

The Smithfield Town Council met in regular session on Tuesday, January 6, 2015 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
Travis Scott, District 3
Emery D. Ashley, At-Large
Charles A. Williams, At-Large

Councilmen Absent

J. Perry Harris, District 2
Roger A. Wood, District 4

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 Williams, to approve the agenda with the following amendments:

- 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.*

Unanimously approved.

PRESENTATIONS: None

PUBLIC HEARING:

1. Public Input on West Smithfield Beautification Project Conceptual Master Plan and consideration to approve Resolution # 553 (02-2015)

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

Planning Director Paul Embler requested that the Council review the revised conceptual landscape master plan for improvements along US 70 Business between the Neuse River and Wilson's Mills Road. Mr. Embler stated that ninety percent of the property owners have offered their input in regards to the project. Mr. Embler further stated that a second meeting was held on December 19, 2014 in which concerns about truck access and driveway widths were discussed and addressed.

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

Mayor Lampe asked if there were any questions/comments from the Council.

Councilman Ashley questioned if all property owners were satisfied. Mr. Embler responded in the affirmative. Mr. Embler explained that citizen participation was the key element in making the plan a success.

Mayor Pro-Tem Moore questioned when the actual work on the project would begin. Mr. Embler responded that since the work would be performed by NCDOT, he assumed it could possibly begin in the spring.

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

Councilman Ashley made a motion, seconded by Councilman Williams, to approve the West Smithfield Beautification Project Conceptual Master Plan and Resolution #553 (02-2015). Unanimously approved.

**TOWN OF SMITHFIELD
RESOLUTION #553 (02-2015) SEEKING ASSISTANCE
FROM NCDOT IN LANDSCAPING US 70B WEST**

WHEREAS, the Town of Smithfield seeks NCDOT assistance to plan and construct landscaping improvements plan at the intersection of Wilson Mills Road to the Neuse River; and

WHEREAS, the Town of Smithfield Town Council approves the conceptual landscape plan prepared by the Town Planning Department dated December 29, 2014; and

WHEREAS, the Town of Smithfield appreciates NCDOT assistance in past landscape improvement projects; and

WHEREAS, the Town of Smithfield agrees to maintain the landscape improvements after installation of the plant material.

NOW THEREFORE BE IT RESOLVED THAT THE Town Council of the Town of Smithfield seeks assistance from the NCDOT in the landscape improvements on US 70W from the Neuse River Bridge to Wilson Mills Road as shown on the conceptual landscape plan dated December 29, 2014.

ADOPTED THIS 6TH DAY OF JANUARY, 2015.

CITIZENS COMMENTS: None

CONSENT AGENDA:

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

1. Approval of Minutes:
 - December 2, 2014 – Regular Meeting
 - December 16, 2014 – Closed Session
 - December 16, 2014 – Work Session
2. Special Event - First Missionary Baptist Church's Annual Community March in honor of Martin Luther King, Jr. on January 19, 2015. This was approved as an annual event in 2014.
3. Approval of Final Settlement in the PLT v. Town of Smithfield case in the total amount of \$ 358,000 to be paid to PLT by the Town of Smithfield.

4. Approval of the FY 2014-2015 Budget Amendments

BUDGET AMENDMENTS
January, 2015

GENERAL
FUND

<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
1. Revenue		
10-3900-1700 Grant Revenue (Designate for RADA)	\$ 21,000	\$ (21,000)
10-3900-1701 Grant Revenue	-	-
	<u>21,000</u>	<u>21,000</u>
	\$	\$
	-	21,000

To change the general grant line account number, from 10-3900-1700 to 10-3900-1701, so that 10-3900-1700

can be used for RADA funds only in order to satisfy RADA reporting requirements

2. Revenue

10-3900-1700 Grant Revenue - RADA	<u>\$ -</u>	<u>\$ 13,511</u>	<u>\$ 13,511</u>
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Expenditures

10-4110-5706 Non-Departmental/RADA	<u>\$ -</u>	<u>\$ 13,511</u>	<u>\$ 13,511</u>
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Justification: To fund final Raleigh Area Development Authority (RADA) revenues and expenditures and to retitle account 10-3900-1700 solely for RADA Grant to satisfy reporting requirements

Approved by the Smithfield Town Council this the 6th day of January, 2015

5. 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>
(5) P/T Firefighters	Fire	10-5300-0210	\$10.00
Engineering Tech	PU – Electric	31-7230-0200	\$15.63/hr. (\$32,510.40/yr.)
P/T SRAC Staff	P&R - SRAC	10-6220-0210	\$9.50/hr.

