

The Smithfield Town Council met in regular session on Tuesday, October 4, 2016 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Emery Ashley, Mayor Pro-Tem
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

Marlon Lee, District 1

Administrative Staff Present

Michael Scott, Town Manager
John Blanton, Fire Chief
Lenny Branch, Public Works Director
Ted Credle, Public Utilities Director
Paul Embler, Planning Director
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources/PIO
R. Keith Powell, Chief of Police
Greg Siler, Finance Director
Shannan Williams, Town Clerk

Present:

Bob Spence, Town Attorney
Bill Dreitzler, Town Engineer

Administrative Staff Absent

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

APPROVAL OF AGENDA:

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

- Add a Closed Session pursuant to NCGS 143-318.11 (a) (3) to consult with the Town Attorney.

Unanimously approved.

PRESENTATIONS:

1. Proclamation – Recognizing Robert Worsham’s dedicated service to the Appearance Commission

Mayor M. Andy Moore presented Robert Worsham with a Proclamation for his dedicated service to the Appearance Commission. Mr. Worsham offered some brief remarks.

**PROCLAMATION
In Honor of Robert Worsham’s
Dedicated Service to the Town of Smithfield’s Appearance Commission**

WHEREAS, Robert Worsham served on the Appearance Commission for over nine years; and

WHEREAS, Robert Worsham recently resigned from the Appearance Commission and the Town of Smithfield would like to recognize his dedicated service; and

WHEREAS, during his tenure, Robert Worsham served as both the Chairman and the Vice- Chairman of the Appearance Commission; and

WHEREAS, Mr. Worsham volunteered countless hours to ensure that beautification efforts in the Town of Smithfield would continue for the betterment of the entire community; and

WHEREAS, Mr. Worsham was instrumental in spearheading the East Smithfield Beautification Project and the US Highway 70 West Beautification Project; along with countless other project; and

WHEREAS, the Town of Smithfield would like to express our sincere appreciation for Robert Worsham's many years of dedicated service.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield along with the members of the Town Council, express our sincere appreciation to Robert Worsham for his distinguished service to the Town of Smithfield.

2. Administering Oath of Office to new Chief of Police – Robert Keith Powell

Mayor M. Andy Moore administered the Oath of Office to new Chief of Police Robert Keith Powell. Chief Powell offered some brief remarks.

3. Administering Oath of Office to new Police Officer – William Faircloth

Mayor M. Andy Moore administered the Oath of Office to new Police Officer Kaleb Smith and welcomed him to the Town of Smithfield.

4. Recognition of Master Police Officer Jordan Jeffery for obtaining the Advanced Law Enforcement Certification from the North Carolina Education and Training Standards Commission.

Chief of Police R. Keith Powell and Mayor Moore presented Master Police Officer Jordan Jeffery with a framed Advanced Law Enforcement Certificate. Members of Council expressed their appreciation to Officer Jeffery for his dedication and service to the Town of Smithfield.

PUBLIC HEARINGS:

Town Clerk Shannan Williams administered affirmations to those that wished to offer testimony during the Public Hearings.

1. Conditional Use Permit request by Jorge Cuevas (CUP-16-07)

Councilman Harris 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 Jorge Cuevas. The applicant was requesting a conditional use permit to construct and operate a storage building sales lot on property located within a B-3 (Business) zoning district. The property considered for approval was located on the south side of NC HWY 210 approximately 490 west of its intersection with West Market Street and further identified as Johnston county Tax ID# 15076019.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the October 4, 2016 agenda packet.

The Planning Board, at its September 1, 2016 meeting unanimously voted to recommend approval of the conditional use permit to allow for outdoor sales of storage buildings with the following conditions of approval;

1. Storage buildings and all other items for display and sale are to be no closer than 50 feet to the public right-of way of NC Highway 210.
2. Storage buildings and all other items for display and sale shall not be placed in the parking lot.
3. No manufacturing or construction of items for display and sale shall occur on the site.

