

The Smithfield Town Council met in regular session on Tuesday, July 10, 2018 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Travis Scott, Mayor Pro-Tem
Marlon Lee, District 1
Dr. David Barbour, District 4
Emery Ashley, At-Large
John A. Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

David Stevens, District 2

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 Dreitzler, Town Engineer

Administrative Staff Absent

CALL TO ORDER

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

INVOCATION

The invocation was given by Mayor Pro-Tem Scott followed by the Pledge of Allegiance lead by member of Boy Scout Troop 77.

APPROVAL OF AGENDA:

Councilman Ashley made a motion, seconded by Councilman Rabil, to amend the agenda as follows:

- Add to the Consent Agenda Item # 11: Special Event: Riders for Rescues from 1:00 pm until 3:00 pm at 1043 Outlet Center Drive.

Unanimously approved.

PRESENTATIONS:

1. Presentation by USDA Rural Development for the Awarding of the Rural Business Development Grant in the amount of \$99,256 for the Wayfinding Project

Town Manager Michael Scott informed the Council the Town had been awarded a grant from USDA for the Wayfinding Project. He commended DSDC Executive Director Sarah Edwards for her hard work in securing this grant on behalf of the Town.

USDA Representative Brian Queen explained that USDA sent a letter of conditions and grant agreement to the Town. This project will allow the Town to put wayfinding signage throughout the Town. The Town has contributed \$104,000 match into the project. This project will continue to attract small businesses in downtown. This yearlong grant will allow the Town to access funds needed to ensure that the wayfinding project is completed.

Councilman Ashley made a motion, seconded by Councilman Rabil, to accept the USDA grant in the amount of \$99,256. Unanimously approved.

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

Captain Grady informed the Council that Officer Cutchins had received his Advanced Law Enforcement Certificate from the North Carolina Education and Training and Standards Commission. Officer Cutchins joined sixteen other members of the Smithfield Police Department that have received this specific recognition. Applications have to be submitted to Training and Standards then are approved by the Board of Commissioners. This certificate program allows dedicated officers to receive statewide recognition for education, professional training and on the job experience.

Officer Cutchins holds a Bachelors Degree in Criminal Justice and Criminology from Mount Olive College. Officer Cutchins with his four year degree needed an additional 24 training points (480 hours of training) as well as 6 years of continuous law enforcement service to obtain this certificate. Officer Cutchins has been with the Smithfield Police Department for ten years. He has worked on patrol during his career and has served the Department as a K-9 handler. Officer Cutchins also served four years in the Marine Corps and proudly served two tours in Iraq.

Mayor Moore, Chief of Police R. Keith Powell and Captain Grady presented Officer Cutchins with a framed Advanced Law Enforcement Certificate

3. Acceptance of the North Carolina Department of Environmental Quality Division of Water Resources award, signifying that the Town of Smithfield Water Plant received the 2017 Area Wide Optimization Award.

Tiffany Holly representing the North Carolina Department of Environmental Quality presented Public Utilities Director Ted Credle and Water Plant Superintendent Dale Boyette with the 2017 Area Wide Optimization Award.

PUBLIC HEARINGS:

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

- 1. Special Use Permit Request – Baldovinos Event Space (SUP-18-07):** The applicant was requesting a special use permit to construct and operate a public / private club on a 2.71 acre tract of land located within a B-3 (Highway Entrance Business) zoning district. The property considered for approval was located on the west side of the South Brightleaf Boulevard approximately 300 feet north of its intersection with Tyler Drive. The property is further identified as a Johnston County Tax ID# 15J11023A.

Councilman Dunn made a motion, seconded by Councilman Lee, to open the Public Hearing. Unanimously approved.

Mayor Moore asked Town Attorney Bob Spence to provide a brief explanation of the quasi-judicial proceedings. The Town Attorney explained the legislature has set up special or conditional uses. Special use applications allow the Council to determine if there would be adverse effects on the property or surrounding properties. There were four conditions that the Council must approve or deny. These conditions do not change, however additional conditions may be placed on the property to buffer adjacent properties. Buffering properties is used to allow inconsistent uses that would mitigate or decrease potential problems. Mr. Spence explained quasi-judicial proceedings and defined competent testimony. He further explained only an expert can testify to property values and increased traffic.

Planning Director Stephen Wensman testified that the applicant, Curry Engineering Group, PLLC, was requesting a special use permit for a private club / event center on property located within a B-3 (Highway Entrance Business) zoning district. The B-3 zoning district was the Town's most intensive zoning district. Currently, the property serves as a residential use which was permissible in the B-3 zoning district.