Unanimously approved.

BUSINESS ITEMS:

- 1. Consideration to approve the conversion of a Water Treatment Plant Operator Position to a Chemist/Water Treatment Plant Operator Position.**

Public Utilities Director Ken Griffin addressed the Council on a request to reclassify a Water Treatment Plant Operator to a Chemist/Water Treatment Plant Operator. Mr. Griffin explained that in 2012 when the Town lost its Water Treatment Chemist and lacked other in-house staff that could assume the duties, the Town decided to contract out for much of the sample collection, chemical, and biological analyses that were previously performed by the Chemist. In the last two plus years, one of the Water Treatment Plant Operators, on his own initiative and his own expense, earned an AA degree in

BioProcess Technology and is now capable of performing much of the sample collection and analyses in house. In doing so, this could save the Town approximately \$43,202 per year and return much of the sample collection and analyses in house.

Councilman Ashley made a motion, seconded by Councilman Williams to approve the reclassification of the Water Plant Operator to a Chemist/ Water Pant Operator and to also approve the annual salary of \$41,579 for this position. Unanimously approved.

2. Resolution # 552 (01-2015) of Intent for the Closing of the Right of Ways 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 S 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 about the alley ways to some extent. In fact, some of the alley ways have structures from adjacent parcels encroaching into the alley rights of way. Upon the closing of the rights 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 rights of way is so the property can be marketed as one parcel of land for sale. If Town utilities are present within the alley ways the owners agree to grant easements to the Town for the purpose of operating and maintaining said utilities. 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.

As directed at the November Council meeting, the Public Utilities Director investigated if existing public utilities exist within the alley rights of way to be abandoned. The Public Utilities Director has investigated and has determined that no public water, sewer or electrical utilities exist within the rights of way only service lines.

In order for the Council to carry forward with the alley way closings, the Council must pass a resolution showing its intent to close the right of way. After the passing of the resolution the Town must advertise in the newspaper for four consecutive weeks, post the property and send via certified mail to affected property owners notice of intent to close the alley rights of way. Then the Council must hold a public hearing and take action based on information presented at the hearing. If the Council elects to close the alley ways then a record of the closing must be filed with the Register of Deeds and a map of reversion of vested rights to adjacent property owners must also be filed.

Town of Smithfield

Resolution # 552 (01-2015) of Intent

A RESOLUTION DECLARING THE INTENTION OF THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD TO CONSIDER THE CLOSING OF THE ALLEY RIGHTS OF WAY IN THE BLOCK ENCLOSED BY SOUTH BRIGHTLEAF BLVD, MASSEY STREET NINTH STREET AND EAST JOHNSTON STREET.

WHEREAS, G.S. 160A-299 authorize the Town Council to close streets and public alleys; and

WHEREAS, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of the alley rights of ways in the block enclosed by South Brightleaf Boulevard, Massey Street, Ninth Street and East Johnston Street;

NOW, THEREFORE, BE IT RESOLVED by the TOWN COUNCIL that:

- (1) A meeting will be held at 7:00p.m. on the 3rd day of February, 2015, in the Smithfield Town Hall Council Chambers to consider a resolution closing that portion of the alley rights of ways in the

block enclosed by South Brightleaf Boulevard, Massey Street, Ninth Street and East Johnston Street;

- (2) The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Herald, or other newspaper of general circulation in the area.
- (3) The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
- (4) The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Upon motion duly made by Mayor Pro-Tem Moore, and duly seconded by Councilman Ashley, the above resolution was duly adopted by the Town Council at the meeting held on the 6th day of January, 2015, in the Town Hall.

