

The Smithfield Town Council met in regular session on Tuesday, November 14, 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  
J. Perry Harris, District 2  
Travis Scott, District 3  
Roger A. Wood, District 4  
Stephen Rabil, At-Large

Councilmen Absent

John A. Dunn, At-Large

Administrative Staff Present

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

Present:

Bob Spence, Town Attorney  
Bill Drietzler, Town Engineer

Administrative Staff Absent

Mayor Moore called the meeting to order at 7:00.

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

**APPROVAL OF AGENDA:**

Councilman Wood made a motion, seconded by Councilman Rabil, to add to the Consent Agenda: Consideration and Approval to accept a Stream Restoration Grant in the amount of \$148,890 from the North Carolina Department of Agriculture and Consumer Services and authorization to enter into Contract #17-175-4060. Unanimously approved.

Councilman Lee made a motion, seconded by Council Harris, to move the following items from the Consent Agenda to the Business Items:

- Consideration and approval for a donation to South Smithfield Elementary School in the amount of \$500.00
- Consideration and approval for a donation to West Smithfield Elementary School in the amount of \$500.00
- Consideration and approval for a donation to the Smithfield Selma High School Robotics team in the amount of \$2,000.00

Unanimously approved.

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

- Special Event: Annual Christmas Tree Lighting: The applicant, the Downtown Smithfield Development Corporation, is seeking approval to amend its original request approved by Council on April 4, 2017. They are seeking to also close Market Street from Second to Fourth Streets. Adoption of Ordinance #493, as required by NCDOT, is also requested.

Unanimously approved.

Councilman Harris made a motion, seconded by Councilman Rabil, to approve the agenda as amended. Unanimously approved

## **PRESENTATIONS:**

### **1. Proclamation: Renaming & Dedicating the Former Family Life Center in honor of Sarah McDaniel Yard.**

Councilman Lee made a motion, seconded by Councilman Harris, to rename the Family Life Center to the Sarah Yard Community Center. Unanimously approved.

Mayor Moore presented Mrs. Yard with a Proclamation recognizing her contribution to the East Smithfield Community and her dedication to the former Family Life Center.

#### **PROCLAMATION Honoring Sarah McDaniel Yard and the Dedication of the Sarah Yard Community Center**

WHEREAS, the Town of Smithfield recognizes the extraordinary contributions that Sarah McDaniel Yard has made to the East Smithfield Community; and

WHEREAS, in 1991, with her passion for addressing injustices, her love for education, her love for community and families, Sarah McDaniel Yard founded the Family Life Center of Smithfield; and

WHEREAS, the Family Life Center was a program that grew out of the work of the National Council of Churches' Black Families Ministry Project whereby programs were developed to enhance the lives of individuals, families and communities; and

WHEREAS, under the visionary and heartfelt leadership of Sarah McDaniel Yard, the Family Life Center made an impact on a generation of families and children; and

WHEREAS, under Sarah McDaniel Yard's direction, The Family Life Center provided after school and summer youth programs, work-place training, educational opportunities, a meeting place for elders to fellowship, heritage festivals, celebrations and a weekly food distribution center to those in need; and

WHEREAS, Sarah McDaniel Yard has demonstrated in many practical ways her deep and genuine love for our community and the surrounding area; and

WHEREAS, as a token of the Town of Smithfield's appreciation, the former Family Life Center will be dedicated in Sarah McDaniel Yard's honor by changing of the building's name to the Sarah Yard Community Center.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield along with the members of the Town Council, do hereby declare that the Family Life Center located at 909 East Lee Street be named the Sarah Yard Community Center.

### **2. Life Saving Awards to Police Officers Michael Jernigan and James Barbour**

Mayor Moore and Police Captain James Grady presented Life Saving Awards to Police Officers Michael Jernigan and James Barbour for their actions on September 1, 2017.

### **3. Administering Oath of Office to new Police Officer Samuel Adams**

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

### **4. Administering Oath of Office to new Police Officer Christopher VanHalen**

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

Prior to the Public Hearings, Town Manager Michael Scott introduced new Planning Director Stephen Wensman.

