

The Smithfield Town Council met in regular session on Tuesday, March 7, 2017 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  
Marlon Lee, District 1  
Travis Scott, District 3  
Roger A. Wood, District 4  
John A. Dunn, At-Large  
Stephen Rabil, At-Large

Councilmen Absent

J. Perry Harris, District 2

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 Scott, to approve the agenda with the following amendments:

- o Remove from Consent Agenda Item 14: (a) and (b)

Unanimously approved.

**PRESENTATIONS:**

**1. Proclamation: Recognizing April 22, 2017 at #SSStrong Day**

Mayor Moore expressed his appreciation to the principals of the area schools that were in attendance and presented them with a proclamation.

**PROCLAMATION**

**Recognizing April 22, 2017 as #SSStrong Day  
in the Town of Smithfield**

WHEREAS, the Towns of Smithfield and Selma are home to nearly 20,000 residents who live, work, go to school, meet, eat, pray, celebrate, and debate; and

WHEREAS, progress—while not always easy—requires understanding the importance of community; and

WHEREAS, community is defined as a feeling of fellowship with others, as a result of sharing common attitudes, interests, and goals; and

WHEREAS, the designation #SSStrong is a written embodiment of the sense of community and serves as a strong reminder that we all play integral roles in community-building and living the #SSStrong creed; and

WHEREAS, we are continually grateful for those who serve our communities untiringly; and

WHEREAS, those who lead this movement are helping to expand its reach by their affirmative influences on others who live, work, and play in Smithfield and Selma.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield along with the members of the Town Council, proclaims Saturday, April 22, 2017 as #SSStrong Day and encourages its citizens to take pride in community by taking part in this celebration.

## **2. Proclamation: Honoring Dennis C. Tyner, Sr.'s 20 years of service to the Town of Smithfield**

Mayor Moore presented a proclamation to Dennis Tyner for his years of service to the Town. Mr. Tyner expressed his appreciation to his family and to the Town staff.

### **PROCLAMATION In Honor of Dennis C. Tyner's 20 Years of Service to the Town of Smithfield**

WHEREAS, Dennis C. Tyner, Sr. has been a dedicated employee for 20 years and officially retired on February 28, 2017; and

WHEREAS, Dennis C. Tyner, Sr. has served the Town of Smithfield as a Parks and Recreation Facility Maintenance Technician from 1997 until 2000 and as the Parks and Recreation Facility Maintenance Supervisor from 2000 until his retirement; and

WHEREAS, examples of Dennis C. Tyner, Sr.'s exemplary efforts can be found on the well maintained and manicured parks and athletic fields throughout Town; and

WHEREAS, Dennis C. Tyner, Sr.'s dedicated interest and devotion to duty has had a valuable effect on the efficiency and morale of his co-workers, and we wish to extend to him our sincere appreciation for his outstanding performance of duty; and

WHEREAS, he will be missed both professionally and as a friend, and we extend our very best wishes for his continued success in his life's pursuits.

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 Dennis C. Tyner, Sr. for his distinguished service to the Town of Smithfield, and urge our citizens to join with us as we extend our sincere appreciation for his work, and wish him well in his future endeavors.

## **3. 2017 Public Power Awards of Excellence**

Brenda Daniels Economic Development Manager with ElectriCities presented the 2017 Public Power Awards of Excellence in Service Excellence, Financial Stability and Energy Efficiency Town staff.

## **4. Presentation by GeoTechnologies on Full Depth Reclamation – Venture Drive**

Town Manager Michael Scott explained that the purpose of this presentation was to provide the Council with information on the full depth reclamation (FDR) process being considered for Venture Drive. Mr. Harris from GeoTechnologies explained that FDR has been used in many different conditions including residential developments and airports. The advantage of FDR is it is faster than the traditional method of road reconstruction. FDR is a method where the asphalt and the base material are essentially recycled and mixed with portland cement to create a base using a machine

called a reclaimer. This method is less expensive and faster because a lot less material is being hauled from the site and then replaced. This method would also be less burdensome on the businesses along Venture Drive because there would not be a wait time for traffic to be able to traverse the road. Mr. Harris did inform the Council that when GeoTechnologies surveyed the condition of Venture Drive over two years ago, they determined that there were some drainage issues.

Mayor Pro-Tem Ashley inquired if Mr. Harris could determine what caused the condition of Venture Drive. Mr. Harris concluded that slightly thin pavement, a high volume of truck traffic and poor subgrade support lead to the conditions of the road. He further concluded that the soil is mostly clay, which does not allow water to drain.

Councilman Scott stated that essentially the road was being recycled and used as base. Mr. Harris responded in the affirmative. He explained that test sample of Venture Drive were taken to the lab to determine what the road was made of and what would be the best mixture for the strength needed.

Mayor Pro-Tem Ashley asked if FDR was the recommended method for Venture Drive. Mr. Harris responded in the affirmative.

Councilman Rabil questioned if the road would fail if the drainage problems were not addressed. Mr. Harris responded in the affirmative. Public Works Director Lenny Branch informed the Council that all drainage issues have been investigated and resolved.

## **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 Nelson and Shonda Covington: Higher Calling Child Care (CUP-17-01)**

Councilman Rabil 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 Nelson and Shonda Covington. The applicant was requesting a conditional use permit to allow for a commercial daycare center on a .98 acre tract of land located within a B-2 (Business) zoning district. The property considered for approval is located on the southwest side of the intersection of North Seventh Street and Bridge Street and further identified as Johnston County Tax ID# 15021012.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the March 7, 2017 agenda packet.

The Planning Board, at its February 2, 2017 meeting, unanimously voted to recommend approval of the conditional use permit request for a day care facility within a B-2 zoning district.

The Planning Department recommends approval of the request for a conditional use permit to allow for a day care facility on property located within a B-2 (Business) zoning district.

Mayor Moore asked the applicants if they were in agreement with the testimony provided by Mr. Embler. The applicant, Nelson Covington, responded they were 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 was none.

