

The Smithfield Town Council met in regular session on Tuesday, February 5, 2019 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
David Stevens, District 2
Dr. David Barbour, District 4
Emery Ashley, At-Large
John A. Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Marlon Lee, District 1

Administrative Staff Present

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

Present:

Bob Spence, Town Attorney
Bill Dreitzler, Town Engineer

Administrative Staff Absent

Stephen Wensman, Planning Director

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

APPROVAL OF AGENDA:

Councilman Ashley made a motion, seconded by Councilman Stevens, to approve the agenda as submitted. Unanimously approved

PRESENTATIONS:

1. Partnership For Children's " Think Babies Bus Tour"

Partnership for Children's Executive Director Dwight Morris addressed the Council on the Think Babies Bus Tour initiative. Mr. Morris provided a formal invitation to the Council regarding the tour along with some data concerning young children in Johnston County. Mr. Morris explained that Partnership for Children received a mini grant from the North Carolina Early Education Coalition to help increase awareness of issues facing Johnston County infants, toddlers, their teachers and parents. Mr. Morris invited the Council to attend one of two tours to be held on February 24th and March 14th from 8:00 am to 12:00 pm. The Think Babies Bus Tour will highlight quality care throughout the county with opportunities to speak with parents and service provider. Mr. Morris encouraged the Council to attend one of these tours.

2. Proclamation honoring the Pine Acres Community

Mayor Moore presented a proclamation to the residents of the Pine Acres Community.

PROCLAMATION
Honoring the Pine Acres Neighborhood
In the Town of Smithfield

WHEREAS, the Town of Smithfield includes historically significant neighborhoods that deserve recognition for their contributions to the Town; and

WHEREAS, the Town of Smithfield recognizes and celebrates more than fifty years of history of the Pine Acres Neighborhood; and

WHEREAS, the Town of Smithfield is committed to raising awareness of the historical significance of the Pine Acres Neighborhood and its contributions to the Town of Smithfield; and

WHEREAS, Pine Acres was developed in partnership with the Johnston County Training School and the Johnston County Board of Education to provide homeownership opportunities for African American educators, business people, health professionals and others in the Town of Smithfield when there were none; and

WHEREAS, certain residents of the Pine Acres Neighborhood were instrumental in the integration of Johnston County Schools during the Civil Rights Movement of the 1960's; and

WHEREAS, the residents of Pine Acres Neighborhood have contributed to the wellbeing of the Town of Smithfield as citizens, educators, business leaders, health professionals and others; and

WHEREAS, the Town of Smithfield appreciates this rich history and the significance of the Pine Acres Neighborhood.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield along with the members of the Town Council, do hereby proclaim the Pine Acres Neighborhood to be historically significant to the growth and development of the Town of Smithfield.

PUBLIC HEARINGS:

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

1. **Special Use Permit Request – Johnston County Regional Airport (SUP-19-01):** The applicant was requesting a special use permit to exceed 40 feet in building height for a proposed structure located within an R-20A (Residential-Agricultural) zoning district. The property considered for approval was located on the east side of the intersection of Swift Creek Road and Airport Industrial Drive and further identified as Johnston County Tax ID# 15079015.

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

Senior Planner Mark Helmer testified that Blue Line Aviation was proposing a new facility at the JNX Airport which would consist of classrooms, offices, restaurants and hangar facilities. The portion of the proposed building to house the classrooms, offices and restaurant will be 3 stories in height, exceeding the 40' maximum height allowed. The UDO Section 8.13.5 allows building height to exceed 40 ft. up to a maximum of 100' with a special use permit. The proposed JNX Airport building is proposed to have a height of 51'-11". This portion of the building is approximately 18,780 (total of the 3 stories) square feet and will contain classrooms on the first floor, offices on the second and restaurant on the third. The height of the adjacent hangar will be 31'-10" high. The building will be designed in accordance with FAA regulations. Submittal of the FAA's approval is a recommended condition of approval. Mr. Helmer testified that the adjacent zoning was B-3 Commercial/LI-Light Industrial to the north, R20A Residential-Agriculture to the south, R20A Residential-Agriculture/ LI – Light Industrial to the west and R20A Residential-Agriculture to the east. The project area was 673.43 acres with an existing use as Johnston County Airport. The new facility would be within the existing airport developed area and the building would be designed in accordance with FAA regulations

Mr. Helmer reviewed staff's findings. They are as follows:

STAFF'S FINDINGS OF FACT

1. The proposed facility is well contained within the airport facilities and formal FAA approval will be required before construction to ensure it complies with FAA regulations.
2. The proposed uses are accessory to the airport and are typical accessory amenities to an airport.
3. The proposed use will not have any impact on the normal and orderly development and improvement of the surrounding properties. The airport facility is well buffered from adjacent land uses and property by vacant airport land which is used to buffer the airport.
4. Utilities, access, drainage, parking and other facilities are being provided with the building improvements.
5. Ingress and egress to the site will remain unchanged. The additional height will have no impact on ingress and egress.
6. All regulations have been conformed with, or will be conformed with prior to issuance of a permit.
7. The access conforms to plans.
8. The access conforms to plans.