Mr. Wensman further testified the applicant was proposing the following: a 9300 sq. ft. facility with 108 parking stalls, an outdoor patio, a lateral parking lot connection to Holt Lake Barbeque, a stormwater facility located in the front of the property, site lighting in accordance with the UDO and sidewalk along the street. The applicant was proposing a type C landscape buffer comprised of a 10 foot wide planting yard and 6 foot high privacy fence adjacent to the residential zoned property to the north. A standard 15 foot street yard was proposed adjacent to South Brightleaf Boulevard.

Mr. Wensman described the proposed interior design with 6200 square feet of proposed open space and the proposed exterior design.

Mr. Wensman testified the use would require an NCDOT Access permit and would be subject to NCDOT review and conditions. A Traffic Impact Analysis was not required by the UDO. Mr. Wensman had a conversation with NCDOT about the existing center lane, but a deceleration lane maybe required. The applicant would have to meet any standards set by NCDOT.

Mr. Wensman testified that per the UDO, this use was considered an assembly use. For all assembly uses, parking is one space per every three fixed seats plus one space per three moveable seats. At this time, they have not proposed any seating. By using the one space per three fixed seats, it is the most restrictive standard.

The Planning Department recommended approval of the special use permit, SUP-18-07 with the following condition: Provide a site plan conforming with the UDO including adequate parking, landscaping and buffering to be approved and constructed prior to operating as a private club.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the July 10, 2018 agenda packet

Mr. Wensman provided staff's recommendations to the Eight Finding of Fact. They are as follows:

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
Staff Recommendation: No detrimental impact or endangerment to health, safety or welfare – use is buffered as required and access off of highway.
2. The special use will be in harmony with the existing development and uses within the area in which it is to be located.
Staff Recommendation: B-3 zoning is most intensive district. Use is permitted with a special use permit.
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.
Staff Recommendation: The use will have no impact on the development of other business uses in the district or adjacent to the site.
4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
Staff Recommendation: Utilities, access, drainage and parking are being provided as required by the UDO.
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.

Staff Recommendation: Requires an NCDOT Permit and will be subject to NCDOT requirements

6. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.

Staff Recommendation: The special use will conform to all applicable regulations with a valid permit.

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.

Staff Recommendation: The access conforms with plans

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

Staff Recommendation: The use is in conformity with plans adopted by the Town Council.

Mayor Moore asked if there were any questions from the Council.

Mayor Pro-Tem Scott questioned when the property was rezoned to B-3. Mr. Wensman responded that the Comprehensive plan was twenty years old and it has been zoned B-3 since possibly even before that time. Properties to the north east are zoned and used as residential.

Councilman Ashley questioned the permitted uses in a B-3 zoning district that do not require a special use permit. Mr. Wensman responded the following are permitted uses art galleries, auto part stores, auto service stations, beauty shops, car washes, rug dealers, commercial kennels, exterminating services, food stores, food trucks, gas stations, convenient stores, glass repairs locksmiths, pawn shops, repair shops, restaurants and any retail uses. Councilman Ashley further questioned why this use required a special use permit. Mr. Wensman responded a special use permit was required because it was being proposed as a private night club serving alcohol

Councilman Barbour questioned how the Council could deny a special use permit. Mr. Wensman responded that is any of the Eight Finding of Fact could not be met, the Council could deny the request. He also explained the Council could impose any reasonable conditions to lessen the impact of the adjacent properties. Councilman Barbour further questioned if the Town could require the applicant to complete a Traffic Impact Analysis. Mr. Wensman responded that it was not required. Town Attorney Bob Spence explained that the Town could not require the applicant to pay for the study to be completed.

Mayor Moore questioned if the current UDO allowed for event centers in the B-3 zoning district. Mr. Wensman responded that the code was silent on event centers, but there was an interpretation that if something was not specifically outlined in the code, Mr. Wensman could make a determination. Since the applicant was requesting full ABC permitting, the application had to come before the Council for approval as a special use.

Mayor Pro-Tem Scott asked for the definition of night club. Mr. Wensman explained that under the current UDO, this use would be classified as a private club or lodge. The ABC Commission legislates private clubs which means they are not open to the public. The ABC Commission was also the enforcing body for private clubs. Police are unable to enter the establishment without an invitation and Planning staff cannot enter to monitor the use. The Fire Chief may enter the facility if there is a suspected fire hazard.

Mayor Moore questioned if the request was for a public or private establishment. Mr. Wensman responded that the intended use was for a private club.

