

The Smithfield Town Council met in regular session on Tuesday, December 5, 2017 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
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources/PIO
Shannan Parrish, Town Clerk
R. Keith Powell, Chief of Police
Greg Siler, Finance Director
Stephen Wensman, Planning Director

Councilman Elect

David Stevens, District 2
Dr. David Barbour, District 4

Present:

Bob Spence, Town Attorney

Administrative Staff Absent

Mayor Moore called the meeting to order at 7:00.

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

APPROVAL OF AGENDA:

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, to approve the agenda as submitted. Unanimously approved.

OLD BUSINESS:

PRESENTATIONS:

1. 2017 North Carolina American Water Works Association & Water Environment Federation Award for Potable Water Distribution System of the Year

Public Utilities Director Ted Credle & Mayor M. Andy Moore presented the award to Public Utilities staff: Pat Butler, Bryan Baker and Michael Carpenter. Mr. Credle explained the purpose of the NC AWWA-WEA North Carolina Collection System of The Year Award was to identify and recognize the municipality that protects the public health and the natural beauty of the environment through proactive practices of management, operations and maintenance beyond what is required of its NC DEQ collection system permit. The purpose of the North Carolina Water Distribution System of The Year Award is to identify and recognize the municipality that protects the public health through proactive practices of management, operations and maintenance of their water distribution system beyond minimum standards. To assist in these efforts the Water Distribution System committee shall annually recognize up to four water distribution systems in North Carolina based on the size of their system. In 2017, only two systems in North Carolina were selected for this honor. Recipients of the award will have demonstrated that they perform quality water system maintenance procedures through the efficient use of labor, materials, equipment, and innovative methods to keep their distribution system in good working condition to minimize health hazards. The award honors the system personnel that serve their community with a high level of professionalism and diligent work in the operation and maintenance of their water distribution system facilities. The recipient's staffs make the most of their available resources, no matter how great or small.

2. 2017 North Carolina American Water Works Association & Water Environment Federation Award for Sanitary Sewer Collection System of the year

Public Utilities Director Ted Credle & Mayor M. Andy Moore presented the award to Public Utilities staff: Pat Butler, Bryan Baker and Michael Carpenter. Mr. Credle explained the purpose of the NC AWWA-WEA North Carolina Collection System of The Year Award was to identify and recognize the municipality that protects the public health and the natural beauty of the environment through proactive practices of management, operations and maintenance beyond what is required of its NC DEQ collection system permit. To assist in these efforts, the committee annually recognizes three wastewater collection systems in our state based on the size of their collection system (small, medium & large systems). Recipients of the award will have demonstrated that they perform quality collection system maintenance procedures through the efficient use of labor, materials, equipment, and innovative methods to keep their collection system in good working condition to minimize health hazards and property damage that occur due to sanitary sewer over flows during both wet weather and dry weather conditions. The award honors the collection system personnel that serve their community with a high level of professionalism and diligent work in the operation and maintenance of their wastewater collection system facilities. The recipient's staff prove themselves to make the most of their available resources, no matter how great or small.

PUBLIC HEARINGS:

1. Thomas Concrete

a. Rezoning Request By Thomas Concrete: (RZ-17-04)

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

Planning Director Stephen Wensman addressed the Council on a request by Thomas Concrete. The applicant was requesting approval of a zoning map amendment to rezone approximately 5.6 acres of land from the LI (light Industrial) to HI (Heavy Industrial) zoning district and site plan approval for a concrete plant. The property is located on Citation Lane approximately 980 feet northeast of its intersection with US Hwy Bus 70 West.

Mr. Wensman reviewed the site plan with the Council. He explained that the plant will include four trucks a day with four trips per day, but ultimately there would be up to 8 trucks per day. Hours of operation would be sunrise and sunset and there would be two direct access points on Citation Lane. There were no environmental issues and it was consistent with strategic growth plan, the UDO and compatible with surrounding land uses. They also provided a landscape plan that exceeds the Town's requirements.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the December 5, 2017 agenda packet.

The Planning Department and the Planning Board determined that the application was consistent with applicable adopted plans, policies and ordinances and recommends approval of the rezoning request. Mr. Wensman explained the minutes were inaccurate as one member voted against approval of this project.

Mayor Moore asked if there were any questions from Council.

Mayor Pro-Tem Ashley questioned the amount of trucks and trips. Mr. Wensman explained there would ultimately be eight trucks making four trips per day.