## **PUBLIC HEARINGS:**

### **1. Rezoning Request By Twin States Farming: (RZ-17-02)**

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

Planning Director Stephen Wensman addressed the Council on a request by Twin States Farming. The applicant was requesting to rezone approximately 8.25 acres of land from the R-20A (Residential-Agricultural) to the B-3 (Business) zoning district. The property was located on the south side of West Market Street approximately 1950 feet northwest of its intersection with Front Street. The property is further identified as Johnston County Tax ID #47533009.

Mr. Wensman explained that a portion of the property considered for rezoning is within a 100 year floodplain but does not appear to be within the floodway. Any future development of the property would be subject to the Town of Smithfield Flood Damage Prevention ordinances. The Future Land Use Map has identified this property as being a conservation district. Adjacent properties within this corridor are currently zoned and developed as commercial so the use of this site for commercial is contextually consistent and appropriate. Compatibility issues are unlikely provided that any future development is commercial in nature. The rezoning would be consistent with the Town of Smithfield Unified Development Ordinance as all proposed future land uses and site specific development plans must meet the minimum development standards of the Town of Smithfield Unified Development Ordinance

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the November 14, 2017 agenda packet.

The Planning Department has determined that the application is consistent with applicable adopted plans, policies and ordinances and recommends approval of the rezoning request.

The Planning Board, at its October 5, 2017 meeting, unanimously voted to recommended approval of the rezoning request.

Mayor Moore asked if there were any questions from Council.

Mayor Pro-Tem Ashley stated it appeared the current zoning for the property was outdated. Mr. Wensman responded that staff believed it was zoned R20A because it was in the floodplain, but portions of the property are outside the floodplain.

Councilman Scott questions if there were any objections from adjacent property owners concerning this rezoning. Mr. Wensman responded he was not aware of any objections.

Mayor Moore asked if there were any comments/questions from those that wished to speak on this matter.

June Wallace, owner of Wallace Welding, stated she was not opposed to this project. Her concern was based on damages sustained to her business during Hurricane Matthew. While she was aware that the proposed site would have to be elevated, she asked that the owner/developer to be mindful of the businesses downriver.

Andrew Hodge of Adam's and Hodge Engineering responded that Ms. Wallace's concerns would be addressed during the site plan phase of the project.

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

## **The Written Finding**

Town Council of the Town of Smithfield decided the matter of this Rezoning Application by motion and vote on each of the following eight 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:** The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield.
- **Finding Two:** The rezoning petition is compatible with established neighborhood patterns of the surrounding area.
- **Finding Three:** The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning.
- **Finding Four:** The rezoning request is in the community interest
- **Finding Five:** The request does not constitute "Spot Zoning"
- **Finding Six:** Present regulations deny or restrict the economic use of the property
- **Finding Seven:** The availability of public services allows consideration of this rezoning request
- **Finding Eight:** Physical characteristics of the site prohibit development under present regulations

## **Record of Decision: Approval of Rezoning Request (RZ-17-02)**

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Scott, to approve the rezoning petition by Twin States Farming RZ-17-02. Unanimously approved.

Town Clerk Shannan Parrish administered affirmations to those that wished to offer testimony during the Public Hearing

### **2. Atlantic Coast Pipeline**

#### **a. Special Use Permit Request (SUP 17-09)**

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

Planning Director Stephen Wensman addressed the Council on a request by Atlantic Coast Pipeline. The applicant was requesting a special use permit and site plan approval to allow for a temporary contractor storage yard on a 42 acre tract of land located within an R-20A (Residential-Agricultural) zoning district. The property was located on Northwest side of Mallard Road approximately 600 feet northeast of its intersection with Old Mallard Road and further identified as Johnston County tax ID # 15K11019F.

Mr. Wensman testified the applicant indicated approximately 29 acres of the 42 acre tract of land will be utilized for the proposed use. Approximately 13 acres will consist of impervious gravel surfaces to include the parking and work areas. The site is bisected by a jurisdictional stream and riparian buffer. The plan indicated that the existing vegetation within this buffer will remain and serve as a visual screen from the residential subdivision to the West. The plan indicated that no land uses and land disturbing activities are proposed between the riparian buffer and existing residential subdivision. All

