

The Smithfield Town Council met in regular session on Tuesday, February 4, 2014 at 7:30 p.m. in the Council Chambers of the Smithfield Town Hall. Mayor John H. Lampe II. presided.

Councilmen Present:

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

Councilmen Absent

Administrative Staff Present

Paul Sabiston, Town Manager
Lenny Branch, Public Works Director
Pete Connet, Interim Public Utilities Director
Paul Embler, Planning Director
Patrick Harris, Emergency Services
Tim Kerigan, Human Resources/PIO
Mike Scott, Police Chief
Greg Siler, Finance Director
Shannan Williams, Town Clerk

Present:

Bob Spence, Town Attorney

Staff Absent:

Tim Johnson, Parks & Rec Director

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

APPROVAL OF AGENDA:

Councilman Harris made a motion, seconded by Councilman Ashley, to approve the agenda with the following amendments:

- Remove Consent Agenda Item #2: *Consideration of a motion authorizing Fire Department Capital Equipment Budget Amendment* and add to New Business, Item # 4.5.
- Remove Consent Agenda Item #3 *FY 2014-2015 Budget Schedule* and add to New Business, Item # 1
- Remove Business Item #1: *Request for consideration to allow two speed limit signs to be installed on Bay Hill Road* and add to Consent Agenda Item #2.
- Add Closed Session Pursuant to NCGS 143-318.11 (a) (3)

Unanimously approved.

PRESENTATION:

1. FY 2012-2013 Annual Audit Report

Phyllis Pearson of Pettway Mills & Pearson, PA presented to the Council the FY 2012-2013 Annual Audit Report. Ms. Pearson highlighted some of the audit information provided. Due to the Council being unable to review the audit prior to the meeting, it was suggested that a special meeting be held to discuss the audit after the Council has time to review the information.

Councilman Charles A. Williams made a motion, seconded by Councilman Ashley, to hold a special meeting to discuss the FY 2012-2013 Annual Audit. Unanimously approved.

PUBLIC HEARING:

Town Clerk Shannan Williams swore in persons wishing to offer testimony at the Public Hearing.

1. Conditional Use Permit Request – Michael Exum Johnson (CUP-13-10)

Councilman Ashley made a motion, seconded by Councilman Charles A. Williams, to open the Public Hearing. Unanimously approved.

Planning Director Paul Embler addressed the Council on a conditional use permit request by Michael Exum Johnson. The applicant is requesting a conditional use permit to operate a pest exterminating

service on property located within a B-3 (Business) zoning district. The property considered for approval is located on West Market Street, approximately 230 feet southeast of its intersection with Whitley Drive. The property is further identified as Johnston County Tax ID# 15086048. Mr. Embler stated this site has previously been approved for a mortuary services business by conditional use permit.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the February 4, 2014 agenda packet.

The Planning Board, at its January 2, 2014 meeting, unanimously voted to recommend approval of the conditional use permit request for an extermination service on property located within a B-3 (Business) zoning district.

Upon receiving testimony by the applicant and comment from the Planning Board, Planning Staff recommends approval of the conditional use permit request to allow for an extermination service on property located within a B-3 (Business) zoning district with the condition that the property is used strictly for the extermination services and that a minimum of 11 parking spaces (9 existing and 2 inside the warehouse) are provided prior to operations.

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

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

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

The Written Finding of Facts

At its February 4, 2014 regular meeting, The Town Council of the Town of Smithfield decided the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact.

- **Finding One of Four : Approved**

Based on the evidence and testimony presented it is the finding of the Council of the Town of Smithfield 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 extermination service will not materially endanger the public where shown because the site has adequate parking available and the layout of the site facilitates safe movement of automobile and pedestrian traffic with little additional congestion. No bulk storage of pesticides will be incorporated into the facility.

- **Finding Two of Four: Approved**

Based on the evidence and testimony presented it is the finding of the Council of the Town of Smithfield 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 extermination service and associated plan will conform to the Town of Smithfield Unified Development Ordinance because the site is generally in conformance with minimum parking and landscaping standards.

- **Finding Three of Four: Approved**

Based on the evidence and testimony presented it is the finding of the Council of the Town of Smithfield 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 adjacent properties will not be injured in value because the subject properties have provided all required improvements to include buffering, landscaping, and adequate parking in accordance with the Unified Development Ordinance.

- **Finding Four of Four: Approved**

Based on the evidence and testimony presented it is the finding of the Council of the Town of Smithfield 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.

An extermination service at this location will not be in conflict with existing adopted plans and development standards because minimum parking, landscape and buffer standards are met.

