

The Smithfield Town Council met in regular session on Tuesday, December 1, 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
J. Perry Harris, District 2
Travis Scott, District 3
Roger A. Wood, District 4
Emery D. Ashley, At-Large
Charles A. Williams, At-Large
John A. Dunn, Councilman Elect
Stephen Rabil, Councilman Elect

Councilmen Absent

Marlon Lee, District 1

Administrative Staff Present

Jim Freeman, Interim Town Manager
John Blanton, Interim Fire Chief
Lenny Branch, Public Works Director
Pete Connet, Interim Public Utilities Director
Paul Embler, Planning Director
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources/PIO
Michael Scott, Chief of Police
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 Williams made a motion, seconded by Mayor Pro-Tem Moore, to add to the consent agenda: To allow the Town Manager the ability to negotiate and execute an agreement with Verizon Wireless to add a generator at the cell tower site located at 111 South Fourth Street. Unanimously approved.

Mayor Pro-Tem Moore made a motion, seconded by Councilman Scott, to approve the agenda as amended. Unanimously approved.

OLD BUSINESS:

PRESENTATION:

1. FY 2014 – 2015 Audit

Finance Director Greg Siler presented the FY 2014 – 2015 audit to the Council.

A copy of the FY 2014-2015 Audit is on file in the office of the Town Clerk

PUBLIC HEARING:

1. Rezoning Request by Steven H. Gower (RZ-15-05)

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

Planning Director Paul Embler addressed the Council on a request by Steven H. Gower. Mr. Embler stated that the applicant was requesting to rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district. The property considered for rezoning is located on the east side of US 70 Highway Business West and approximately 220 feet north of its intersection with Cloverdale Drive. The property is further identifies as Johnston County Tax ID# 17J08004. Mr. Embler explained that the property considered for rezoning is currently being used for agricultural endeavors. The property contains 1 residential structure and 2 accessory structures which are located on the northeast side of the property. The eastern most property boundary is the approximate centerline of Little Poplar Creek. The 110 lot

residential subdivision of Whitley Height is adjacent to and south of the property considered for rezoning. The 62 lot residential subdivision of Wedgewood is not adjacent to the property proposed for rezoning but is in close proximity and located to northeast and just across Little Poplar Creek. Adjacent to and north of the property considered for rezoning is an existing LI (Light Industrial) zoning district which is approximately 45 acres in area. Existing tenants include North American Van Lines located in a 70 thousand square foot facility and Technion Studio located in a 55 square foot facility. Other Light Industrial parks in the area include an unnamed facility that is the home of OPW Containment and Airport Industrial Park located off Swift creek Road and adjacent to the airport. All of these facilities are located within the Town of Smithfield Planning and Zoning Jurisdiction.

Planning Director Paul Emblar has incorporated his entire record and provided it to Council in written form in the December 1, 2015 agenda packet.

The Planning Board, at its October 1, 2015 meeting, unanimously voted to continue the public hearing until its November 5, 2015 meeting. The Planning Board, at its November 5, 2015 meeting, unanimously voted to recommend approval of the proposed rezoning of approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district.

The Planning Department recommends approval of the request to rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district.

Mayor Lampe asked if there were any questions/from those in the audience that had been duly sworn to testify. There were none.

Mayor Lampe asked if there were any questions from Council.

Councilman Ashley questioned if any of the adjacent property owners had expressed any concerns. Mr. Emblar responded that the Planning Department did not receive any feedback from any of the adjacent property owners.

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

The Written Finding of Facts

Article 13 Section 13-17 of the Town of Smithfield Unified Development Ordinance requires all applications for a zoning map amendment to address the following eight findings. At its December 1, 2015 regular meeting, the Town Council determined that the zoning map amendment is warranted.

Councilman Ashley made a motion, seconded by Councilman Williams, to vote in agreement with all of the below eight stated Finding of Fact. Unanimously approved.

Finding One of Eight:

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

Agree: The rezoning request from the low density residential zoning district to a light industrial zoning district is not consistent with the recommendations of the Future Land Use Plan which calls for low density residential uses. However, expanding the existing light industrial zoning district to the subject property will create opportunities for future job growth in the area.

Finding Two of Eight

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

Agree: The rezoning petition is compatible with established neighborhood patterns of the surrounding area. This area contains some of the most productive industrial properties located within the Town of Smithfield Planning and Zoning Jurisdiction.

Finding Three of Eight

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

Agree: The rezoning request from the low density residential and highway entrance business zoning districts to a light industrial zoning district is consistent with historical trends suggesting that some industrial and manufacturing facilities prefer to be located in close proximity to Johnston County Airport.

Finding Four of Eight

The rezoning request is in the community interest.

Agree: The rezoning will allow for a wider range of commercial and light industrial uses and provide additional area for consideration of large scale manufacturing uses and developments. Any development that will occur from the rezoning will increase the tax base as an additional benefit.

Finding Five of Eight

The request does not constitute "Spot Zoning"

Agree: It is unlikely an argument could be made for "spot zoning" or "small scale" since the rezoning will be expanding on an already existing light industrial zoning district.

Finding Six of Eight

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

Agree: The property is currently zoned for residential and agricultural uses. Additional manufacturing and industrial uses such as those permitted in the light industrial zoning district cannot occur unless the property is rezoned.

Finding Seven of Eight

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

Agree: In addition to public water and sewer being available to the site, the property is served with electricity by Duke Energy. CenturyLink and Time Warner also serve the area with phone and cable respectively.

Finding Eight of Eight

Physical characteristics of the site prohibit development under present regulations.

Agree: There are no physical restraints to the area considered for rezoning such as wetlands, stream buffers, potential flood hazard areas and storm water that would outright prohibit development of the property. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc.).

