

The Smithfield Town Council met in regular session on Tuesday, February 2, 2016 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall Mayor M. Andy Moore, presided.

Councilmen Present:

Emery D. 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

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
Greg Siler, Finance Director
Shannan Williams, Town Clerk

Present:

Bob Spence, Town Attorney

Staff Absent:

Michael Scott, Chief of Police

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

APPROVAL OF AGENDA:

Councilman Lee asked that Consent Agenda Item # 6: *Consideration and Approval of an agreement with BB&T in the amount of \$25,000 to purchase the Family Life Center. Be removed from the Consent Agenda and added to the Business items.*

Councilman Scott made a motion, seconded by Councilman Wood, to approve the agenda with the requested amendment by Councilman Lee.

Unanimously approved.

PRESENTATIONS:

1. Administering Oath of Office to new Police Officer – Tyler Hayes

Mayor Moore administered the Oath of Office to new Police Officer Tyler Hayes and welcomed him to the Town of Smithfield.

2. Information concerning the proposed buffer and fencing between the Pine Acres Subdivision and the Smithfield Crossings Roadway

Planning Director Paul Embler provided the Council with additional information on the buffer and fencing between the Pine Acres Subdivision and the Smithfield Crossings Roadway Project. Mr. Embler explained that at the January 5th meeting, the Planning Department was asked to provide background information as to Mr. Tony Nixon's expressed fencing and buffer concerns. In particular, Mr. Nixon questioned the Town's length of time taken and adequateness of the buffer to address this matter. As part of the Crossings Project, the rear lots fronting Dogwood and the property boundary of Pine Acres that lies behind the Speedway Gas Station and the Waffle House is to have constructed a 6 foot high chain-link fence with two strands of barbed wire. Additionally, a landscape plant buffer that forms a solid hedge within two to three years is included. To date, plans and specs have been prepared for the fencing, the surveyor has laid out the location of the fencing and the Town's Public Works staff stands ready to remove the vegetation so that the fencing and landscaping can be installed.

Mr. Embler continued by stating that in reference to Mr. Nixon's inquiry about the possibility of a brick "sound wall" being constructed. The Noise Study prepared by Ramey Kemp and Associates investigated the effectiveness of a "sound wall" and a revealed potential cost range of \$500,000 to \$2

million. Basically, there was no justification of a sound wall based on the noise generated by traffic using the Crossings roadways. The noise generated by I-95 and the railroad are the controlling factors.

Considerable discussion was given to the 50 foot buffer adjacent to Pine Acres. The 50 foot buffer on the land owned by Lee McLamb was required by the Council as part of a rezoning, but no subdivision has been recorded therefore there has been no conveyance or recording of the buffer. There is another 50 foot buffer between the Etheridge Property and Pine Acres which will be conveyed and recorded when such time as the owner records a subdivision plat. The alignment of the road constructed as part of the Crossings Project makes provision for the future 50 foot buffer. The Town has a construction easement from the owner of the Etheridge property to construct the chain-link fence and install the landscape. Mr. Embler provided the following possible alternative solutions for the buffer between Pine Acres and the Crossings project:

- continue with the present proposal of chain-link fence and landscaping
- dense multi row landscape buffer
- earthen berm
- combination of earthen berm and landscaping
- combination of fence, earthen berm and landscaping
- solid wood fence
- concrete block wall
- brick wall
- sound wall(metal, concrete or brick)

Mayor Pro-Tem Ashley questioned why the Town decided to incur the expense of the buffer and did not require the developer to do the landscaping and the buffer. Mr. Embler responded that the Town chose to facilitate the landscaping because the developer hasn't submitted a development plan and therefore is not required to construct the buffer at this time.

Mayor Pro-Tem Ashley stated that the roadway is elevated. He questioned if staff had done anything to see where the fence will be located. Mr. Embler responded that the only permission from the property owner for the fence and the buffer is for it to be constructed on the property line. Mr. Ashley stated that if the fence was to be constructed on the property line and due to the elevation of the roadway, the fencing could essentially be ineffective.