Upon call for a vote the following Councilmembers voted in the affirmative:

Mayor Pro-Tem Moore, Councilman Ashley, Councilman Lee, Councilman Scott and Councilman Williams.

3. Resolution # 554 (03-2015) Dedication and Acceptance of Street for the Smithfield Business Park

Planning Director Paul Embler addressed the Council on a request by the Smithfield Crossing, LLC. They are asking that the Town Council accept the dedication of the streets and utilities of Towne Centre Place, Smithfield Business Park. Mr. Embler explained that on August 1, 2011, the final plat of the Smithfield Business Park was recorded at the Johnston County Register of Deeds by the developer, Smithfield Crossings, LLC, upon approval of the final plat at the previous Council meeting. The dedication of the road, storm water and the utilities did not occur at that time due to the construction of the road, storm water and utilities not meeting the Town of Smithfield Standard Specifications.

Since that time, the engineer for the developer has worked with the Town to bring the construction of the road and utilities into compliance with the Town of Smithfield Standard specifications.

On November 10, 2014 the engineer for the developer submitted under his seal the final calculations and certifications attesting to the fact that the construction in place on Town Centre Place and associated utilities meets or exceeds the Town of Smithfield specifications.

Councilman Ashley questioned if the road now meets Town specifications. Mr. Embler responded that the road does meet Town standards and the engineer has submitted in writing that no thru truck traffic should be allowed in the future if the Town accepts the road.

Mayor Pro-Tem Moore made a motion, seconded by Councilman Williams, to approve Resolution # 554 (03-2015) accepting the dedication of streets for the Smithfield Business Park Town Centre Place. Unanimously approved.

**Resolution # 554 (03-2015)
Accepting the Dedication
Of Streets for the
Smithfield Business Park
Towne Centre Place**

Whereas, the Smithfield Crossings LLC. of 2514 W. Nash Street, Wilson, NC (Developer) has constructed the Smithfield Business Park including streets, walks, storm drainage, water and sewer; and

Whereas, the Developer has recorded a final plat of the subdivision with the Johnston County Register of Deeds on August 1, 2011; and

Whereas, the Town of Smithfield (Town) did not accept the dedication of the street, walks, storm drainage water and sewer at the time of recording because certain elements of construction were not constructed to Town standards; and

Whereas, the Developer posted a cash bond to be held by the Town until such time the construction was completed to Town standards; and

Whereas, the Developer's Engineer (Herring- Sutton) has overseen the bringing of construction to Town standards and the Engineer has certified by testing, engineering calculations and observations that the streets, walks, storm drainage, water and sewer are now constructed to minimum Town standards; and

Whereas, the Town has reviewed the information/documentation submitted by the Engineer and finds that the construction meets the minimum standards for acceptance of dedication of the subdivision improvements associated with the street, walks, storm drainage, water and sewer; and

Whereas, the Developer has requested the Town to accept the dedication of the street, walks, storm drainage, water and sewer and refund the cash bond; and

Whereas, the Developer and Smithfield Crossings Owner's Association agree to operate and maintain the storm water management facilities, including discharge swale to I-95, outlet works, pond and BMP drainage swales for perpetuity; and

Whereas, the Town staff requests the Town Council to take under consideration the acceptance of the dedication of the street, walks, storm drainage, water and sewer from the developer.

NOW, THEREFORE, BE IT RESOLVED by the TOWN OF SMITHFIELD TOWN COUNCIL on this the 6th day of January 2015, the Town of Smithfield accepts the dedication of the streets, walks, storm drainage, water and sewer for Smithfield Business Park (Towne Centre Place) as constructed and as shown on the Final Plat recorded at the Johnston County Register of Deeds.

4. Budget Meeting Schedule for FY 2015 – 2016 Budget

Town Manager Paul Sabiston addressed the Council on preliminary budget schedule for FY 2015-2016.