Councilman Ashley questioned if the Town had been informed of the long range plan for the widening of US 301. Mr. Wensman responded that if there are plans to widen the road, he has not be informed, but if needed the NCDOT would ask for additional right of way from the property owner.

Mr. Wensman testified that the special use would run with the property meaning that if the Council approved the special use for a private club with alcohol sales then no matter who owned the property, they would be able to have the same type of establishment. Mr. Wensman further testified that if the owner doesn't comply with the UDO, the permit could be revoked. It would be difficult for staff to ascertain if the use was in compliance with the UDO because staff would not be permitted to enter the property without invitation.

Councilman Ashley questioned the number of establishments along US 301 that served alcohol. Town Manager Michael Scott responded only the restaurants served alcohol.

Mayor Pro-Tem Scott questioned the maximum occupancy for the intended use. Fire Chief John Blanton testified that per the fire code, occupancy was based on square footage. If the use was standing room only, then approximately 1100 people could occupy the space. If seating was installed, then approximately 390 people could occupy the space.

The application, Jarred Matthews of Curry Engineering Group, PLLC in Fuquay Varina, testified that the general use would be for an event center to hold weddings, birthday and club events. The owner felt it was necessary to be able to sell alcohol for these type of events. The owner was only proposing a night club or a high end restaurant in the event that there wasn't a market for an event center. At this time, no fixed seating was planned due to the nature of an event space. There would be moveable chairs and tables. There would be no noise from the outside patio area as no outdoor speakers would be installed. Mr. Matthews further testified that they will comply with any NCDOT requirements. The applicant was also willing to allow any reasonable conditions as a show of good faith.

Councilman Ashley questioned the proposed hours of operation. Mr. Matthews responded that he was willing to negotiate hours of operation.

Councilman Dunn questioned if the overall plan was to have an event center with the option of having a night club. This was the proposal because the investment was so large the owner still wanted to maintain cash flow. If the sole primary purpose was to rent the space would a liquor license be necessary. Mr. Matthews responded that it was their thought that a liquor license would be necessary. Mayor Moore questioned if the person renting the space could simply apply for a one time permit. Police Chief Keith Powell stated that a one time permit could be issued.

Mayor Pro-Tem Scott stated that the citizens in the area had to be considered and this proposed use would transfer to the next owner.

Mayor Moore stated if the request if was for a public/ private club; he found it hard to believe that it would be in harmony with the adjacent properties.

Mr. Wensman stated that he asked the applicant to consider reasonable conditions that could be placed on the permit and the applicant was now proposing a restaurant.

Councilman Ashley questioned how noise would be regulated. Mr. Wensman responded that the noise level would have to be metered at the property line with a noise meter.

Mayor Moore questioned if the Council could place a condition on the use that Town staff would be able to enter the facility at any time. Mr. Spence thought that would be a reasonable condition, but he would have to research it.

Councilman Ashley stated that this major concern was the alcohol being served. There were many venues throughout the county that required a one time permit.

Mayor Moore asked the applicant if he was in agreement with the testimony provided by Mr. Wensman. The applicant, Jarred Matthews, testified he was in agreement with the testimony offered by Mr. Wensman.

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

Michael Kane of 124 Quail Run stated his property was directly on the west side of the proposed event site. Mr. Kane stated that it appeared the plan changed in the middle of the meeting. It was his opinion that Finding of Fact 8 had not been met. He further stated that he did not want to hear all the noise that could be potentially generated from the proposed us.

Tony Andreola of 250 Lakepark Circle stated that he was speaking on behalf of some of the residents. Mr. Andreola explained the Holts Lake Communities were one of the most desirable residential areas in Smithfield. The character of the area attracted most of the residents to the area.. The proposal would have a negative effect on the tranquility of the community. It was Mr. Andreola's opinion that Smithfield needed better more stable neighborhoods and not more noise, traffic and litter. Mr. Andreola further stated that the potential risk would be increased by people who have been consuming alcohol then dangerously trying to navigate onto Brightleaf Blvd.

Johnny Shark of 470 County Club Road stated he was concerned about the safety and quality of life of his neighborhood. He expressed concerns about an increased amount of intoxicated drivers that would be departing from such an establishment

Elgie Griffin of 3340 US 301 expressed her concerns for the increased amount of noise and the potential for intoxicated persons trespassing on her property.

Kay Creech expressed her concerns about the increase in noise and light pollution. It was her opinion that this would not be best for the community.