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

Mayor Pro-Tem Ashley 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 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 Lee, to vote in the affirmative to all of the below Finding of Facts. Unanimously approved.

- **Finding One of Four : Agree**

**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.**

Establishing a daycare center at this site will not endanger the public health, safety, or general welfare. The requirements that the state is mandating will mitigate any such dangers.

- **Finding Two of Four: Agree**

**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.**

It is the applicant's intent that the property will meet all state and local ordinance conditions and specifications.

- **Finding Three of Four: Agree**

**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 daycare center will not adversely affect the use or any physical attributes of adjoining or abutting property. Daycare facilities are considered medium intensity uses which are generally compatible with residential uses and are permitted as an accessory to churches which are currently only permitted in residential zoning districts. Additional traffic generated by the proposed daycare facility will have minimal impact on nearby commercial properties who have direct access to East Market Street.

- **Finding Four of Four: Agree**

**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 location and character of the use will be in harmony with the area in which it is to be located. The conditional use shall demonstrate conformance to the Land Use Plan. It will not impact other projects as required by GS 160A-382(b).

## **Record of Decision: Approval of Conditional Use Permit Request (CUP-17-01)**

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 moved to recommend approval of Conditional Use Permit Application # CUP-17-01. Unanimously approved.

*Mayor Moore informed the Council that the representative from the Classic Ford had not arrived, but would be in attendance as soon as possible. It was the consensus of the Council to hear the zoning text amendment request prior to hearing the conditional use permit request.*

### **3. Zoning Text Amendment Request by the Town of Smithfield (ZA-17-01)**

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

Planning Director Paul Embler addressed the Council on a request by the Town of Smithfield. The Planning Department was requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 10, Table of permitted uses, to allow for the sale of agricultural products as an administratively approved use by right within the B-2 (Business) and B-3 (Business) zoning districts.

The Town Council at its February meeting directed the Planning staff to draft a proposed ordinance for consideration of temporary agricultural sales of locally grown produce in the B-2 and B-3 Zoning Districts. Council further directed staff to remove the requirement of a conditional use permit for agriculture sales and replace the conditional use requirement with various permit conditions to further regulate as a right of use within the B-2 and B-3 zoning districts.

The proposed draft defines what agricultural sales are, where the sales can be conducted, how many of the sales sites can occur on a given property, how the sales can be conducted, how the sales sites can be signed and what safety precautions must be taken. With the adoption of the ordinance amendment by the Town Council, agricultural sales can be allowed on any property located in the B-2 and B-3 districts by obtaining an annual permit from the Planning department.

The Planning Board at its meeting made a further recommendation that a vendor could have no more than two sites within the Town.

Mayor Moore asked if there was anyone in the audience that wished to speak on the matter. There was none.

Mayor Moore asked if there were any questions or comments by Council.

Councilman Scott stated that this proposed amendment was to make it more convenient for local people to sell their locally grown products. He questioned if this had been taken before and discussed by the UDO Committee. Mayor Pro-Tem Ashley responded that this has not been discussed by the UDO Committee but it would be addressed.

Councilman Scott questioned if this ordinance aligned with what other Towns are doing. Mr. Embler responded that this was a pretty liberal allowance for farm sales. Mr. Embler explained that there a distinction whereby if a local farmer is within the corporate limits and has property in the Town, the farmer is allowed to sell his products without restrictions. This ordinance addressed any vendor that does not own property in the Town that would like to sell their locally grown products. He further explained that the Town does not want to have vendors that do not sell locally grown products. Councilman Scott asked if plants would be allowable under this ordinance. Mr. Embler responded that plants are included in the UDO's definition of agricultural products.

Mayor Pro-Tem Ashley inquired if a vendor had to have permission from the landowner to sell on a particular site. Mr. Embler responded that vendors have to have permission from the landowner and they have to submit a site plan to the Planning Department. The site plan will allow staff to review the intended use of the site and also gauge if patrons can access the property safely. Mr. Embler further explained that there is a \$50 annual permit fee per location. The permit is good for the entire year and staff will review all permits by December 31<sup>st</sup>.

Councilman Scott questioned the appeal process in the event that the vendor does not accept staff's recommendations. Mr. Embler responded that all appeals would go before the Board of Adjustment. Councilman Scott stated that he would like the Town Manager to be able to review the appeal prior to it being presented to the Board of Adjustment. Town Manager Michael Scott replied that the process was already in place. He reviews all appeals prior to it being heard by the Board of Adjustments to see if compromises can be made while staying within the confines of the ordinance.

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

Councilman Scott made a motion, seconded by Councilman Lee, to approve Ordinance #489 amending the UDO Article 10. Unanimously approved.

**ORDINANCE #489**  
**TO AMEND THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT ORDINANCE,**  
**ARTICLE 10, TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS, TEMPORARY**  
**SALES OF AGRICULTURAL PRODUCTS**

**BE IT ORDAINED** by the Town Council of the Town of Smithfield that Article 10, Section 10-1, Table of Permitted/Conditional Use Districts, is hereby amended to allow for the temporary sale of locally grown agricultural products grown off-site as a temporary use by right within the B-3 (Highway Entrance Business) and B-2 (Business) zoning districts and shall read in its entirety as follows: (new line to be inserted into the permitted use chart)

ARTICLE 10. TABLE OF PERMITTED / CONDITIONAL USE DISTRICTS																	
PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LI****	HI****	AD	OS
<u>TEMPORARY SALE OF LOCALLY GROWN AGRICULTURAL PRODUCTS GROWN OFF-SITE</u>											<u>P</u>	<u>P</u>					

**ALSO BE IT ORDAINED** by the Town Council of the Town of Smithfield that Article 10, Section 10-2, Notes to the Table of Permitted/Conditional Use Districts, Note 19, Temporary uses is hereby amended to allow for the Temporary Sale of Locally Grown Agricultural Products Grown Off-Site as a use by right and shall read in its entirety as follows: (text to be deleted is struck through and new text is underlined)

Note 19. Temporary Uses. The Town Council shall consider the effects of the use on adjacent properties and shall set a time limit on the temporary use. Temporary office units shall meet the requirements of Note 12. Temporary Sale of Locally Grown Agricultural Products Grown Off-Site shall be a use by right and permitted in accordance with Note 19, Temporary Uses, (E) Temporary Sale of Locally Grown Agricultural Products Grown Off-Site.

