

The Smithfield Town Council met in regular session on Tuesday, December 2, 2014 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall. Mayor John H. Lampe II. presided.

Councilmen Present:

M. Andy Moore, Mayor Pro-Tem  
Marlon Lee, District 1  
J. Perry Harris, District 2  
Travis Scott, District 3  
Roger A. Wood, District 4  
Emery D. Ashley, At-Large  
Charles A. Williams, At-Large

Councilmen Absent

Administrative Staff Present

Paul Sabiston, Town Manager  
Lenny Branch, Public Works Director  
Paul Embler, Planning Director  
Kenneth C. Griffin, Public Utilities Director  
Patrick Harris, Emergency Services  
Gary Johnson, Interim Parks & Rec Director  
Tim Kerigan, Human Resources/PIO  
Mike Scott, Police Chief  
Greg Siler, Finance Director  
Shannan Williams, Town Clerk

Present:

Bob Spence, Town Attorney

Staff Absent:

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

**APPROVAL OF AGENDA:**

Mayor Pro-Tem Moore made a motion, seconded by Councilman Scott, to remove **Business Item # 3 - *Smithfield Housing authority is requesting that the Town accept the street in the public housing on 301 South at Penny Drive*** from the agenda. Unanimously approved.

Councilman Ashley made a motion, seconded by Councilman Scott, to approve the agenda as amended. Unanimously approved.

Mayor Pro- Tem Moore recognized Boy Scout Jackson Parker of Smithfield Troop 77. Mr. Jackson is in the process of fulfilling all the requirements needed to obtain his Eagle Scout designation.

**PRESENTATIONS:**

**1. Administering Oath of Office to new Police Officer David Sholes**

Mayor Lampe administered the Oath of Office to new Police Officer David Sholes and welcomed him to the Town of Smithfield.

**2. Recognition of Public Utilities Director Ken Griffin for obtaining certification as a Public Power Manager by the American Public Power Association.**

Town Manager Paul Sabiston recognized Public Utilities Director Ken Griffin for obtaining certification as a Public Power Manager by the American Public Power Association.

**3. FY 2013 – 2014 Audit**

Phyllis Pearson with Petway Mills and Pearson PA presented the FY 2013-2014 audit to the Council.

**PUBLIC HEARING:**

**1. Zoning Amendment: Town of Smithfield (ZA-14-04)**

Mayor Pro-Tem Moore made a motion, seconded by Councilman Harris, to open the Public Hearing. Unanimously approved.

Planning Director Paul Emblar addressed the Council on a zoning amendment request. Mr. Emblar stated that The Town of Smithfield Planning Department is requesting a zoning text amendment to Article 19-4, On-Premise Signs which will allow for lots with more than one street front one additional ground sign.

The Planning Board, at its November 6, 2014 meeting, unanimously voted to recommend approval of the proposed zoning text amendment to allow for corner lots and double frontage lots one additional ground sign.

Mayor Lampe asked if there were any questions/comments from those persons in the audience. There were none.

Mayor Lampe asked if there were any questions/comments from the Council. There were none.

Councilman Scott made a motion, seconded by Councilman Harris, to close the Public Hearing. Unanimously approved.

Councilman Harris made a motion, seconded by Councilman Wood, to approve Zoning Text Amendment (ZA-14-04) and ordinance # 482. Unanimously approved.

#### **ORDINANCE # 482**

#### **TO AMEND THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT ORDINANCE, ARTICLE 19-4 ON-PREMISE SIGNS (B) ON-PREMISE SIGNS: SINGLE TENANT DEVELOPMENT**

***BE IT ORDAINED*** by the Town Council of the Town of Smithfield that Article 19-4 On-Premise Signs (B) On-Premise Signs: Single Tenant Development to allow for lots with more than one street front one additional ground sign within the O-I, B-1, B-2, B-3 LI and HI zoning district and shall read in its entirety as follows:

Article 19-4 On-Premise Signs (B) On-Premise Signs: Single Tenant Development,

(2) O-I, B-1, B-2, and B-3. Signs allowed within the zoning district may be either:

(A) Two business or product identification signs are allowed per lot, only one of which shall be a freestanding ground sign. Corner lots and double frontage lots are allowed one additional attached sign on a separate street frontage and one additional ground sign on separate street frontage. Additional ground sign shall not exceed 40 square feet in area and no lot shall exceed a total of four separate signs. For freestanding or attached signs, the total allowable area per face of selected sign(s) shall not exceed 75 square feet per face, with two faces per sign allowed. In the event the freestanding sign is less than the 75 square feet per face allowed, the difference between the 75 feet per face allowed and the size of sign erected may be used to increase the size of the attached sign by that difference. Signs may be internally or externally illuminated.