proposed land uses will exist between the riparian buffer to the west, Duke Progress Energy utility easement to the North and a 60 foot access easement on the west to serving the existing solar farm. Approximately thirteen acres of topsoil will be removed and stockpiled in the northwest corner of the property. The area cleared of top soil will be graveled to provide 7.6 acres of parking and 5 (five) acres of general purpose work area. The northern most portion of the property was identified as equipment storage. Given the temporary nature of the proposed use, the applicant was requesting to install a chain link fence with screening in lieu of a planted street yard on Mallard Road and the transition yard on the eastern property line. The project is requesting Johnston County water service and is proposing portable facilities. Access to the site will be provided by three (3) proposed driveways to be approved and permitted by NCDOT. Above ground fuel tanks with secondary fuel containment shown on the plan and detailed construction plans shall be reviewed and permitted by the Town of Smithfield Fire Department prior to construction. The site will contain temporary storage containers and are a permitted use by right. Temporary construction trailers are permitted in accordance with Section 7.13 Modular Office Units/Temporary Office Units which allows temporary office units by right in any district on construction sites only, for a time period of six (6) months, which may be extended for an additional six (6) months by reapplication to the UDO Administrator, with no additional fee. A temporary contractor storage yard at this location should not pose a compatibility issue with surrounding land uses given that it will be located in a rural area and screened from view from the adjacent residential subdivision to the west and from Mallard Road.

The Planning Board held a public hearing on 10/05/2017 and determined that the proposal was consistent with applicable adopted plans, policies and ordinances and voted unanimously to recommend approval. The Planning Board's concerns included the need for proper spill containment for maintenance work areas, employee parking and the lack of detail on the site plans.

The Planning Department determined that the proposal is consistent with applicable adopted plans, policies and ordinances and should the Town Board find that all Findings of Fact can be affirmatively made that the application be approved with the following conditions:

1. That the fence be 8 ft. tall, opaque and properly maintained.
2. That the temporary use be limited to a period of 3 years.
3. Submit revised detailed site plans for Town Staff approval.
4. Submit a complete stormwater management plan for approval.
5. Submit Erosion control plan for approval by the State.
6. Submit a site remediation plan.
7. Post of a bond for the site remediation (amount to be approved by the Town Engineer).

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the November 14, 2017 agenda packet.

Councilman Harris stated the permitted time period for temporary office units was only six months. He questioned if the permit period could be extended to one year. Mr. Wensman responded the UDO mandates that the permit be reviewed and renewed every six month, but it can be administratively approved by staff. Town Attorney Bob Spence responded in order to authorize more time than is allowable by the UDO, it would have to be amended to reflect the change.

Mayor Moore asked the applicant if he was in agreement with the testimony provided by Mr. Wensman. Henry Kitchin of McGuire Woods Law Firm in Wilmington, NC (Council for Atlantic Coast Pipeline) responded he was in agreement with the testimony offered by Mr. Wensman.

Mr. Kitchin introduced expert witnesses Min So and Bruce McKay from Dominion Energy and Dennis Egger from Atlantic Coast Pipeline. He stated these expert were present to offer technical testimony if required by the Council.

Mr. Kitchin testified that the site is 42 acres with substantial area being open space and buffer. Mr. Kitchin stated that his clients were agreeable with all conditions except the bond because the Federal Energy Regulatory Commission (FERC) certificate that Atlantic Cost Pipeline had to obtain requires them to restore the site back to its preconstruction condition.

Mr. Kitchin further testified that this is an ideal site because of the close proximity to I-95 and the pipeline construction. He assured the Council that his clients would be very good neighbors in Smithfield and Johnston County.

Mayor Pro-Tem Ashley questioned if there would be a lot of heavy vehicles entering and exiting the site. Mr. Kitchin responded that there may be some, but there would not be many.

Mayor Pro-Tem Ashley stated that in terms of the bond, the special use goes with the land and if for some reason Atlantic Coast Pipeline did not comply, it would be the responsibility of the landowner. Mr. Kitchin assured the Council that his client would comply with all conditions and would return the site back to its preconstruction condition.

Councilman Lee questioned security for the site. Mr. Kitchin responded that there would be night security and during the day there would be several dozen employees working on the site.

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 additional questions from Council.

Mayor Pro-Tem Ashley asked Mr. Wensman if he was satisfied with Mr. Kitchin's explanation concerning the bond requirement. Mr. Wensman responded the remediation would be satisfied if the information provided by Mr. Kitchin was accurate.

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

### **The Written Finding**

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Rabil, to vote in the affirmative to all of the below eight Findings of Fact. Unanimously approved.

The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that:

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
2. The special use will be in harmony with the existing development and uses within the area in which it is to be located.
3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
7. Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.