Mayor Pro-Tem Ashley stated he would like to have a small committee formed with several members of Council, several property owners and staff that would investigate every possible alternative and cost to the buffer.

Councilman Harris questioned what the plan to complete this project was. Mr. Embler responded that the property owner has given the Town permission to put landscape material and a chain link fence on his property. If the Town chose to change what has been proposed, staff would need to meet with the property owner to obtain permission for any changes.

Councilman Scott stated that the chain-link fence with barbwire seemed excessive around a neighborhood. Mr. Embler responded that installation of the barbwire atop the fencing was at the request of the neighborhood.

Councilman Lee stated that he was appalled at the recommendation of a 6 foot chain-link fence going around a neighborhood. These residents deserve more than a 6 foot chain-link fence.

Councilman Wood apologized to the residents of the neighborhood. It was his opinion that a chain-link fence was unacceptable and the residents deserved more. Councilman Wood stated that he had spoken with Public Works Director Lenny Branch. Mr. Branch informed the Council that several different options such as a berm and interlocking wall were also options.

Mayor Moore stated that although this has been going on for a long time, the project has not been entirely completed. The road still had not been turned over to the Town by NCDOT. It was his recommendation that the committee be formed as recommended by Mayor Pro-Tem Ashley.

Councilman Harris insisted that staff meet with every land owner that has property that backs up to this area so that they can offer their input on the proposed buffer.

Mayor Moore appointed Mayor Pro-Tem Ashley to serve as the Chairman of the Committee to investigate all possible solutions as a buffer between the Pine Acres Subdivision and the Smithfield Crossings Roadway. Councilman Harris volunteered to serve on this committee. Residents Tony Nixon and Rodney Byrd also volunteered to serve on this committee. The Town's contracted Engineer, Bill Dreitzler, and Planning Director Paul Embler will also assist the committee.

PUBLIC HEARINGS:

Town Clerk Shannan Williams affirmed those that wished to offer testimony during the Public Hearing.

1. Conditional Use Permit Request by Caliber Development, Inc.: (CUP-15-06)

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

Planning Director Paul Embler addressed the Council on a request by Caliber Development, Inc. Mr. Embler stated that the applicant was requesting a conditional use permit to allow for the construction of an 80 foot high wood pole with radio antenna on property located within a B-3 (Business) zoning district. The property considered for approval is located on the southeast side of the intersection of Powell Street and Computer Drive and further identified as Johnston County Tax ID# 15J08067.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the February 2, 2016 agenda packet.

The Planning Board, at its January 7, 2016 meeting, unanimously voted to recommend approval of the request for a conditional use permit to allow for an 80 foot high utility pole with antenna on property located on within a B-3 (Business) zoning district.

Planning staff recommends approval of a Conditional Use Permit request to allow for the construction of an 80 foot utility pole with antenna on property located with a B-3 (Business) zoning district.

Mayor Moore asked if there were any comments/questions from those that had been duly affirmed to offer testimony

Mickey Lamm, 2191 Benson Road Clayton, was the applicant who represents Caliber Development and WTSB. He explained this is a receiving antenna and is not a transmitting antenna. He explained height is needed on the antenna to be able to receive remote broadcasts.

Mayor Moore asked if there were any questions from Council. There were none.

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

The Written Finding of Facts

Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Wood, to vote in the affirmative to the below Finding of Facts. Unanimously approved

Finding One of Four: Approved

Based on the evidence and testimony presented it is the finding of the Town Council 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 request for conditional use will not endanger the public health, safety, or general welfare for the reason that the installation of a utility pole with antenna attached is on property currently zoned B-3 whose permitted use is for radio station broadcasting business. The utility pole with antenna attached is standard equipment for a radio station. The height and location of the utility pole poses no imminent danger to any other structure if it were to fall.

Finding Two of Four: Approved

Based on the evidence and testimony presented it is the finding of the Town Council 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 use will meet all required conditions and specifications in accordance with the current Unified Development Ordinance plus state and federal regulations. An engineer contracted to locate the utility pole and connect the antenna to the radio broadcasting equipment. A contractor will be hired to place the pole on the property.