Dennis Coffey, President of the Lakepark Circle Homeowner Association, explained he was speaking on behalf of the residential homeowners of properties immediately to the south of the proposed event center. The development was planned for an area of the highway that was already congested and a site of many accidents. The homeowners believed the proposed facility would aggravate an existing problem that already proved to be a safety hazard. The homeowners were concerned about the effect the event center would have on the environment of a quiet residential neighborhood which would cause a decline in property values. The homeowners purchased their residences specifically because of the nature of the surroundings. The homeowners oppose the granting of a permit and petitioned the council to consider the positions of a significant number oftax payers and preserve the very attributes which created a community in which very few people lived 30 years ago. Dr. Coffey questioned how the proposed facility could be in harmony with surrounding area. Dr. Coffey testified that he was a surgeon for forty years and he directed a trauma center for five year. As an expert, he stated that he had treated at least two people who had accidents in the curve near Holt Lake Barbeque. A curve, a poorly lit stretch of two lane road and 108 cars coming out of a facility serving alcohol was a dangerous combination. He urged the Council to consider denying this request.

Grover Dees of 62 Huntington Place explained that he was not an expert but merely a resident of the community. He stated that the traffic on 301 was already horrendous and the influx of traffic that an event center/ night club would create would only exacerbate the problem. He expressed his opposition to the planned use.

Linwood Parker, Mayor of the Town of Four Oaks, stated that the Town of Smithfield and the Town of Four Oaks have grown together at Holt Lake. He questioned if this was the highest and best use for the property. He further questioned if this proposed use was best for the area or should the Towns be looking for something that would enhance growth for both the Towns. He explained that any decision made tonight would still be in use thirty years from now. He asked the Town of Smithfield and the Town of Four Oaks to work together to make US 301 the entrance to the communities that both Towns desired it to be.

Kay Carroll of 1112 South lakeside Drive explained that traffic because of the flea market was already bad enough. He stated that the owner was potentially investing a million dollars on an event space, but Mr. Carroll did not feel that the owner would recoup his investment on simply providing an event facility. It was Mr. Carroll's opinion that this site was not appropriate or safe for such a venue.

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

The Written Finding

Mayor Pro-Tem Scott made a motion, seconded by Councilman Lee, to vote against findings 1, 2, 3, 6 and 8 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: Denial of Special Use Permit Application Number SUP-18-07

Councilman Ashley made a motion, seconded by Councilman Lee, that based upon not meeting Findings 1, 2, 3, 6 and 8, he moved to deny Special Use Permit Application SUP-18-07. Unanimously approved.

The Council recessed the meeting from 8:49 until 8:55.

2. Community Development Block Grant

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

Town Manager Michael Scott informed the Council the Town of Smithfield was interested in seeking funds from the State's Small Cities Community Development Block Grant Program (CDBG). The CDBG program was administered by the North Carolina Department of Commerce and the North

Carolina Department of Environment and Natural Resources. The State of North Carolina's CDBG Program permits grant funds to be used toward infrastructure projects that address health/safety needs (public water and sewer projects); neighbor revitalization needs (housing development, acquisition, disposition, clearance and remediation activities, relocation, public facilities (senior center, housing for homeless persons, housing or shelters for victims of domestic violence, transitional housing facility, community/neighborhood/ recreation facility, other), and public infrastructure or support Economic Development (public infrastructure; building demolition; and vacant building renovation) projects. Applications for Economic Development must show that in excess of 60% of the CDBG will benefit low or moderate-income persons through job creation or retention. Applications for other CDBG programs must show that funded activities: (1) will provide greater than a 50% benefit to low or moderate income persons; (2) benefit identified special need populations; (3) address health and safety needs; or (4) eliminate slum & blight.

The request included a grant proposal for Housing Rehabilitation which begins as a forgivable loan for the owner/occupied structures of low to moderate income families. The Town has enlisted the assistance of Skip Green to assist in authoring the grant. A portion of this process also requires us to enlist the assistance of a non-profit organization who has experience in administrating the grant and evaluating, scheduling, and inspecting repairs of houses that receive an individual award. As part of this process we must also create a housing selection committee. After meeting with representatives of Johnston, Lee, Harnett Community Action (JLHCA), staff believed they hold the necessary prerequisites and experience to fulfill this need. As part of grant submission approval, staff also requests approval of JLHCA to be used as our housing selection committee.

Skip Green explained that CDBG requires two public hearings and this was the first of the two. Mr. Green explained that all CDBG funding has to benefit low to moderate incomes. Since Johnston County is a tier three, the maximum the Town could receive was \$ 750,000 for community revitalization with at least 51% being low to moderate income.