8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.

**Record of Decision: Approval of Conditional Use Permit Application Number SUP-17-09**

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Rabil, based upon satisfactory compliance with the above eight 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 Special Use Permit Application # SUP-17-09 with the following conditions:

1. That the fence be 8 ft. tall, opaque and properly maintained.
2. That the temporary use be limited to a period of 3 years.
3. Submit revised detailed site plans for Town Staff approval.
4. Submit a complete stormwater management plan for approval.
5. Submit Erosion control plan for approval by the State.
6. Submit a site remediation plan.

Unanimously approved.

**b. Site Plan Approval – SP- 17-13**

Planning Director Stephen Wensman stated that staff was seeking approval of the site plan for Atlantic Coast Pipeline. He explained that the site plan provided was very conceptual and staff was requesting a more detailed site plan. Representatives from Atlantic Coast Pipeline will comply with that request allowing staff for further inspection and approval.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, to approve the Site Plan SP-17-13. Unanimously approved

**CITIZENS' COMMENTS:** There were none

**CONSENT AGENDA:**

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

1. Approved the following Minutes: October 3, 2017 – Regular Meeting (with corrections recommended by the Town Attorney)
2. Special Event - First Baptist Fall Festival: Approval was granted to allow the applicant First Baptist Church to conduct a Fall Festival event held on October 22, 2017 from 3:30 pm to 6:30 pm at 125 S. Fourth Street. A street closure of Johnston Street was also approved.
3. Special Event - Higher Calling Christian Centers Ministries: Approval was granted to allow the applicants, Nelson Covington and Tiffany Blevins, to conduct a Christian event held on October 28<sup>th</sup> from 10:00 am to 4:00 pm at 115 North Seventh Street. A street closure of Sixth and Bridge Streets along with amplified sounds were also approved for this event.
4. Special Event – Gobble Waddle 5k/10k Walk/ Run. Approval was grant to allow Johnston Health to conduct a 5k and 10K Run/Walk to be held on November 18, 2017 at 9:00 am to 11:00 am. along Church and Second Streets. Street closures of Church Street and Second Street along with amplified sound were also approved. This was approved as an annual event.
5. Approval was granted to adopt Resolution #613 (18-2017) authorizing the Town to enter into an agreement with NCDOT for sidewalks along Kellie Drive with the Town funding 30% of the project and NCDOT funding 70% of the project.



|                         |                    |                      |                               |
|-------------------------|--------------------|----------------------|-------------------------------|
| P/T Police Officer I    | Police             | 10-20-5100-5100-0200 | \$16.85/hr.                   |
| P/T Fitness Instructor  | P & R – Aquatics   | 10-60-6220-5100-0230 | \$15.00/hr.                   |
| P/T Fitness Instructor  | P & R – Aquatics   | 10-60-6220-5100-0230 | \$15.00/hr.                   |
| P/T Game Official       | P & R – Recreation | 10-60-6200-5100-0210 | \$15.00/hr.                   |
| P/T Lifeguard           | P & R – Aquatics   | 10-60-6220-5100-0220 | \$7.50/hr.                    |
| P/T Lifeguard           | P & R – Aquatics   | 10-60-6220-5100-0220 | \$7.50/hr.                    |
| P/T Pool Staff          | P & R – Aquatics   | 10-60-6220-5100-0220 | \$7.50/hr.                    |
| P/T Pool Staff          | P & R – Aquatics   | 10-60-6220-5100-0220 | \$7.50/hr.                    |
| P/T Receptionist        | P & R – Aquatics   | 10-60-6220-5100-0210 | \$9.00/hr.                    |
| P/T Receptionist        | P & R – Aquatics   | 10-60-6220-5100-0210 | \$9.00/hr.                    |
| P/T SRAC Staff          | P & R – Aquatics   | 10-60-6220-5100-0210 | \$9.00/hr.                    |
| P/T SRAC Staff          | P & R – Aquatics   | 10-60-6220-5100-0210 | \$9.00/hr.                    |
| San. Equipment Operator | PW – Sanitation    | 10-40-5800-5100-0200 | \$13.10/hr. (\$27,248.00/yr.) |
| San. Equipment Operator | PW – Sanitation    | 10-40-5800-5100-0200 | \$13.10/hr. (\$27,248.00/yr.) |
| Sanitation Worker       | PW – Sanitation    | 10-40-5800-5100-0200 | \$10.75/hr. (\$22,360.00/yr.) |
| Utility Line Mech.      | PU – Water Plant   | 30-71-7220-5100-0200 | \$12.46/hr. (\$25,916.80/yr.) |