**ALSO BE IT ORDAINED** by the Town Council of the Town of Smithfield that Article 10, Section 10-2, Notes to the Table of Permitted/Conditional Use Districts, Note 19, (E) Sale of Agricultural Products Grown Off-Site is hereby amended and shall read in its entirety as follows: (text to be deleted is struck through and new text is underlined)

(E) Temporary Sale of Locally Grown Agricultural Products Grown Off-Site. For purpose of this section, agricultural products are defined as products obtained primarily through farming or agricultural activities, including but not limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse

products; trees and forest products, including Christmas trees, firewood, and pine straw; bees and beekeeping products; seafood; dairy products, any USDA-recognized agricultural product. For purposes of this section, processed or prepared food products of any kind shall not be considered as agricultural products. Additionally:

- (1) As well as locations listed above, the temporary sale of locally grown agricultural products may occur from a vacant lot.
- (2) The temporary sale of locally grown agricultural products is exempt from the requirement to be similar to the products of the principal use.
- (3) The temporary sale of locally grown agricultural products must be accomplished from a vehicle, trailer, or tent.
- (4) Temporary sales of locally grown agricultural products within the street right-of-way and required landscape yards shall be prohibited. Location of temporary sales of locally grown agricultural products must provide for safe vehicular access and adequate parking.
- (5) The quantity of temporary sales of locally grown agricultural products shall be limited to one vendor for every 75 linear feet of road frontage per lot.
- (6) The temporary sale of locally grown agricultural products shall be allowed only by purchase of an annual permit which shall expire on December 31<sup>st</sup> of each calendar year.
- (7) A permit application for temporary sales of locally grown agricultural products must include a signed and notarized written letter of permission from the property owner allowing the applicant to conduct temporary sales of locally grown agricultural products on the property considered for approval. The application shall also include a scaled site plan.
- (8) Temporary Sign. Signs advertising the temporary sale of locally grown agricultural products for sale shall be allowed provided that they meet the requirements of Article 19, Regulations for Signs, and the following:
  - (a) On properties where sales of locally grown agricultural products are grown and sold, one ground sign is allowed facing each road on which the property has frontage or;
  - (b) On other properties where temporary sales of locally grown agricultural products are permitted and with the permission of the property owner, provided that:
    - (1) Only temporary sales of locally grown agricultural products are eligible for a temporary sign.
    - (2) No more than one such sign may be erected for any permitted locally grown agricultural sales site.
  - (c) Such signs may be displayed only during the season while locally grown agricultural products are actually for sale at the location and shall in no case remain in place for more than 180 days.
  - (d) Such off-site signs shall not exceed 42" in height and 4 square feet in area.

Councilman Scott made a motion, seconded by Councilman Lee, to delay the Public Hearing of the Conditional Use Permit request by Classic Ford to a later point in the meeting due to the Classic Ford representative being delayed. Unanimously approved.

## **CITIZENS' COMMENTS:**

- William Ragsdale addressed the Council on the condition of Venture Drive. He explained that the Town of Smithfield was built on quicksand. The problems with Venture Drive are twofold. The Town should have waited more than two years before accepting the road. In the future, the Town should consider waiting at least five years before accepting any road that is constructed by a private developer. This would allow the Town to ascertain how the road will withstand constant traffic. The other problem with Venture drive is that the Town should have put a weight limit on the road. Mr. Ragsdale explained that he observed over a 100 heavy use vehicles on that road in the course of a day. In his opinion, these heavily weighted vehicles have caused the damage to the road. Mr. Ragsdale further explained that all heavy vehicles should have to use state maintained roads because if there was a problem with the road, the burden would be on the state to repair it.
- Charles Forte of 303 Oak Street addressed the Council on relief for his utility bills. He explained he had appeared before the Council in January and February and was still trying to get his utilities connected. Town Manager Michael Scott questioned if anything had changed since they last spoke about this issue. Mr. Forte responded that there has been no change. Town Manager Michael Scott explained that he provided a recommendation to Mr. Forte and provided the utility records to the Council. The Town Manager further explained that his recommendation was a \$250 utility deposit instead of the required \$500 deposit and a payment plan to repay the debt. This recommendation still stands. Mr. Forte responded that he never had a \$1700 utility bill. Councilman Travis Scott responded that he had reviewed the records and he supports the decision made by the Town Manager and the Council cannot make acceptations for these types of matters. Councilman Scott further explained that the debt was related to a former business Mr. Forte owned. Mr. Forte responded that those utility bills should have been absolved when the corporation was dissolved. Mayor Moore explained that while the Council was sympathetic, it was still a debt owed to the Town. He reiterated that the Town Manager has offered a recommendation to offer some relief on this matter.
- Tony Nixon of 8 Cedar Drive addressed the Council on blighted homes in Smithfield. He explained that the East Smithfield Improvement Organization was concerned about the amount of vacant houses, uninhabitable house and houses that should be uninhabited. Mr. Nixon explained that 25% of the housing in Smithfield is rental property and most of which is in the East Smithfield District. These vacant houses could be used for vagrancy and crime. These vacant housing directly affects property values. He requested that the Council delve into the Ordinances and take enforcement measures to improve these blighted properties.
- Mayor Moore welcomed the new Executive Director of the Greater Smithfield Selma Area Chamber of Commerce Frank Bernard. Mr. Bernard stated that he was excited about the opportunity and looked forward to collaborating with the Town of Smithfield.

## **PUBLIC HEARINGS – CONTINUED:**

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

### **2. Conditional Use Permit Request by Classic Ford (CUP-17-03)**

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

Planning Director Paul Emblar addressed the Council on a request by Scott Calhon of Classic Ford. The applicant was requesting a conditional use permit to allow for automotive sales on a 7.75 acre tract of land located within a B-3 (Highway Entrance Business) zoning district. The property



considered for approval is located on the southwest side of the intersection of North Brightleaf Boulevard and Ava Gardner Avenue and further identified as Johnston County Tax ID# 14074005.