Councilman Scott questioned the visual impact the concrete plant would have on the entrance to the Town. Mr. Wensman responded that Thomas Concrete has provided robust screening for the property which included buffer around the property which is not required in an industrial park.

Mayor Moore asked if there were any comments/questions from those that wished to speak on this matter.

Keith Branch of 65 Powell Drive, Smithfield expressed his concerns about the project siting dust, noise, lighting and commercial traffic at an already dangerous intersection.

Justin Hartley Operations Manager for Thomas Concrete Raleigh Division stated that it was very important for their operation to be located in Smithfield and Johnston County due to the potential for increased growth.

Councilman Wood questioned the amount of employees at this location. Mr. Hartley responded that the maximum employees at this site would be ten people.

Mayor Pro-Tem Ashley questioned if Thomas Concrete had any contact with NCDOT concerning the Swift Creek and HWY 70 intersection. Mr. Hartley responded that the lighted intersection was actually more safe than some of the other concrete plant locations.

Councilman Harris questioned the company's safety record. Mr. Hartley responded that the Raleigh division is very safe with only four on road accidents and four personal property accidents since the beginning of the year.

Councilman Wood questioned if Thomas Concrete's driver followed the NCDOT's driving regulations. Mr. Hartley responded in the affirmative.

Councilman Scott questioned the potential noise and dust issue. Mr. Hartley responded that there would be some noise and very little dust.

Steven Yauch owner of Carolina Electronic Assemblers as well as the whole airport part in question stated that there have been no commercial vehicles involved in accidents at the Swift Creek and HWY 70 intersection. It was Mr. Yauch's opinion that Thomas Concrete would be a good neighbor and an asset to the Industrial park.

Councilman Scott stated for the record that the proposed business would bring about 8-10 jobs to the area while a manufacturing plant would bring more to the area. Mr. Hartley responded that while Thomas Concrete would provide a maximum of 10 jobs to the Town, many other's would benefit from a concrete plant being located so closely to their operation that would in turn bring more jobs and growth to the Town.

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

Consistency Statement

THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT ORDINANCE ZONING MAP AMENDMENT CONSISTENCY STATEMENT BY THE SMITHFIELD TOWN COUNCIL RZ-17-04

Whereas the Smithfield Town Council, upon acting on a zoning map amendment to the Unified Development Ordinance and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield Comprehensive Growth Management Plan; and

Whereas the Smithfield Town Council, upon acting on a zoning map amendment to the Unified Development Ordinance and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD TOWN COUNCIL AS APPROPRIATE:

That the Town Council's recommendation regarding text amendment RZ-17-04 is based upon review of and consistency with, the Town of Smithfield Comprehensive Growth Management Plan and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public hearing; and

It is the objective of the Town of Smithfield Town Council to have the Unified Development Ordinance promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the Town of Smithfield as supported by the staff report and attachments provided to the Planning Board and information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

Record of Decision: Approval of Rezoning Request (RZ-17-04)

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Rabil to approve the rezoning petition by Thomas Concrete RZ-17-04 and consistency statement. Mayor Pro-Tem Ashley, Councilman Harris, Councilman Dunn, 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.

b. Site Plan Approval

Planning Director Stephen Wensman addressed the Council on a request by Thomas Concrete. The applicant was requesting site plan approval for a concrete batch plant on a six (6) acre tract of land located within Aviation Industrial Park. The site plan indicates 3 conveyors, hoppers and silos that will be used in the production on concrete to be mixed on site and delivered to various construction site within the surrounding area. Raw material will be stored in bins and there locations are identified on the plan. The applicant has indicated that as many as eight (8) cement trucks will be used in support of the operation. On-site truck parking is identified on the plan and is adequate for the proposed use.

A 1,200 square foot office building with six (6) parking spaces and a 3,600 square foot maintenance building are proposed. Landscaping is provided in the form of a standard 15 foot street yard planted at a rate of one (2) tree and 20 shrubs per 100 feet of road frontage. An oversized type A landscape buffer is proposed for all other perimeter yards.

Planning staff has reviewed the site plan for compliance with the minimum development standards of the Unified Development Ordinance (UDO) and finds the plan meets or exceeds published standards and recommends approval of the site plan with the following conditions of approval.

1. The submitted storm water management plan is found to meet minimum development standards of the UDO prior to staff issuing a valid zoning permit.

The Planning Board, at its November 2, 2017 meeting, unanimously voted to recommend approval of the site plan with the following conditions of approval.

