

The Smithfield Town Council met in regular session on Tuesday, September 3, 2019 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Travis Scott, Mayor Pro-Tem
Marlon Lee, District 1
David Stevens, District 2
Dr. David Barbour, District 4
Emery Ashley, At-Large
John A. Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Administrative Staff Present

Michael Scott, Town Manager
John Blanton, Fire Chief
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

Present:

Bob Spence, Town Attorney

Administrative Staff Absent

Lenny Branch, Public Works Director

CALL TO ORDER

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

INVOCATION

The invocation was given by Mayor Pro-Tem Scott followed by the Pledge of Allegiance led by the following members of Girl Scout Troop 614: Valerie Smith, Katlin VanRoekel, Katelyn Hill, Brianna Faircloth and Juana Garcia.

APPROVAL OF AGENDA:

Councilman Dunn made a motion, seconded by Councilman Rabil, to approve the agenda with the following amendment:

Move Consent Agenda Item 3. Consideration and request for approval to retain outside council for the purpose of conditional zoning advice to Business Item #2.

Unanimously approved.

PRESENTATIONS:

1. Proclamation – Declaring September 17th – 23rd as Constitution Week in the Town of Smithfield

Mayor Moore presented a Proclamation honoring Constitution Week to members of the Smith Bryan Chapter of the Daughters of the American Revolution.

Proclamation
Constitution Week
September 17 – 23, 2019
In the Town of Smithfield, North Carolina

Whereas, September 17, 2019 marks the two hundred and thirty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

Whereas, Public Law 915 guarantees the issuing of a Proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield do hereby proclaim September 17 through 23, 2019 to be

CONSTITUTION WEEK

in the Town of Smithfield and ask our citizens to reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained

2. Award of a Storm Resiliency Grant from Duke Energy Progress in the amount of \$22,000 to the Fire Department

Marty Clayton of Duke Energy Progress presented a grant award in the amount of \$22,000 to the Smithfield Fire Department

3. Administering Oath of Office to New Firefighter Walter Miller

Mayor Moore administered the Oath of Office to new Firefighter Walter Miller and welcomed him to the Town of Smithfield.

4. Clear Gov Financial Transparency Program

Finance Director Greg Siler made a presentation to the Council on the Clear Gov financial transparency program. Mr. Siler explained that agencies like Clear Gov use a Town's financial data and other departmental data and make it more understandable for the general public. Clear Gov representative, Anna Bocarra, explained to the Council (via conference call) the features of Clear Gov and how it would provide transparency of information for the Town. She explained the website could be customized based on what the Council wished to share with the public.

Mayor Pro-Tem Scott questioned how the data would be updated. Mr. Siler responded he would send the data to Clear Gov on a monthly basis. Mayor Pro-Tem Scott further questioned the cost. Mr. Siler responded the cost was approximately \$5,600.00 a year.

Councilman Dunn questioned the amount of additional work this would create for Mr. Siler. Mr. Siler responded there would be additional work for not only himself, but for all the Department Heads. Mr. Siler explained this would be a joint effort between himself and the Department Heads to ensure the information provided on the site would be updated. Ultimately, Mr. Siler would be responsible for updating the site and submitting information to Clear Gov.

PUBLIC HEARING:

1. Annexation Request Reid Smith (ANX-19-01) Consideration and request for approval to Adopt Ordinance #500 extending the corporate limits of the Town of Smithfield pursuant to NCGS 160A-31

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

Planning Director Stephen Wensman addressed the Council on a request by Reid Smith to annex 68.16 acres of land into the Town of Smithfield's corporate limits. The property considered for annexation was located on Buffalo Road about 700 feet north of the intersection with Booker Dairy Road. The Town Council at its July 9, 2019 meeting unanimously voted to adopt a resolution directing the Deputy Town Clerk to investigate the sufficiency of petition for the annexation and set

the date of the public hearing. The Town Council at its August 13, 2019 scheduled a public hearing on the annexation for its September 3, 2019 meeting. Mr. Wensman explained the applicant was requesting Town sewer, water and electrical services for the construction of the East River Subdivision, a Planned Unit Development consisting of 281 residential lots. The PUD Plan was approved on April 24, 2018. A condition of the approval required voluntary annexation prior to final plat of any individual lots. The Preliminary Plat was approved on December 4, 2018. Phase I construction plans were approved on February 2, 2019. Phase I is under construction. Final Plat of Phase I will occur after all public improvements are found to meet the Towns minimum development standards, or a bond is posted for any outstanding public improvements. Once the final plat is recorded, permits may be issued for home lots.