Mayor Moore asked if there were any questions from the Council

Councilman Lee expressed his appreciation to Mr. Green. He also expressed his appreciation to Marie Watson of Johnston Lee Harnett Community Action and their partnership with the Town.

Councilman Barbour questioned if there was a targeted project for the grant. Mr. Green responded the housing rehabilitation would begin in the Belmont area. Town Manager Michael Scott stated it was the hope that this would be the beginning. It was the desire that once home rehabbing begun in a concerted effort, the Town would continue to receive grant funding to continue to improve the quality of homes in the area. Mr. Green stated that homes had to be owner occupied, meet the income level and the owner must be willing to participate in the program.

Councilman Ashley asked the Town Manager to explain some of the grants the Town has been awarded. The Town Manager responded that the Town was awards a \$70,000 grant from Golden Leaf for a stormwater plan. Also, a \$500,000 grant from Golden Leaf was awarded to extend a 16" water line down Durwood Stephenson Highway to help increase water flow to the west side of Smithfield.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Dunn, to Close the Public Hearing. Unanimously approved

Councilman Ashley made a motion, seconded by Councilman Dunn to approve the submitting of the CDBG grant application and approval of Johnston Lee Harnett Community Action to be used as the Town's housing selection committee. Unanimously approved.

3. Resolution #619 (06-2018) Closing a Portion of North Second Street

Councilman Dunn made a motion, seconded by Councilman Rabil, to open the public hearing. Unanimously approved.

Public Utilities Director Ted Credle addressed the Council on a request to close North 2nd Street

from the intersection of North Street and 2nd Street in a northeast direction until the roadway intersects with Hospital Road. The reason for the road closure was that this road closure was needed to facilitate the expansion of the Town's Water Plant. The Water Plant expansion would be an active work zone during construction and once completed, ingress & egress would be physically impossible due to the presence of newly constructed basins & tanks. The expansion was needed for existing and project growth and increased fire protection. Mr. Credle explained that certain structures would be constructed in the right away and the road will be impassible. By law, all land owner directly effected must be notified of the road closure. The Town of Smithfield were the effected landowners.

Mr. Credle further explained that the next steps were as follows: After public hearing, approve resolution to close portion of road, hire a surveyor to create a map of the closure, record map/deed at court house and close the road by September 1st.

Mayor Pro-Tem Scott stated he had met with citizens in the area and their concerns needed to be addressed before the Town took any additional actions. Some concerns expressed were as follows: alternatives to closing the road, funding if the project was over budget, alternate traffic routes and increased vehicle and pedestrian traffic

Clint Sena of 312 North Second Street informed the Council he resided one block from the water plant. One of the major concerns was that the water plant expansion had not been finalized or approved. It was Mr. Sena's opinion t the plan should be approved or denied before the road was officially closed. Another concern was the necessity to expand the water plant because if the capacity was already serving the community why was more capacity needed. It was his opinion that the water should be used to serve the Town and not Johnston County.

It was Councilman Barbour's recollection that on May 21st the Council approved the expansion of the water plant. Councilman Barbour also stated that at several meetings Mr. Credle thoroughly informed the Council of the plans for the water plant expansion

Town Manager Michael Scott directed the Town Clerk to read the follwing excerpt from the May 21, 2018 Budget Session Minutes.

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Scott, to submit an application to the Local Government Commission for the Water Plant Expansion Loan. Unanimously approved.

The Town Manager explained before the LGC would approve the loan, Council must approve the water plant expansion.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Rabil, to expand the water plant. Unanimously approved.

Councilman Ashley stated the Council has been discussing the expansion of the water plant for the past six years. The water plant was aging and needed to be upgraded and expanded.

Mr. Sena questioned if surplus water would be sent out of the Town. Councilman Ashley responded that the Town has a contract to sell water to Johnston County that has been in place for a very long time. Every gallon of water is sold to the County helped fund the expansion of the water plant.

Pam Lampe questioned if the Town desired more capacity simply to sell more water to the County. Councilman Ashley responded the expansion was necessary to prepare for growth.

Some citizens expressed concerns because they believed they were not informed of this project or the projected cost.

Mr. Credle explained that one of the earliest process was the Town had to submit an engineering report to the state. The report has already been reviewed twice. The engineering was based ion a sketched plan that was presented to Council in December and April. The state will grant approval based on the sketched plan. The engineering estimate was also approved by the state.

Billie Stevens questioned if this was the only alternative. Mr. Credle responded that it was the only alternative.

Someone asked where the greenway would be relocated. Mr. Credle responded the exact route had yet to be determined. The greenway cannot be permanently closed because it is a part of the Mountains to the Sea Trail.