1. The submitted storm water management plan is found to meet minimum development standards of the UDO prior to staff issuing a valid zoning permit.

Mayor Pro- Tem Ashley made a motion, seconded by Councilman Harris to approve Site Plan with any conditions outline by the Planning Department for Thomas Concrete SP-17-15. Mayor Pro-Tem Ashley, Councilman Harris, Councilman Dunn, 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.

CITIZENS' COMMENTS: There were none

CONSENT AGENDA:

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

1. Approved the following Minutes: November 14, 2017 – Regular Meeting
November 14, 2017 – Closed Session
2. Approved the career ladder promotion of a Police Officer I to the rank of Police Officer II
3. Approved the career ladder promotion of a Water Plant Operator II to a Water Plant Operator III
4. Authorized the Police Department to purchase six Dodge Chargers from Performance Chevrolet. Bids were received as follows:
 - Performance Chevrolet: \$21,939.00 (1) Vehicle
 - Deacon Jones: \$22,048.00 (1) Vehicle
 - Capital Chrysler Jeep Dodge: \$22,647.00 (1) Vehicle
5. Authorized the Police Department to purchase a Dodge Ram Truck from Performance Chevrolet in the amount of \$19,270. Bids were received as follows:
 - Performance Chevrolet: \$19,270.00 (1) Vehicle
 - Deacon Jones: No Quote Submitted
 - Capital Chrysler Jeep Dodge: \$20,265.00 (1) Vehicle
6. A contract with JP Edwards in the amount of \$75,917 for the Neuse River Greenway Bank Repairs was approved
7. Approval was granted to amend the 2018 Employee Holiday Schedule as it related to the Christmas Holiday. Town Office will be closed Friday, December 21st, Monday, December 24th and Tuesday the 25th
8. The following budget amendments were approved by the Town Council

GENERAL FUND

1. Expenditures

10-61-4110-5300-5711 Non-Departmental/Public Library	\$ 250,000		\$ 5,375		\$ 255,375
10-00-9990-5300-0000 General Fund Contingency	<u>217,756</u>		<u>(5,375)</u>		<u>212,381</u>
	<u>\$ 467,756</u>	#	<u>\$ -</u>	#	<u>\$ 467,756</u>

To fund boiler repair at Johnston Co. Public Library (Town's Portion) as approved at the November 14, 2017 Council Meeting.

2. Expenditures

10-20-5300-5300-3305 Fire Department - Miscellaneous	\$ 24,864		\$(24,864)		\$ -
10-20-5300-5100-0200 Fire Department - Salaries	<u>831,967</u>		<u>24,864</u>		<u>856,831</u>
	<u>\$ 856,831</u>	#	<u>\$ -</u>	#	<u>\$ 856,831</u>

To move Town's match on AFG Safer Grant for three new firefighters from miscellaneous line to salary line

3. Expenditures

10-20-5300-5700-7400 Fire Department - Capital Outlay	\$ 54,717	\$(20,997)	\$ 33,720
10-20-5300-5100-0200 Fire Department - Salaries	<u>856,831</u>	<u>20,997</u>	<u>877,828</u>
	<u>\$ 911,548</u>	# \$ -	# \$ 911,548

To help fund same three new firefighters early start date with Town's match of FEMA AFG Grant for Air Packs which was denied.

4. Revenue

10-10-3300-3307-0100 GRANT - Golden Leaf (Storm Water)	\$ -	\$ 70,000	\$ 70,000
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Expenditures

10-10-4900-5300-4500 Planning - Storm Water Plan Engineering	\$ -	\$ 70,000	\$ 70,000
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To establish and fund the Gold Leaf Grant for storm water plan engineering as approved at the Nov. 14, 2017 Council meeting

5. Revenue

10-60-3300-3315-0000 GRANT - NC Agriculture (Stream Restoration)	\$ -	\$148,890	\$ 148,890
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Expenditures

10-60-5500-5300-4502 Public Works - Storm Water Plan Engineering	\$ -	\$148,890	\$ 148,890
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To establish and fund NC Agricultural and Consumer Services Grant for stream restoration as approved at the Nov. 14, 2017 Council meeting

6. Expenditures

30-71-7220-5300-7400 Water/Sewer - Capital Outlay	\$ 318,593	\$(45,833)	\$ 272,760
30-76-7200-5970-9101 Water - Transfer to Water Fund Capital Projects	<u>585,000</u>	<u>45,833</u>	<u>630,833</u>
	<u>\$ 903,593</u>	# \$ -	# \$ 903,593