Councilman Ashley made a motion, seconded by Councilman Scott, to vote in the affirmative to all the Findings of Facts as written. Unanimously approved.

Conditional Use Permit Approval

Councilman Ashley made a motion, seconded by Councilman Wood, 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, move to recommend approval of Conditional Use Permit Application # CUP-13-10 with the following conditions:

In accordance with Article 2, Section 2-2, The Town of Smithfield Town Council imposed the following additional conditions on this Conditional Use Permit

- Property is to be used strictly for the permitted extermination service and that a minimum of 11 parking spaces (9 existing and 2 inside the warehouse) are provided prior to operations.

Unanimously approved.

CITIZENS COMMENTS: None

CONSENT AGENDA:

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

1. Meeting Minutes
 - January 7, 2014 – Regular Meeting
 - January 7, 2014 – Closed Session
 - January 16, 2014 – Special Session
 - January 16, 2014 – Closed Session
2. Approval of two speed limit signs to be installed on Bay Hill Road.

Unanimously approved.

BUSINESS ITEMS:

1. Consideration to approve the FY 2014-2015 Budget Schedule

Town Manager Paul Sabiston addressed the Council on approval of the FY 2014-2015 Budget Schedule.

Councilman Ashley made a motion, seconded by Councilman Scott, to have a preliminary budget meeting with the Council and the Town Manager after meeting with the auditor before the FY 2014-2015 Budget Schedule is determined. Unanimously approved.

2. Consideration to allow the Police Department to submit a grant application to the Governor's Highway Safety Program to purchase three video cameras for the patrol division.

Police Chief Mike Scott addressed the Council on a request to submit a grant to the Governors Highway Safety Program (GHSP) to purchase three traffic video cameras to be installed in the squad cars. Last year, the Council approved a request to submit a similar grant for four cameras. The department was successful in this grant application and the cameras have functioned well within the patrol division. Chief Scott explained that the Police Department is requesting the Council to authorize the grant application to purchase 3 squad car video cameras, at a 50% match. These matching funds will be budgeted from existing forfeiture/drug tax funds. The total cost of the project is \$18,000 with the department paying \$9,000 in matching funds. If the grant is approved, a separate budget amendment will be needed to transfer funds from the forfeiture/drug tax account into the Police Department's budget. The budget amendment will be completed at a future meeting should the grant be approved.

Councilman Ashley made a motion, seconded by Councilman Charles A. Williams, to authorize the Police Department to submit a grant application to the Governors Highway Safety Program to purchase three video cameras for the patrol division. Unanimously approved.

3. Naming of New Roadway from the Crossing Project Referred to as "A".

Town Manager Paul Sabiston addressed the Council on consideration of names for the Smithfield Crossing Project roadway. The Crossings Project included new roadways and the widening and improvements of Industrial Park Drive. The improved portions of Industrial Park Drive and a portion of the new roadway have been renamed to Outlet Center Drive. Mr. Sabiston stated that in order to simplify the naming, it was staff's recommendation to also name roadway "A" to Outlet Center Drive. Since naming the roadway will affect businesses in the area, Mr. Sabiston estimated that it could take six months before the name could be changed to Outlet Center Drive and proper signage put in place.

Councilman Harris made a motion, seconded by Councilman Wood, to approve the requested road name as "Outlet Center Drive" and to allow the Town Manager to consult with NCDOT to arrive at a convenient effective date for the name changing from Industrial Park Drive to Outlet Center Drive to occur within the next six months. Unanimously approved.

4. Mid-Year Financial Report for FY 2013-2014

Town Manager Paul Sabiston submitted to the Council for review a six month budget report for each department. Mr. Sabiston stated that all departments are in good shape and consistent with the budget for FY 2013-2014. All departments are either at the predicted budget level or slightly under in expenditures. Finance Director Greg Siler explained that these reports are on a cash flow basis.

No action was taken.

4.5. Fire Department Capital Equipment Budget Amendment Request

Fire Chief Patrick Harris addressed the Council on a request to change the approved use of funding in the Fire Department's Capital Equipment budget line. The Fire Department was approved in the current budget \$5,000 for pager replacement and \$4,500 for the purchase of rescue equipment. As a result of annual service testing of Large Diameter Hose (LDH), Chief Harris requested authorization to utilize this funding to replace LDH that failed. The request was only to change the approved use of funding from pagers and rescue equipment to fire hose and nozzles. The request did not require additional funding and would allow the Fire Department to stay within the current approved budget.

Councilman Ashley questioned if a budget amendment would be needed in the near future for pagers and rescue equipment. Chief Harris responded that the department will do everything to work within the confines of the budget.