**Current vacancies:**

| <b><u>Position</u></b>        | <b><u>Department</u></b> | <b><u>Budget Line</u></b> |
|-------------------------------|--------------------------|---------------------------|
| Admin. Support Specialist     | Police                   | 10-20-5100-5100-0200      |
| Police Officer                | Police                   | 10-20-5100-5100-0200      |
| P/T Lifeguard                 | P & R – Aquatics         | 10-60-6220-5100-0220      |
| Sanitation Equipment Operator | PW – Sanitation          | 10-40-5800-5100-0200      |
| Sanitation Worker             | PW – Sanitation          | 10-40-5800-5100-0200      |
| Sanitation Worker             | PW – Sanitation          | 10-5800-0200              |
| Utility Line Mechanic         | PU – Water/Sewer         | 30-7220-0200              |

14. Approved and accepted a Stream Restoration Grant in the amount of \$148,890 from the North Carolina Department of Agriculture and Consumer Services and authorization to enter into Contract #17-175-4060.
15. Special Event- Annual Christmas Tree Lighting: Approval was granted to allow the applicant, the Downtown Smithfield Development Corporation, to amend its original request approved by Council on April 4, 2017 by closing Market Street from Second to Fourth Streets for the annual tree lighting. Adoption of Ordinance #493 was also approved.

**Town of Smithfield  
North Carolina  
ORDINANCE # 493**

**An ordinance declaring road closures for the Annual Christmas Tree Lighting, the Annual Christmas parade and the Annual Martin Luther King, Jr. parade**

**WHEREAS**, the Town Council of the Town of Smithfield acknowledges a long tradition of providing an annual Christmas Parade and annual Tree Lighting Ceremony for the pleasure of its citizens; and

**WHEREAS**, the Town Council of the Town of Smithfield acknowledges a new tradition of providing an annual Martin Luther King, Jr. Parade for the pleasure of its citizens; and

**WHEREAS**, the Town Council of the Town of Smithfield acknowledges its citizens realize a financial benefit from holding these annual events; and

**WHEREAS**, the Town Council of the Town of Smithfield acknowledges each event requires approximately two hours to install signing and traffic control to be provided by the Smithfield Police Department, and also requires approximately two hours for removing signs, traffic control and litter.

**WHEREAS**, Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect as an ordinance of the Town of Smithfield from the date of its adoption by the Town Council of the Town of Smithfield.

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Smithfield pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the days and times set forth below on the following described portion of a State Highway System route:

**Annual Tree Lighting Ceremony**

**Date:** First Thursday of every December  
**Time:** 5:00 pm to 9:00 pm  
**Route Description:** North 3<sup>rd</sup> Street between Market Street and Bridge Street  
Market Street (US70) from 2<sup>nd</sup> Street to 4<sup>th</sup> Street.

**Annual Christmas Parade**

**Date:** Second Thursday of every December  
**Time:** 5:00 pm to 9:00 pm  
**Route Description:** Market Street (US70) from South 6<sup>th</sup> Street to South 2<sup>nd</sup> Street

**Annual Martin Luther King, Jr. Parade**

**Date:** Second Friday of every January  
**Time:** 5:00 pm to 9:00 pm  
**Route Description:** Market Street (US70) from South 6<sup>th</sup> Street to South 2<sup>nd</sup> Street

**BUSINESS ITEMS:**

**1. Approval of donations to South Smithfield Elementary School, West Smithfield Elementary School and the Smithfield Selma High School Robotics Team**

Town Manager Michael Scott addressed the Council on a request for donation from South Smithfield Elementary School in the amount of \$ 500.00 to assist with the purchase of playground equipment. The Town Manager explained that \$5,000 was budgeted for school donations and it was his recommendation that the \$500 donation be approved for South Smithfield Elementary.

Councilman Lee stated that last year the Town gave \$2,000 to the Smithfield Selma High School Robotics Club and they were requesting the same amount of funding this year. He questioned if there was any accounting of how those funds were used. He suggested that instead of giving \$500 to South Smithfield Elementary, \$500 to West Smithfield Elementary and \$2,000 to the Robotics Club that the total of \$3,000 be divided equally among the three entities. Each receiving \$1,000.

