

The Smithfield Town Council met in regular session on Tuesday, September 6, 2016 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Emery Ashley, Mayor Pro-Tem  
Marlon Lee, District 1  
J. Perry Harris, District 2  
Travis Scott, District 3  
Roger A. Wood, District 4  
John A. Dunn, At-Large  
Stephen Rabil, At-Large

Councilmen Absent

Administrative Staff Present

Michael Scott, Town Manager  
John Blanton, Fire Chief  
Lenny Branch, Public Works Director  
Ted Credle, Public Utilities Director  
Paul Embler, Planning Director  
Veronica Hardaway, Deputy Town Clerk  
Gary Johnson, Parks & Rec Director  
Tim Kerigan, Human Resources/PIO  
R.K. Powell, Interim Chief of Police  
Greg Siler, Finance Director

Present:

Bob Spence, Town Attorney

Administrative Staff Absent

Shannan Williams, Town Clerk

The invocation was given by Councilman Scott followed by the Pledge of Allegiance led by the following members of Girl Scout Troop 614: Madeline Smith, Valerie Smith, Mataya Grimes, Juana Garcia, Brianna Faircloth, Jennifer Orringer, Katelyn Hill, Katlin VanRoekel and Elizabeth Applebaum

**APPROVAL OF AGENDA:**

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Wood, to approve the agenda with the following amendments:

- Move Consent Agenda Item #8: *Consideration and Approval of an agreement with Corporate Impressions Landscapes, Inc. in the amount of \$26,800 for the fence installation on Outlet Center Drive to Business item #8*
- Move Consent Agenda Item #13: *Consideration and Approval of a service agreement with Corporate Impressions Landscapes, Inc. in the amount of \$14,400 for the installation of the landscape screening in the Smithfield Crossings area adjacent to the Pine Acres Subdivision to Business Item #9.*
- Add a Closed Session pursuant to NCGS 143-318.11 (a) (3), (4) & (6)
- Correction to the agenda – Consent Agenda Item 4 – date should be October 29 not the 31<sup>st</sup>.

Unanimously approved.

Mayor Moore recognized special guest Rick Horner a candidate for the NC Senate representing Smithfield. Mayor Moore expressed his appreciation to Mr. Horner for being in attendance at the Council meeting.

**PRESENTATIONS:**

**1. Administering Oath of Office to new Police Officer – Kaleb Smith**

Mayor M. Andy Moore administered the Oath of Office to new Police Office Kaleb Smith and welcomed him to the Town of Smithfield.

## 2. Appearance Commission Annual Report

Chairperson Peggy Scott presented the Appearance Commission's Annual Report to the Council. Mrs. Scott explained that it had been a very busy and exciting year. She informed the Council that Robert Worsham retired from the Appearance Commission after serving over 9 years. She expressed her appreciation to all the members of the Appearance Commission for their service.

*(Attached by reference and made a part of these official minutes is a copy of the Appearance Commission's Annual Report)*

### **PUBLIC HEARINGS:**

Deputy Town Clerk Veronica Hardaway administered affirmations to those that wished to offer testimony during the Public Hearings.

#### **1. Conditional Use Permit request by Car Service of Four Oaks (CUP-16-06)**

Councilman Harris made a motion, seconded by Councilman Dunn, to open the Public Hearing. Unanimously approved.

Planning Director Paul Embler addressed the Council on a request by Car Service of Four Oaks. The applicant was requesting a conditional use permit to operate an automotive sales lot designed to accommodate no more than 10 automobiles for sale on property located within a B-3 (Business) zoning district. The property considered for approval is located on the south side of East Edgerton Street approximately 430 feet south of its intersection with North Brightleaf Boulevard. The property is further identified as Johnston County Tax ID# 15006015.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the September 6, 2016 agenda packet.

The Planning Board, at its August 4, 2016 meeting, unanimously voted to recommend approval of the automobile sales lot on property located within the B-3 (Highway Entrance Business) corridor.

The Planning Department recommends approval of the proposed automobile sales lot providing that all parking spaces used for the sale of automobile sales are paved and the use is limited to a maximum of ten automobiles for sale at any given time.

Mayor Moore asked if the applicant was in agreement with the testimony provided by Mr. Embler. The applicant, Aleksandar Trajanovski, responded he was in agreement with the testimony offered by Mr. Embler.

Mayor Moore asked if there were any comments/questions from those that had been duly affirmed to offer testimony. There were none.

Mayor Moore asked if there were any questions from Council. There were none.

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

### **The Written Finding of Facts**

Town Council of the Town of Smithfield decided the matter of the Conditional Use Permit Application by motion and vote on each of the following four findings of fact.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Wood, to vote in the affirmative to all of the below Finding of Facts. Unanimously approved.

- **Finding One of Four: Approved**

**Based on the evidence and testimony presented it is the finding of the Town Council that the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.**

The proposed automobile sales lot at this location will not materially endanger the public were shown because the site has adequate parking available and layout of the site facilitates safe movement of automobiles and pedestrian traffic with little additional congestion.

- **Finding Two of Four: Approved**

**Based on the evidence and testimony presented it is the finding of the Town Council that the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.**

The proposed automobile sales lot at this location conforms to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinances providing the applicant submits a detailed site plan for planning staff approval that shows required landscaping and paved parking prior to issuance of site plan approval and issuance of a valid zoning permit for an automobile sales lot.