To move new financial software cost to the water capital project fund

WATER CAPITAL PROJECT FUND

7. Revenue

45-75-3870-3870-0301 Transfer From W/S Fund	<u>\$1,918,400</u>	<u>\$ 45,833</u>	<u>\$ 1,964,233</u>
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Expenditures

45-71-7220-5700-7400 Financial Software	\$ -	\$ 45,833	\$ 45,833
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To move new financial software cost to the water capital project fund

ELECTRIC FUND

8. Expenditures

31-72-7230-5700-7400 Electric - Capital Outlay	\$ 103,672	\$(51,582)	\$ 52,090
31-76-7230-5970-9102 Electric - Transfer to Electric	<u>750,000</u>	<u>51,582</u>	<u>801,582</u>
Cap. Proj. Fund	<u>\$ 853,672</u>	# \$ -	# \$ 853,672

To move remaining or unused Nexgrid AMI funds from FY17 to AMI in Capital Project Fund

9. Expenditures

31-72-7230-5700-7400 Electric - Capital Outlay	\$ 52,090	\$(45,833)	\$ 6,257
31-76-7230-5970-9102 Electric - Transfer to Electric	<u>801,582</u>	<u>45,833</u>	<u>847,415</u>
Cap. Proj. Fund	<u>\$ 853,672</u>	# \$ -	# \$ 853,672

To move new financial software cost to the electric capital project fund

ELECTRIC CAPITAL PROJECT FUND

10. Revenue

47-75-3870-3870-0000 Transfer From Electric Fund	<u>\$2,656,515</u>	<u>\$ 51,582</u>	<u>\$ 2,708,097</u>
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Expenditures

47-72-7230-5700-7420 AMI	<u>\$ 500,000</u>	<u>\$ 51,582</u>	<u>\$ 551,582</u>
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To move leftover Nexgrid AMI funds from FY17 to AMI in Capital Project Fund

11. Revenue

47-75-3870-3870-0000 Transfer From Electric Fund	<u>\$2,708,097</u>	<u>\$ 45,833</u>	<u>\$ 2,753,930</u>
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Expenditures

47-72-7230-5700-7400 Financial Software	<u>\$ -</u>	<u>\$ 45,833</u>	<u>\$ 45,833</u>
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To move new financial software cost to the electric capital project fund

9. Jeremy Pearce was appointed to serve a first term on the Appearance Commission.

10. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Admin Support Specialist	Police	10-20-5100-5100-0200	\$14.31/hr. (\$29,764.80/yr.)
Firefighter I	Fire	10-20-5300-5100-0200	\$15.18/hr. (\$33,153.12/yr.)
P/T SRAC Staff	P & R – Aquatics	10-60-6220-5100-0210	\$9.00/hr.
 <u>Current vacancies:</u>			
<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220	
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200	
Sanitation Worker	PW – Sanitation	10-40-5800-5100-0200	

NEW BUSINESS ITEMS:

ORGANIZATIONAL MEETING

Pursuant to NCGS 160A-68, the Smithfield Governing Body is scheduled to conduct an organizational meeting.

1. Presentations

a. To outgoing Councilman J. Perry Harris and relinquishment of Council seat.

Mayor Moore presented to Councilman J. Perry Harris with a proclamation in honor of his service to the Town of Smithfield.

**PROCLAMATION
In Honor of Councilman J. Perry Harris'
Service to the Town of Smithfield**

WHEREAS, the Town Council of the Town of Smithfield wishes to acknowledge and express its appreciation to J. Perry Harris for his dedicated service to the citizens of Smithfield as a member of the Town Council representing District 2 since December 2009; and

WHEREAS, J. Perry Harris devoted his time, energy and talents to the Town of Smithfield and provided experience and sound judgment while serving on numerous committees; and

WHEREAS, during his tenure, J. Perry Harris, was a champion for economic development, fiscal policy and the overall appearance of the Town; and

WHEREAS, the Town of Smithfield has been fortunate to have had the services of J. Perry Harris who has provided leadership and rendered good judgment for the betterment of all the citizens of the Town; and

WHEREAS, the Town of Smithfield extends sincere gratitude to J. Perry Harris for the countless hours he dedicated to the Town as a member of the Town Council.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield along with the members of the Town Council, express our sincere appreciation to J. Perry Harris for his leadership and service to the Town of Smithfield.

