

The Smithfield Town Council met in regular session on Tuesday, February 3, 2015 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall. Mayor John H. Lampe II. presided.

Councilmen Present:

M. Andy Moore, Mayor Pro-Tem
Marlon Lee, District 1
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
Paul Embler, Planning Director
Kenneth C. Griffin, Public Utilities Director
Patrick Harris, Emergency Services
Gary Johnson, Interim Parks & Rec Director
Tim Kerigan, Human Resources/PIO
Mike Scott, Police Chief
Greg Siler, Finance Director
Shannan Williams, Town Clerk

Present:

Bob Spence, Town Attorney

Staff Absent:

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

APPROVAL OF AGENDA:

Councilman Harris made a motion, seconded by Mayor Pro-Tem Moore to move the following items from the Business Items to the Consent Agenda:

2. *Bid Award and purchase approval of a commercial lawnmower to be utilized by the Public Works Department in the amount of \$8,910.00. This is a FY2014-2015 budgeted item.*
3. *Bid Award and purchase approval of a 2015 Chevrolet Tahoe four wheel drive utility vehicle to be utilized by the Fire Department in the amount of \$33,134.82. This is a FY 2014-2015 budgeted item.*
4. *Bid award and purchase approval of three squad cars for the Police Department in the amount of \$23,865 per vehicle. This is a FY 2014-2015 budgeted item.*

Unanimously approved.

Councilman Scott made a motion, seconded by Councilman Harris, to move the following item from the Consent Agenda to the Business Items:

5. *Renewal of FY 2015-2016 Employee Benefits/Broker*
 - *Approval of an agreement renewal with Mark III as the broker of record for Employee Primary Health Insurance, Dental Insurance & Life/AD&D*
 - *Approval of an agreement renewal with Municipal Benefits, Inc. as the broker of record for Employee Voluntary Insurance Options*

Unanimously approved.

PRESENTATIONS: None

PUBLIC HEARING:

1. **Public Input and Consideration to Close the Right of Ways on Two Alleys enclosed by South Brightleaf Blvd., Massey Street, Ninth Street and East Johnston Street and adoption of Resolution # 555 (04-2015)**

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

Planning Director Paul Embler addressed the Council on a request by Cathy that the Town Council take under consideration the closing of two alley ways on property located internal to the block bound on the north by Massey Street, to the east by 9th Street, to the south by East Johnston Street and to the west by South Brightleaf Blvd. Mr. Embler explained that if the Council elects to close the alley ways, then they must direct staff to file a record of the closing with the Register of Deeds and a map of reversion of vested rights to adjacent property owners must also be filed.

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

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

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

Councilman Harris made a motion, seconded by Councilman Williams, to approve the closing of the right of ways on two alleys enclosed by South Brightleaf Blvd., Massey Street, Ninth Street and East Johnston Street and adoption of Resolution # 555 (04-2015). Unanimously approved.

RESOLUTION # 555 (04-2015)
ORDERING THE CLOSING OF THAT ALL ALLEYS BOUND BY THE CITY BLOCK OF MASSEY STREET, E. JOHNSTON STREET, S. BRIGHT LEAF BOULEVARD, AND NINTH STREET.

WHEREAS, on the 6TH day of January, 2015, the Town Council of the Town of Smithfield directed the Town Clerk to publish the Resolution of Intent of the Town Council to consider closing the alleys bound by the city block of Massey Street, E. Johnston Street, S. Bright Leaf Boulevard, and Ninth Street, in the Smithfield Herald newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in Council Chambers at the Town Hall, 350 E Market Street, Smithfield, NC 27577 on February 3, 2015; and

WHEREAS, the Town Council on the 6th day of January, 2015, ordered the (Town) Clerk to notify all persons owning property abutting that portion of alleys bound by the city block of Massey Street, E. Johnston Street, S. Bright Leaf Boulevard, and Ninth Street, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the Town Clerk has advised the Town Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing all of the alleys in the city block bound by Massey Street, E. Johnston Street, S. Bright Leaf Boulevard, and Ninth Street would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the Town Clerk has advised the Town Council that adequate notices were posted on the applicable streets as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on February 3, 2015; and

WHEREAS, it now appears to the satisfaction of the Town Council that the closing of said alleys is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his or her property;

NOW, THEREFORE, alleys that are bound by Massey Street, E. Johnston Street, S. Bright Leaf Boulevard and Ninth Street are hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

The Mayor and the Town Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed alleys.