- **Finding Three of Four: Approved**

**Based on the evidence and testimony presented it is the finding of the Town Council that the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.**

The proposed automobile sales lot at this location will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses providing no more than 10 automobile sales for sale are on the lot at any given time.

- **Finding Four of Four: Approved**

**Based on the evidence and testimony presented it is the finding of the Town Council that the application would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.**

The proposed automobile sales lot at this location will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development proving all minimum development standards are met.

**Record of Decision: Approval of Conditional Use Permit Application # CUP-16-06**

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative moved to approve Conditional Use Permit Application # CUP-16-06 with the Planning Department's recommendation that all parking spaces used for the sale of automobile sales are paved and that the use is limited to a maximum of ten automobiles for sale at any given time. Unanimously approved.

## 2. Rezoning Request by Genesis Living Inc. (RZ-16-02)

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

Planning Director Paul Embler addressed the Council on a request by Genesis Living, Inc. The applicant was requesting to rezone one tract of land totaling approximately 9.45 acres from the R-8 CUD (Residential-Conditional Use) zoning district to the R-8 (Residential) and RHO (Rowhouse Overlay) zoning districts. The property considered for rezoning classification is located on the southwest side of Barbour Road approximately 780 feet northeast of its intersection with Laurel Drive. The property is further identified as Johnston County Tax ID#4340665.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the September 6, 2016 agenda packet.

The Planning Board at its September 1, 2016 unanimously voted to recommend approval of the rezoning Request.

The Planning Department recommends approval of the request to rezone approximately 9.45 acres of land from the R-8 CUD (Residential-Conditional Use District) zoning district to the R-8 RHO (Residential with Row House Overlay) zoning district

Mayor Moore asked if the applicant was in agreement with the testimony provided by Mr. Embler. The applicant, Glenn Weeks, responded he was in agreement with the testimony offered by Mr. Embler.

Mayor Moore asked if there were any comments/questions from those that had been duly affirmed to offer testimony. There were none

Mayor Moore asked if there were any questions from Council.

Councilman Scott questioned if the applicant could address the conditions of the roads at the property and if it was the intent that these roads be inspected before they are accepted by the Town. Mr. Weeks responded that the roads would be constructed at the Town's standard.

Councilman Scott questioned if any adjacent property owners had expressed concerns about the proposed project. Mr. Embler responded that one gentlemen attended the Planning Board meeting, but made no comment until after the meeting adjourned

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

### The Written Approval Criteria

**Article 13 Section 13-17 of the Town of Smithfield Unified Development Ordinance requires all applications for a zoning map amendment to address the following eight findings.**

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, to vote in the affirmative to all the below Approval Criteria. Unanimously approved

- **Finding one of eight: approved**

**The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield**

The proposed rezoning petition is for a "redevelopment" project. The streets and utility infrastructure was previously constructed as Boyette Farm Subdivision. The rezoning petition is a request to include "Row House" as an overlay district. This request meets all applicable plans and polices of the Town of Smithfield.

The rezoning request to change the existing residential zoning with a conditional use district to a residential zoning with a row house overlay zoning district is consistent with the

recommendations of the Future Land Use Plan which calls for moderate density residential uses.

- **Finding Two of Eight: Approved**

**The rezoning petition is compatible with established neighborhood patterns of the surrounding area**

The rezoning will allow for single family housing which is similar to and compatible with development patterns in the surrounding area. The rezoning petition is compatible with established neighborhood patterns of the surrounding area. This area contains some of the most developable residential properties located within the Town of Smithfield city limits due to prior medium density residential development on nearby properties.

- **Finding Three of Eight: Approved**

**The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning.**

The rezoning will result in a product that meets the current market demand in this area. The rezoning request from the R-8 CUD residential business zoning districts to an R-8 RHO zoning district is consistent with historical trends suggesting that residential development will continue to occur along Barbour Road to the west.

- **Finding Four of Eight: Approved**

**The rezoning request is in the community interest.**

The rezoning will result in a product that meets the current market demand in this area. The rezoning will allow for a wider range of residential uses and provide additional area for expansion of Smithfield's residential base. Any development that will occur from the rezoning will increase the tax base as an additional benefit.

- **Finding Five of Eight: Approved**

**The request does not constitute "Spot Zoning"**

The rezoning is compatible with adjacent zoning and uses. It is unlikely an argument could be made for "spot zoning" or "small scale" since the rezoning will be expanding on an already existing R-8 zoning.

- **Finding Six of Eight**

**Present regulations deny or restrict the economic use of the property**

As evidenced by the abandoned project, the market conditions have changed. The rezoning will allow for a use that meets current market demands.

The property is currently zoned for residential uses. The existing zoning on the property is specific for duplex housing. The new zoning will allow for single family residential development thus expanding the opportunities for development.

- **Finding Seven of Eight**

**The availability of public services allows consideration of this rezoning request**

The current public services available are suitable for this rezoning. In addition to public water and sewer being available to the site, the property is served with electricity by Duke Energy. CenturyLink and Time Warner also serve the area with phone and cable respectively.

- **Finding Eight of Eight**

**Physical characteristics of the site prohibit development under present regulations**

The streets and utility infrastructure has been constructed. The rezoning will allow for a feasible development strategy. There are no physical restraints to the area considered for rezoning such as wetlands, stream buffers, potential flood hazard areas and storm water that would outright prohibit development of the property. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc.).