Finding Three of Four: Approved

Based on the evidence and testimony presented it is the finding of the Town Council 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 proposed use will not adversely affect the use or any physical attribute of adjoining or abutting property. The utility pole will be in context with existing above ground utility poles in the area. The proposed use will also be in context with existing properties in the area, which includes a warehouse, auto repair shop, cleaning business and a car dealership. No structure changes are required. There are no historical or architectural properties of interest on adjoining properties

Finding Four of Four: Approved

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

Property is currently vacant and zoned B-3 (Business). The proposed use will be in harmony with existing businesses such as an auto repair business, a warehouse, a car dealership and a cleaning business. Closest residential structure has existing tree cover and there is approximately 400 feet between the properties.

Record of Decision: Approval of Conditional Use Permit Application # CUP-15-06

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Wood, that 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 I move to recommend approval of Conditional Use Permit Application # CUP-15-06. Unanimously approved.

CITIZENS' COMMENTS:

- Keith Branch explained to the Council that he was a candidate for the Johnston County Board of Commissioners. He pledged his support to the Town of Smithfield should he become elected to the Board of Commissioners
- Tony Nixon of 8 Cedar Drive asked the Council to consider revitalization of homes throughout the area and consider block grants. He further expressed his concerns for the turn-over rate at the Police Department and stated that the Council should support the Police Chief and the effort to retain experienced employees is encouraged. He also stated that the Diversity Taskforce is still concerned about diversity throughout the Town government.
- Rodney Byrd of 328 Dogwood Street stated that he lives on the street affected by the Smithfield Crossings Roadway. He explained that sound is a major concern on Dogwood street as well as keeping people off his property and keeping people from seeing in his back yard. He stated that during the winter months, he virtually has no privacy. He expressed his appreciation to the Council for trying to remedy the problem.

CONSENT AGENDA:

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

1. Approved the following Minutes:
 - January 5, 2016 – Regular Meeting
 - January 5, 2016 – Closed Session
 - January 14, 2016 – Special Meeting
 - January 14, 2016 – Closed Session
2. Approved not to require a performance bond in the amount of \$3300.00 as it related to the purchase of the Firetruck that was approved at the January Meeting. The performance bond was unnecessary since the Town was not paying in advance for the truck.
3. Approved the below FY 2015-2016 Budget Amendments

<u>GENERAL FUND</u>	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
1. Expenditures			
10-4100-0200 Gen Gov - Salaries	\$ 67,424	\$ 1,348	\$ 68,772
10-4200-0200 Finance - Salaries	67,718	1,354	69,072
10-4900-0200 Planning - Salaries	221,702	4,434	226,136
10-5100-0200 Police - Salaries	1,967,451	39,349	2,006,800
10-5100-0500 Police - FICA	158,115	3,001	161,116
10-5300-0200 Fire - Salaries	711,692	14,234	725,926
10-5300-0500 Fire - FICA	61,051	10,116	71,167
10-5500-0200 PW General - Salaries	174,516	3,490	178,006
10-5600-0200 PW Streets - Salaries	175,890	3,518	179,408
10-5650-0200 PW Garage - Salaries	36,687	734	37,421
10-5800-0200 PW Sanitation - Salaries	463,492	9,270	472,762
10-6200-0200 Recreation - Salaries	252,011	5,040	257,051
10-6200-0210 Recreation Part Time - Salaries	44,000	880	44,880
10-6220-0200 Aquatics - Salaries	207,095	4,142	211,237
10-6220-0210 Aquatics PT General - Salaries	125,000	2,500	127,500
10-6220-0220 Aquatics PT Aquatics - Salaries	91,000	1,820	92,820
10-6220-0230 Aquatics PT Instructors - Salaries	85,000	1,700	86,700
10-9990-5300 General Fund Contingency	<u>329,350</u>		<u>222,419</u>