Mr. Wensman explained once all phases were completed estimated expenditures for public works, parks and recreation, and police totaled \$607,201 and total revenue would be \$1,209,889 for a net gain of \$602,688. These figures were provided to Mr. Wensman by the Department Heads.

Mr. Wensman explained that in accordance with GS 160A-31, a petition for annexation filed with the Town shall contain a signed statement declaring whether or not zoning vested right with respect for the property being petitioned for annexation has been established. No vested rights have been claimed by the applicant.

Mayor Moore asked if there were any questions from Council

Mayor Pro-Tem Scott questioned if the total revenue and expenses were based on the first phase of the project or the completion of the entire project. Mr. Wensman responded they were based on the entire project. Mayor Pro-Tem Scott stated he did not believe it was fair to associate the proposed expenses to the project.

Mayor Pro-Tem Scott questioned if staff had received any comments from adjacent property owners. Mr. Wensman responded that staff did not receive any comments.

Councilman Barbour questioned if there was analysis on the revenues and expenditures for each phase of the project. Mr. Wensman responded staff did not have that level of analysis. The figures provided by the Department Head was based on the completion of the project.

Councilman Ashley stated the revenues and expenses were for the total annexed property and not for each phase. Mr. Wensman responded in the affirmative.

Councilman Dunn questioned if the water/sewer revenue was a gross figure or net figure. Public Utilities Director Ted Credle explained it was a gross figure.

Town Attorney Bob Spence stated the bulk of the expenses appeared to be in the Police Department with four additional Police Officers and Police vehicles. Town Manager Michael Scott replied staff would continue to evaluate this based on call loads. At this time, there was no way to know what the call load would be. It was the hope that with this being a new subdivision the call load would be very low thus making the Police Department estimates high, but should the call load increase then the estimates would be accurate. The Town Manager explained closer estimates for all departments would be obtained as soon as the first phase of the project was completed. He further explained the annexation would support the services it needed.

Mayor Moore stated he did not remembers there ever being any discussion on additional Police Officers or Police vehicles needed for this project. The Town Manager responded he didn't believe it was every discussed, but staff would have the average number of officers in the area based on the average numbers in other areas of the Town.

Mayor Moore asked if there was anyone in attendance that wished to speak on the matter. There was no one in attendance that wished to speak on the matter.

Councilman Barbour made a motion, seconded by Councilman Rabil, to close the public hearing. Unanimously approved.

Councilman Barbour made a motion, seconded by Councilman Rabil, to adopt Ordinance # 500 extending the corporate limits of the Town of Smithfield. Unanimously approved.

**ORDINANCE #500 TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF SMITHFIELD, NORTH CAROLINA**

WHEREAS, the Town Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Council Chambers of the Smithfield Town Hall at 7:00 pm on September 3, 2019 after due notice by publication in the Southeastern Edition of the News and Observer on August 16, 2019; and

WHEREAS, the Town Council finds that the petition meets the requirements of GS 160A-31;
NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Smithfield, North Carolina that:

Section 1.