**Record of Decision: Approval of Rezoning Petition # RZ-16-02**

Councilman Wood made a motion, seconded by Councilman Harris, based upon satisfactory compliance with the above stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative moved to approve the Rezoning Petition RZ-16-02. Unanimously approved.

**3. Conditional Use Permit request by Genesis Living Inc. (CUP-16-09)**

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

Planning Director Paul Embler addressed the Council on a request by Genesis Living Inc. The applicant was requesting a conditional use permit to construct a 44 rowhouse subdivision development on approximately 9.45 acre tract on land located within an the R-8 (Residential) and RHO (Rowhouse Overlay) zoning districts. The property considered for a conditional use permit is located on the southwest side of Barbour Road approximately 780 feet northeast of its intersection with Laurel Drive. The property is further identified as Johnston County Tax ID#4340665. Staff is requesting that the following conditions be considered with this request: reducing side yard setback from 6 ft to 5 ft, reduce landscape buffer from 15ft to 7.5ft with landscaping and screen fencing, allow direct entry to parking spaces from Public Street at recreational amenity, and reduce the right of way requirement from 50ft to 40ft. Mr. Embler explained that all the properties will have garage access from the rear by way of designated alleyway.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the September 6, 2016 agenda packet.

The Planning Board at its September 1, 2016 unanimously voted to recommend approval of the conditional use permit request with the Planning Department's recommendations.

The Planning Department recommends approval of the request to establish a Row House Overlay (RHO) on the property with consideration given to the conditions requested by the developer.

Mayor Moore asked if the applicant was in agreement with the testimony provided by Mr. Embler. The applicant, Glenn Weeks, responded he was in agreement with the testimony offered by Mr. Embler.

Mayor Moore asked if there were any comments/questions from those that had been duly affirmed to offer testimony. There were none

Mayor Moore asked if there were any questions from Council.

Councilman Harris asked for an explanation on allowing direct entry to parking spaces from Public Street at recreational amenity. Mr. Embler responded that the ordinance does not allow for to enter straight from a public street into a parking space but it can be allowed with Council approval.

Mayor Pro-Tem Ashley questioned if a homeowner's association would be considered to assist with the parking at the recreation amenity. Mr. Embler responded that the HOA will maintain parking, the recreation area and landscaping.

Mayor Pro-Tem Ashley questioned if the roads would be tested before being accepted by the Town. Public Works Director Lenny Branch responded that core testing would be completed. The applicant responded that he would ensure that the roads are to the Town's standards.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris to close the public hearing. Unanimously approved.

### **The Written Finding of Facts**

Town Council of the Town of Smithfield decided the matter of the Conditional Use Permit Application by motion and vote on each of the following four findings of fact.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Wood, to vote in the affirmative to all of the below Finding of Facts. Unanimously approved

- **Finding One of Four: Approved**

**Based on the evidence and testimony presented it is the finding of the Town Council that the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.**

The proposed request for conditional use will not endanger the public health, safety, or general welfare for the reason that the 44 lot RHO subdivision will have less impact than the currently approved 25 lot 50 unit duplex subdivision.

- **Finding Two of Four: Approved**

**Based on the evidence and testimony presented it is the finding of the Town Council that the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.**

The proposed use will meet all required conditions and specifications in accordance with the current Unified Development Ordinance plus state and federal regulations once a variance is obtained to decrease the side yard setback from 6 feet to 5 feet.

- **Finding Three of Four: Approved**

**Based on the evidence and testimony presented it is the finding of the Town Council that the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.**

The proposed use will not adversely affect the use or any physical attribute of adjoining or abutting property. The RHO subdivision is a single family residential subdivision which is more in keeping with adjacent developments than the previously approved duplex subdivision.

- **Finding Four of Four: Approved**

**Based on the evidence and testimony presented it is the finding of the Town Council that the application would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.**

The proposed RHO subdivision does not adversely affect the adopted plans and polices of the Town of Smithfield because the development is in compliance with the Comprehensive Land Use Plan and the Unified Development Ordinance.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to recommend approval of Conditional Use Permit Application # CUP-16-09 with the following conditions: reduction in the side yard setback from 6 ft. to 5 ft., reduce landscape buffer from 15ft to 7.5ft with landscaping and screen fencing, allow direct entry to parking spaces from Public Street at recreational amenity, and reduce the right of way requirement from 50ft to 40ft. Unanimously approved.

**4. Municipal Service District – In accordance with NCGS G.S. 160A-536(d) – Authorization to enter into a contract with Downtown Smithfield Development Corporation to provide services in the MSD**

Councilman Harris made a motion, seconded by Mayor Pro-Tem Ashley to open the public hearing. Unanimously approved.

Town Manager Michael Scott addressed the Council on consideration to enter into a contract for services within the Municipal Service District. Michael Scott explained that based on a recent legislature change, the Town had to hold a public hearing prior to entering into any agreement with an agent to offer assistance to the municipal service district. He further explained that Requests for Proposals were solicited and only one was received by the Downtown Smithfield Development Corporation.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Dunn, to close the public hearing. Unanimously approved.

Councilman Harris made a motion, seconded by Councilman Rabil, to approve the contract with the Downtown Smithfield Development Corporation to provide services in the Municipal Service District. Unanimously approved.