Mr. Embler explained that the applicant has submitted a sketch plan of the proposed facility. This version of the plan indicates two requested access points to Brightleaf Boulevard as well as two access points to a private access easement on the adjacent property to the west. This will likely be changed due to the recommendations of NCDOT. The sketch plan shows the location of a 33,992 square foot building as well as 26 customer parking spaces, 40 employee parking spaces and 390 parking spaces for display of vehicles for sale. Landscaping includes standard street yards and transition yards as well as required interior parking lot planting islands. Required storm water facilities will be constructed in the rear portion of the lot. Lighting plans and signage plans will be produced prior to site plan approval.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the March 7, 2017 agenda packet.

The Planning Board, at its February 2, 2017 meeting, unanimously voted to recommend approval of the request for a conditional use permit to allow for an automobile sales dealership on a 7.75 acre tract of land and located within the B-3 (Business) zoning district.

The Planning Department recommends approval of the request for a conditional use permit to allow for an automobile sales dealership on a 7.75 acre tract of land and located within the B-3 (Business) zoning district.

Mayor Moore asked if the applicant was in agreement with the testimony provided by Mr. Embler. The applicant, Scott Calhoun of Classic Ford, responded he was in agreement with the testimony offered by Mr. Embler. He further responded that the only active issue was accessibility to Brightleaf Blvd. and Shelter Way and he was working with NCDOT on this issue.

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

Mayor Moore asked if there were any questions from Council.

Mayor Pro-Tem Ashley stated that the only issue was an NCDOT issue. Mr. Embler responded that he and Mr. Calhoun met with NCDOT official twice and they are moving toward a positive solution

Councilman Scott questioned if a signal light was installed would that change the store frontage. Mr. Calhoun responded that if the business did end up with a signaled access, it could affect where the building sits on the property. Mr. Embler responded that the site plan approval is a separate entity and although it could change, it would not be a drastic change.

Councilman Wood 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 Dunn, to vote in the affirmative to all of the below Finding of Facts. Unanimously approved.

- **Finding One of Four : Agree**

**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 automobile 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: Agree**

**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 automobile 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 providing all minimum development standards are met to include landscaping, lighting, paved parking and all other minimum development standards.

- **Finding Three of Four: Agree**

**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 automobile sales lot 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 providing required landscape buffers and street yards are installed and maintained in accordance with minimum development standards and that no more than 456 automobile are on the lot at any given time. Automobiles for sale shall be no closer than 15 feet from the right-of-way of North Brightleaf Boulevard in accordance with the Town of Smithfield Unified Development Ordinance and all areas where cars are placed shall be paved.

- **Finding Four of Four: Agree**

**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 location and character of the use will be in harmony with the area in which it is to be located. The conditional use shall demonstrate conformance to the Land Use Plan. It will not impact other projects as required by GS 160A-382(b).

**Record of Decision: Approval of Conditional Use Permit Request (CUP-17-03)**

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Rabil, 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 recommended approval of Conditional Use Permit Application # CUP-17-03. Unanimously approved.

**CONSENT AGENDA:**

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

1. Approved the following Minutes:
  - February 7, 2017 – Regular Meeting
  - February 7, 2017 – Closed Session
2. Special Event – Picture Show and Picnic in the Park: Approval to allow the Smithfield Parks and Recreation Department to hold an event on April 29<sup>th</sup> from 6:30pm – 10:00 pm.
3. Approved Resolution #600 (05-2017) Awarding retired Police Captain his service badge and weapon at a cost of \$1.00

**RESOLUTION # 600 (05-2017)  
AWARDING THE SERVICE BADGE AND WEAPON  
TO RETIRED POLICE CAPTAIN**

BE IT RESOLVED that the Town Council of the Town of Smithfield hereby awards the service weapon, a Sig P290RS, Serial Number 26C29601 and service badge to retired Police Captain Tommy S. Choe, at a price of \$1.00

4. Approved the installation of (2) 15 minute parking signs in the 100 block of South 3rd Street.
5. Approved amending the Pay Plan
  - (A copy of the amended pay plan is on file in the office of the Town Clerk)*
6. Approved the 5% promotion increase for the new Police Captain.
7. Approved the 5% promotion increase for the new Police Lieutenant.
8. Approved the 5% promotion increase for the new Police Sergeant.
9. Approved the promotion of an internal candidate from Parks and Grounds Crew Leader to Facility Maintenance Supervisor in the Parks and Recreation Department.
10. Approved the promotion of an internal candidate from Facility Maintenance Specialist to Appearance Crew Leader in the Public Works Department.
11. Approved the promotion of an internal candidate from Sanitation Worker to Sanitation Equipment Operator in the Public Works Department.
12. Approved the purchase of a 2017 John Deer Zero Turn Mower from East Coast Equipment in the amount of \$10,405.14. \$13,000 was allocated in the FY 2016-2017 budget for this purchase. Bids received were as follows:
  - East Coast Equipment \$10,405.14
  - Great Outdoors of Dunn \$11,234.00
  - Bullock Brothers \$12,476.09
13. Approved Various Budget Amendments

	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
<b><u>BOOKER DAIRY ROAD CAPITAL PROJECT FUND</u></b>			
<b>1. Revenue</b>			
44-3980-1400 Transfer From	<u>\$ 275,000</u>	<u>\$ (275,000)</u>	<u>\$ _____</u>

Electric Fund

**Expenditure**

44-7220-3200 Power Line Relocation	<u>\$ 275,000</u>	<u>\$ (275,000)</u>	<u>\$ -</u>
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To move the Booker Dairy Road Project power line relocation cost to the Electric Capital Project Fund

**2.**

**Revenue**

47-3980-1400 Transfer from Electric Fund	<u>\$ 1,631,515</u>	<u>\$ 275,000</u>	<u>\$ 1,906,515</u>
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**Expenditure**

47-7230-7408 Booker Dairy Rd Power Line Relocation	<u>\$ -</u>	<u>\$ 275,000</u>	<u>\$ 275,000</u>
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To move the Booker Dairy Road Project power line relocation cost to the Electric Capital Project Fund

14. Advisory Board Appointments

- Jan Branch was reappointed to serve a fourth term on the Historic Properties Commission.