(3) LI and HI Districts. Signs allowed within the zoning district may be either:

(A) Two business or product identification signs are allowed per lot, only one of which shall be a freestanding ground sign. Corner lots and double frontage lots are allowed one additional attached sign and one additional ground sign on separate street frontage. Additional ground sign shall not exceed 40 square feet in area and no lot shall exceed a total of four separate signs. For freestanding or attached signs, the total allowable area per face of selected sign(s) shall not exceed 125 square feet per face, with two faces per sign allowed. Signs may be internally or externally illuminated.

Duly adopted this the 2<sup>nd</sup> day of December 2014.

## CITIZENS COMMENTS:

Tony Nixon – Chairman of the East Smithfield Improvement Organization read the following letter and asked that it be entered into the official record.

### East Smithfield Improvement Organization

●● 802 Blount St.  
●● Smithfield NC 27577  
●●  
●● Phone: 919-464-5317  
●● Fax: 919-934-0583  
●● E-mail: snag1725@centurylink.net  
●●  
●●



The East Smithfield Improvement Organization would like to applaud the Chief of Police Michael Scott on addressing our departments' position on recruitment during the working session of the Town Council Nov. 18, 2014. We would like to express again our position as an organization in a meeting with town officials Oct. 2, 2014 that we would like to see more representation of all the citizens of Smithfield in our Police Department and Town Government, with that being said we ask that more aggressive actions be taken on behalf of the Smithfield Police Department in recruitment of minorities within our Police Department and all departments within Town Government of Smithfield.

We formally ask Mayor Lampe to immediately form a task force that will address issues of diversity and inclusion within our Town to include; members of the Town Council, Human Resources, students from the local high school (SSS), businesses and community leaders that will drill down to the core issues that affect all stakeholders and how to implement the conclusions. We would like to see more diverse civil servants throughout Smithfield that are inclusive. An organization's journey to become inclusive begins with a critical but simple inquiry: what actions is my organization taking to foster an inclusive work culture where uniqueness of beliefs, backgrounds, talents, capabilities, and ways of living are welcomed.

We as a community have made great strides and we have much work to be done, together we can achieve our goal of a more diverse and inclusive government, representative of its citizens. These issues we feel will aid in the attraction and establishment of new businesses and subsequent employment of our citizens in and around Smithfield.

Humbly Submitted,

Tony D. Nixon, Chairman East Smithfield Improvement Organization

Lucy Washington, Co-Chair East Smithfield Improvement Organization

Alice King, Recording Secretary

## CONSENT AGENDA:

Mayor Pro-Tem Moore made a motion, seconded by Councilman Williams, to approve the following items as listed on the Consent Agenda:

1. Approval of Minutes:

November 5, 2014 – Regular Meeting  
November 5, 2014 – Closed Session  
November 18, 2014 – Work Session

2. Bid Award and Contract approval with Pepsi Bottling Ventures for an exclusive soft drink vending contract for the Smithfield Recreation and Aquatics Center and the Smithfield Community Park. Bids were as follows:

<b>PEPSI BOTTLING VENTURES</b>				
	<b>ANNUAL</b>			<b>5 YEAR TOTAL</b>
SIGNING BONUS		(ONE TIME PAYMENT)		\$ 5,000.00
ANNUAL SUPPORT FUNDS:	\$ 5,000.00	(EACH YEAR FOR 5 YEARS)		\$ 25,000.00
REBATE:	\$ 4,000.00	(\$4.00 / CASE SOLD) 1000 CASES YEAR AVG		\$ 20,000.00
VENDING:	\$ 2,500.00	40% - 20Z BOTTLES		\$ 12,500.00
	\$ 2,100.00	35% - JUICE / SPORTS DRINKS ENERGY DRINKS COFFEES / ECT		\$ 10,500.00
EXPECTED REVENUE FROM CONTRACT OVER 5 YEARS				<b>\$ 73,000.00</b>
<b>COCA COLA BOTTLING CO</b>				
SIGNING BONUS		(ONE TIME PAYMENT)		\$ -
ANNUAL SUPPORT FUNDS:	\$ 6,000.00	(EACH YEAR FOR 5 YEARS)		\$ 30,000.00
REBATE:	\$ 4,000.00	(\$4.00 / CASE SOLD) 1000 CASES YEAR AVG		\$ 20,000.00
VENDING:	\$ 2,175.00	35% - 20Z BOTTLES		\$ 10,937.50
	\$ 2,100.00	35% - JUICE / SPORTS DRINKS ENERGY DRINKS COFFEES / ECT		\$ 10,500.00
EXPECTED REVENUE FROM CONTRACT OVER 5 YEARS				<b>\$ 71,437.50</b>