*(Attached by reference and made a part of these official minutes – Downtown Smithfield Development Corporation Contract.)*

**CITIZENS' COMMENTS:**

- Sonny Howard of Woodlawn Drive explained to the Council that he has worked with every Parks and Recreation Director that has ever been employed by the Town of Smithfield. Mr. Howard explained that the Town of Smithfield has an excellent Parks and Recreation Department. He petitioned the Council to come together and to be proud of what the Town of Smithfield has to offer.
- Earl Merritt of 2 Lakeview Place addressed the Council on his support for the Town's Parks and Recreation Department. Mr. Merritt explained that before he retired as the Director of Social Services, his office often used and worked with the Parks and Recreation Department. He stated he was quite shocked by the Salvation Army's allegations. He further stated that the Town of Smithfield has the best Parks and Recreation Department.
- Dr. Gettys Cowen Jr. President of the Johnston County Branch of the NAACP expressed his concerns on the Eva Ennis Pool. He explained that his children used the pool in the 1970s and 1980s because it was the only pool that was available to Smithfield. He stated that he was saddened that it has been neglected over the years and asked that the Council consider funding repairs to the pool.

**CONSENT AGENDA:**

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

1. Approved the following Minutes:
  - August 2, 2016 – Regular Meeting
  - August 2, 2016 – Closed Session
2. Special Event – Race for Lace: The applicant, the Smithfield Police Department, gained approval to conduct a 5k race to be held on November 12, 2016 from 8:00 am until 2:00 pm at the Community Park and the Buffalo Creek Greenway.
3. Special Event – Praise in the Park – The applicant, Kiwana Avery of Youthful Praise, gained approval to conduct a not for profit event to be held on October 22, 2016 from 3:00 pm until 6:00 pm at Smith Collins Park.
4. Special Event – Smithfield Halloween House: The applicant, Christian Callaway-Shiple, gained approval to conduct an event to be held on October 29, 2016 from the hours of 5pm – 8pm at 208 East Davis Street. This event was approved as an annual event.
5. Career Ladder Promotion – Police Department: Approved the promotion of a Police Officer I to the rank of Police Officer II and a Police Officer II to the rank of Master Police Officer.
6. Approved Resolution # 591 (18-2016) Authorizing the disposition of certain surplus property and auctioning of that property by the electronic auction service of GovDeals.com

**TOWN OF Smithfield RESOLUTION # 591 (18-2016)  
 Authorizing the Sale of Certain  
 Personal Property at Public Auction**

**WHEREAS**, the Town Council of the Town of Smithfield desires to dispose of certain surplus property of the Town in accordance with NC GS 160A-270; and

**WHEREAS**, the Town Council of the Town of Smithfield desires to utilize the auction services of a public electronic auction service.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council that:

1. The following described property is hereby declared to be surplus to the needs of the Town:

<b>Dept.</b>	<b>Vin/Ser.#</b>	<b>Description</b>
Police	2G1WS55R979256462	2007 Chevrolet Impala
Police	2G1WS55R579260654	2007 Chevrolet Impala
Police	2G1WS553981263858	2008 Chevrolet Impala

2. The Town Manager or his designee is authorized to receive, on behalf of the Town Council, bids via public electronic auction for the purchase of the described property.
3. The public electronic auction will be held beginning no earlier than September 16, 2016.

4. The Town Council further authorizes the disposal of Town surplus property by use of a public electronic auction system provided by GovDeals Inc. The property for sale can be viewed at [www.govdeals.com](http://www.govdeals.com). Citizens wanting to bid on property may do so at [www.govdeals.com](http://www.govdeals.com). The terms of the sale shall be: All items are sold as is, where is, with no express or implied warranties; All items will be sold for cash or certified check only; Payment must be received for all items sold before they may be removed from the premises; All items sold must be paid for and removed from the site of the sale within 5 business days of the sale, or they will be subject to resale.
5. The Town Clerk shall cause a notice of the public auction for surplus property to be noticed by electronic means in accordance with G.S. 160A-270(c), available on the Town of Smithfield website [www.smithfield-nc.com](http://www.smithfield-nc.com)
6. The highest bid, if it complies with the terms of the sale, may be accepted by the Finance Director or his designee and the sale consummated.

7. Bid award and contract approval with Eberhart Construction in the amount of \$52,000 for the installation of the second sludge press at the Water Plant

*(Attached by reference and made a part of these official minutes is a copy of the approved contract with Eberhart Construction)*

8. Approval of an agreement Worxtime in the amount of \$3,500 for Health Care Reporting

*(Attached by reference and made a part of these official minutes is a copy of the approved agreement with Worxtime.)*

9. Bid award and contract approval with TAP Construction in the amount of \$11,650 for the demolition of the house located at 116 South Fifth Street

*(Attached by reference and made a part of these official minutes is a copy of the approved agreement with TAP Construction)*

10. Approved the salary increase for the Fire Chief due to the successful completion of the probationary period

11. approval to remit payment to Triangle J Council of Governments for FY 2016-2017 annual dues in the amount of \$4,312

12. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Water Plant Operator III	PU – Water Plant	30-7200-0200	\$15.938/hr (\$33,151.04/yr)
Utility Line Mechanic	PU – Water/Sewer	30-7220-0200	\$12.464/hr (\$25,925.95/yr)
Police Officer I	Police	10-5100-0200	\$15.58/hr (\$34,836.88/yr)
P/T Lifeguard	P&R – Aquatics	10-6220-0220	\$8.25/hr
P/T Instructor	P&R – Aquatics	10-6220-0230	\$15.00/hr
P/T Instructor	P&R – Aquatics	10-6220-0230	\$15.00/hr
P/T Instructor	P&R – Aquatics	10-6220-0230	\$17.50/hr

Unanimously approved.