The Planning Department recommends approval of the proposed storage building sales lot with the following conditions of approval

1. Storage buildings and all other items for display and sale are to be no closer than 50 feet to the public right-of way of NC Highway 210.
2. Storage buildings and all other items for display and sale shall not be placed in the parking lot.
3. No manufacturing or construction of items for display and sale shall occur on the site.

Mayor Moore asked if the applicant was in agreement with the testimony provided by Mr. Embler. The applicant, Jorge D. Cuevas, responded he was in agreement with the testimony offered by Mr. Embler.

Mayor Moore asked if there were any comments/questions from those that had been duly affirmed to offer testimony. There were none.

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

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

The Written Finding of Facts

Town Council of the Town of Smithfield decided the matter of the 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 Rabil, to vote in the affirmative to all of 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 storage building sales lot at this location will not materially endanger the public were shown because the site has adequate parking available and layout of the site facilitates safe movement of automobiles and pedestrian traffic with little additional congestion.

- **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 storage building sales lot at this location conforms to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinances providing the applicant submits a detailed site plan for planning staff approval that shows required landscaping and paved parking prior to issuance of site plan approval and issuance of a valid zoning permit for an automobile sales lot.

- **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 storage building sales lot at this location will be detrimental to the adjacent land uses due to increased traffic and noise generated by activities associated with storage building sales lot if manufacturing and construction of storage building and accessories occur on the site.

- **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.

The proposed storage building sales lot at this location will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development proving all minimum development standards are met to include parking, landscaping and building setbacks.

Record of Decision: Approval of Conditional Use Permit Application # CUP-16-07

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, 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 moved to approve Conditional Use Permit Application # CUP-16-07 with the Planning Department's and Planning Board's recommended conditions as listed below:

1. Storage buildings and all other items for display and sale are to be no closer than 50 feet to the public right-of way of NC Highway 210.
2. Storage buildings and all other items for display and sale shall not be placed in the parking lot.
3. No manufacturing or construction of items for display and sale shall occur on the site.

Unanimously approved.

2. Conditional Use Permit request by Brent Wiggs (CUP-16-08)

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

Planning Director Paul Emblar addressed the Council on a request by Brent Wiggs. The applicant was requesting a conditional use permit to operate a commercial dog kennel on property located within an R-20A (Residential-Agricultural) zoning district. The property considered for approval is located on the south side of Little Creek Church Road approximately 1,400 feet east of its intersection with Rock Pillar Road. The property is further identified as Johnston County Tax ID#15J08009A.

Planning Director Paul Emblar has incorporated his entire record and provided it to Council in written form in the October 4, 2016 agenda packet.

The Planning Board, at its September 1, 2016 meeting unanimously voted to recommend approval of the conditional use permit to allow for an expansion of an existing commercial dog kennel with the following conditions of approval;

1. All dog kennel structures shall meet current building and fire codes prior to occupying the facility.

The Planning Department recommends approval of the proposed expansion of an existing commercial dog kennel with the following condition of approval;

1. All dog kennel structures shall meet current building and fire codes prior to occupying the facility.

Mayor Moore asked if the applicant was in agreement with the testimony provided by Mr. Embler. The applicant, Brent Wiggs, responded he was in agreement with the testimony offered by Mr. Embler. Mr. Wiggs further testified that all structural issues have been corrected and approved by the Johnston County Inspections Department.

Mayor Moore asked if there were any comments/questions from those that had been duly affirmed to offer testimony. Mr. Robert Moore of 440 Little Creek Church Road testified that he is Mr. Wiggs's closest neighbor. Mr. Moore further testified that the proposed use would be an asset to the community.

Mayor Moore asked if there were any questions from Council.

Councilman Harris questioned what the applicant intended to do with the proposed expansion. Mr. Wiggs explained that he is a Labrador breeder and this would allow his business to increase.