3. Bid Award and Contract Approval to KS Bank in the amount of \$140,000 for a rolling stock loan to finance the purchase three Police Cars (\$80,000), a Flat Bed Truck (\$26,000), and a Pickup Truck (\$26,000). Also, Approval of Resolution # 551 (13-2014) approving the financing terms.

**Resolution #551 (13-2014)**  
**Approving Financing Terms**

**WHEREAS:** The Town of Smithfield ("Town") has previously determined to undertake a project for the financing of equipment, (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The Town hereby determines to finance the Project through KS Bank in accordance with the proposal dated November 12, 2014. The amount financed shall not exceed \$140,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.55%, and the financing term shall not exceed 5 years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents may include a Financing Agreement, a Deed of Trust and/or a Project Fund Agreement as KS Bank may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the KS Bank financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 2<sup>nd</sup> day of December, 2014.

4. Approval of the North Carolina Eastern Municipal Power Agency's Retail Billing Service Agreement. The Retail Billing Services Agreement formalizes this service arrangement and continues these services without charge. The Town would incur a charge only if the Town requests NCEMPA to install a new meter or new data transmission hardware would there be a charge.

5. 2015 Regular Meeting Schedule

**Regular Meeting**

- Tuesday, January 6<sup>th</sup>
- Tuesday, February 3<sup>rd</sup>
- Tuesday, March 3<sup>rd</sup>
- Tuesday, April 7<sup>th</sup>
- Tuesday, May 5<sup>th</sup>
- Tuesday, June 2<sup>nd</sup>
- Tuesday, July 7<sup>th</sup>
- Tuesday, August 4<sup>th</sup>
- Tuesday, September 1<sup>st</sup>
- Tuesday, October 6<sup>th</sup>
- TBD
- Tuesday, December 1<sup>st</sup>

**Work Session**

- Tuesday, January 20<sup>th</sup>
- Tuesday, February 17<sup>th</sup>
- Tuesday, March 24<sup>th</sup>
- Tuesday, April 21<sup>st</sup>
- Tuesday, May 19<sup>th</sup>
- Tuesday, June 23<sup>rd</sup>
- Tuesday, July 21<sup>st</sup>
- Tuesday, August 18<sup>th</sup>
- Tuesday, September 22<sup>nd</sup>
- Tuesday, October 20<sup>th</sup>
- Tuesday, November 17<sup>th</sup>
- Tuesday, December 22<sup>nd</sup>

6. New Hire Report - The following positions were recently filled following vacancies in accordance with the Adopted FY 14-15 Budget.

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Utility Line Mechanic	PU – Water/Sewer	30-7220-0200	\$12.643/hr. (\$26,297.44/yr.)
Utility Line Mechanic	PU – Water/Sewer	30-7220-0200	\$12.643/hr. (\$26,297.44/yr.)
Police Officer I	Police	10-5100-0200	\$15.270/hr. (\$34,143.72/yr.)
P/T MPO	Police	10-5100-0200	\$16.850/hr.

Unanimously approved.

## **BUSINESS ITEMS:**

### **1. Consideration to reallocate \$5,000 to purchase three scoreboards for the Smithfield Community Park and the Civitan Field.**

Interim Parks and Recreation Director Gary Johnson addressed the Council on a request to reallocate funds to purchase three scoreboards. The Council funded the purchase of 2 scoreboards in the FY 14/15 Budget Line Item 106200.7400 and those have been ordered. The Council also funded 2 shade structures for Smithfield Community Park in the same line item in the amount of \$11,900. Although, these are desperately needed, the scoreboards at this time are a larger priority as they are inclusive to our programs and tournaments held at Smithfield Community Park and Civitan Field. The Smithfield Parks and Recreation Department applied for and won a grant from the Johnston County Open Space fund in September in the amount of \$7,800.00 to replace the obsolete scoreboards at Smithfield Community Park. The replacement cost of each scoreboard is approximately \$4,250.00 and the total for the 3 remaining scoreboards needing to be replaced is \$12,750.00.