By virtue of the authority granted by G.S. 160A-31 the following described territory is hereby annexed and made part of the Town of Smithfield, as of September 3, 2019:
Lying and being situated in Johnston County, North Carolina and being more particularly described as follows:

BEGINNING AT AN IRON PIPE WITH CAP, HAVING NC GRID COORDINATES OF N: 650708.13', E: 2199713.25' (NAD83/NSRS2011) THENCE S 19°34'19" W A DISTANCE OF 1143.21' TO AN IRON PIPE; THENCE S 89°26'23" W A DISTANCE OF 284.59' TO AN IRON PIPE; THENCE S 89°41'02" W A DISTANCE OF 210.42' TO AN IRON PIPE; THENCE N 89°50'16" W A DISTANCE OF 63.22' TO AN IRON PIPE; THENCE N 89°36'15" W A DISTANCE OF 750.00' TO AN IRON PIPE; THENCE N 89°36'15" W A DISTANCE OF 1095.02' TO AN EXISTING AXLE; THENCE N 53°05'31" E A DISTANCE OF 100.90' TO AN IRON PIPE; THENCE N 45°29'41" E A DISTANCE OF 203.12' TO AN IRON PIPE; THENCE N 38°44'59" E A DISTANCE OF 236.00' TO AN IRON PIPE; THENCE N 34°44'10" E A DISTANCE OF 181.09' TO AN IRON PIPE; THENCE N 26°35'47" E A DISTANCE OF 157.03' TO AN IRON PIPE; THENCE N 29°50'52" E A DISTANCE OF 455.65' TO AN IRON PIPE; THENCE N 37°13'33" E A DISTANCE OF 145.22' TO AN IRON PIPE; THENCE N 37°05'31" E A DISTANCE OF 60.31' TO AN IRON PIPE; THENCE N 43°05'41" E A DISTANCE OF 264.72' TO AN IRON PIPE; THENCE N 41°00'18" E A DISTANCE OF 473.57' TO AN IRON PIPE; THENCE S 64°03'50" E A DISTANCE OF 183.10' TO AN IRON PIPE; THENCE S 64°03'50" E A DISTANCE OF 900.00' TO AN IRON PIPE WITH CAP; THENCE S 64°03'50" E A DISTANCE OF 16.90' TO AN IRON PIPE; THENCE S 00°38'25" W A DISTANCE OF 59.59' TO AN IRON PIPE; THENCE S 66°33'31" E A DISTANCE OF 8.51' TO AN IRON PIPE; THENCE S 66°33'33" E A DISTANCE OF 436.50' TO THE POINT OF BEGINNING; HAVING AN AREA OF 3,052,413 SQUARE FEET, 70.07 ACRES AS SHOWN ON A SURVEY BY GREENBROOK SURVEYING, P.C. DATED FEBRUARY 23, 2018 AND RECORDED IN PLAT BOOK 87 PAGE 302, J.C.R.

Section 2.

Upon and after September 3, 2019, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Smithfield and shall be entitled to the same privileges and benefits as other parts of the Town of Smithfield. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3.

The Mayor of the Town of Smithfield shall cause to be recorded in the office of the Register

of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy this ordinance. Such a map shall also be delivered to the Town Board of Elections, as required by G.S. 163-288.1.

Section 4.

Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Smithfield.

Adopted this 3rd day of September, 2019.

CITIZENS' COMMENTS:

- Ken Langston of 2255 Buffalo Road informed the Council that he and Larry Stancil owned the property on the west side of Buffalo Road directly across from the new intersection with Kellie Drive. Mr. Langston explained he and Mr. Stancil have been working with NCDOT for almost a year and the NCDOT is convinced they can put water into a 3 acre pond on Mr. Langston and Mr. Stancil's land. Mr. Langston further explained they were already experiencing erosion and sediment problems with the pond. The NCDOT has promised they have made slight changes to the plans, by Mr. Langston was not convinced this would not cause erosion or sediment issues. Mr. Langston cautioned the Town about accepting the roadway until all the betterments could be addressed. Mr. Langston stated he was meeting on site with the Planning Director and the Town Engineer to discuss any concerns Mr. Langston and Mr. Stancil had about the project.
- Emma Gemmel of 207 Hancock Street provided photos to the Council of several park structures in need of repair. She expressed her concerns that the Park structures had not been maintained or repaired.