The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Johnston County a certified copy of this resolution and order.

Upon motion duly made by Councilman Harris and duly seconded by Councilman Williams the above resolution was duly adopted by the Town Council at a meeting held on the 3rd day of February, 2015, in the Town Hall.

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

Councilman Harris	Councilman Williams
Mayor Pro-Tem Moore	Councilman Ashley
Councilman Lee	Councilman Scott
Councilman Wood	

Duly adopted this the 3rd day of February, 2015, at 7:10 pm

CITIZENS COMMENTS: None

CONSENT AGENDA:

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

1. Approval of Minutes:

January 6, 2015 – Regular Meeting
January 6, 2015 – Closed Session
January 20, 2015 – Work Session

2. Special Event – Approval to allow the South Campus Middle School to conduct a community “Walk to School” event on February 18, 2015. This was approved as an annual event in 2014.

3. Special Event – Approval to allow Hope Floats NC-Kayak Club to hold its 4th annual fund raising event in association with Relay for Life. The club plans to stay overnight in Smithfield on the Town Commons and also utilize the amphitheater for a Bluegrass Concert. The event will be held on April 4-5, 2015.

4. Bid award and contract approval with “It’s Gotta Go Tree Service” to remove five trees in the amount of \$7,675.00. This was a FY 2014-2015 budgeted project.
Bids received are as follows:

• It’s Gotta Go Tree Service	\$7,675.00
• Mamie Stewart and Sons	\$10,750.00
• Stephenson Stump & Tree	\$13,950.00
• Town & Country	\$16,025.00

5. Advisory Board /Committee Appointments:

- Board of Adjustments: Stephen R. Upton was appointed to serve a 2nd Term
- Planning Board: Teresa Daughtry was appointed to serve a 2nd Term
- Parks & Recreation Advisory Commission: G. Earl Marett was appointed to serve a 4th Term
- Parks & Recreation Advisory Commission: David Lasater was appointed to serve a 2nd Term
- Parks & Recreation Advisory Commission: Timothy Johnson was appointed to serve a 1st Term

6. New Hire Report - The following position was recently filled resulting from a vacancy in accordance with the Adopted FY 14-15 Budget.

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Firefighter	Fire	10-5300-0210	\$10.00

7. Bid Award and purchase approval of a commercial John Deer lawnmower from East Coast Equipment to be utilized by the Public Works Department in the amount of \$8,910.00. This is a FY2014-2015 budgeted item.

The estimates are as follows:

- | | | |
|-------------------------------------|---|-------------|
| • East Coast Equipment (John Deere) | - | \$8,910.00 |
| • Warren Lawn Supply (ExMark) | - | \$9,179.00 |
| • Bullock Brothers (Scag) | - | \$10,399.20 |

8. Bid Award and purchase approval of a 2015 Chevrolet Tahoe four wheel drive utility vehicle from Bobby Murray Chevrolet (State Contract Price) to be utilized by the Fire Department in the amount of \$33,134.82. This is a FY 2014-2015 budgeted item.

Bids were solicited from the following vendors:

- Deacon Jones Chevrolet - \$34,011.32
- Bobby Murray Chevrolet - \$33,134.82 (State Contract Price)

9. Bid award and purchase approval of three squad cars from Deacon Jones Dodge for the Police Department in the amount of \$23, 865 per vehicle. This is a FY 2014-2015 budgeted item.

The two quotes are as follows:

- | | | |
|----------------------|----------|---|
| • Ilderton Dodge | \$24,014 | (1) vehicle (State Contract Dealership) |
| • Deacon Jones Dodge | \$23,865 | (1) vehicle |

Unanimously approved.