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Moore to reallocate funds to purchase two scoreboards at the Community Park and delay the purchase of one scoreboard for the Civitan Field. Unanimously approved.

### **2. Authorization to advertise a Public Hearing to be held January 2015 for the Closing of the Right of Way on Two Alleys.**

Planning Director Paul Embler addressed the Council on a request by Cathy Scott to close and vacate an existing alley right of way in the block enclosed by South Brightleaf Blvd, Massey Street, 9th Street and E. Johnston Street. Mr. Embler stated that the petitioner was requesting that the Town Council take under consideration the closing of two alley ways on property located internal to the block bound on the north by Massey Street, to the east by 9th Street, to the south by E Johnston Street and to the west by S Brightleaf Blvd. There are a total of eight parcels of land in the block. All eight parcels of land abut the alley ways to some extent. In fact, some of the alley ways have structures from adjacent parcels encroaching into the alley right of way. Upon the closing of the right of ways, the land within the alley ways will revert to the adjacent property owners according to parcel frontage to the center line of each right of way. Mr. Embler explained that the purpose of petitioning the Council to close the alley right of way is so the property can be marketed as one parcel of land for sale. There is no Town utilities present within the alley ways. Mr. Embler further asked that the Town Council take the request under consideration and direct staff to advertise for a public hearing for the alley closings.

Councilman Ashley made a motion, seconded by Councilman Harris, to authorize staff to move forward with the request. Unanimously approved.

### **3. West Smithfield Beautification Project – Update and schedule of the Public Hearing**

Planning Director Paul Embler gave the Council an update on the West Smithfield beautification Project. Mr. Embler stated that staff is in the process of meeting with property owners that abut the proposed landscape improvements. On Tuesday November 25, 2014 a meeting was held that involved the participation of six of the larger land owners (based on road frontage), the Public Works Director and the Planning Director. The proposed landscape plan showing the proposed drive way cuts was presented. Comments as well as issues and concerns were received from all in attendance. A second meeting with property owners has been scheduled in order to receive further comment. After receiving comment from the second property owners meeting, the plans will be finalized and once again presented to the Council for final review and comment. Once property owners and Council are satisfied with the proposed landscape improvements, Council will need to pass a resolution asking NCDOT to approve and assist in the landscape improvements. Once NCDOT approves the plan, they will be taking the lead in the project.

Councilman Scott questioned if sidewalks would be incorporated into the plan. Mr. Emblar responded that this plan allows for sidewalks in the future should the Town be able to secure NCDOT funding.

Councilman Wood asked for staff to look into the possibility of adding sidewalks on Wilson's Mills Road due to the high volume of pedestrian traffic.

No action taken

### **Councilmembers Comments:**

- Mayor Pro-Tem Moore commended the Smithfield Police Department and the Johnston County Sheriff's Department for the manner in which the recent school lock down situation was handled. Mr. Moore requested that the beautification sign on Highway 70 East be removed.
- Councilman Harris informed the Council that during the holiday shopping season, the road improvements on Outlet Center Drive seemed to be effective. He commended Chief Scott and the Smithfield Police Department for being in force on Black Friday.
- Councilman Ashley expressed his appreciation to Town Staff for the excellent jobs they perform. He also encouraged everyone to participate in the holiday events that will be held in Town.

### **Town Manager's Report:**

- **Department Reports**

- A highlight of each department's monthly activities was given to the Council.

- **Financial Report**

- General Fund revenues for the month ending October 31, 2014 were \$658,309 and YTD revenues were \$ 2,854,388. The general fund expenditures for the month ending October 31, 2014 were \$982,960 and YTD expenditures were \$ 3,333,379.

- **Manager's Updates**

Mr. Sabiston gave the Council a brief update on the following issues:

- Mediation with PLT on December 9<sup>th</sup>
  - Water Plant Operations – Due to staffing issues, the Water Plant is now utilizing the services of Envirolink to assist with plant operations.
  - Johnston County Visitor's Bureau's Wayfinding Project

### **Adjourn**

There being no further business, Mayor Pro-Tem Moore made a motion, seconded Councilman Harris , to adjourn. Unanimously approved.

The meeting adjourned at approximately 8:09 pm.

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John H. Lampe II., Mayor

ATTEST:

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Shannan L. Williams, Town Clerk