## **BUSINESS ITEMS:**

### **1. Economic Development Update from the Smithfield Economic Development Advisory Committee**

Chairperson Mike Fleming provided the Council with an update on the Smithfield Economic Development Advisory Committee. Mr. Fleming explained that he met with Mayor Moore and Councilman Harris to determine what this committee could do to help stimulate economic development. The committee of twelve members from the business community has been reviewing the 2014 Strategic Plan to identify 2- 3 critical aspects of the plan that could be implemented. The committee decided that it would concentrate on visioning and branding, redevelopment of residential and commercial properties and growth corridors due to the expansion and jobs that would be created at the pharmaceutical companies in Clayton. Mr. Fleming also explained that several of the committee members attended a meeting with City officials in Morganton, North Carolina. He stated that this meeting was very informative.

Mayor Moore expressed his appreciation to Mr. Fleming and the members of the committee. Mr. Fleming thanked the Council for budgeting funds that could solely be used for economic development efforts.

### **2. Economic Development Information Update**

Economic Development Liaison Tim Kerigan informed the members of the Council that recently a group traveled to Covington, Georgia to learn what other communities are doing to stimulate growth and economic development. He explained that the knowledge gained from that trip was invaluable. Mr. Kerigan further explained that he and Rocky Lane met with the Smithfield Economic Development Advisory Committee and others in the community to gain ideas the needs of the Town. Mr. Kerigan explained that he and Mr. Lane are trying to determine what can be done immediately. Mr. Kerigan stated that the Town needs to tell its story and sell its story.

Mayor Pro-Tem Ashley explained that there are pockets of neighborhood for potential improvements. That we should try to encourage homeownership with grant or incentives for redevelopment.

Mayor Moore explained that there are more incentives for business redevelopment than residential redevelopment. He called on Mr. Horner to consider law changes to assist with residential redevelopment.

### **3. Update on the Booker Dairy Road Project**

Planning Director Paul Embler provided an update to the on the Booker Dairy Road Project. Mr. Embler explained that the planning and approval of the Booker Dairy Road Extension Improvements started in the late 1990's. The public hearings for the project where held by NCDOT in 2000-01 to receive public comment. NCDOT planning was finalized around 2005 and within a few years the design survey and environmental work began on the project. Early in the Obama administration funding was found for Phase I Booker Dairy Road Extension through the TIGER program. Approximately 21 million dollars was designated for the construction. When bids were received the low bidder was awarded the contract at approximately 14 million dollars. Work was completed several years ago for the Phase I roadway improvements and the highway was dedicated as the Durwood Stephenson Highway, honoring Mr. Stephenson's years of faithful service to Smithfield and NCDOT. Shortly after the completion of Phase 1, NCDOT began planning Phase 2 improvements. When the SECU was constructed as well as the subdivision associated with Kellie Drive and the construction of the Neuse Charter School the Town worked with NCDOT in obtaining right of way reservations as well as lane improvements to facilitate Phase 2 construction.

The proposed Phase 2 construction improvements begin at Booker Dairy Road and extend to US 301 (North Brightleaf Blvd) tying in at the present location of Ava Gardner Blvd. The roadway cross section starting at Buffalo Road and extending to White Oak Drive/Bradford Street will be a four lane curbed and gutter roadway with a curb and gutter concrete/grass median to the White Oak/Bradford intersection. From just east of the intersection of White Oak Drive and Bradford Street to US 301

(North Brightleaf Blvd) the roadway will be a partial controlled access four lane road with paved shoulders with sideline swales that has a curbed and guttered grass median.

Four breaks in the right of way are proposed for future roadway connections, two on the north side of the road and two on the south side of the road, with the intent of right-in and right-out intersections at all breaks in the right of way. According to the plans provided by NCDOT there are no breaks in the median or turn lanes to allow for left turns in and out of the proposed four breaks in the right of way. NCDOT has indicated that one of the breaks in right of way will also be allowed a median break in the future. At the time the median break is requested NCDOT will require that the cost of the median break and associated turn lanes be a developer born cost.

NCDOT proposes new signals at Kellie Drive (across from SSS), the new intersection of the old Booker Dairy Road and the new Booker Dairy Road Extension and the intersection with US 301 (North Brightleaf Blvd). Under separate NCDOT projects Kellie Drive is proposed to be extended to Buffalo Road to a location approximately one half mile north of the SECU to provide another means of access and egress to the Charter School and to SSS. The Johnston County Schools will construct a new entrance to SSS opposite of Kellie Drive.

Bids will be let in January 2018 and construction should be completed by July 2019.

Councilman Scott stated that this was the first time the Council had been given on this plan. He also added that no sidewalks are included in the plan. Mr. Embler responded that if the Town wants to pay for the sidewalks then NCDOT will include them in the project.

Councilman Harris stated that there appears to be limited access to the properties and limited access could present a problem. Mr. Embler responded that the E & F property has full access and the Howell property will have 4 breaks: 2 on the north side and 2 on the south. Only one will be a median break.