15. New Hire Report

<u>Filled Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Public Works Supervisor	PW – Sanitation	10-5800-0200	\$18.55/hr (\$38,584.00/yr)

<u>Current Vacancies</u>	<u>Department</u>	<u>Budget Line</u>
Police Officer	Police	10-5100-0200
Equipment Operator	PW – Sanitation	10-5800-0200
Appearance Crew Leader	PW – General	10-5500-0200
Facility Maint. Supervisor	P&R - Recreation	10-6200-0200
Firefighter I	Fire	10-5300-0200

Unanimously approved.

**BUSINESS ITEMS:**

**1. Discussion to Consider Developing a Strategic Communications Plan with the assistance of ElectriCities**

Economic Development Liaison Tim Kerigan addressed the Council on developing a strategic communications plan with the assistance of ElectriCities. Mr. Kerigan explained through staff's research and recent citizen/business engagement, staff recognized that the Town has been missing opportunities to partner with entities such as ElectriCities. The professional staff at ElectriCities is able to provide valuable insight and guidance at no cost in order to develop the basis of a Strategic Communications Plan. Once we have that plan, we can then decide which identified initiatives we would like to pursue.

Brenda Daniels Economic Development Manager with ElectriCities explained that her staff would develop a communications plan for the Town of Smithfield. ElectriCities would provide valuable marketing information and tools to staff outlining what the Town needs to do and how to do it. Ms. Daniels further explained that she and her staff do many things internally at no cost to the Town. Rocky Lane of Sanford Holshouser explained that this directly related to the Strategic Economic Update's external communications. He explained that Smithfield has a great story but no one is telling it. This communications plan will direct the Town on who, how and when to tell the Town's story, ElectriCities covers the cost of marketing and promotional tools.

Councilman Scott questioned the cost of the plan. Ms. Daniels explained the cost was dependent on what the Council chose to do first. She estimated that it could cost \$25,000 - \$50,000. Most expenses would go toward marketing material that is covered by ElectriCities.

Mike Fleming chair of the Smithfield Economic Development Advisory Committee (SEDAC) explained that the committee was very enthusiastic about what ElectriCities could offer the Town. Mr. Fleming asked that the Council allow the committee and staff to move forward.

Mayor Moore explained to the Council that economic development efforts are not going to happen overnight but these efforts are finally gaining momentum.

It was the consensus of the Council to move forward with developing a strategic communications plan with the assistance of ElectriCities.

## **2. Discussion to Consider Developing a Retail Strategy and Recruitment Plan with the assistance of ElectriCities**

Economic Development Liaison Tim Kerigan addressed the Council on a retail strategy and recruitment plan with the assistance of ElectriCities. Mr. Kerigan explained that the economic development committee and staff have been looking at strategies for retail development. They have discussed retailers that the Town needs and desires. Mr. Kerigan explained that the Town has very little data to provide for businesses that desire to locate in a specific area that fits their model. Retail Strategies, LLC. can assist the Town with recruiting efforts and developing a plan.

Brenda Daniels Economic Development Manager with ElectriCities explained that ElectriCities has worked with Retail Strategies for several years. This is a three-year commitment. They will assist with what will benefit the Town of Smithfield and what deliverable are available to the Town.

Lacy Beasley, President and COO with Retail Strategies, LLC., informed the Council of what her firm can offer the Town of Smithfield. Ms. Beasley explained that Retail Strategies, LLC.'s goal is to navigate the retail real-estate process. She explained that this is a three-year commitment because it takes time to make connections with retailers and property owners. By collaborating with ElectriCities, it makes it more economical for Towns to utilize the services of her firm. Ms. Beasley gave an overview of the plan process of research, real estate and recruitment.

Mayor Pro-Tem Ashley stated that it all sounded very good.

## **3. Approval to allow the Police Department to submit a grant application to the Governor's Highway Safety Program**

Chief of Police R. Keith Powell addressed the Council on a request to submit a grant to the Governor's Highway Safety Program (GHSP) to create a two-officer traffic team within the Police department. Chief Powell explained that the grant is a three-year commitment. The grant will cover all personnel and equipment expenses for a two-officer traffic team. This includes vehicles, vehicle equipment, radios, video cameras, officer salaries and benefits, officer equipment, potential salary increases during the grant period, fuel and radar units. The match amounts for the grant are 15% for the first year, 30% for year 2 and 50% for year 3. Equipment purchases are all included in the grant amounts for year one and are not spread over the 3 year period. It is estimated the year one grant amount would be \$250,000. The match amount for the town would be \$37,500.00. In year 2, the grant amount would be \$145,000 with the Town's match amount being \$43,500.00. Year 3 will be similar to year two in the grant amount, but the match amount would increase to 72,500. Following year three of the

grant, all equipment becomes the property of the Town and the Town is under no obligation to continue the program. The number of officers hired under this grant could then be decreased through attrition, should the Council choose to do so. The Town is under no obligation to accept these funds until after the grant is approved and comes back in front of the town council for final approval.

Councilman Wood questioned if Clayton had a traffic team. Chief Powell responded that Clayton, Raleigh and Goldsboro all have traffic officers.

Councilman Rabil inquired if the Town has ever had a traffic officer. Chief Powell responded that the Town of Smithfield had one traffic officer a long time ago.

Councilman Scott made a motion, seconded by Councilman Rabil, to allow the Police Department to submit an application to the Governor’s Highway Safety Program to create a two-officer traffic team. Unanimously approved.