CONSENT AGENDA:

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

1. The following minutes were approved
 - August 13, 2019 – Regular Meeting
2. Approval was granted to install two “Slow, Children at Play” signs on Cedar Street and one additional 25MPH speed limit sign at the corner of Cedar Street and Willow Street
3. Approval was granted for the following budget amendments

EXHIBIT A

ENCUMBRANCES FROM 2018-2019 TO 2019-2020

GENERAL FUND

10-10-3300-3307-0020	Grant - Revitalization (WiFi)	\$ <u> </u>	
10-10-4100-5700-7400	General Gov. - Capital Outlay (WiFi)	25,000	
10-61-4110-5300-5712	Non-Departmental - S.H.A.R.P Reimbursements	14,372	
10-61-4110-5300-5716	Non-Departmental - PEG	2,700	1099
10-20-5100-5300-3702	Police - Community Policing Projects	2,700	2659
10-10-4900-5300-4502	Planning - Condemnation	25,000	
	Planning – Service Contracts (Engineering Standards Manual)	30,000	
10-10-4900-5300-4501	General Serv. - Appearance Commission	19,365	16365
10-60-5500-5700-7400	General Serv. - Capital Outlay (Painting Mausoleum)	3,000	
10-30-5600-5300-7301	Streets -Street Paving (Equity Drive)	173,000	
10-10-3300-3307-0020	Grant - JC Visitors Bureau (1/2 half of basketball ct resurfacing)	<u>(7,500)</u>	

\$ 282,995

WATER FUND

30-71-7200-5700-7400	Water Plant - Capital Outlay (SCADA Upgrades	\$ 26,000	
30-71-7220-5300-5710	Water Dist/Sewer Coll. - Economic Development	<u>100,000</u>	
		<u>\$ 126,000</u>	

Electric FUND

31-72-7230-5300-5710	Electric - Economic Development	<u>\$100,000</u>
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J.B. GEORGE BEAUTIFICATION FUND

40-61-4100-5300-3400	J.B. George Projects	\$ 970	
40-61-4100-5300-3410	J.P. George Projects	<u>403</u>	
		<u>\$ 1,373</u>	

**EXHIBIT B - ENCUMBRANCES FOR PURCHASE ORDERS ISSUED PRIOR TO
6/30/19**

GENERAL FUND			PO Number		
10-10-4100-5700-7400	General Government	Municipal Code Corporation Jewell Engineering	20186293	\$9,600.00	
10-10-4900-5300-4500	Planning	Consultants	20186704	\$54,521.80	
10-10-4900-5300-4504	Planning	Stewart Engineering	20186702	\$1,648.07	402.99
10-10-4900-5300-4505	Planning	Kimley Horn & Associates	20186703	\$18,888.67	2398
10-20-5100-5300-3600	Police	Lawmens Safety Supply	20197271	\$625.00	
10-20-5100-5300-3600	Police	Lawmens Safety Supply	20197322	\$876.00	
10-20-5100-5300-3600	Police	Lawmens Safety Supply	20197394	\$670.00	
10-20-5100-5700-7400	Police	Deacon Jones	20197152	\$22,400.00	
10-20-5100-5300-3300	Police	Lawmens Safety Supply Eastern Emergency	20197187	\$1,309.02	
10-20-5100-5700-7400	Police	Equipment	20197321	\$8,345.94	
10-20-5100-5700-7400	Police Public	FCB Visa (NCDMV)	20197407	\$1,500.00	830.1
10-60-5500-5700-7400	Works Public	Mark Gregory Roofing	20197362	\$14,800.00	
10-60-5500-5700-7400	Works	Dennis Evans	20197408	\$10,000.00	
10-30-5700-5700-7310	Powell Bill	James Paul Edwards, Inc.	20196932	\$201,887.80	
10-60-6200-5300-1700	Parks & Rec	Blade Equipment	20197351	\$2,815.94	
10-60-6200-5300-1700	Parks & Rec	Barrs Recreation	20197355	\$4,000.00	
10-60-6200-5300-1700	Parks & Rec	J & J Floors	20197365	\$1,708.00	
10-60-6200-5300-1700	Parks & Rec	Interstate Contract Glazing	20197370	\$1,525.42	
10-60-6200-5300-1700	Parks & Rec	Molinas Tree Service	20197390	\$2,000.00	1137
10-60-6200-5300-1700	Parks & Rec	Prosource Fitness	20197396	\$2,500.00	
10-60-6200-5300-3300	Parks & Rec	Super-Net	20197350	\$3,775.00	
10-60-6200-5300-3300	Parks & Rec	BSN Sports	20197354	\$3,438.65	
10-60-6200-5300-3300	Parks & Rec	Power Mulch	20197395	\$2,250.00	
10-60-6200-5700-7400	Parks & Rec	Capital Ford	20196913	\$47,670.00	
10-60-6200-5700-7400	Parks & Rec	North State Resurfacing	20197197	\$8,950.00	
10-60-6200-5700-7400	Parks & Rec	David Hinton Construction	20197280	\$15,400.00	
10-60-6200-5700-7400	Parks & Rec	Barrs Recreation	20197343	\$1,706.25	