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

The Written Finding of Facts

Town Council of the Town of Smithfield decided the matter of the 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 all of 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 expansion of the existing commercial dog kennel at this location will not materially endanger the public were shown because the site has adequate parking available and layout of the site facilitates safe movement of automobiles and pedestrian traffic with little additional congestion.

- **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 expansion of the existing commercial dog kennel at this location conforms to standards and practices of sound land use planning and the Town of Smithfield Unified

Development Ordinances. Commercial dog kennels are a permitted use within the R-20A with no additional supplemental standards required by the current Unified Development Ordinance.

- **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 expansion of the existing commercial dog kennel at this location 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. The adjacent land uses include agricultural and woodlands. The nearest neighbor is approximately 380 to the north of the proposed commercial dog kennel.

- **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.

The proposed expansion of the existing commercial dog kennel at this location will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development proving all minimum development standards are met to include building setbacks.

Record of Decision: Approval of Conditional Use Permit Application # CUP-16-08

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Rabil, 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-16-08 with the following condition: All dog kennel structures shall meet current building and fire codes prior to occupying the facility. Unanimously approved.

CITIZENS' COMMENTS:

- Tony Nixon of 8 Cedar Drive explained that this week was National Community Policing Week. Mr. Nixon stated that the East Smithfield Improvement Organization supports community policing and solutions to increase trust between the community and the Police Department. He asked that the Town consider a community policing liaison. Mr. Nixon further requested that the Smithfield Police Department and the Parks and Recreation Department support ongoing programs for the youth. He also asked the Council to consider more resources for the Police Department.
- Lucy Washington of 406 Birch Street explained that hurricane season is upon us. She asked with the threat of Hurricane Matthew, where are the local shelters and questioned how the Town would inform the public. Mayor Moore responded that the Town is closely monitoring the storm. Fire Chief John Blanton explained that Johnston County Emergency Services has been monitoring the storm and in the event that shelters were necessary, the County would make the call to open all facilities. He further explained that the First Baptist Church Ministry Center would be utilized as a shelter for the Town. Town Manager Michael Scott also responded that staff would post all important information on the Town's website, Twitter, Facebook as well as posting paper notices on each of the Town buildings.

CONSENT AGENDA:

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

- 1. Approved the following Minutes:

September 6, 2016 – Regular Meeting
September 6, 2016 – Closed Session

- 2. Special Event – Downtown Smithfield Wine Walk: The applicant, the Downtown Smithfield Development Corporation, gained approval to conduct its annual not for profit Wine Walk in the downtown area to be held on November 18, 2016 from 5:00 am until 9:00pm.
- 3. Special Event – Christmas Tree Lighting: The applicant, the Downtown Smithfield Development Corporation, gained approval to conduct the annual Christmas Tree Lighting to be held on December 1, 2016 from 5:00pm until 9:00 pm in the 100 block of North Third Street. Amplified sound will be utilized from 7:00pm to 8:30pm. A portion of the 100 block of North Third Street will be closed from Market Street to the parking lot of the Public Library of Johnston County and Smithfield
- 4. Special Event – Touch A Truck (REVISED EVENT): The applicant, The Junior Women’s League of Smithfield, Inc. gained approval by the Town Council in August to hold this event. Due to the positive response they received, they gained approval to close Johnston Street between Second and Third Streets. The time from 8:00 am – 4:00 pm has not changed.
- 5. Special Event – Annual martin Luther King, Jr. Parade (REVISED EVENT): The applicant, Rachel Ayers on behalf of the Johnston County Branch of the NAACP, gained approval to change the time of this annual event from 7:00 pm to 6:00 pm. The event will be held on January 13, 2017.
- 6. Approved amendments to the Josephine B. George Agreement

(Attached by reference and made a part of these official minutes is a copy of the approved Josephine B. George amended Agreement)

- 7. Approved various budget amendments

ENCUMBRANCES FROM 2015-2016 TO 2016-2017

GENERAL FUND

10-5300-7400	Fire - Capital Outlay (Fire Hoses)	3,233
10-6200-7400	Parks and Rec - Capital Outlay (Family Life Center)	<u>27,000</u>
		<u>\$ 30,233</u>