Councilman Harris also questioned why the plan could not be moved more towards the old Golden Corral Building instead of taking the property owned by Mr. Ragsdale. He stated that this should be discussed with NCDOT. Mr. Embler responded that according to the NCDOT the hearings were in 2000 and 2001 and that was the time to discuss any necessary changes to the project.

Mayor Moore asked for more simplified drawings on the project. He suggested that someone on Council work with staff as a liaison so that the Council can be informed. Councilman Scott would work with staff and Councilman Rabil will serve as an alternate. Mayor Moore reminded the Council that this project was discussed during the budget session because of the relocating of utility lines.

#### **4. Consideration and approval of an online bill pay contract with Official Payments Corporation**

Finance Director Greg Siler addressed the Council on a request to enter into an agreement with Official Online Payments for online utility bill pay. Mr. Siler explained that the last contract fell apart. NCO/EGS Online Bill Pay two year agreement with the Town expired on September 3, 2016. While a new online bill pay provider was sought to replace NCO/EGS, a renewal agreement was reached instead and approved at the August 2, 2016 board meeting. Although approved by Council the agreement was never finalized due to a misunderstanding of the contract terms. Therefore, consideration for a replacement provider, Official Payments Corp., is being proposed.

In the search for a new online bill pay provider, eight companies were considered including our current online provider NCO/EGS. Official Payments Corporation had the second best offer with a pricing model tied to the type of payment as opposed to a flat charge for all payments. As can be seen on the attached pricing comparison sheet the charge for paying by check is 50 cents, \$3.00 by debit card and \$4.50 by credit card. This gives customers greater incentive to pay by check or by debit card. Note: NCO/EGS has agreed to extend their current agreement, amending or adding the \$3.00 fee per transaction until cancelled by the Town, but no later than November 30, 2016.

Councilman Harris made a motion, seconded by Councilman Dunn, to approve the request. Councilman Harris, Councilman Dunn, Mayor Pro-Tem Ashley, Councilman Lee and Councilman Rabil voted in favor of the motion. Councilman Scott and Councilman Wood voted against the motion. Motion passed 5 to 2.

## **5. Approval to update the Parks and Recreation Master Plan**

Parks and Recreation Director Gary Johnson addressed the Council on consideration to update the Master Plan by contracting with Recreation and Resource Services (RRS). Mr. Johnson explained that the cost of updating the current Master Plan would be \$5,000. Those fees can be split into two fiscal years with \$2,500 being absorbed into this year's budget and \$2,500 budgeted into the 17/18 fiscal year budget. A good park system does not happen randomly, but rather requires a series of orderly steps. It responds to the interests of all citizens it serves. Smithfield's most recent park planning efforts date back to 2009. The Master Plan is generally recognized as current for five years after it is adopted. As interests change and the Town grows, it is important to update the plan regularly to plan and provide the optimum opportunities possible as it serves as a guide for the future. A Master Plan is also a very integral part of applying for grants as a current plan is usually required in the grant writing process.

As part of the Master Plan, stakeholders are engaged, existing parks are inventoried for existing and future updates and priorities are recommended for both existing and future development of recreation facilities, greenways and parks, including criteria and rationale used for such recommendations.

Councilman Harris questioned if this was an approved budget item. Mr. Johnson explained the \$2500 required for this fiscal year could be absorbed therefore additional funds would not be required.

Councilman Harris made a motion, seconded by Councilman Wood, to approve a contract allowing Recreation and Resource Services (RRS) to update the Parks and Recreation Master Plan for a total amount of \$5,000. \$2500 would be paid in the current fiscal year and \$2500 would be paid in FY 2017-2018. Unanimously approved.

## **6. Approval to apply for the North Carolina Connect Grant**

Parks and Recreation Director Gary Johnson addressed the Council on a request to apply for a grant administered through the NC Division of Parks and Recreation & NC Parks and Recreation Trust Fund in the amount of \$160,000 to further the goal of completing the Inclusion Playground and Miracle League Field in Smithfield. Mr. Johnson explained the Connect NC Bond package, approved in March of this year, included a one-time funding of \$3 million for parks and recreation grants to benefit children and/or veterans with disabilities. Local governments, including some public authorities, are eligible to apply for the matching grants. The program is administered through the NC Division of Parks and Recreation and the NC Parks and Recreation Trust Fund. The matching grants can be used to build special facilities or adapt existing facilities that meet unique needs of children and/or veterans with physical and development disabilities. The grant requires a 1 to 4 match or 1 dollar of local funds to every 4 dollars of grant funds. Matching dollars would be a \$30,000 expense to the Town of Smithfield with the Partnership to Build a Miracle organization funding the remaining \$10,000 of the matching amount. The town currently holds \$139,000 in restricted funds derived from developments that have paid the Town approximately 15% of their land value, in lieu of creating park/recreation space within the new development. This money is restricted to land acquisition or equipment infrastructure for parks. Using \$30,000 of this money would be an approved use of these funds.

The Partnership for Children and the Miracle Leagues of Johnston County along with a PARTF grant secured by the Town of Smithfield is currently seeking bids for the construction of the first phase of an Inclusion Playground and Miracle League Field. Although this facility will be unique to the county and region, due to rising costs of construction, certain portions had to be cut to meet budget. With the opportunity this grant would provide, the proposed playground, adaptive baseball field and amenities could be completed as originally planned. In addition to that, the DAV which is housed in the Jones

House on Buffalo Road that is a part of the Smithfield Community Park property could be connected with a connector sidewalk of some sorts. Options discussed have been Outdoor Fitness Stations that are handicap accessible and other opportunities that could be used by the Disabled Veterans as well as other citizens all inclusively. This is a unique and one-time opportunity to expand and enhance an already outstanding park project. The Parks and Recreation Advisory Board unanimously voted to ask the council for funds to match the grant along with The Partnership to Build a Miracle. The Grant Deadline is December 1, 2016.