10-60-6200-5700-7400	Parks & Rec	Barrs Recreation	20197344	\$4,943.00
10-60-6200-5700-7400	Parks & Rec	Barrs Recreation	20197345	\$3,845.00
10-60-6200-5700-7400	Parks & Rec	Barrs Recreation	20197346	\$4,558.75
10-60-6200-5700-7400	Parks & Rec	David Hinton Construction	20197364	\$5,000.00
10-60-6220-5300-3900	Parks & Rec	Colorado Time Systems	20197254	\$1,089.35
10-60-6220-5300-3900	Parks & Rec	Creative Caps	20197352	\$1,000.00
10-60-6220-5300-3900	Parks & Rec	Southern Metro Swim League	20197353	\$1,200.00
				<u>\$217,063.00</u>

WATER FUND		PO Number		
30-71-7200-5300-1700	Water Plant	FCX Performance	20197413	\$1,000.00
30-71-7200-5300-3300	Water Plant	Clear Water	20197172	\$30,000.00
30-71-7200-5300-3300	Water Plant	Mechanical Equipment Co	20197357	\$17,803.00
30-71-7220-5300-3300	Water/Sewer	Tec Utilities	20197381	\$1,997.80
				<u>\$6,941.00</u>

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EXHIBIT C

BUDGET
AMENDMENTS
September,
2019

1. Revenue

10-10-3300-3307-0020	Grant - JC Visitors Bureau (1/2 of Bball Ct Resurfacing)	\$ -	\$ 7,500	\$ 7,500
10-00-3900-3900-0000	Fund Balance Appropriation	<u>1,093,000</u>	<u>500,056</u>	<u>1,593,056</u>
		<u>\$1,093,000</u>	<u>\$507,556</u>	<u># \$ 1,600,556</u>

Expenditure

10-10-4100-5700-7400	General Gov. - Capital Outlay/WiFi	\$ -	\$ 25,000	\$ 25,000
10-10-4100-5700-7400	General Gov. - Capital Outlay/Municipal Code	25,000	9,600	34,600
10-61-4110-5300-5712	Non-Departmental - S.H.A.R.P. Reimb	20,000	14,372	34,372
10-61-4110-5300-5716	Non-Departmental - PEG Channels	28,000	1,099	29,099
10-10-4900-5300-4500	Planning - C.S./Storm Water Plan Engineering	-	54,520	54,520
10-10-4900-5300-4501	Planning - C.S./Engineering Standards Manual	15,000	30,000	45,000
10-10-4900-5300-4502	Planning - C.S./Condemnation	25,000	25,000	50,000
10-10-4900-5300-4504	Planning - C.S./Comprehensive Growth Mgmt	-	403	403
10-10-4900-5300-4505	Planning - C.S./Comprehensive Transportation Plan	-	2,398	2,398
10-20-5100-5300-3600	Police - Uniforms	32,100	876	32,976
10-20-5100-5300-3600	Police - Uniforms	32,976	670	33,646
10-20-5100-5300-3702	Police - Community Projects	5,000	2,659	7,659