ELECTRIC FUND

31-7230-3504	Electric - ESA-BAYWA Solar	<u>48,524</u>
		<u>\$ 48,524</u>

ENCUMBRANCES FOR PURCHASE ORDERS ISSUED PRIOR TO 6/30/16

GENERAL FUND

10-4110-5712	NonDept - Walter Schmidlin	S.H.A.R.P. Reimbursement	20153212	\$2,000.00
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10-4110-5712	NonDept - Walter Schmidlin	S.H.A.R.P. Reimbursement	20164055	\$2,000.00
10-4110-5717	Non-Departmental - Web Design	Web Design (Final Installment)	20164226	\$3,847.50
10-5100-3500	Police - Uniforms	Bullet Proof Vest	20164646	\$625.00
10-5100-3500	Police - Uniforms	Bullet Proof Vest	20164699	\$643.95
10-5100-7400	Police - Capital Outlay	Center Consoles for (3) vehicles	20164711	\$2,306.34
10-5100-7400	Police - Capital Outlay	Equipment Installation on (3) new vehicles	20164715	\$2,190.00
10-5100-7400	Police - Capital Outlay	(2) Cargo Storage Boxes for K-9 vehicles	20164720	\$733.14
10-5300-3501	Fire - Service Contracts	Chief Dan Leadership	20164520	\$1,387.75
10-5500-7400	Appearance - Capital Outlay	Christmas Decorations	20164718	\$9,868.40
10-5600-3601	Appearance - Miscellaneous	Meadow Brook Street Survey	20164193	\$1,500.00
10-6200-1700	Recreation - Equipment & Repair	Alarm Kits for SRAC	20164689	\$3,755.00
10-6200-3300	Recreation - Supplies/Operations	Clay Mix for Community Park Ballfields	20164726	\$1,602.00
10-6200-3700	Recreation - Community Park	Clay Mix for Community Park Ballfields	20164726	\$990.00
10-6200-7400	Recreation - Capital Outlay	Topsoil for Community Park Grading	20164680	\$2,520.00
10-6200-7400	Recreation - Capital Outlay	Scoreboard for Smith Collins	20164681	\$4,319.40
10-6200-7400	Recreation - Capital Outlay	Window for Civitan Press Box	20164683	\$1,897.70
10-6200-7400	Recreation - Capital Outlay	Clay Mix for Smith Collins & Civitan	20164726	\$972.00
10-6220-3300	Aquatic Center - Supplies/Operations	Kiefer Swim Products	20164692	<u>\$110.00</u>
				<u>\$43,268.18</u>

WATER FUND

30-7200-3501	Water Plant - Capital Outlay	Rebuild Raw Water Pump	20164406	\$20,419.69
30-7220-7400	Water/Sewer - Capital Outlay	Bypass on Pump Stations	20164642	<u>\$33,774.50</u>
				<u>\$54,194.19</u>

Budget Amendments – October 2016

1. Revenue

10-3990-000 Fund Balance Appropriation		<u>\$ 700,000</u>	<u>\$ 60,118</u>	<u>\$ 760,118</u>
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Expenditure