Guy Lampe of 415 North Second Street explained there has always been a buffer between his property and the water plant. He did not want the nature trail relocated closer to his property. He explained that he did not want a dog park or a splash park at Talton field . He questioned if the Council wanted to close the road before there was a plan that all the neighbors could agree on.

Town Manager Michael Scott stated the closing of Second Street would have to occur. The Town had conceptual plans of keeping the soccer fields at Talton Park and another that change the park area.

John Branch of Third Street stated he didn't want the Council to do something the citizens were going to regret. He asked the Council to consider not moving forward with the project in the event that the cost estimates were much higher than anticipated or budgeted.

Mayor Moore explained that there were still a lot of hurdles to climb, but the Council had to start somewhere.

Mayor Moore asked Mr. Credle if he was 100% sure there are no other options for the placement of the water tanks and the expansion. Mr. Credle responded that with the way the topography fell, he was 100% sure that there were no other options. To the left, there was a blue line creek that the Town cannot go near. To the North, there were wetlands that cannot be harmed. To the South were residential properties and a cemetery. Mr. Credle explained that he only had one option and it was the best option because of the topography.

Councilman Barbour explained the Town had a timeline in which we can request to draw more water out of the river. If the Town doesn't take the additional allocation now, the County will take it. The Town would have to totally rely on someone else for the Town's future.

Councilman Ashley suggested that a community meeting be held.

Mary Stevens of 211 North Second Street stated she was informed that the old Freedman's House was going to be relocated next to the cemetery. The Town Manager responded it was part of the conceptual plan, but nothing has been approved.

Mayor Moore stated that the water plant has to go where it has to go and the road has to close. He challenged Mr. Credle to investigate every possible option.

Pam Lampe expressed her concerns to the Council about being unaware of the project. She stated that she did not understand why it was necessary to expand the water plant if it was for the sole purpose of selling more water to the County. She further stated she was upset because she does not want the nature trail relocated next to her home. She asked that additional buffering be provided so that she could not see the proposed project from her property.

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Scott, to close the public hearing. Unanimously approved.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Ashley, to table the road closure until the August 7th meeting . Unanimously approved.

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Scott, to hold a community meeting on Tuesday, July 31st at 6:00 p.m. in the Town Hall Council Chambers. Unanimously approved.

CITIZENS' COMMENTS: None

CONSENT AGENDA:

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

1. Approved the following Minutes:
 - May 10, 2018 – Budget Session
 - May 15, 2018 – Budget Session
 - May 21, 2018 – Budget Session
 - June 5, 2018 – Regular Meeting
 - June 5, 2018 – Close Session
2. Special Event – National Night Out: Approval was granted to the Smithfield Police Department to hold an event on August 7, 2018 from 5:00 pm until 8:00 pm at 1025 Outlet Center Drive. The event will have amplified sound.
3. Resolution #620 (07-2018) Adopting the 2018-2019 Employee Handbook

**RESOLUTION # 620 (07-2018)
TOWN OF SMITHFIELD
PERSONNEL POLICY**

WHEREAS, the Mayor and Town Council of the Town of Smithfield recognize the importance of its municipal employee in meeting the service needs of Town residents; and

WHEREAS, it is the desire of the Mayor and Town Council to maintain a municipal work force composed of qualified, competent, dedicated employees; and

WHEREAS, the Mayor and Town Council recognize the necessity of equitable rates of pay and reasonable conditions of employment in the maintenance of such a work force; and

WHEREAS, it is the desire of the Mayor and Town Council to establish a system of personnel administration that will assure equity of compensation and fair and reasonable employee treatment.

NOW, THEREFORE BE IT RESOLVED, by the Smithfield Town Council, that the following guidelines shall cover the appointment, pay plan, salary, promotion, demotion, dismissal, and employment conditions of the employees of the Town of Smithfield, North Carolina amending/ replacing where appropriate the existing articles and sections.