	(106,931)	
\$ 5,239,194	\$ (0)	\$ 5,239,194

To Adj Salary lines for merit increase. Merit increases were combined with contingency budget

2. Expenditures

30-7200-0200 Water Plant - Salaries	\$ 321,760	#	\$ 6,435	\$ 328,195
30-7220-0200 Water/Sewer - Salaries	432,426		8,649	441,075
30-9990-5300 Water/Sewer Fund Contingency	<u>198,409</u>		<u>(15,084)</u>	<u>183,325</u>
	<u>\$ 952,595</u>		<u>\$ (0)</u>	<u>\$ 952,595</u>

To Adj Salary lines for merit increase. Merit increases were combined with contingency budget

3. Expenditures

31-7230-0200 Electric - Salaries	\$ 833,645	#	\$ 16,673	\$ 850,318
31-7230-0500 Electric - FICA	65,534	#	1,428	66,962
31-9990-5300 Electric Fund Contingency	<u>636,846</u>		<u>(18,101)</u>	<u>618,745</u>
	<u>\$ 1,536,025</u>		<u>\$ (0)</u>	<u>\$ 1,536,025</u>

To Adj Salary lines for merit increase. Merit increases were combined with contingency budget

4. Approved **Resolution # 575 (02-2016)** Authorizing the disposition of certain surplus property and auctioning of that property by the electronic auction service of GovDeals.com.

**TOWN OF SMITHFIELD RESOLUTION # 575 (02-2016)
Authorizing the Sale of Certain
Personal Property at Public Auction**

WHEREAS, the Town Council of the Town of Smithfield desires to dispose of certain surplus property of the Town in accordance with NC GS 160A-270; and

WHEREAS, the Town Council of the Town of Smithfield desires to utilize the auction services of a public electronic auction service.

NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

- The following described property is hereby declared to be surplus to the needs of the Town:

Dept.	Vin/Ser.#	Description
Police	2G1WS553481263668	2008 Chevrolet Impala
Police	2G1WS553881266802	2008 Chevrolet Impala
Police	2G1WS553X81265148	2008 Chevrolet Impala
PW		6' Bushhog
PW	T-972-LT	6' Bushhog
PW	SHD88	7 ½ Flail Mower
Planning	SG33B4203M	HP Design Jet 800 large format 42" Printer

- The Interim Town Manager or his designee is authorized to receive, on behalf of the Town Council, bids via public electronic auction for the purchase of the described property.

- The public electronic auction will be held beginning no earlier than February 15, 2016.
 - The Town Council further authorizes the disposal of Town surplus property by use of a public electronic auction system provided by GovDeals Inc. The property for sale can be viewed at **www.govdeals.com**. Citizens wanting to bid on property may do so at **www.govdeals.com**. The terms of the sale shall be: All items are sold as is, where is, with no express or implied warranties; All items will be sold for cash or certified check only; Payment must be received for all items sold before they may be removed from the premises; All items sold must be paid for and removed from the site of the sale within 5 business days of the sale, or they will be subject to resale.
 - The Town Clerk shall cause a notice of the public auction for surplus property to be noticed by electronic means in accordance with G.S. 160A-270(c), available on the Town of Smithfield website **www.smithfield-nc.com**
 - The highest bid, if it complies with the terms of the sale, may be accepted by the Finance Director or his designee and the sale consummated.
5. Approval of Resolution # 576 (03-2016) Supporting the \$2 Billion Bond Campaign for Education, Agriculture, Parks, Water & Sewer.