#### 4. Approval of a New Auditing Firm

Finance Director Greg Siler addressed the Council on approval to contract with a new auditing firm to conduct the Town’s annual audit. Mr. Siler explained that in fiscal year 2016 some Council members expressed an interest in placing the Town’s annual financial audit out to bid. In reviewing the proposals, Mr. Siler considered more than the lowest bid; experience, qualification and references were also considered. After reviewing all the proposals, it was Mr. Siler’s recommendation to award the audit contract to Thompson, Price, Scott, Adams & Co., P.A. (TPSA).

The Town received 9 responses from the RFP. A fee summary of those proposals is as follows:

	2017	2018	2019	Total	Fee Rank
<b>SPD &amp; A ( S. Preston Douglas &amp; Assoc)Bernard Robinson &amp; Company</b>	\$ 21,000	\$ 21,000	\$ 22,750	\$ 68,250	1
<b>W Geene PLLC</b>	\$ 22,000	\$ 22,000	\$ 22,000	\$ 66,000	2
<b>TPSA (Thompson, Price, Scott, Adams &amp; Co., P.A.)</b>	\$ 22,750	\$ 22,750	\$ 22,750	\$ 68,250	3
<b>Petway Mills &amp; Pearson</b>	\$ 23,000	\$ 23,500	\$ 24,000	\$ 70,500	4
<b>Denning, Herring, Sessoms &amp; Company</b>	\$ 23,760	\$ 23,760	\$ 23,760	\$ 71,280	5
<b>Rives &amp; Associates LLP</b>	\$ 23,670	\$ 23,670	\$ 24,380	\$ 71,720	6
<b>Bernard Robinson &amp; Company</b>	\$ 26,250	\$ 26,250	\$ 27,000	\$ 78,750	7
<b>Carr, Riggs &amp; Ingram LLC</b>	\$ 26,250	\$ 26,900	\$ 27,570	\$ 80,720	8
<b>Mauldin &amp; Jenkins</b>	\$ 28,000	\$ 28,000	\$ 29,500	\$ 85,500	9

Mayor Pro-Tem Ashley questioned how Mr. Siler felt about periodically changing auditing firms. Mr. Siler responded that he had mixed feelings because while it is beneficial to have a new firm review the Town’s financials, there is a lot more work involved the first few years with a new auditing firm.

Councilman Scott questioned if Mr. Siler checked references of the firms. Mr. Siler responded that he did check references and are were favorable.

Councilman Scott made a motion, seconded by Councilman Wood, to award the bid to Thompson, Price, Scott, Adams & Co., P.A. (TPSA) for a three-year period to be renewed annually. Unanimously approved.

**5. Approved of a bid award to Turner Asphalt in the amount of \$603,592.00 for the Full Depth Reclamation (FDR) of Venture Drive**

Public Works Director Lenny Branch addressed the Council for the consideration and approval of a bid award to Turner Asphalt in the amount of \$603,592.00 for the Full Depth Reclamation (FDR) of Venture Drive. Mr. Branch explained that pavement surface would consist of 3" of I19.0B with a 3" of S9.5B surface mix and 10" of the FDR base. This combination allows for greater stability of the road.

Mr. Branch explained that staff originally sent out bid packets for the total reconstruction of Venture Drive. The Town received four proposals and all were over budget. Staff then looked for an alternative cost effective method for the road. It was determined that the FDR method was a better option. Fourteen (14) BID packets for Full Depth Reclamation of Venture Drive were sent out to area contractors. We received proposals from two (2) companies and are as follow:

- Turner Asphalt \$603,592.00
- S.T. Wooten \$870,700.00

It was the recommendation of the Public Works Department to award the Full Depth Reclamation contract of Venture Drive to Turner Asphalt in the amount of \$603,592.00.

Town Manager Michael Scott informed the Council that \$700,000 was budgeted for this project. Since the bid for the project came in almost \$100,000 under budget, he asked Mr. Branch to investigate the cost of resurfacing Peedin Road from the railroad tracks to Venture Drive. Mr. Branch informed the Council that Turner Asphalt was willing to resurface that section of road for \$58,632.

Councilman Wood made a motion, seconded by Councilman Scott, to award the bid to Turner Asphalt in the amount of \$603,592 for the FDR of Venture Drive and also approved the resurfacing of Peedin Road from the railroad tracks to Venture Drive in the amount of \$58,632. Unanimously approved.

**6. Booker Dairy Road Right of Way**

Town Manager Michael Scott addressed the Council on a request by the North Carolina Department of Transportation (NCDOT) for a temporary easement on Booker Dairy Road. The Town Manager explained that as part of the Booker Dairy Road Extension/Improvement project, NCDOT must acquire right of way throughout the project area. The Town owns property that would be impacted by this project. NCDOT proposes to compensate the Town of Smithfield \$24,650 for the requested acquisition. The right of way acquisitions requested of the Town are temporary easements only. These temporary easements will not negatively affect construction efforts planned by the Town of Smithfield at the Miracle League and Inclusion Park. NCDOT does plan additional improvements in the estimated amount of \$4,250 near the entrance of the SRAC. These improvements will be necessary to widen the road and facilitate the necessary medians to accommodate NCDOT's access plans. These improvements are removing and reconstructing the curbing adjacent to the SRAC. Town staff and the Town attorney have reviewed the proposal. Town Engineer Bill Dreitzler explained that the Town Manager asked him to determine if there would be significant impacts to the Miracle League and Inclusion Park project. He confidently stated that there would be no significant impact because the proposed ball field is 35 feet off the right of way and the temporary easement is 30 feet off the right of way. He further explained that the only infrastructure that could temporarily be impacted would be a water meter and a backflow preventer. Staff would address any impact to the water meter and backflow preventer.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Rabil, to approve the request by the North Carolina Department of Transportation for a temporary easement on Booker Dairy Road.

## 7. Road Condition Study Discussion

Town Manager Michael Scott addressed the Council on the road condition study. He explained that the Town is currently operating under a 2006 road condition survey to make decisions regarding its traditional spring road-resurfacing program. It has been determined this study is antiquated. Councilman Lee requested this matter be discussed in regards to the direction the Public Works Director should proceed in making the decisions as to which roads should be scheduled for resurfacing in the current fiscal year. The Town Manager asked the Town's Contract Engineer, Bill Dreitzler, to complete an evaluation of the 2006 road condition survey, in order to check for validity. Mr. Dreitzler evaluated 35 roads, selected at random, in order to evaluate their need for resurfacing, using a similar rating system that was used in 2006.