{Attached by reference and made a part of these official minutes is a copy of the Town of Smithfield's Employee Handbook which is on file in the Office of the Town Clerk}

4. Resolution # 621 (08-2018) Supporting the East Coast Greenway Grant Application

**TOWN OF SMITHFIELD
RESOLUTION # 621 (08-2018)
RESOLUTION IN SUPPORT FOR THE EAST COAST GREENWAY APPLICATION FOR THE
2018 BUILD TRANSPORTATION DISCRETIONARY GRANT APPLICATION**

WHEREAS, the East Coast Greenway vision is a 3,000-mile route for biking, walking, and other active means from Maine to Florida. By providing fun, safe, and accessible infrastructure for everything from a local commute to a long adventure, the Greenway will foster healthy, sustainable, and prosperous communities throughout the Eastern Seaboard; and

WHEREAS, the East Coast Greenway route serves 40-60 miles of bike and pedestrian facilities throughout the Upper Coastal Plain Rural Planning Organization planning area and connecting 5 local towns to a continuous network of safe bike and pedestrian facilities to 25 cities and 425 rural communities from Maine to Florida; and

WHEREAS, the East Coast Greenway is good for business, good for public health, and good for transportation infrastructure by creating a linear park that everyone can enjoy for generations to come; and

WHEREAS, the East Coast Greenway route is being planned to go through the Town of Smithfield and the Town believes the project will improve vehicular and pedestrian mobility for regional tourism and residents, enhance safety, and provide resilience and quality of life in Smithfield; and

WHEREAS, the citizens of the Town of Smithfield share a community of interest with the East Coast Greenway for employment, health care, shopping and recreation, and businesses now located in the area; and

WHEREAS, the East Coast Greenway route will bolster the Town's existing Mountain's to Sea Greenway and plans for its extension, with the Town serving as a hub between the two planned greenways; and

WHEREAS, the East Coast Greenway application's plans to extend broadband coverage along the greenway route also complement's the Town of Smithfield's plans and interest in expanding broadband;

THEREFORE, BE IT RESOLVED that the Town of Smithfield endorses and supports the East Coast Greenway 2018 BUILD Grant Application.

5. Approved to change Management Software for Parks and Recreation and SRAC.
6. Bid Award in the amount of \$18,000 to Triangle J. Council of Governments to conduct the Salary Study
7. Approved the following Budget Amendment

1. Revenue

45-75-3870-3870-0301	Transfer From Water Fund	\$ 1,964,233	\$ (300,000)	\$ 1,664,233
45-71-3700-7200-0001	AIA Grant - Water	-	150,000	150,000
45-71-3700-7220-0002	AIA Grant - Sewer	-	150,000	150,000
		<u>\$ 1,964,233</u>	<u>\$ -</u>	<u>\$ 1,964,233</u>

To fund the Water/Sewer Asset Inventory and Assessment (AIA) Project as approved at the October 4, 2016 Council Meeting with grant proceeds. Was originally funded with fund balance

8. Approved Career Ladder promotions in the Fire Department. Two employees were promoted from the rank of Firefighter I to the rank of Firefighter II.
9. The following Advisory Board Appointments were approved:
 - Lyn Andrews was appointed to serve a three year on the Parks and Recreation Advisory Commission

10. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Firefighter I	Fire	10-20-5300-5100-0200	\$15.64/hr. (\$34,157.76/yr.)

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 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 P&R Staff	P & R – Recreation	10-60-6220-5100-0210	\$9.00/hr.
P/T SRAC Staff	P & R – Aquatics	10-60-6220-5100-0220	\$8.00/hr.
P/T SRAC Staff	P & R – Aquatics	10-60-6220-5100-0220	\$8.00/hr.
P/T SRAC Receptionist	P & R – Aquatics	10-60-6220-5100-0220	\$9.00/hr.
P/T Laborer	PU – Water/Sewer	30-71-7220-5100-0200	\$8.00/hr.
P/T Laborer	PU – Water/Sewer	30-71-7220-5100-0200	\$8.00/hr.
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200	\$12.46/hr. (\$25,916.80/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Marketing & Comm. Specialist	General Government	10-10-4100-5100-0200
Police Officer I	Police	10-20-5100-5100-0200
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200

11. Special Event: Riders for Rescue at the Shelton Harvey Davidson Store located at 1043 Outlet Center Drive. This event will have amplified sound.

Unanimously approved.

BUSINESS ITEMS:

1. **Consideration and Approval to amend the FY 2018 – 2019 Fee Schedule for Solid Waste Service due to recent increase in tipping fees by Johnston County.**
2. **Consideration and Approval to amend the FY 2018 – 2019 Fee Schedule for Wastewater due to the recent increase in Wastewater Treatment rates by Johnston County**

Town Manager Michael Scott informed the Council that Business Item 1 and Business Item 2 could be discussed together since both items dealt with increases adopted by Johnston County that became effective July 1st. The increases were to tipping fees and wastewater treatment fees. Staff was requesting these fees be passed onto the consumer and the FY 2018-2019 Adopted Fee Schedule be amended to reflect the increases. The Town Manager explained that during the budget process, staff informed the Council that Johnston County was proposing fee increases that would be effective in September, but the County chose to make those increases effective in July.