**RESOLUTION #576 (03-2016) IN SUPPORT OF THE
\$2 BILLION BOND CAMPAIGN FOR EDUCATION, AGRICULTURE, PARKS
WATER & SEWER**

WHEREAS, North Carolina has seen its population grow by 2 million people since 2000, and there is a need to expand and repair existing infrastructure so we can continue to meet our growing population and continue to create new jobs and grow our economy and

WHEREAS, a primary driver of job creation is our higher education system of community colleges and universities and \$1.3 billion dollars will be invested across the state in capital construction and repair and renovation and

WHEREAS, 13 colleges and universities will be beneficiaries and all of the community colleges will have new construction, repairs and renovations and

WHEREAS, \$300 million in loans and grants will be invested in sewer and water projects and

WHEREAS, \$100 million will go to 48 state parks and the NC Zoo to repair and renovate as well as updating some park facilities to make them more accessible to children with disabilities and Veterans with disabilities and

WHEREAS, \$70 million will be spent to modernize National Guard facilities which will also make the guard eligible for additional federal funding as North Carolina moves towards more centralized facilities and

NOW THEREFORE BE IT RESOLVED, that the Ton of Smithfield supports the \$2 Billion Connect NC Bond that invests in North Carolina's future.

6. Approved a Professional Service Agreement with Skip Greene and Associates, Inc. for the administration of the Building Reuse Grant for ARI, Inc.
7. Bid Award and contract approval to SOHN Inc. in the amount of \$14,963.00 for renovations to the Public Works Building. Bids were solicited from the following vendors:
- SOHN Inc. \$14,963.00
 - Lane Contracting \$15,250.94
 - Huskey Builders \$15,500.00 (verbal)
 - Steven Post Did not submit a bid

8. Advisory Board/ Committee Appointments

- Anita Liverman was reappointed to serve a second term on the Appearance Commission.
- Robert Worsham was reappointed to serve a third term on the Appearance Commission.
- Regina Sanders was reappointed to serve a fourth term on the Appearance Commission.
- Paul Worley was reappointed to serve a fifth term on the Board of Adjustments.
- Sandra O'Berry was reappointed to serve a second term on the Library Board of Trustees.
- Daniel Sanders was reappointed to serve a third term on the Parks and Recreation Advisory Board.

9. Approved a salary increase from \$11.00 an hour to \$12.00 an hour for a part-time employee that serves as the Smithfield Recreation and Aquatics Center's Morning Receptionist.

10. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Water Plant Operator II	PU – Water Plant	30-7200-0200	\$14.173/hr (\$29,473.60/yr)
Police Officer I	Police	10-5100-0200	\$16.033/hr (\$35,851.92/yr)
P/T SRAC Staff	P&R – Aquatics	10-6220-0210	\$9.00/hr
P/T SRAC Staff	P&R – Aquatics	10-6220-0210	\$7.25/hr
Water/Sewer Superintendent	PU – Water/Sewer	30-7220-0200	\$24.038/hr (\$50,000/yr)

Unanimously approved.

BUSINESS ITEMS:

1. Approval of Water/ Sewer Rate Study with the Wooten Company

Interim Town Manager Jim Freeman gave the Council an update on the LGC's meeting that he, Mr. Connet and Mr. Siler attended earlier in the day. He explained that they were very pleased with the all the actions the Board has taken. Mr. Freeman explained that the Local Government Commission strongly recommends that the Town undertake a water/sewer study and consider said study's resulting rate schedule recommendation in its FY2016-2017 Budget. This was referenced in the Town's January 21st correspondence to the Local Government Commission. It is staff's recommendation that The Wooten Company be awarded the water/sewer rate study at a maximum \$22,000 cost. The Wooten Company's proposal is the lowest cost proposal and the company is familiar with the Town and our capital project needs.

Mayor Pro-Tem Ashley questioned if Mr. Dreitzler could conduct the rate study. Mr. Freeman responded that Mr. Dreitzler is only working on a trial basis at this time and although he can assist, he cannot take on that responsibility at this time.

Councilman Scott questioned if the Town should wait until the new utility director starts. Mr. Freeman responded that the new utility director will be involved, but he is unsure if Mr. Credle has ever been involved in a rate study. Mr. Freeman further stated that the LGC is keen to the idea of moving forward with a third party to conduct the study.

Mr. Connet and Mr. Freeman agreed that the Town should move forward with this study. The Wooten Company would provide the model to the Town enabling the Town to be able to utilize it in the future.

Councilman Scott made a motion seconded by Councilman Wood to award the water/sewer rate study to The Wooten Company at a maximum cost of \$22,000. Unanimously approved.