10-20-5100-5700-7400	Police - Capital Outlay (Deacon Jones)	277,600	22,400	300,000
10-20-5100-5700-7400	Police - Capital Outlay - Eastern Emergency Equip	300,000	8,346	308,346
10-20-5100-5700-7400	Police - Capital Outlay (FCB Visa- NCDMV)	308,346	830	309,176
10-60-5500-5300-3440	General Services - Appearance Commission	15,000	16,365	31,365
10-60-5500-5700-7400	General Services - Cap. Outlay (Mausoleum Roof)	35,000	3,000	38,000
10-60-5500-5700-7400	General Services - Cap. Outlay (Mark Gregory Roofing)	38,000	14,800	52,800
10-60-5500-5700-7400	General Services - Cap. Outlay (Dennis Evans)	52,800	10,000	62,800
10-30-5600-5700-7301	Streets - Street Paving (Equity Drive)	-	173,000	173,000
10-60-6200-5300-1700	Pks & Rec - Equipment Maint. (Barrs Recreation)	45,000	4,000	49,000
10-60-6200-5300-1700	Pks & Rec - Equipment Maint. (J&J Floors)	49,000	1,708	50,708
10-60-6200-5300-1700	Pks & Rec - Equipment Maint. (Molina Tree Service)	50,708	1,137	51,845
10-60-6200-5300-3300	Pks & Rec - Supplies (Power Mulch)	83,000	2,250	85,250
10-60-6200-5700-7400	Pks & Rec - Capital Outlay (Capital Ford)	93,500	47,670	141,170
10-60-6200-5700-7400	Pks & Rec - Capital Outlay (David Hinton Construction)	141,170	15,400	156,570
10-60-6200-5700-7400	Pks & Rec - Capital Outlay (Barrs Recreation)	156,570	1,706	158,276
10-60-6200-5700-7400	Pks & Rec - Capital Outlay (Barrs Recreation)	158,276	4,943	163,219
10-60-6200-5700-7400	Pks & Rec - Capital Outlay (Barrs Recreation)	163,219	3,845	167,064
10-60-6200-5700-7400	Pks & Rec - Capital Outlay (Barrs Recreation)	167,064	4,559	171,623
10-60-6200-5700-7400	Pks & Rec - Capital Outlay (David Hinton Construction)	<u>171,623</u>	<u>5,000</u>	<u>176,623</u>
		<u>\$2,488,952</u>	<u>\$507,556</u>	<u>\$ 2,996,508</u>

To bring forward encumbrances from the 2018-2019 General Fund
Budget to FY19-20

2. Revenue

30-71-3900-3900-0000	Fund Balance Appropriation	\$ -	\$132,941	\$ 132,941
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Expenditures

30-71-7200-5300-3300	Water Plant - Supplies (Mechanical Equipment Co.)	\$ 591,000	\$ 6,941	\$ 597,941
30-71-7200-5700-7400	Water Plant - Capital Outlay (SCADA Upgrades)	175,000	26,000	201,000
30-71-7220-5300-5710	Water Sewer - Economic Development	<u>100,000</u>	<u>100,000</u>	<u>200,000</u>
Water Plant -		<u>\$ 866,000</u>	<u>\$132,941</u>	# <u>\$ 998,941</u>

To bring forward encumbrances from the 2018-2019 Water/Sewer Fund
Budget to FY19-20

3. Revenue

31-72-3900-3900-0000	Fund Balance Appropriation	\$ _____ -	<u>\$100,000</u>	<u>\$ 100,000</u>
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Expenditures

31-72-7230-5300-5710	Electric - Economic Development	Electric - Supplies/Operations	<u>\$ 100,000</u>	<u>\$100,000</u>	<u>\$ 200,000</u>
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To bring forward encumbrances from the 2018-2019 Electric Fund Budget to FY19-20

4. Revenue

40-61-3900-3900-0000	Fund Balance Appropriation	\$ _____ -	<u>\$ 1,373</u>	<u>\$ 1,373</u>
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Expenditures