Chris Key of Miracle League of Johnston County explained that all three agencies have been working on this project for 4 years. Mr. Key explained that due to the total cost of this project, it was agreed that the project would be split into phases with phase one beginning soon. If awarded, this grant could assist with phase 2 of the project.

Councilman Harris questioned if the Miracle League had a financial report. Mr. Key responded that the funds for this project are being maintained by the Partnership for Children. Mr. Harris explained that he was concerned that the Friends of the Park had committed to donating funds to help secure the grant, but that organization has an obligation to the debt service of the SRAC which it has not met. Mr. Harris asked for financial reports from the Miracle League and from the Friends of the Park.

Mayor Pro-Tem Ashley questioned the maintenance and lifespan of the equipment. Mr. Key explained that the Pour and Play surface has a 20 – 25 year life span and the structures an estimated 20 years. Mr. Key further explained that as part of the agreement with the Town, the Miracle League and Partnership for Children would maintain the inclusion park for the first 20 years with the Town only providing grounds maintenance.

Councilman Rabil questioned if Johnston County had provided any funds for this project. Mr. Key responded that \$100,000 was given by Johnston County.

Councilman Scott stated that based on information that was given to him only 30% of Smithfield residents will use the parks. Councilman Scott explained that he did not want the citizens to be responsible for a park that they would not utilize. Mr. Key responded that 60% -70% of the funds raised for the inclusion park have been donated by businesses and individuals outside of Smithfield

Jane Allen, mother of Timothy Allen, explained that the inclusion park is not only for children will disabilities. This park would be used by many others.

Mayor Pro-Tem Ashley made a motion seconded by Councilman Dunn, to authorize the Parks and Recreation Department to apply for the NC Connect Grant. Unanimously approved.

## **7. Consideration and Approval for the Purchase of AMI Meters with Nexgrid**

Public Utilities Director Ted Credle addressed the Council on a request to purchase AMI meters with Nexgrid. Mr. Credle explained the Council approved the purchase of the first round of Meters (~400) to be installed in the Town for both water and electric service as a part of the approved budget for the present fiscal year (2016-2017), the acquisition and installation of Advanced Metering Infrastructure (AMI) meters throughout the Town was approved by Town Council. Mr. Credle further explained that this would be the first order of meters and number just over 400. These new meters would be installed in the downtown area, just north of Market Street and will act as the forerunner of more substantial installations in the coming years. After a secondary purchase the Town should have around 600 meters installed.

Councilman Scott expressed his concerns about the request. He explained that the billing software should be updated before the meters are installed. Mr. Credle responded that the meters would provide accuracy, reduce meter readers and give staff the ability to connect and disconnect utility services remotely. Mr. Credle explained that he had visited Benson to gain knowledge of their installation of the AMI meters. Benson has been successful with these meters.

Councilman Harris made a motion, seconded by Councilman Dunn, to approve the request. Councilman Harris, Councilman Dunn, Mayor Pro-Tem Ashley, Councilman Lee, Councilman Wood and Councilman Rabil voted in favor of the motion. Councilman Scott voted against the motion. Motion passed 6 to 1.

**8. Consideration and Approval of an agreement with Corporate Impressions Landscapes, Inc. in the amount of \$26,800 for the fence installation on Outlet Center Drive**

Town Engineer Bill Drietzler addressed the Council on consideration to approve and agreement with Corporate Impressions Landscape for the fence installation on Outlet Center Drive. Mr. Drietzler explained that he became involved with this project on February 16<sup>th</sup> when he met with some of the concerned citizens of Pine Acres. On February 29<sup>th</sup>, he submitted his recommendation and cost estimate to Interim Town Manager Jim Freeman. To continue moving the project forward, a committee of Mayor Pro-Tem Ashley, Councilman Harris, Mr. Drietzler, Interim Town Manager Jim Freeman, Code Compliance Officer Brent Reck and residents Tony Nixon and Rodney Byrd was formed. The first committee meeting was held on April 11<sup>th</sup> whereby the committee agreed that the best buffer between Outlet Center Drive and the Pine Acres subdivision was a 400 foot long, 6 foot high solid vinyl fence behind the curb line between the two development cuts. Further, a 50 foot landscape buffer would be constructed along the property line amongst the wooded area. The committee agreed that the fencing and the landscape would solve the lighting and sound concerns that the property owners experienced. Mr. Drietzler submitted the committee's recommendation to the Interim Manager on April 20<sup>th</sup> with a cost estimate of \$55,000 for the fencing and the landscape buffer. The next step was to meet with the property owner to ascertain if he was agreeable to the plan and to also try to obtain an easement that would allow the fencing to be installed seven feet off the curb line to accommodate future sidewalks. Mr. Drietzler met with the property owner on June 15<sup>th</sup> and although he seemed agreeable, he explained that he would have to discuss this with his business partner. On July 29<sup>th</sup>, Mr. Drietzler and Town Manager Michael Scott met with the property owner again to try and obtain the easement, but the property owner, Ed Etheridge, explained that he was unsure that his business partner was agreeable.