2. Award of bid to GE Prolec for the purchase and installation of (1) 30-MVA LTC transformer as the second transformer at the Brogden Road Substation

Interim Public Utilities Director Pete Connet addressed the Council on a request to award the bid to GE Prolec for the purchase and installation of (1) 30-MVA LTC transformer as the second transformer at the Brogden Road Substation. Mr. Connet explained the transformer will not only act as a back-up for the current transformer, but will allow us to add additional circuits to the north end of town, where potential growth will occur at or before the completion of the Booker Dairy Road Extension. It will also provide us with the option to provide a dedicate circuit to any future industrial client at the Hill property on Brogden Road. Bids were opened at 2:00 p.m. on January 14, 2016. There were five bidders in all, with all bids coming in under the engineer's estimate for this phase of the project. Base bids are as follows:

- GE Prolec \$725,180.00
- WEG \$818,000.00
- Waukesha \$869,125.00
- ABB Kuhlman \$1,007,510.00
- Delta Star \$1,011,441.00

A copy of the Bid results and the Engineers letter of recommendation are on file in the office of the Town Clerk

The low bid by GE Prolec is recommended in the amount of \$725,180. This price includes the manufacture of the transformer, shipping it to the site, and assembly and testing on-site by the manufacturer. The delivery is 189 days from the date of the order, which we anticipate being around March 1, 2016 when all the contracts are signed.

Councilman Scott made a motion, seconded by Councilman Wood to award bid for the purchase and installation of (1) 30-MVA LTC transformer as the second transformer at the Brogden Road Substation, per the Engineer's letter of recommendation, to GE Prolec in the amount of \$725,180. 00. Unanimously approved.

3. Update on the Unified Development Ordinance

Planning Director Paul Embler addressed the Council on a request to secure the services of a planning consultant to assist in preparing a major revision to the Unified Development Ordinance (UDO). Mr. Embler explained that in 2015, the Planning Department staff working with the Planning Board at their regular monthly meetings, by extending the meeting time, began a functionality review of the UDO. There are a total of 27 Articles in the UDO plus three Appendices. To date staff and the Planning Board have reviewed eleven of the Articles and have prepared draft amendments for Council's consideration. Mr. Embler further explained that The General Assembly, the courts and even the US Supreme Court have passed laws and made rulings in the past 24 months that have in effect made the Town's UDO outdated and in some cases unenforceable. In addition there are sections of the UDO that need to be revised to accommodate the additional exterritorial zoning jurisdiction (ETJ) released by Johnston County to the Town of Smithfield. The changes required by new legislation and court rulings require the amendments to be prepared by an individual or company who has knowledge of the legal and regulatory environment. Staff working with the Town Attorney could research the laws and court rulings, but this activity would take months. By hiring a consultant who already has this knowledge and can quickly incorporate the information into the UDO, which will speed up the process tremendously. To assist the Council, planning staff has solicited a proposal from HCP, Inc. HCP assisted Smithfield in the past to develop its present UDO and also prepared the Town's Comprehensive Plan. The firm through its past work has knowledge of the community and has assembled data from previous work in Town that will represent a significant monetary and time savings to the Town. Normally a consultant's fee for preparing a UDO would be somewhere in the range of \$75,000.00 to \$150,000.00 depending on the level of detail. The normal time frame for the revision of a UDO is between one and two years. The proposal from HCP is significantly less, at \$55,000.00 with the UDO revision being completed in less than a year.

Staff proposes that the \$55,000.00 fee be funded in part from the existing Planning Department's budget by transferring \$30,000.00 from the condemnation line item, this will leave \$20,000.00 in the budget for condemnation. The remainder of \$25,000.00 is asked to be funded by Council in the upcoming FY 16/17 budget. Staff is proposing the split funding in order to speed-up the process of revising the UDO by being able to start immediately instead of waiting until July 2016.

Councilman Harris made a motion, seconded by Mayor Pro-Tem Ashley, to approve the contract proposal with Holland Consulting Planners for the preparation of a major revision to the UDO. Unanimously approved.