40-61-4100-5300-3400	J.B. George Projects	-	970	970
40-61-4100-5300-3410	J.P. George Projects	-	403	403
		<u>\$ _____ -</u>	<u>\$ 1,373</u>	<u>\$ 1,373</u>

To bring forward encumbrances from the 2018-2019 J.B. George Fund Budget to FY19-20

4. The following advisory board appointments were approved:

- Jackie Bryant was reappointed to serve a third term on the Parks and Recreation Advisory Committee.
- Stephen Upton was reappointed to serve a fifth term on the Planning Board as an In-Town Member

5. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Meter Technician	Public Utilities – Electric	31-72-7230-5100-0200	\$18.25/hr. (\$37,960.00/yr.)
Payroll/Accounting Technician	Finance	10-10-4200-5100-0200	\$18.11/hr. (\$37,668.80/yr.)
	Public Utilities - Electric	31-72-7230-5100-0200	
	Public Utilities – W/S	30-71-7220-5100-0200	
P/T SRAC Staff – General	P&R – Aquatics	10-60-6220-5100-0210	\$8.00/hr.
P/T SRAC Staff – General	P&R – Aquatics	10-60-6220-5100-0210	\$9.00/hr.

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Police Officer I	Police	10-20-5100-5100-0200
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200

Unanimously approved

Business Items:

1. Consideration and request for approval to enter into a supplemental agreement with NCDOT for roadway improvements to Kellie Drive

Town Manager Michael Scott addressed the Council on a request by North Carolina Department of Transportation (NCDOT). The NCDOT was requesting the Town of Smithfield enter into a supplemental contract for Kellie Drive ownership and maintenance. In January of 2018, the Town of Smithfield entered into a contract with NCDOT to assume ownership and maintenance of the road,

sidewalks and utilities constructed by NCDOT known currently as Kellie Drive. The road and sidewalks are nearing completion and the water and sewer extensions have been inspected and approved by the Town of Smithfield and are currently operational. NCDOT is now requesting the Town to enter into a supplemental contract to assume ownership of this infrastructure once it is completed and also bind itself to pay for any movement of said utilities, should NCDOT require future utility relocations due to additional NCDOT construction. The supplemental agreement will be enacted at the end of the project when the Town inspects and accepts the road. The agreement was sent to the Town Attorney and he found no issues with the agreement. Mr. Spence stated he was unfamiliar with engineering standards for roadways, but felt the Town should investigate any water issues brought forward by Mr. Langston

Mayor Pro-Tem Scott stated he appreciated Mr. Langston bringing forth his concerns and further stated many of his constituents had expressed concerns about the new roadway. Mayor Pro-Tem Scott stated that while it was important to be good partners with the NCDOT, it was also important the road be constructed correctly. He further stated there were currently issues with the turn lane in front of the school. He suggested NCDOT officials be invited to the meeting with Mr. Langston, the Planning Director and the Town Engineer.

Councilman Barbour stated the road was not completed and should be completed before the Town accepts it. He also stated developers along the new roadway should be held to the same NCDOT roadway standards.

The council chose to take no action on this request.

2. Consideration and request for approval to retain outside council for the purpose of conditional zoning advice

Mayor Pro-Tem Scott stated he asked for this item to be removed from the consent agenda because he had several questions. Mayor Pro-Tem Scott stated he thought it was the intent of the Council to allow the Planning Board to review the quasi-judicial hearing and then make a recommendation to the Council. He questioned why staff was seeking outside Council when it currently had a Town Attorney. He further questioned the cost to retain an outside attorney. Town Manager Michael Scott responded when staff reviewed the minutes from the Council, we could not find where a decision had been made concerning quasi-judicial hearings moving back to the Planning Board. Instead the decision was to move to conditional zoning and away from quasi-judicial hearings. This was also the recommendation of the Town Attorney. In order to move towards conditional zoning, staff felt it was important to retain an attorney that specializes in this conditional zoning.