Mayor Pro-Tem Ashley explained that since it seemed the easement would not be obtained by the property owner, the committee voted via email on August 8<sup>th</sup> to move forward with the 6 ft high screen wall in the right of way and the landscape buffer. Everyone responded in the affirmative to move forward with the project. Mr. Drietzler explained that the fencing should be installed in the coming weeks and the landscaping would follow in late October to ensure that the plant material would survive. Mr. Ashley further explained that delays in the project were caused by the property owner not the committee.

Councilman Harris made a motion, seconded by Councilman Wood, to approve a contract with Corporate Impressions Landscapes, Inc. to install fencing between Curb and Right of Way between Pine Acres Subdivision and Outlet Center Drive in the amount of \$26,800. Unanimously approved.

**9. Consideration and Approval of a service agreement with Corporate Impression Landscapes, Inc. in the amount of 14,400 for installation of the landscape screening in the Smithfield Crossings area adjacent to the Pine Acres Subdivision**

As part of the Smithfield Crossings Project, a commitment was made to add a visual buffer in the right-of-way on Outlet Center Drive between the north curb and Pine Acres Subdivision. This portion of the project was delayed while a committee researched the best alternative to meet the needs of the residents of Pine Acres and the Town's economic development needs in this area. It was hoped that an easement would be afforded between the property owner and the Town to allow for a sidewalk to be placed later between two developable lots between Outlet Center Drive and Pine Acres Subdivision. This easement was not approved by the property owner, so Town Staff and the aforementioned committee is requesting to move forward with planting of 90 plants to create a vegetative buffer that will be 900' long and 50' wide in the right-of-way. A sketch is provided. Cost of the project is \$14,400.00

Councilman Harris made a motion, seconded by Councilman Wood, to enter into a contract with Corporate Impressions Landscapes, Inc. to provide and install approximately 90 plants between the north curb of Outlet Center Drive and Pine Acres Subdivision north of the installed fencing buffer in the amount of \$14,400. Unanimously approved.

### **Councilmembers Comments:**

- Councilman Wood expressed his appreciation to all that traveled to Morganton and to Covington. Mr. Wood addressed the negative media that the Town has been experiencing stating that it was time for the Town to have some positivity. He apologized to the SRAC and Parks and Recreation staff for the recent incident involving the Salvation Army.
- Councilman Harris explained that the City of Morganton has a Communications Director and he basically is the Town reporter. He stated that the Council should consider hiring a communications director in the future. Mr. Harris also addressed the Smithfield Crossings Roundabout and questioned if it could be removed and look at alternative designs to the roadway.  
Town Manager Michael Scott informed the Council that he and Mr. Drietzler attended a CAMPO meeting to address the concerns about the Crossings. He will keep the Council informed.

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

Town Manager Michael Scott gave a brief update to the Council on the following items:

- The Crossroads Project has been officially closed out.
  - JCC Basketball games at the SRAC - Johnston Community College would like to use the SRAC for basketball games. The Parks and Recreation Advisory Board met on August 30<sup>th</sup> to discuss the rental agreement with JCC. The advisory board unanimously approved moving forward with the agreement. JCC utilizing the facility will not negatively impact any of the current operations. This will be reviewed after the first season has ended.
  - Venture Drive – Preparation is underway to be certain all pre-construction issues are addressed prior to beginning the actual road work. Bill Drietzler has recommended we inspect our storm sewers under the roadway near the collection ponds. We are proceeding with this recommendation.
  - Crosswalks in the Downtown Area – The Public Works Department is working with NCDOT to get the crosswalks painted in the downtown area on Market Street. This is a project that was started in July. Staff continues to work with NCDOT to get these completed, though a timeline is uncertain.
  - Hurricane Hermine was primarily a rain event for Smithfield. All town departments were prepared for emergency operations, though none were needed. While the Town did experience an electrical spark on Friday, our citizens and business partners using Town power did not suffer any electrical interruptions. The Town did not receive any calls of excess flooding.
  - New fire truck - The new fire truck/engine that is in the current budget for purchase has entered the construction phase. The new truck is anticipated to be delivered in March of 2017.
  - ISO Inspection - The fire department continues to prepare for the Insurance Services Office (ISO) inspection which will begin on October 10, 2016. All new positions in the fire department are expected to be filled prior to the start of this inspection.
  - Halloween- Trick or Treat for 2016 is scheduled for Monday, October 31<sup>st</sup> from 5pm to 8 pm.
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- **Department Reports**
    - A highlight of each department's monthly activities was given to the Council.

**Closed Session: Pursuant to NCGS 143-318.11 (a) (6)**

Councilman Rabil made a motion, seconded by Councilman Dunn, to go into closed session pursuant to NCGS 143-318.11 (a) (6) to discuss several personnel matters. Unanimously approved at 8:15.

**Reconvene in Open Session:**

Councilman Harris made a motion, seconded by Councilman Dunn, to reconvene in open session. Unanimously approved at 10:17pm.

**Adjourn**

There being no further business, Mayor Pro-Tem Ashley made a motion, seconded by Councilman Dunn, to adjourn the meeting. Unanimously approved.

The meeting adjourned at approximately 11:00 pm.

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M. Andy Moore, Mayor

ATTEST:

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Shannan L. Williams, Town Clerk