Councilman Dunn made a motion, seconded by Councilman Barbour, to amend the FY 2018-2019 Fee Schedule to reflect the increases in tipping fees and wastewater treatment fees adopted by Johnston County. Unanimously approved.

3. **Consideration and Approval to amend the FY 2018-2019 Fee Schedule for SRAC rates for Town of Smithfield Employees and Johnston County School Employees**

Parks and Recreation Director Gary Johnson addressed the Council on a request to amend the fee schedule for Town of Smithfield employees and Johnston County school employees. Mr. Johnson explained upon review of the adopted fee schedule, it was discovered that there was miscommunication on the intended SRAC membership rates for the employees of the Town of Smithfield and Johnston County Public Schools.

Aquatic Center Director Dale explained that the mix up was the community rates versus corporate rates.

Mayor Moore questioned if the SRAC membership could be provided to all full-time employees free of charge as a part of the Town's wellness program.

Councilman Ashley questioned if the membership would be considered a taxable benefit

Mayor Moore suggested the item be tabled until the August 7th meeting to allow staff to investigate if the membership would be considered a taxable benefit.

Town Manager Michael Scott suggested the fee schedule be amended for SRAC rates for Town of Smithfield Employees and Johnston County School Employees back to the FY 2017-2018 fees.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Barbour to amend the fee schedule for SRAC rates for Town of Smithfield Employees and Johnston County School Employees back to the FY 2017-2018 fees and table a decision until the August Council meeting to allow staff to determine if a membership was a taxable benefit. Unanimously approved.

4. Consideration and Approval to enter into an Agreement with Envirolink for the purpose of performing an analysis that will be the basis of the beginning of a discussion regarding the implementation of System Development Fees

Public Utilities Director Ted Credle addressed the Council on a request to enter into an agreement with Envirolink to perform an analysis on the potential for system development fees. Mr. Credle explained that this item was brought before the Council at the June meeting. The Council requested that the item be tabled until three bids could be solicited from reputable firms. Staff contacted three firms and the following bids were received:

Envirolink: \$20,000
WR Martin Management Consulting \$20,000
Wildan Financial \$22,500

Staff was requesting the Town enter into an agreement with Envirolink because they are already a vendor in good standing with the Town. Mr. Credle further explained that system Development Fees were one-time charges to assess new development, fees would be used to offset cost of Capital Improvements and allow new development to pay for new extensions of service. Envirolink would perform analysis to determine what the "maximum" fees could be.

Councilman Dunn made a motion, seconded by Councilman Rabil, to approve the agreement with Envirolink in the amount of \$20,000.00 Unanimously approved.

Councilmembers Comments

- Mayor Pro-Tem Scott reminded everyone the official opening of the boat ramp would occur on Saturday, July 14th with the River Rat Regatta to follow. He expressed his appreciation to DSDC Director Sarah Edwards on the successful Fourth of July Celebration. He suggested that all the communities in Johnston County work together to do one large celebration.
- Mayor Moore informed the Council of the recent passing of the Town of Selma's Town Clerk, Brenda Thorne. He offered condolences to the Mayor and Town Staff.

Town Manager's Report:

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

- Town Meeting: The Planning Department will be hosting its first public meeting seeking public input regarding the Town's future transportation and land use plans on Tuesday,

September 18, 2018 6:00 PM-8:00 PM at the SRAC Banquet Room- 600 Booker Dairy Rd.

- Town Video: The Town recently installed a video feed at the corner of Fourth Street and Market. The camera is controlled by the Town and can focus 180 degrees. The camera will be set looking westerly on Market Street so media outlets and the public can view the downtown from our website. The system will also be used to record events such as the annual Christmas Parade
- Town App: Town Staff is in the process of creating Smithfield's own App for its website. The App will be available in both Apple and Android applications. This will assist in facilitating additional information to our citizenry and the public in general.
- The Town Manager was asked to investigate a matter brought before the Council by Councilman Lee whereby a young lady stated that the Police Department acted inappropriately during a recent drug round up event. Chief of Police Keith Powell investigated the matter and determined that the officers acted appropriately and the story conveyed to Councilman Lee was inaccurate..

Department Reports

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

Adjourn

Councilman Ashley made a motion, seconded by Councilman Dunn, to adjourn the meeting. The meeting adjourned at approximately 10:34 pm.

ATTEST:

M. Andy Moore, Mayor

Shannan L. Parrish, Town Clerk