BUSINESS ITEMS:

- 1. ESA Acknowledgement of acquisition of the ESA Smithfield NC 1, LLC Solar Farm contract by BayWa RE from ESA Renewables; Acceptance of Scope of Services from Power Services for Design, Construction and Construction Inspection and Administration of the construction of the ESA Smithfield NC 1, LLC intertie with the Town of Smithfield's Brogden Road Substation; Setting of a monthly 1.0% of the Facilities Charge for the Town to maintain and replace the intertie components as needed; and approval of a budget amendment**

Public Utilities Director Ken Griffin addressed the Council on several requests relating to the solar farm project near Brogden Road. Mr. Griffin explained that during the September 3, 2013 Council Meeting, the Town Council approved an Interconnection Agreement between the Town and ESA Smithfield 1 NC, LLC. BayWa, RE has acquired the ESA Smithfield 1 NC, LLC from ESA Renewables and approval of this change of ownership is requested from the Town Council. He further explained that BayWa RE has given the Town a check in the amount of \$190,620.00 to cover the cost of design, construction, inspection and administration of the construction of the intertie between the ESA Smithfield 1 NC, LLC Solar Farm and the Town's Brogden Road Substation. Town staff requested a proposal from Power Services to provide these services and Power Services has agreed to do so for \$190,582.50. Town staff requests authorization for the Town Manager to execute the agreement with Power Services to provide these services for the proposed amount. Mr. Griffin explained that the

Town's electric rate schedule calls for a 1–2% excess facilities charge for maintenance and replacement of additional facilities beyond normally required equipment installed to service a customer. The Town will be installing an intertie at a cost \$190,582.50 that has been paid for by the applicant; but the Town is responsible for maintenance, repair and replacement of the intertie components. The Town is hereby requiring a monthly 1% Excess Facilities Charge of \$1,905.82 per month to be billed to and paid by BayWa RE for its ESA Smithfield NC 1, LLC intertie with the Town's Brogden Road Substation, commencing with completion of the construction of the intertie.

Councilman Scott questioned if the contractor was bonded. Mr. Sabiston explained that there is a lot of protection for the Town in the contract.

Councilman Ashley questioned if staff expects any surprises. Mr. Griffin responded that there shouldn't be any additional costs incurred and there should be no surprises.

Councilman Harris questioned if there was a certain time frame that the project must be complete. Mr. Sabiston responded that a schedule must be given to the Town that outlines the construction process.

Councilman Harris also questioned if staff felt the 1% excess facilities charge was adequate. Mr. Griffin responded that it was a fair charge.

Councilman Ashley made a motion, seconded by Councilman Wood, to 1) Approve the change in ownership of the ESA Smithfield 1 NC, LLC from ESA Renewables to BayWa RE. 2) Authorize the Town Manager to execute an agreement with Power Services to design, construct, inspect and administer the construction of the intertie between the ESA Smithfield 1 NC, LLC solar farm with the Town' Brogden Road Substation. 3) Require a monthly 1% Excess Facilities Charge of \$1,905.82 to be billed and paid by BayWa RE for its ESA Smithfield NC 1, LLC intertie with the Town's Brogden Road Substation, commencing with the completion of construction of the intertie. And 4) Approve the budget amendment to establish and fund revenues and expenses with the Solar Farm Agreement. Unanimously approved.

<u>ELECTRIC FUND</u>	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
1. Revenue			
31-3590-0002 ESA-BAYWA SOLAR	<u>\$ -</u>	<u>\$ 190,620</u>	<u>\$ 190,620</u>
Expenditure			
31-7230-3504 ESA-BAYWA SOLAR	<u>\$ -</u>	<u>\$ 190,620</u>	<u>\$ 190,620</u>

2. Update regarding the West Smithfield Beautification Project

Planning Director Paul Embler gave the Council an update on the West Smithfield Beautification Project. Mr. Embler stated that all information has been sent to NCDOT for review and consideration. Mr. Embler further stated that he has and will continue to follow up with NCDOT staff regarding this project.