10-4110-5712	Non Departmental - S.H.A.R.P.E. Reimbursement	\$ 6,000	\$ 4,000	\$ 10,000
10-5100-7400	Police-Capital Outlay (2 K9 Cargo Storage Boxes)	154,500	733	155,233
10-5300-3501	Fire - Service Contracts (Chief Dan Leadership)	1,000	1,016	2,016
10-5300-7400	Fire - Capital Outlay (Fire Hoses)	21,229	3,233	24,462
10-5500-7400	Gen Serv.-Capital Outlay (Christmas Decorations)	28,000	9,868	37,868
10-6200-1700	Pks and Rec - Equipmt & Repair(SRAC Alarm Kits)	39,000	3,755	42,755
10-6200-3300	Pks and Rec - Supplies (Clay Mix for Ball Park)	80,000	1,602	81,602
10-6200-3700	Pks and Rec - Com Park (Clay Mix for Ball Pk)	1,000	990	1,990
10-6200-7400	Pks and Rec - Capital (Topsoil for Community Pk)	91,450	2,520	93,970
10-6200-7400	Pks and Rec - Capital (Scoreboard for Smith Col)	93,970	4,319	98,289
10-6200-7400	Pks and Rec - Capital (Clay Mix for Smith Collins)	98,289	972	99,261
10-6200-7400	Pks and Rec - Capital Outlay (Family Life Center)	99,261	27,000	126,261
10-6220-3300	Aquatics Center - Supplies (Kiefer Swim Products)	<u>32,500</u>	<u>110</u>	<u>32,610</u>
		<u>\$ 746,199</u>	<u>\$ 60,118</u>	<u>\$ 806,317</u>

2. Revenue

31-3970-0700 Fund Balance Appropriation		<u>\$ -</u>	<u>\$ 47,463</u>	<u>\$ 47,463</u>
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Expenditures

31-7230-3504	Electric - ESA/BAYWA Solar	<u>\$ -</u>	<u>\$ 47,463</u>	<u>\$ 47,463</u>
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8. Advisory Board/ Committee Appointments

- Daniel Sanders was reappointed to serve a fourth term on the Planning Board.
- Stephen Upton was reappointed to serve a fourth term on the Planning Board.
- Eddie Foy was reappointed to serve a fifth term on the Planning Board.
- Jackie Bryant was reappointed to serve a second term on Parks and Recreation Advisory Commission.

9. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
IT Specialist	General Government	10-4100-0200	\$23.077/hr (\$48,000.16/yr)
	PU - Electric	31-7230-0200	(1/3 from each)
	PU – Water / Sewer	30-7220-0200	
Mechanic/Operator I	PU – Water Plant	30-7200-0200	\$17.308/hr (\$36,000.64/yr)
Training Chief	Fire Department	10-5300-0200	\$26.041/hr (\$54,165.28/yr)
Operator I	PU- Water Plant	30-7200-0200	(\$15.938/hr (\$33,151.04/yr)
P/T Lifeguard	P&R – Aquatics	10-6220-0220	\$9.00/hr
P/T Lifeguard	P&R – Aquatics	10-6220-0220	\$7.50/hr
P/T Instructor	P&R – Aquatics	10-6220-0230	\$18.00/hr
P/T Instructor	P&R – Aquatics	10-6220-0230	\$15.00/hr
P/T Scorekeeper	P&R – Recreation	10-6200-0210	\$8.00/hr

Unanimously approved.

BUSINESS ITEMS:

1. 2017 Town Council Meeting Schedule – Approved

Town Clerk Shannan Williams addressed the Council on request to review the 2017 Town Council Meeting Schedule and determine alternate dates for the July and November regular meetings due to the Fourth of July Holiday and Election Day.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, to approve the 2017 Regular Town Council Meeting schedule with the July meeting to be held on July 11, 2016 and the November meeting to be held on November 14, 2016. Unanimously approved.

2017 Regular Meeting Schedule is as follows:

- January 3rd February 7th March 7th April 4th May 2nd June 6th
 July 11th August 1st September 5th October 3rd November 14th December 5th

2. Replacement of Existing Financial Software and Billing Software – Approved

Finance Director Greg Siler addressed the Council on a request to replace the existing financial software and billing software. Mr. Siler explained that ElectriCities aided in the selection the Integrate Local Government Software, or Incode, from Tyler Technologies ("Tyler") as a preferred software solution available to all ElectriCities' Members. This relationship with Tyler will provide software discounts and affordable hosting to those Members who choose to license Incode. Incode was selected through a rigorous process and emerged as an affordable, best-in-class solution for municipalities. Total implementation cost is estimated at \$198,141 (includes 15% or \$17,473 contingency on non-licenses cost) with annual maintenance and hosting cost of \$34,648. Because implementation isn't scheduled to start until midyear, only \$57,500 is needed this fiscal year. The

same amount is budgeted under General Fund Capital Projects 46-4200-7400.