Councilman Ashley further questioned if funding was needed for all the capital equipment. Chief Harris responded that all the capital items were needed, but he felt replacing the hoses were more important at this time.

Councilman Harris made a motion, seconded by Councilman Scott, to approve the request as submitted. Unanimously approved.

5. Discussion regarding Employee Compensatory Time and possible revisions to the Employee's Handbook.

Mayor John Lampe opened the discussion on employee compensatory time and possible revisions to the employee handbook. Mayor Lampe explained that the issue has been compensatory time for exempt employees.

Councilman Scott expressed his concerns for exempt employees that would no longer be required keep a record of hours worked. He stated that all exempt employees should have regular office hours.

Councilman Wood questioned how many hours was an exempt employee expected to work. Mr. Wood stated that an exempt employee cannot be expected to work excessive amounts of time without being allowed any time off.

Councilman Ashley stated that the general theory was that exempt employees are typically in supervisory roles and suggested that time off for exempt employees should be left at the discretion of the manager.

Mayor Pro-Tem Moore recommended that a work session be held to allow the Council to discuss this issue in detail.

Councilman Harris suggested the Council committee that was appointed to review this policy meet and submit a firm recommendation to the full Council at the regular meeting in March.

No action was taken.

Councilmembers Comments:

- Mayor Pro-Tem Moore commended the Public Works and Public Utilities staff for their hard work during the recent snow event. He also expressed his appreciation to Tim Kerigan and Paul Sabiston for communicating closures and delays with the media, citizens, staff and the Council.
- Councilman Scott expressed some citizens' concerns regarding customer service. He challenged the Council, Manager and Department Heads to focus on positive customer service. He asked that something be developed to measure customer service. Councilman Wood suggested that the Town conduct a survey.

- Councilman Ashley asked for an update on the Piedmont Natural Gas efforts in East Smithfield.
- Councilman Lee informed the Council that the meeting between Piedmont Natural Gas and Tony Nixon, chairman of the East Smithfield Beautification Committee, had to be rescheduled due to the recent snow event. He also offered condolences to the family of the late Mr. Cecil Vinson.
- Councilman Charles A. Williams asked that the Whistleblowing Policy be put in the Employee Handbook and also on the Town's website.
- Councilman Harris informed the Council that he and Councilman Williams attended the Triangle J. Council of Governments (TJCOG) meeting. He explained there are grant opportunities for converting vehicles to natural gas and asked that staff research this to see if it would be cost effective for the Town. He further explained that there are also water plant assistance opportunities from TJCOG.

Town Manager's Report:

- **Department Reports**

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

- **Financial Report**

- General Fund revenues for the month ending December 31, 2013 were \$1,455,534. Year to date revenues for FY 2013-2014 general fund were \$6,304,943. The general fund expenditures for the month ending December 31, 2013 were \$807,377 and YTD expenditures were \$6,069,098.

- **Manager's Updates**

- Smithfield Crossing's Roundabout – The Appearance Commission asked for direction from the Council on thoughts and ideas for the roundabout.
- North Carolina Eastern Municipal Power Agency (NCEMPA) negotiations with Duke Energy Progress for the sale of generation assets. Mr. Sabiston also reminded the Council of the February 10th joint closed session meeting with the governing boards from the Town of Benson, the Town of Clayton, and the Town of Selma.
- Water Plant Work-out Session – Mayor Lampe and a few outsiders met with staff to determine some immediate improvements that could be made in the water plant.
- Smithfield Crossings Project – An update was given to the Council concerning this project.
- West Smithfield Beautification Project – NCDOT has funding for right of way improvements to Highway 70 West from the Neuse River Bridge to Wilson's Mills Road. Preliminary plans included planting, buffers, egresses and ingresses. Mr. Sabiston commended Planning Director Paul Emblar and the members of the Appearance Commission for their efforts on this project.

Councilman Moore suggested that the plans be submitted to Council for consideration and approval before the project moves forward.

- RADA Project Update – The monthly RADA report was submitted to Council.

Closed Session

Councilman Scott made a motion, seconded by Councilman Scott, to go into Closed Session pursuant to NCGS 143-318.11 (a) (3). Councilman Ashley amended the original motion by including (a) (6) Unanimously approved.

Councilman Ashley made a motion, seconded Mayor Pro-Tem Moore, to reconvene in open session.
Unanimously approved.

Adjourn

There being no further business, Councilman Harris made a motion, seconded Councilman Scott to adjourn.
Unanimously approved.

ATTEST:

John H. Lampe II., Mayor

Shannan L. Williams, Town Clerk