Rezoning Permit Approval

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Moore, based upon satisfactory compliance with the above stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative, move to approve the Rezoning Petition RZ-15-05. Unanimously approved.

CITIZENS' COMMENTS:

Mr. V. R. Phipps addressed the Council on his request to purchase the Old Water Treatment Plant. He offered the Town a check in the amount of \$8100 for removal of the asbestos in the facility. He asked that the Town consider allowing him to rent the facility for one year to allow for reconstruction of the building. He also asked that the Council reconsider the decision that was made to demolish the building. Mayor Lampe responded that he appreciated Mr. Phipps' desire to restore the Old Water Treatment Plant, but the Council had made a decision to demolish it and they must move forward with that decision.

CONSENT AGENDA:

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

1. Approval of Minutes:

November 10, 2015 – Regular Meeting

November 10, 2015 – Closed Session

2. Career Ladder Promotion – Police Department. The Police Department gained approval to promote one police officer from the rank of Police Officer I to Police Officer II.
3. Promotion – Fire Department. The Fire Department gained approval to promote a Firefighter II to the rank of Fire Engineer.
4. Approval to allow the Interim Town Manager to negotiate and execute an agreement with Verizon Wireless to allow Verizon to install a generator at the cell tower site located at 111 South Fourth Street.

Unanimously approved.

NEW BUSINESS ITEMS:

ORGANIZATIONAL MEETING

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

1. Oaths of Office

- a. The Honorable Senior Resident Superior Court Judge, Thomas H. Lock administered the Oath of Office to newly elected Mayor M. Andy Moore
- b. The Honorable Retired District Court Judge, T. Yates Dobson, Jr. administered the Oath of Office to incumbent At Large Councilman Emery Ashley
- c. The Honorable Senior Resident Superior Court Judge, Thomas H. Lock administered the Oath of Office to newly elected At Large Councilman John A. Dunn.

- d. The Honorable Retired District Court Judge, T. Yates Dobson, Jr. administered the Oath of Office to incumbent At Large Councilman Stephen Rabil.

2. Presentations

a. To outgoing Councilman Charles Williams

Mayor Lampe presented to Councilman Charles A. Williams a Proclamation in honor of his service to the Town of Smithfield.

PROCLAMATION

In Honor of Councilman Charles A. Williams' Service to the Town of Smithfield

WHEREAS, Charles Williams has served as a member of the Smithfield Town Council since December 2011; and

WHEREAS, Charles Williams' dedicated service to the citizens of the Town of Smithfield deserves special recognition; and

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

WHEREAS, Charles Williams was unique in his sensitivity for doing what was best for the entire community, and he had courage in expressing his convictions and a special way of dealing with complex issues; and

WHEREAS, the Town of Smithfield has been fortunate to have had the services of Charles Williams who has rendered good judgment for the Town; and

NOW, THEREFORE, I, John H. Lampe II, Mayor of the Town of Smithfield along with the members of the Town Council, express our sincere appreciation to Charles A. Williams for his distinguished service to the Town of Smithfield.

b. To outgoing Mayor John H. Lampe II

Mayor Andy Moore presented to Mayor Lampe a Proclamation in honor of his service to the Town of Smithfield.

PROCLAMATION

In Honor of Mayor John H. Lampe's Service to the Town of Smithfield

WHEREAS, John H. Lampe II has served as Mayor of Smithfield since December 2011 and chose not to seek reelection; and

WHEREAS, John H. Lampe II was an average to ok Mayor that was able to bring the members of the Council together to resolve issues; and

WHEREAS, the Town of Smithfield is grateful to John H. Lampe II. for his creative leadership and his concern for the public schools in Smithfield.

NOW, THEREFORE, I, M. Andy Moore Mayor Pro-Tem of the Town of Smithfield along with the members of the Town Council, express our sincere appreciation to Mayor John H. Lampe II for his service to the citizens of Smithfield.

3. Election of the Mayor Pro-Tempore

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

Councilman Harris made a motion, seconded by Councilman Wood, to elect Councilman Emery Ashley to serve as Mayor Pro-Tem for a two year term. Unanimously approved.

4. 2016 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.

Councilman Harris made a motion, seconded by Mayor Pro-Tem Ashley, to adopt the 2016 regular meeting schedule as follows:

- Tuesday, January 5th
- Tuesday, February 2nd
- Tuesday, March 1st
- Tuesday, April 5th
- Tuesday, May 3rd
- Tuesday, June 7th
- Tuesday, July 5th
- Tuesday, August 2nd
- Tuesday, September 6th
- Tuesday, October 4th
- Tuesday, November 1st
- Tuesday, December 6th

Unanimously approved.

Councilmembers Comments:

- Mayor Pro-Tem Ashley expressed his appreciation to Councilman Williams and Mayor Lampe for their service to the Town of Smithfield
- Councilman Scott expressed his appreciation to Councilman Williams and Mayor Lampe for their service to the Town of Smithfield.
- Mayor Moore echoed the comments of the other members of Council. He expressed his appreciation to his family for their support and stated that he would always do what he felt was in the best interest of the Town of Smithfield.

Town Manager's Report:

- **Department Reports**

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

- **Manager's Updates**

Interim Town Manager Jim Freeman discussed the following with the Town Council.

- Mr. Freeman expressed his appreciation to Mayor Pro-Tem Ashley and Councilman Scott on their assistance with the Library Memorandum of Agreement.
- Mr. Freeman explained that the Council should consider reviewing, in the near future, the Town Manager applications that have been received

Adjourn

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

The meeting adjourned at approximately 8:15 pm.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Williams, Town Clerk