Councilman Harris questioned if the proper infrastructure was in place for the new software. Mr. Siler responded that ElectriCities will be providing redundancy for the software.

Councilman Scott inquired if this software would include all necessary functions. Mr. Siler responded that the software would include not only all necessary financial and billing software, but also will include Human Resources and fixed asset management.

Town Manager Michael Scott informed the Council that he and Town Clerk Shannan Williams traveled to Havelock, North Carolina to gain insight and input into the software since they currently utilize it.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, to approve the agreement with Official Tyler Technologies and authorize the Town Manager to execute the agreement on behalf of the Town. Unanimously approved.

(Attached by reference and made a part of these official minutes is a copy of the approved Tyler Technologies Agreement)

3. Outlet Center Drive Drainage Ditch Repairs – Approved

Town Engineer Bill Dreitzler addressed the Council on a request to approve a proposal from JP Edwards Inc. in the amount of \$29,940.00 for drainage improvements for the area directly in front of the Texas Steakhouse. This will include the installation of a 3-foot wide concrete valley gutter within the existing ditch line of Outlet Center Drive. The proposed valley gutter will run the length of the frontage with Texas Steakhouse. In addition, the valley gutter will run on the north side of Outlet Center Drive from South Equity to North Equity. The scope also includes a small section of valley gutter along both South Equity and North Equity. Quotes were obtained from JP Edwards, Inc. in the amount of \$29,940.00 and Pacos Construction in the amount of \$29,992.50. Hinton Construction was also contacted but did not submit a quote. Mr. Dreitzler explained that this repair is necessary due in part to the Smithfield Crossings project and the construction of properties on businesses along South Equity Drive, a drainage problem developed that has negatively impacted businesses in this area.

Councilman Scott questioned how this would be funded. Town Manager Michael Scott responded, \$29,940.00 from the Smithfield Crossings Budget. This approved budget included up to an \$860,000 General Fund Balance transfer. The \$29,940 expenditure for this project will be paid from this previous allocation.

Councilman Wood made a motion, seconded by Councilman Dunn, to approve a proposal from JP Edwards Inc. in the amount of \$29,940.00 for drainage improvements for the area directly in front of the Texas Steakhouse on Outlet Center Drive. Unanimously approved.

4. Greenway Repairs – Approved

Town Engineer Bill Dreitzler addressed the Council on a request on repairs to the Buffalo Creek Greenway. Mr. Dreitzler explained that the Neuse River Bank was previously eroded due to storm water and flooding. This erosion has extended up onto the Greenway path, forcing the Town to reinforce and back-fill the river bank to maintain use of its Greenway path. After several phone discussions with Todd St. John, P.E., Kimley Horn, some minor revisions were made to the engineering design for the Neuse River Bank Temporary Emergency Stabilization project. Informal proposals were solicited from the following six contractors:

- RLT Construction
- Sandhills Contractors
- Temple
- ELJ Construction
- James Paul Edwards, Inc.

The only construction firm that chose to submit a proposal was James Paul Edwards, Inc. in the amount of \$50,120.00.

Mayor Pro-Tem Ashley stated this repair was long overdue and expressed concerns about other areas on the Greenway that would eventually need repairs. Mr. Dreitzler responded that he was confident there wouldn't be any other issues at the site of this repair, but given the proximity of the Greenway to the Neuse River, other failures in the bank were likely to occur. Staff has identified one such area that would need to be repaired in the future.

Councilman Harris made a motion, seconded by Councilman Rabil, to approve the repairs to the Buffalo Creek Greenway to be made by JP Edwards Inc. in the amount of \$50,120.00 and to be paid from the General Fund Contingency. Unanimously approved.