Councilman Harris responded with some brief remarks.

b. To outgoing Councilman Roger Wood and relinquishment of Council seat

Mayor Moore presented to Councilman Roger Wood a proclamation in honor of his service to the Town of Smithfield.

**PROCLAMATION
In Honor of Councilman Roger Wood's
Service to the Town of Smithfield**

WHEREAS, the Town Council of the Town of Smithfield wishes to acknowledge and express its appreciation to Roger Wood for his dedicated service to the citizens of Smithfield as a member of the Town Council representing District 4 since December 2014; and

WHEREAS, during his tenure, Roger Wood devoted his time and interests to matters not only affecting West Smithfield, but also to the entire Town; and

WHEREAS, Roger Wood has served for the good of the Town of Smithfield to improve the quality for life for generations to come by supporting Parks and Recreation, Public Safety and all Town employees; and

WHEREAS, through the performance of his duties and responsibilities as a member of the Town Council, Roger Wood has made excellent and constructive contributions for the betterment of the community; and

WHEREAS, the Town of Smithfield extends sincere gratitude to Roger Wood for the countless hours he dedicated to the Town as a member of the Town Council.

NOW, THEREFORE, I, *M. Andy Moore*, Mayor of the Town of Smithfield along with the members of the Town Council, express our sincere appreciation to Roger Wood for his service to the Town of Smithfield.

Councilman Wood responded with some brief remarks.

2. Oaths of Office

- a. The Honorable Clerk of Court, Michelle C. Ball administered the Oath of Office to returning Mayor M. Andy Moore
- b. The Honorable District Court Judge, Addie Harris Rawls administered the Oath of Office to returning Councilman representing District 1, Marlon Lee.
- c. The Honorable Clerk of Court, Michelle C. Ball administered the Oath of Office to newly elected Councilman representing District 2, David Stevens.
- d. The Honorable District Court Judge, Joy A. Jones administered the Oath of Office to returning Councilman representing District 3, Travis Scott.
- e. The Honorable Clerk of Court, Michelle C. Ball administered the Oath of Office to newly elected Councilman representing District 4, David Barbour.

3. Election Of Mayor Pro-Tempore

Pursuant to NCGS 160A-70, the new Board is to elect a Mayor Pro-Tem amongst its members.

Councilman Rabil made a motion, seconded by Councilman Lee, to elect Councilman Travis Scott to serve a two-year term as Mayor Pro-Tem. Unanimously approved.

4. 2018 Meeting Schedule

Pursuant to NCGS 160A-71 and Town of Smithfield Code of Ordinances Article II Section 2-46, the governing body is to adopt a meeting schedule.

2018 Meeting Schedule: (First Tuesday of every month) January 2nd, February 6th, March 6th, April 3rd, May 1st, June 5th, July 3rd, August 7th, September 4th, October 2nd, November 6th, December 4th

Mayor Pro-Tem Scott suggested that the July 3rd meeting be moved to July 10th and all other dates remain unchanged.

Councilman Ashley made a motion, seconded by Councilman Lee, to approve the 2018 Town Council Meeting Schedule with the July 3rd meeting being moved to July 10th. Unanimously approved.

Councilmembers Comments

- Councilman Lee welcomed new Councilmen David Stevens and David Barbour
- Mayor Moore stated he was looking forward to working with the new Council. He informed the public that a lot of great things are happening in Smithfield.
- Councilman David Barbour informed the public that it was his objective to work hard for the citizens.
- Councilman Ashley stated that this meeting was a special meeting and he was proud to serve on the Town Council.
- Councilman Scott expressed his appreciation to Councilman Harris and Councilman Wood for their service on the Town Council. He further stated that he would like to donate two months of his Council salary to help a family that Town employees had offered to help during the holiday season.
- Councilman Dunn expressed his appreciation to Councilman Harris and Councilman Wood and welcomed Councilman Barbour and Councilman Stevens.

Town Manager's Report:

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

- Congratulated the newly elected Council and stated he was looking forward to working with the entire Council.
- Town Holiday Events:
 - December 7th Christmas Tree Lighting
 - December 14th Christmas Parade
 - December 15 Children's Christmas Party at the Sarah Yard Community Center.
 - January 12th Martin Luther King, Jr, Parade.

Department Reports

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

Adjourn

Councilman Ashley made a motion, seconded by Councilman Rabil, to adjourn the meeting. The meeting adjourned at approximately 8:31 pm.

ATTEST:

M. Andy Moore, Mayor

Shannan L. Parrish, Town Clerk