3. Update on potential repair to Venture Drive

Public Works Director Lenny Branch updated the Council on the conditions of the roadway on Venture Drive. Mr. Branch explained that the Public Works Department had core test of the road structure performed. Ten different locations were drilled to depths of approximately 2 to 3 feet below the pavement surface. As expected, it was discovered that the base under the road is in poor condition. Two recommendations were offered by the engineering firm that conducted the core test. Mr. Branch recommended that Venture Drive be totally reconstructed. Mr. Branch further stated that the yearly

resurfacing project will begin in the near future and he will ask the contractor that is awarded the project to also look at Venture Drive.

Mayor Lampe suggested that good asphalt be considered. Mr. Branch stated that he does not recommend that approach for fear that the base would continue to be the source of the roadway's problems.

Councilman Williams questioned if the base of the road was the problem. Mr. Branch responded that the base is the problem and if the Town is going to fix it then it should be done right this time.

Mayor Lampe asked if concrete was a less expensive option. Mr. Branch responded that he is looking at every option for this project.

Mayor Pro-Tem Moore reminded the Council that this will be a very expensive but necessary project.

No action taken.

4. Renewal of FY 2015-2016 Employee Benefits/Broker

- **Approval of an agreement renewal with Mark III as the broker of record for Employee Primary Health Insurance, Dental Insurance & Life/AD&D**
- **Approval of an agreement renewal with Municipal Benefits, Inc. as the broker of record for Employee Voluntary Insurance Options**

Town Manager Paul Sabiston addressed the Council on a request by staff to renew the agreement with Mark III as the broker of records for Employee Primary Health Insurance, Dental Insurance & Life/AD&D and to renew the agreement with Municipal Benefits, Inc. as the broker of record for employee voluntary insurance options. Mr. Sabiston explained that Mark III and Municipal Benefits have both done an excellent job for the Town and the employees.

Human Resources Director Tim Kerigan explained that the broker is soliciting bids from the insurance carriers for health and dental quotes. Mr. Kerigan stated that he is very pleased with the services that Mark III has provided and would like to remain with Mark III because of the continuity of services staying with them provides.

Councilman Williams questioned if Mr. Kerigan has received any negative feedback .Mr. Kerigan responded that 99% of the feedback has been positive.

Councilman Scott questioned if Mark III assisted the Town with understanding the Affordable Care Act. Mr. Kerigan responded that they have done an excellent job of keeping the Town abreast of all changes due to the affordable Health Care Act.

Councilman Ashley made a motion, seconded by Councilman Wood, to approve the agreement renewal with Mark III as the broker of record for employee primary health insurance, dental insurance & life/AD&D and to approve the agreement renewal with Municipal Benefits, Inc. as the broker of record for employee voluntary insurance options. Unanimously approved.

Councilmembers Comments:

- Councilman Ashley expressed his appreciation to Town Manager Paul Sabiston and Interim Parks and recreation Director Gary Johnson for providing Council with a cost analysis for athletic programs.
- Councilman Scott questioned when the next Budget Session would be held. Mayor Lampe directed the Clerk to poll the Council for dates.

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, 2014 were \$ 2,456,875 and YTD revenues were \$ 6,125,030. The general fund expenditures for the month ending December 31, 2014 were \$ 933,857 and YTD expenditures were \$ 5,464,578.

- **Manager's Updates**

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

- Parks and Recreation cost analysis for programs.
- Complimented staff for the implementation of the online utility bill payments.
- NCEMPA asset sale and the need to do a Cost of Services study. The Towns of Benson, Clayton, Selma and Smithfield may be able to work together with Electricities to complete the study and rate recommendations for each Town.

Adjourn

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

The meeting adjourned at approximately 7:49 pm.

John H. Lampe II., Mayor

ATTEST:

Shannan L. Williams, Town Clerk