5. Acceptance of Asset Inventory and Assessment (AIA) Grant in the amount of \$150,000 from NC Department of Environmental Quality related to Water

Public Utilities Director Ted Credle address the Council on a request to approve a resolution, accepting the North Carolina Division of Environmental Quality (NCDEQ) Clean Water State Revolving Fund (CWSRF) Asset Inventory and Assessment (AIA) grant; approve the appropriation of \$165,000 from the Water/Sewer Fund balance to create a budgetary line item "AIA Water" for the duration of this project; approve the transfer of \$15,000 from the "Digitized Mapping" Capital project to the Water/Sewer Fund balance; and authorize the Town Manager to execute any related contracts, not to exceed the project budget of \$165,000. As part of the approved Capital Improvement Plan for the Town of Smithfield, a project titled "Digitized Mapping" was approved as part of the Water/Sewer Fund budget for the current fiscal year. The intent of this project was to physically locate the Town's Utility Infrastructure and incorporate the infrastructure into the Town's official Map. This accurate location will enhance the Town service by reducing service response time. Another by-product of this project is to assist in the NCDEQ and federal "scoring" processes for future grants and low-interest loans.

Additionally, to make it easier to track funds spent on this "AIA Water" project, staff is requesting the creation of a budgetary line item. Transferring \$165,000 into a separate line item, so the use of project related funds can be tracked easily. This will also provide a line item that will make reimbursement deposits from eh NCDEQ easier to track, should this project be audited. Funds for the creation of this "AIA Water" project item will come from both the Water/Sewer Fund balance and a transfer from the capital project "Digitized Mapping". Once the project is finished the line item balance will be transferred back into the Water/Sewer Fund, resulting in no net fiduciary loss.

Councilman Scott made a motion, seconded by Councilman Harris to approve a Resolution # 592 (19-2016), accepting the (NCDEQ) Clean Water State Revolving Fund (CWSRF) Asset Inventory and Assessment (AIA) grant; approve the appropriation of \$165,000 from the Water/Sewer Fund balance to create a budgetary line item "AIA Water" for the duration of this project; approve the transfer of 15,000 from the "Digitized Mapping" Capital project to the Water/Sewer Fund balance; and authorize the Town Manager to execute any related contracts, not to exceed the project budget of \$165,000. Unanimously approved.

**RESOLUTION # 592 (19-2016)
BY TOWN COUNCIL OF THE TOWN OF SMITHFIELD
ACCEPTING THE WATER ASSET INVENTORY AND ASSESSMENT
GRANT**

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$150,000 to perform asset inventory and assessment work, and

WHEREAS, the Town of Smithfield intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD:

That the Town of Smithfield does hereby accept the State Reserve Grant offer of \$150,000.

That the Town of Smithfield does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Michael L. Scott Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 4th day of October in the Council Chamber of Town Hall in Smithfield, North Carolina.

6. Acceptance of Asset Inventory and Assessment (AIA) Grant in the amount of \$150,000 from NC Department of Environmental Quality related to Sewer

Public Utilities Director Ted Credle address the Council on a request to approve a resolution accepting the North Carolina Division of Environmental Quality (NCDEQ) Clean Water State Revolving Fund (CWSRF) Asset Inventory and Assessment (AIA) grant; approve the appropriation of \$165,000 from the Water/Sewer Fund balance to create a budgetary line item "AIA Sewer" for the duration of this project; and authorize the Town Manager to execute any related contracts, not to exceed the project budget of \$165,000.

Mr. Credle explained that as part of the approved Capital Improvement Plan for the Town of Smithfield, a project titled "Digitized Mapping" was approved as part of the Water/Sewer Fund budget for the current fiscal year. The intent of this project was to physically locate the Town's Utility Infrastructure and incorporate the infrastructure into the Town's official Map. This accurate location will enhance the Town service by reducing service response time. Another by-product of this project is to assist in the NCDEQ and federal "scoring" processes for future grants and low-interest loans.