Councilman Lee made a motion, seconded by Councilman Scott, to donate \$1,000 to South Smithfield Elementary, \$1,000 to West Smithfield Elementary and \$1,000 to the Smithfield Selma High School Robotics Club. Councilman Lee, Councilman Scott, Councilman Harris, Councilman Rabil and Councilman Wood voted in favor of the motion. Mayor Pro-Tem Ashley voted against the motion. Motion passed five to one.

Mayor Pro-Tem Ashley stated that the only reason why he voted against the motion was because of the requests made by each entity to the Council.

Councilman Wood stated that it was the school's and the club's responsibility to request the funds.

**2. Approved and accepted a Golden Leaf Foundation Grant in the Amount of \$70,000**

Town Manager Michael Scott addressed the Council on a request to accept a Golden Leaf Foundation Grant in the amount of \$70,000. The Town Manager explained that this grant would be used for

engineering fees to further the Town's stormwater plan. The primary purpose was to plan around some of the areas devastated by Hurricane Matthew and subsequent flooding. Staff was concerned that the hurricane may have changed some of the Town's stormwater areas and the distribution points. Staff wished to evaluate the areas before any construction began because staff does not want to correct a flooding condition in one area and then cause flooding issues in another area of Town. The Town Manager further explained that staff requested \$200,000 from the Golden Leaf Foundation and the Town was awarded \$70,000. The grant requires that the Town pay for all associated costs and then seek reimbursement from the Golden Leaf Foundation. These costs will likely be paid from fund balance or contingency funds. In December, the Council will be asked to approve budget amendments to account for the revenues and expenditures associated with the grant.

Councilman Rabil made a motion, seconded by Councilman Wood, to accept the Golden Leaf Foundation grant in the amount of \$70,000. Unanimously approved.

### **3. Approval of an expenditure in the amount of \$5,374.40 for the emergency replacement of one Lochinvar boiler on the roof of the Public Library of Johnston County and Smithfield**

Town Manager Michael Scott addressed the Council on a request to spend \$5,374.40 from the general fund contingency line for the replacement of a boiler at the Public Library of Johnston County and Smithfield. The Town Manager explained that recently a boiler at the Library was in need of replacement. Based on the Memorandum of Understanding, it outlined that Johnston would then be divided between Smithfield and Johnston County with Johnston County paying 60% of the remaining balance and Smithfield paying 40%. The total cost for the replacement was \$17,436. This was an unbudgeted expense and could be allocated from the general fund contingency line. A budget amendment is to follow.

Councilman Wood asked if the Council should budget extra funds for the Library for these types of situations. Town Manager Michael Scott responded that it could be done, but ultimately the Town would be budgeting funds that could not be spent elsewhere. The Town Manager further explained the contingency line was for any unanticipated expenditures.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Scott to approve the expenditure for the Library's replacement boiler in the amount of \$5,374.40. Unanimously approved.

### **4. Approved entering into an agreement with WithersRavenel to conduct a street condition study**

Public Works Director Lenny Branch addressed the Council on a request to enter into an agreement with WithersRavenel to conduct a street condition study. Mr. Branch explained the last street resurfacing projects have utilized the 2006 pavement condition study. During last year's street resurfacing project, several streets were moved around to accommodate the change in conditions and deterioration of Town streets. Council recognized the need for the new study and appropriated \$30,000 in this year's budget for such a study. Mr. Branch further explained that in August, five requests for letters of interest (RFLOI) were sent out to engineering firms. WithersRavenel and SEPI were the only two firms to respond. Based on WithersRavenel having past experience and a familiarity with the Town of Smithfield, they were selected for a fee proposal. Staff reviewed the proposal and made a recommendation to award WithersRavenel the contract to conduct a Pavement Condition Study in the amount of \$26,860.00.

Councilman Lee questioned if the yellow striping and school sign would be reapplied to the street near the Innovation Academy. Mr. Branch responded that it would be reapplied.

Councilman Wood made a motion, seconded by Councilman Harris to approve entering into an agreement with WithersRavenel to conduct a street condition study in the amount of \$26,860.00. Unanimously approved.