4. Downtown Revitalization State Grant Application Funds

Interim Town Manager Jim Freeman addressed the Council on a request to consider a downtown project activity for submission in the State's \$96,107 grant application and grant agreement. Mr. Freeman explained that after Council's January 5th Called Meeting discussion regarding a project selection for the \$96,107 Downtown State Grant Application, staff did solicit for downtown project concepts for Council's consideration. The Downtown Smithfield Development Corporation and the Appearance Commission submitted the following projects:

- 1st DSDC Priority – WayFinding System, including monumental gateways
- 2nd DSDC Development Corp. Priority – Urban Design Firm Development Plans
- 3rd DSDC Development Corp. Priority – Appearance Enhancement, architectural lighting along the Market and Third corridors.
- DSDC Development Corp. Alternates – Bingham House Purchase & Downtown Wi-Fi Network
- Appearance Committee – Market Street Scape Lighting
- Appearance Committee - Parking Lot Improvements: Town Hall, Wells Fargo Area Library Area

Councilman Harris made a motion, seconded by Councilman Scott, to table this item until the March meeting. Unanimously approved.

5. Consideration and Approval of an agreement with BB&T in the amount of \$25,000 to purchase the Family Life Center.

Councilman Lee asked for clarification on this matter. Town Attorney Bob Spence responded that former Mayor John Lampe had discussions with BB&T concerning the Family Life Center. BB&T currently has the note on the building and it is in default. The Family Life Center would now like to convey whatever interest they have on the building. The bank would like to sell its note. Mr. Spence explained that the Council is being asked is if it is interested in purchasing the building on land currently owned by the Town at a liquidation price of \$25,000 since over \$60,000 is owed on the building.

Mayor Pro-Tem Ashley stated that the Town should consider purchasing the property but only if it can be obtained without entering into a lawsuit with the family that currently is involved with the building and only if the Town can obtain a clear title. Mr. Spence responded that the attorney for the Family Life Center has assured him that the family is willing to cooperate.

Mayor Pro-Tem Ashley stated that he did not have any issues with purchasing the building from BB&T for \$25,000, but only if it could be purchased with a clear title. Mr. Spence stated that he was unsure if a clear title could be obtained. He would have to further investigate the matter. Mr. Spence further stated that BB&T has offered to release their interest for \$25,000 and the Town would have to handle the title issue. The attorney for the Family Life Center has discussed with Mr. Spence that any title issues can be resolved. Mr. Spence stated for the record that only former Mayor John Lampe conducted these negotiations.

Mayor Moore stated that this matter was discussed during the last advertised closed session in which several members of the Council were not present. It was the consensus of the members present to move forward with purchasing the building.

Councilman Scott stated that former Mayor John Lampe did a lot of work on trying to secure this building at a price the Town could afford. He further stated that it was the consensus of the Council in attendance during the Closed Session that the purchase of the building was for the betterment of the community and the property that is currently owned by the Town.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Scott, to approve the purchase of the Family Life Center building from BB&T in the amount of \$25,000 if the following criteria can be met:

- a. If title can be obtained
- b. If, existing lease can be released and Town can obtain a good title meaning no encumbrances, no liens, no nothing
- c. The \$25,000 is only paid if it can be guaranteed and the transaction can happen simultaneously.

Unanimously approved.

Councilmembers Comments:

- Mayor Moore expressed his appreciation to the Interim Public Utilities Director Pete Connet and his staff. He stated that they did an outstanding job during the recent ice storm.

Town Manager's Report:

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

Closed Session: Pursuant to NCGS 143-318.11 (a) (6)

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, to go into closed session pursuant to NCGS 143-318.11 (a) (6) to discuss Town Manager applications. Unanimously approved at 9:03 pm.

Reconvene in Open Session:

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Wood, to reconvene in open session. Unanimously approved at 9:52pm.

Adjourn

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

The meeting adjourned at approximately 9:53 pm.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Williams, Town Clerk