Mayor Pro-Tem Scott stated he disagreed with staff's recommendation and questioned the cost of retaining the attorney. The Town Manager responded the goal was to stay within the current budget for attorney fees. If staff determined they would be over budget, they would stop using the attorney until they had a chance to speak with the Council. The Town Manager questioned if the Council wished to continue conducting quasi-judicial hearings or move toward conditional zoning. If the Council did not want to move towards conditional zoning then an outside attorney was not necessary.

Mayor Pro-Tem Scott felt retaining an outside attorney was not the best use of Town funds.

Councilman Barbour stated the quasi-judicial process does not allow for citizen to have any input and the Council is hindered by that process.

Councilman Ashley stated the reason why staff was making this request is to have such an ordinance.

Town Attorney Bob Spence stated that one of the risks in hiring an outside attorney is the North Carolina General Assembly will be issuing statute 160D that will address a lot of zoning issues. He suggested the Council wait until attorneys at the School of Government had a chance to analyze the changes to statute. Mr. Spence stated it was his recollection the Council wanted to move towards conditional zoning

Councilman Barbour questioned if other Towns use conditional zoning. Mr. Wensman responded Charlotte, Cary, Apex, Holly Springs are all successfully using conditional zoning. Mr. Wensman stated that staff had already drafted the ordinance for the attorney to review. They simply needed it to be reviewed so that it was clear, correct and legal.

Councilman Barbour made a motion seconded by Councilman Ashley, to allow staff to retain outside council for the purpose of conditional zoning advice. Councilman Barbour, Councilman Ashley, Councilman Lee, Councilman Stevens, Councilman Dunn and Councilman Rabil voted in favor of the motion. Mayor Pro-Tem Scott voted against the motion. Motion passed 6 to 1.

Councilmembers Comments:

- Mayor Pro-Tem Scott stated the Council has had a lot of discussions about the Water Plant expansion project. It was his understanding that the project was put on hold until the UFS water study was completed. Many of his constituents received a letter from the Army Corps of Engineers on the project and they wanted an explanation. Mayor Pro-Tem Scott stated he thought the Council made it clear that there would be no more progress on this project. The Town Manager responded the Council had approved the engineering and this was a part of the process. Mayor Pro-Tem Scott asked that Council be updated and informed about the project.
- Mayor Moore stated the Council approved moving forward with the construction of the clearwell. He asked Public Utilities Director for more information on the notice from Army Corps of Engineers. Mr. Credle responded the project had to be approved in its entirety. Part of the project included obtaining an erosion control permit from the Corps. The state will not grant it until the wetlands have been approved. When the initial plan was drafted, there was going to be some intrusion into the wetlands. This part of the engineering report was submitted to the Corps so a permit could be issued to slope the bank of the reservoir. Notifying surrounding property owners was a part of the Army Corp of Engineers process. The Town was not responsible for the notice and once staff became aware of it, it was posted on the website and all social media outlets.
- Councilman Barbour explained the benefits of Parks and Recreation to the Town and to its citizens. He explained how Parks and Recreation are essential public services and a value to the community.
- Mayor Moore expressed his appreciation to Town staff that assisted with the groundbreaking ceremony at the New Hampton Inn. He stated this would be a great addition to the Town. Mayor Moore also assured the public that Town staff was preparing for Hurricane Dorian.

Town Manager's Report:

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

- Hurricane Dorian: The Town is preparing for Hurricane Dorian's arrival near the North Carolina Coast. Town staff is using due caution in cleaning catch basins and checking storm drainage and asked citizens to help the Town by checking storm drains for debris.
- Movie Night: Johnson Park will play host to a movie in the park on Saturday, September 7th at dusk. The original "Incredibles" movie will be playing.
- A highlight of each department's monthly activities was given to the Council

Adjournment

Being no further business, Councilman Ashley made a motion, seconded by Councilman Rabil, to adjourn the meeting. Unanimously approved. The meeting adjourned at approximately 8:49 pm.

ATTEST:

M. Andy Moore, Mayor

Shannan L. Parrish, Town Clerk