## **5. Approved the reappointment of Mike Fleming to the Johnston County Economic Development Committee representing the Town of Smithfield**

Town Manager Michael Scott addressed the Council on a request to appoint a citizen in the Town of Smithfield to the Johnston County Economic Development Advisory Board. The Town Manager explained there was a vacancy on the board. Currently the position was being held by Mike Fleming. Mr. Fleming submitted an application for reappointment. Johnston County also received an application from David Johnson for consideration to be appointed to the board. Staff recommending that Mr. Fleming be reappointed to the board because continuity was important to economic development. The Town Manager stated it was staff's hope that Mr. Johnson's services could be utilized on another Town Advisory Board.

Councilman Harris made a motion, seconded by Councilman Wood, to recommend to the Johnston County Board of Commissions that Mike Fleming be reappointed to serve on the Johnston County Economic Development Advisory Board representing the Town of Smithfield. Unanimously approved.

### **Councilmembers Comments**

- Councilman Lee expressed displeasure with certain Town Department Heads and the Town Manager. He stated that all staff should be held accountable for their actions. The Town Manager responded that he was responsible for all the Department Heads and all Town Staff and asked that complaints be directed to him.
- Mayor Moore explained that during the budget sessions, the Town Council felt it important to set aside funds to support the local schools. Each school or school club could make a request to the Town for funding. It is then the responsibility of the Town Council to approve or deny such requests. Though he did not disagree with Councilman Lee's early motion, South Smithfield Elementary and West Smithfield Elementary both agreed to \$500 and the Smithfield Selma High School Robotics Team agreed to \$2,000.
- Councilman Scott expressed his appreciation to the Junior Women's League and the Downtown Smithfield Development Corporation for the Touch a Truck Event. He also expressed his appreciation to the Heritage Center for a remarkable and well attended Ghost Walk.
- Councilman Lee questioned the next steps for the Sarah Yard Community Center. He asked what programs would be offered. Councilman Lee questioned the creation of the advisory committee for the center. The Town Manager responded that staff was still working on programs for the center and the advisory committee had not been formally created. Councilman Harris stated that together, Town Staff and members of the community, could work together to develop structured programs.
- Mayor Moore introduced Councilman Elect David Barbour and Councilman Elect David Stevens and offered his congratulations.
- Councilman Wood expressed his appreciation to Town Staff, Department Heads and the Town Manager for their hard work and dedication to the Town.

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

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

- Family Life Center/ Sarah Yard Community Center: Parks and Recreation continued to move items into the facility to accommodate its opening. A ribbon cutting and official opening of the building will take place on November 19th on location at 3:00.

- Inclusion/Kiddee Park: The playground equipment for the Inclusion/Miracle League Field and the JC Kiddee Park arrived. The JC Kiddee Park equipment is currently being installed as well as the new fencing. It has been determined that additional drainage would need to be installed in several places in the Inclusion Park, prior to the playground equipment being erected. A change order has been approved and French drains will be installed in these areas beginning next week.
- Greenway Repairs: Staff currently receiving proposals for the greenway bank repair near the amphitheater. \$20,000 in grant funds have been received and an additional \$20,000 in grant funds is expected to be received prior to the first of the year. Once all proposals are received we will have a better idea how much the repairs will cost. We were estimating between \$60,000 and \$75,000 for the repairs.
- Up-Coming Events: December 2<sup>nd</sup> at 9:00 am Grinch Run at Community Park. Bring a toy as the entry fee. December 7<sup>th</sup> 5:00 to 9:00 Christmas Tree Lighting, Downtown December 14<sup>th</sup> 7:00 pm Christmas Parade, Downtown
- November 19<sup>th</sup> – Planned Power Outage from 12:00 am to 6:00 am for the areas that were effected during Hurricane Matthew.

### **Department Reports**

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

**Closed Session:** Pursuant to NCGS 143-318.11 (a) (6) to discuss a personnel matter

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Rabil, to go into closed session pursuant to NCGS 143-318.11 (a) (6). Unanimously approved at 8:25 pm.

**Reconvene in Open Session:**

Councilman Harris made a motion, seconded by Councilman Wood, to reconvene in open session. Unanimously approved at 9:08 pm.

**Adjourn**

Councilman Scott made a motion, seconded by Councilman Rabil, to adjourn the meeting. The meeting adjourned at approximately 9:09 pm.

---

M. Andy Moore, Mayor

ATTEST:

---

Shannan L. Parrish, Town Clerk