Mr. Dreitzler explained that in his evaluation, he reviewed 35 different street blocks independently and prioritized the streets based on current conditions. The ranking system is as follows: (1) High Priority, (2) Medium Priority and (3) Low Priority. Mr. Dreitzler explained that he walked all 35 streets to determine their current condition and once that was determined, he walked the streets again to prioritize which streets were in the worst condition. He then compared his data to the 2006 study and determined there were many inconsistencies. The 35 streets chosen were taken from the 2006 study and were scheduled to be resurfaced over the course of the next 3-4 years. Mr. Dreitzler's recommendation was for the Council to consider a new pavement condition study in the next fiscal year.

Town Manager Michael Scott questioned how the Council would like to proceed for this fiscal year's street resurfacing. He explained that the Council could continue to follow the 2006 study or follow the Town Contract Engineer's prioritized list.

Councilman Lee stated that there are streets in the East Smithfield District that need to be resurfaced that are not included. Mr. Dreitzler responded that with a new pavement condition study all the streets in Smithfield would be evaluated and prioritized.

Mayor Moore questioned Mr. Dreitzler's recommendation to follow the 2006 study for this fiscal year street resurfacing project. Mr. Dreitzler responded that his recommendation was only out of consistency since the Town has been following that since 2006. Public Works Director Lenny Branch's recommendation was to resurface priority 1 and 2 streets as outlined by Mr. Dreitzler.

Mayor Moore questioned if it made more sense to resurface an entire block instead of sections of a block. Mr. Branch responded that while it may look better, some street blocks are in worse condition than other blocks of the same street.

It was the recommendation of the Town Manager to resurface the eighteen (18) roads identified by Mr. Dreitzler as priority one (1) or priority two (2) streets, as opposed to following the recommendations of the 2006 condition survey.

Councilman Wood made a motion, seconded by Councilman Dunn, to resurface the priority 1 and 2 streets as identified by the Town's contract Engineer in this fiscal year. In the event that another street is deemed to be in worse condition, the Public Works Director and the Town Manager could amend the list of streets to be resurfaced. A new pavement condition study will be discussed and considered during the budget session. Councilman Wood, Councilman Dunn, Mayor Pro-Tem Ashley, Councilman Rabil and Councilman Scott voted in favor of the motion. Councilman Lee voted against the motion. Motion carried 5 to 1.

### Prioritized Street Listing

<u>STREET INSPECTION LOCATION</u>	<u>REPAIR PRIORITY</u>
CASWELL STREET (5TH ST TO 4TH ST)	1
S SECOND STREET (E ROSE TO E DAVIS)	1
S CRESCENT STREET (W SANDERS TO W BINGHAM)	1
S SECOND STREET (E SANDERS TO E WELLONS)	1
E HOLT STREET (FIFTH TO BRIGHEAF)	1
BRIDGE STREET (4TH TO 5TH)	1



FRONT STREET (MARKET TO JOHNSTON)	1
FIFTH STREET (MARKET TO JOHNSTON)	1
E HOLT STREET (4TH TO 5TH)	1
W HOLDING STREET (S CRESCENT TO CRESCENT)	1
E DAVIS STREET (BRIGHTLEAF TO SEVENTH)	1
CASWELL STREET (4TH TO 3RD)	2
SIXTH STREET (CASWELL TO HANCOCK)	2
FIFTH STREET (CASWELL TO HANCOCK)	2
CASWELL STREET (6TH TO 7TH)	2
MASSEY STREET (6TH TO 7TH)	2
FIFTH STREET (E LEE TO ROSE)	2
CASWELL STREET (7TH TO BRIGHLEAF)	2
S SUNSET STREET (W MEADOWBROOK TO CUL-DE-SAC)	3
W WELLONS (CRESCENT TO WALNUT)	3
E WILSON STREET (S SECOND TO BRIGHTLEAF)	3
ROGERS CIRCLE (COLLIER TO DEAD END)	3
HARRIS STREET (COLLIER TO DEAD END)	3
E HOLT STREET (SECOND TO THIRD)	3
MLK JR DRIVE (FULLER TO LEMAY)	3
FAYETTEVILLE STREET (DEAD END TO DEAD END)	3
NORTH AVENUE (MLK JR TO WEST)	3
W BINGHAM STREET (S FIRST TO S VERMONT)	3
CEDAR DRIVE (WILLOW TO CUL-DE-SAC)	3
E LEE STREET (4TH TO 5TH)	3
SEVENTH STREET (CASWELL TO BRIDGE)	3
BRIDGE STREET (2ND TO FRONT)	3
E DAVIS STREET (4TH TO 5TH)	3
BAKER STREET (W HOOD TO END PVMT)	3
S VERMONT STREET (W ROSE TO W PARKER)	3

**8. Approval to fund Stormwater Upgrades on Barbour Road**

Town Manager Michael Scott addressed the Council on consideration to fund stormwater upgrades on Barbour Road. The Town Manager explained that as part of the stormwater management requirements, NCDOT is requiring the developer to up fit a storm drainage pipe under Barbour Road. This would include changing the existing 24-inch culvert and pipe to a 30-inch culvert and pipe. The developer, Genesis Living, Inc., asked the Town of Smithfield to assist with this project, both financially and by managing the upgrade. The Town Manager’s recommendation to the Council was to approve the payment of the labor for the storm water pipe upgrade, as well as manage the project, in exchange for right of ways being provided to the Town on both sides of Barbour Road at the location of the new Storm Drainage pipe and culvert. The maximum amount agreed by the Town to support this project was \$13,000. This money can be paid from the Economic Development Line Item in the General Fund, 10-4110-5710, without budget amendment.

Councilman Wood made a motion, seconded by Councilman Rabil, to approve the request. Unanimously approved.

