rezoning Petition of one tract of land located on the north side of the intersection of West Market Street and Strickland Drive and totaling approximately 1.45 acres from R-10 to B-3 - Johnston Ambulance Service - RZ-07-01

Mayor Johnson opened the public hearing.

Planning Director Paul Embler addressed the Council on a request to rezone a 240'x250' lot at the intersection of Strickland Drive and US Hwy 70 Business from R-10 to B-3. The property is one of the last remaining undeveloped lots that is not currently zoned for commercial uses. All public infrastructure to include water and sewer are at or near the site considered for rezoning. The Planning Board voted to recommend approval of the petition.

Mayor Johnson opened the public hearing and asked for comments from the audience. There were none.

Mayor Johnson asked for comments from the Council.

Councilman Bell stated that this property was within his district and he felt that the request would provide the best possible use for this property and recommended approval.

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

Councilman Bell made a motion, seconded by Councilman Broadwell, to approve the rezoning petition. Unanimous.

4. Hearing and Adoption of Voluntary Annexation Ordinance #436 - Property located on US 70 Business - East Carolina Farm Credit

Mayor Johnson opened the public hearing.

Planning Director Paul Embler addressed the Council on a voluntary petition to annex into the corporate limits approximately 10.11 acres located on the southeast side of the intersection of US 70 Business East and Yelverton Grove Road.

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

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

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

Councilman Ogburn made a motion, seconded by Councilman Williams, to adopt the Voluntary Annexation Ordinance for East Carolina Farm Credit, LLC. Unanimous. ATTACHMENT II

5. Hearing and Adoption of Voluntary Annexation Ordinance - Property located on Hwy 301 South owned by Frank and Tina Lee

Mayor Johnson advised that this petition had been withdrawn for consideration by the applicant. No action.

Citizen Comments

6. Pam Gibson, Heath Avenue, addressed the Council on a request to pave the dirt alley that runs from Heath Avenue to Caroline Avenue. Further, she questioned why the Town didn't offer recycling.

Consent Agenda

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

- Minutes of February 6, 2007
- Board Appointment: Martha Wooten to a second term on the Board of Adjustment
- Designation of Strickland Drive as "No Thru Trucks" Street
- Authorization to apply for a Johnston County Recreation Grant
- Approval of Cooperative Bid Agreement with ElectriCities (ATTACHMENT III)
- Resolution # 428 of Agreement between Town of Smithfield and Johnston County Board of Elections to conduct municipal elections (ATTACHMENT IV)
- Resolution # 429 of support for Johnston County Public School Bond Referendum for the purpose of financing the acquisition, construction and equipping schools (ATTACHMENT V)
- Resolution # 430 of support for Johnston Community College Bond Referendum for the purpose of financing the acquisition, construction and equipping the College facilities (ATTACHMENT VI)
- Resolution # 431 of support for Johnston County Public School Bond Referendum for the purpose of financing the acquisition, construction and equipping of parks and recreation facilities (ATTACHMENT VII)

Unanimous.

Boards/Commission Reports

1. Downtown Development Tax Increment Grant

Executive Director Chris Johnson discussed with the Council a proposed downtown development tax increment grant that would allow small businesses to be awarded the incentive.

Following discussion, Councilman Ogburn made a motion, seconded by Councilman Narron, to endorse this project. Unanimous.

2. Johnston County Arts Council Presentation on Cultural Districts

Jessica Meadows, Executive Director, addressed the Council on economic revitalization thru incentives regarding the Arts Council.

Councilman Ogburn made a motion, seconded by Councilman Bell, to authorize the Planning Director and Councilman Narron to meet with the Arts Council and partnership with the Historic Properties Commission for ideas on preservation of the Town's character. Unanimous.

3. Johnston County Visitors Bureau - Occupancy Tax Report and Proposed Budget for FY 2008

Donna Bailey-Taylor, Executive Director, presented to the Council the occupancy tax report and a proposed budget for FY 2008.

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

Old Business

4. Authorization for the Town Attorney to proceed with the purchase of the Cynthia Hamilton Property adjacent to the Community Park for \$90,000

City Manager Pete Connet addressed the Council on the purchase of 1.35 acres of property located adjacent to the community park for a negotiated price of \$90,000.

Councilman Ogburn made a motion, seconded by Councilman Williams, to (1) proceed with the property purchase for \$90,000 and (2) approve the budget amendment for FY 2006-2007 in that amount as follows:

Revenue

Prior Year Taxes	103010.0200	\$60,000
County Sales Taxes	103280.0000	<u>\$30,000</u>
		\$90,000
Expenditure		
Capital Outlay	106200.7400	\$90,000

Unanimous.

New Business

1. Voluntary Annexation Request - one tract of commercially zoned land totaling approximately 14.418 acres, located on the north side of US 70 Business West approximately 200 feet west of its intersection with SR 1563, Swift Creek Road - Early Bird Investments, LLC

Planning Director Paul Embler addressed the Council on a petition received for voluntary annexation of one tract of commercially zoned land totaling 14.418 acres.

Councilman Ogburn made a motion, seconded by Councilman Narron, to (1) adopt the resolution #432 directing the clerk to investigate the petition [Attachment VIII], (2) receive the certificate of sufficiency of the Town Clerk and (3) adopt a resolution # 433 fixing the date of the public hearing for the voluntary annexation. Unanimous. [Attachment IX]

2. Council Operations - Councilman Tom Bell

Councilman Bell submitted his resignation from the Town Council effective April 3, 2007. He stated that his current work and travel schedule is interfering with him being able to give the council duties the time and attention he thinks it warrants.

Councilmen expressed their appreciation to Councilman Bell for his service to them and the Town.

Councilman Ogburn made a motion, seconded by Councilman Broadwell, to accept his resignation. Unanimous.

Closed Session

Councilman Bell made a motion, seconded by Councilman Moore, to go into closed session to discuss litigation with the Town Attorney pursuant to GS 143-318.11(3). Unanimous.

Closed Session Minutes

The Council discussed the current litigation with regard to billboards. No action.

Councilman Williams made a motion, seconded by Councilman Moore, to reconvene into open session. Unanimous.

There being no further business, the meeting was adjourned.

Norman R. Johnson, Mayor

ATTEST:

Debra W. Godwin, Town Clerk