Councilman Scott made a motion, seconded by Councilman Harris, to approve Resolution #593 (20-2016) accepting the North Carolina Division of Environmental Quality (NCDEQ) Clean Water State Revolving Fund (CWSRF) Asset Inventory and Assessment (AIA) grant; approve the appropriation of \$165,000 from the Water/Sewer Fund balance to create a budgetary line item "AIA Sewer" for the duration of this project; and authorize the Town Manager to execute any related contracts, not to exceed the project budget of \$165,000. Unanimously approved.

**RESOLUTION # 593 (20-2016)
BY TOWN COUNCIL OF THE TOWN OF SMITHFIELD
ACCEPTING THE SEWER (WASTEWATER) ASSET
INVENTORY AND ASSESSMENT
GRANT**

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$150,000 to perform asset inventory and assessment work, and

WHEREAS, the Town of Smithfield intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD:

That the Town of Smithfield does hereby accept the State Reserve Grant offer of \$150,000.

That the Town of Smithfield does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Michael L. Scott Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 4th day of October in the Council Chamber of Town Hall in Smithfield, North Carolina.

Councilmembers Comments:

- Mayor Moore introduced new division Fire Chief and Training Officer Jeremey Daughtry and new IT Specialist Eric McDowell and welcomed them to the Town of Smithfield.
- Councilman Harris clarified some comments made at the September meeting. Mr. Harris explained that the Council fully supports the Booker Dairy Road Project. The Town will also secure the necessary funding for the project. Mayor Moore also stated that the project would be closely monitored.

Councilman Harris informed the Council that the fence installation was almost complete on Outlet Center Drive.

- Mayor Pro-Tem Ashley acknowledged Greater Smithfield Selma Chamber of Commerce Executive Director Rick Childrey in the audience and announced his upcoming retirement. Mr. Ashley expressed his appreciation to Mr. Childrey for his service to the community. Mr. Ashley further commented that he asked for assistance from the Chamber to find a solution for collaborative efforts between the business community and the area schools. Mr. Ashley further stated that we should adopt f our school and fully support them.

Town Manager's Report:

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

- Housing Rental Rate: The housing rental rate in the Town of Smithfield is 47% and not the 64% that was recently reported.
- Population: Notification from the State was received and The Town of Smithfield's estimated population has increased to over 12,000 residents. This is a good indicator of growth.
- Streetscape Project: Contract boring is completed and lights for each tree are being installed.
- Hurricane Matthew: Town services continue to prepare for the potential impact of Hurricane Matthew. Current information places the hurricane impacting our area at some level over the

coming weekend. All emergency services, public works and utility departments are finalizing contingency plans and action plans to effectively deal with the impact the Town receives. Residents are encouraged to not leave yard debris or other materials in the gutter or ditch areas that might wash over catch basins or lug storm drains during the potential storm.

- Venture Drive: Public Works Director Lenny Branch and Town Engineer Bill Dreitzler informed the Council that weather/rain delays have prevented Public Works from using a camera system to inspect the sewer lines under Venture Drive. Mr. Branch explained that approximately 1.5 million gallons of water in two retention ponds will need to be gradually pumped down so that staff can utilize the camera system. He reiterated that rain delays have caused the project delay.

Councilman Harris questioned if this would affect the holiday season. Mr. Branch responded that any work could be postponed until after the holiday season if necessary.

- **Department Reports**

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

Closed Session: Pursuant to NCGS 143-318.11 (a) (3)

Councilman Wood made a motion, seconded by Councilman Dunn, to go into closed session pursuant to NCGS 143-318.11 (a) (3) to consult with the Town Attorney. Unanimously approved at 8:36 pm.

Reconvene in Open Session:

Councilman Harris made a motion, seconded by Councilman Wood, to reconvene in open session. Unanimously approved at 9:20pm.

Adjourn

There being no further business, Councilman Wood made a motion, seconded by Councilman Dunn, to adjourn the meeting. Unanimously approved.

The meeting adjourned at 9:21pm.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Williams, Town Clerk