Mayor Lampe suggested that the Council submit to the Manager a list of the Council's recommendations for the budget.

Councilman Ashley suggested that the Council meet with Department Heads to discuss the overall needs of each department. Councilman Williams suggested that the meetings be held during the scheduled work sessions.

Councilman Ashley made a motion, seconded by Councilman Scott, to approve the FY 2015-2016 Budget Meeting Schedule. Unanimously approved,

FY 2015- 2016 Budget Meeting Schedule

January 23	Budget info/packets to Department Heads
February 6	Preliminary budget requests back from DHs to Finance Officer ("FO")/Town Mgr ("TM")
February 9– 23	Meetings between DHs and FO/TM to review proposed budget requests (Will be scheduled by TM)
February 24 – March 13	FO/TM review and revise proposed budget.
March 2 – March 13	Second budget review with DHs as needed.
March 30 – May 15	Draft Budget Presented and Budget Workshops with Town Council/Staff:
Wednesdays at 6pm – as needed	
April 30 – May 1	Recommended Budget and Budget Message – First Draft Submitted To Council
May 1 – 22	Scheduling of public hearing date for budget ordinance review/approval. Continuing budget review and consolidation of all revenue estimates from State and County (as available) and all expenditures Meetings As Needed
May 22 – June 1	Advertising for public hearing
June 2 – June 30	Public Hearing and Adoption of Ordinance – June 9

Councilmembers Comments:

- Mayor Pro-Tem Moore wished everyone a happy and prosperous New Year and commended staff for an outstanding Christmas Parade
- Councilman Scott expressed his appreciation to everyone for their support after his father's passing. He also stated that he has had numerous complaints about the condition of Venture Drive.
- Councilman Ashley also expressed his appreciation to staff for an outstanding Christmas parade. Mr. Ashley also noted that he attended the Clayton Christmas parade and more Johnston County officials supported the Clayton parade than they did the Smithfield parade. He hoped more Johnston County officials would participate in the future.
- Councilman Williams wished everyone a happy New Year and stated that he was looking forward to working with the Council and staff.

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 November 30, 2014 were \$ 798,224 and YTD revenues were \$ 3,668,154. The general fund expenditures for the month ending November 30, 2014 were \$ 1,197,339 and YTD expenditures were \$ 4,530,717.

- **Manager's Updates**

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

- On-line Utility Bill Payment – Citizens are now able to pay their utility bill online via the Town's website.
- Smithfield Crossings Roadway Project – Mediation with PLT occurred on December 9th. The condemnation suit brought forth by the owner is still pending.
- Smartgrid Testing – The Smartgrid testing is in place in one area of Town. Staff has the ability to read several meters electronically from Town Hall.
- NCEMPA Asset Sale – Currently, there are no problems with the asset sale by NCEMPA to Duke Energy Progress. A cost of service study and rate recommendation should be considered by the Council in the coming months.
- Utility Systems – GPS Mapping/Asset Management – The Public Utilities Director would like to meet with each member of Council to discuss a cost effective system offered by the Wooten Company.

Closed Session – Pursuant to NCGS 143-318.11 (a)(1)

Mayor Pro-Tem Moore made a motion, seconded by Councilman Williams to enter into Closed Session. Unanimously approved.

Councilman Ashley made a motion, seconded by Councilman Williams to reconvene in Open Session. Unanimously approved.

Open Session

Councilman Ashley made a motion, seconded by Councilman Scott to formally unseal the following Closed Session Minutes pursuant to NCGS 143-318.10 (e):

- May 22, 2012
- June 5, 2015
- November 14, 2012
- December 4, 2012
- January 3, 2013
- January 28, 2013
- March 29, 2013
- May 7, 2013
- May 20, 2013
- September 3, 2013
- January 7, 2014
- February 4, 2014
- June 11, 2014
- July 1, 2014

Unanimously approved

Adjourn

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

The meeting adjourned at approximately 7:59 pm.

John H. Lampe II., Mayor

ATTEST:

Shannan L. Williams, Town Clerk