**Councilmembers Comments:**

- Councilman Lee informed the Council that he currently traveled around the East Smithfield District and discovered that 75 houses are deemed inhabitable. These properties are a burden on the neighborhoods and need to be addressed by the Town. The Town Ordinance should be enforced without any consideration to who owns the property. The houses present safety issues for those that live around them.

Councilman Lee asked for an update on the Smithfield Selma Sports Academy. Town Manager Michael Scott responded that the sports academy is functioning. He explained that the former Manager made a commitment to this program and he made the decision to fulfill that commitment. He further explained that due to the controversy surrounding the Smithfield Selma Sports Academy, he delayed his decision on whether or not the Town should be involved. This delay caused the academy

to not be marketed as well as it could have been. Parks and Recreation Director Gary Johnson stated that all of the children involved in recreational activities were sent an email inviting them to attend the Smithfield Selma Sports Academy. The Town Manager clarified that he and Mr. Johnson did discuss changing the name of the academy, but thought it would put a lot of burden on the people involved because new uniforms would have to be purchased. The Town Manager's intent was to allow anyone who wished to participate, the opportunity to play basketball. Councilman Lee responded that the whole intention of the Smithfield Selma Sports Academy was to help the kids of Smithfield and Selma.

Councilman Lee questioned if the drainage issues at Smith Collins Park had been addressed. Town Engineer Bill Dreitzler responded that he is currently working on drainage improvements for the entire park.

- Councilman Scott informed the Council that staff and the Booker Dairy Road Committee met with NCDOT representatives. Topics discussed were left turn and right turn accesses as well as sidewalks. NCDOT representatives asked the Town to determine where the sidewalks should be constructed because there is a 70/30 match for the sidewalks. Town Manager Michael Scott responded that he submitted a request to NCDOT for first and second priority sidewalks to ascertain the cost. This will be presented to the Council in the future. Councilman Scott stated that sidewalk access for the old part of Booker Dairy Road should also be considered.

Councilman Scott informed the Council that the Library Board is doing well. He expressed his appreciation to the members of the Appearance Commission for visual improvements made by the Commission at the Library.

Councilman Scott informed the Council that NCEMPA has approved another rate change. Smithfield is in a very good position as it related to electric rates. He explained that the Town should be proud of the fact that Smithfield has the second lowest residential rate for NCEMPA members,

## **Town Manager's Report:**

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

- The Town Manager expressed his appreciation to Tony Nixon for addressing the issue of uninhabitable housing. He stated that it is a significant problem. In the future, the Council may need to amend the ordinances to add more stringent language as it relates to minimum housing requirements. He informed the Council that retired Police Captain Tommy Choe was now the part time Code Enforcement Officer.
  - The Town Manager expressed his appreciation to the dedicated citizens that regularly attend the Council meetings. He encouraged the public to be present during the budget session.
  - LGC meeting: The LGC approved the financing of the Booker Dairy Road Project. They are confident that the Town can manage itself and its finances. He expressed his appreciation to Finance Director Greg Siler for his efforts on this project.
  - Proposed Jail Location: There has been no submission by Johnston County concerning the proposed location of the detention center.
  - The Colonial Rest Home located at Buffalo Road and Hospital Road remains in the process of condemnation.
- **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) to Consult with the Town Attorney and (a) (5) to discuss potential property acquisition**

Councilman Scott made a motion, seconded by Councilman Rabil, to go into closed session pursuant to NCGS 143-318.11 (a) (3) & (5). Unanimously approved at 9:57.

*(Note: Mayor Pro-Tem Ashley and Councilman Harris were not present for the closed session)*

### **Reconvene in Open Session:**

Councilman Scott made a motion, seconded by Councilman Wood, to reconvene in open session. Unanimously approved at 10:24 pm.

### **Property Acquisition**

Councilman Scott made a motion, seconded by Councilman Wood, to approve the contract for the purchase of the former Johnston Ambulance Service property in the amount of \$425,000. Unanimously approved.

Councilman Scott made a motion, seconded by Councilman Rabil, to approve Resolution #601 (06-2017) Official Intent to Reimburse. Unanimously approved.

#### RESOLUTION # 601 (06-2017) DECLARATION OFFICIAL INTENT TO REIMBURSE

WHEREAS; the Town of Smithfield desires to purchase the former Johnston Ambulance Service property located at 1200 W. Market Street, Smithfield, N.C. and

WHEREAS; it is the intent of the Town to purchase the property immediately with fund balance as the seller is not willing to wait the time required to go through the Local Government Commission approval process.

WHEREAS; it is the intent of the Town to refinance the purchase through installment financing or other suitable financing and that the financing will be obtained as a result of a process involving Local Government Commission oversight and approval by Town Council, and

WHEREAS; this Resolution and declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section, and

WHEREAS: the Town Council of the Town of Smithfield is authorized to resolve and declare the official intent of the Town of Smithfield, North Carolina (the "Issuer") with respect to the matters contained herein.

NOW THEREFORE BE IT RESOLVED; that the Town of Smithfield proposes to undertake the Project as described below, to incur the related and necessary project expenditures, and to refinance the cost of the Project with the proceeds of debt to be issued by the Town for the project all as described below:

1. Expenditures to be Incurred. The Town of Smithfield (the Issuer) anticipates incurring maximum expenditures (the "Expenditures") of \$425,000 for purchasing the former Johnston Ambulance Service building located at 1200 W. Market Street, Smithfield, N.C. 27577, Parcel I.D. 15-0-86-032
2. Plan of Finance. The Issuer intends to finance the costs of the Project with General Fund fund balance, then refinance with Project with proceeds of installment purchase financing or other suitable form of debt, to be issued by the Town (the "Borrowing"),

the interest on which is to be excluded from gross income for Federal income tax purposes.

3. Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$425,000.

4. Declaration of Official Intent to Reimburse. The Issuer, Town of Smithfield, NC, hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

## **Adjourn**

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

The meeting adjourned at approximately 10:30 pm.

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M. Andy Moore, Mayor

ATTEST:

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Shannan L. Williams, Town Clerk