The Planning Department recommends approval of the Special Use Permit, SUP-19-01, with the following conditions:

1. That the building be designed and constructed in accordance with FAA regulations, and a formal FAA approval be submitted to the Town.

Senior Planner Mark Helmer has incorporated his entire record and provided it to Council in written form in the February 5, 2019 agenda packet.

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

Mayor Moore asked the applicant if he was in agreement with the testimony provided by Mr. Helmer. The project engineer stated he was in agreement with the testimony offered by Mr. Helmer.

Mayor Moore asked if there was any in attendance sworn to testify in this matter. There were none.

Councilman Barbour made a motion, seconded by Councilman Stevens, to close the public hearing. Unanimously approved.

The Written Finding

Councilman Ashley made a motion, seconded by Mayor Pro-Tem Scott, to vote in the affirmative to all of the below eight stated Finding 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-19-01

Councilman 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-19-01 with the following conditions:

1. That the building be designed and constructed in accordance with FAA regulations, and a formal FAA approval be submitted to the Town.

Unanimously approved.

2. **Rezoning Request – Michael Stewart, P.E. (RZ-18-07)**: The applicant was requesting to rezone 21.26 acres of land from Johnston County AR (Agricultural-Residential) zoning district to the Town of Smithfield R-20A (Residential-Agriculture) zoning district. The property considered for rezoning was located on Black Creek Road approximately 1700 feet southwest of its intersection with NC Highway 210. The property was further identified as Johnston County Tax ID# 15I09011B.

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

Senior Planner Mark Helmer addressed the Council on a request by Michael Stewart, PE. Mr. Helmer explained in 2007, the Johnston County Board of Commissioners issued preliminary plat approval of a 32.79 acre parcel of land. The development was not constructed and the plat expired. In 2009, the Town of Smithfield's ETJ was expanded to include the 11.53 acre portion of the property and was rezoned to R-20A (Residential-Agricultural). In 2018, the portion of the property located in Johnston County's jurisdiction received preliminary approval for a 62 lot subdivision meeting the County's AR zoning regulations. In December 2018, the Town Council approved the annexation of the property. In January 2019, the Planning Board recommended approval of the rezoning.

With the annexation, water and sewer will be provided by the Town with a master meter on the County's service lines. A lift station will be constructed by the developer in the Town to serve this development once the 11.53 acres is platted. The plat application submittal is expected soon after the parcel is rezoned. There is no land use guidance for the 22.79 acres, however the 11.53 acres is guided as low density residential and currently zoned R20-A. R20-A is the appropriate zoning district to make the entire parcel whole.

Mr. Helmer informed the Council that staff finds the rezoning to be consistent with the Strategic Growth Plan which guides this area for low density residential. Staff finds the land to be rezoned will not be consistent with the UDO. The land has preliminary plat entitlement for a development that does not meet the R-20A zoning district standards. Should the area be rezoned, the lots will be legal nonconforming. The property considered for a rezoning is compatible with surrounding agricultural or low density residential and institutional land uses.

The Planning Department and Planning Board recommend the approval of the zoning map amendment and the adoption of a consistency statement declaring the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Senior Planner Mark Helmer has incorporated his entire record and provided it to Council in written form in the February 5, 2019 agenda packet.

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

Mayor Moore asked if there was anyone in attendance that wished to speak on the matter.

Chris Petit of 6278 Black Creek Road stated he was concerned about the water that would flow from the proposed development onto his land. He stated the drainage would flow downhill and affect his property. Mr. Petit requested to see a plan for remediation. Mr. Helmer explained the request before the Council was only to consider rezoning the property, but the next process would be for the applicant to submit a platted plan detailing construction and stormwater management for the property. Mr. Helmer explained there was a riparian buffer which would help mitigate any adverse impact. He further explained this was a low density type development and impact should be less.

Mr. Petit questioned if the adjacent homeowners would be able to see the overall plan of where the water was going to flow. He explained he has livestock on his property and doesn't want his livelihood affected by this proposed development. Mayor Moore responded the Council would only consider the rezoning at this meeting and asked if the subdivision would come back before the Council for approval. Mr. Helmer responded that a public hearing would be held to allow for citizen comment on the proposed subdivision plan. Mayor Moore encouraged Mr. Petit to meet with Planning Staff and to attend any meeting concerning this project.

Councilman Ashley asked Mr. Helmer to explain the vested rights of this subdivision. Mr. Helmer responded that the developer gained approval of the subdivision from Johnston County which the Town chose to honor. Councilman Ashley further questioned if the Town's stormwater management plan was more stringent than the County. Mr. Helmer responded that stormwater management plan standards are federally and state mandated.

Councilman Barbour made a motion, seconded by Councilman Stevens, to close the public hearing. Unanimously approved.

Councilman Barbour made a motion, seconded by, Councilman Ashley, to approve Rezoning Request RZ-18-07 rezoning 21.26 acres of land from Johnston County AR (Agricultural-Residential) zoning district to the Town of Smithfield R-20A (Residential-Agriculture) zoning district. Unanimously approved.

Councilman Dunn made a motion, seconded by Councilman Ashley, to approve the Consistency statement as set forth in the agenda declaring its consistency with the Town of Smithfield Comprehensive Growth Management Plan and that it was reasonable

and in the public interest. Unanimously approved.

3. **Rezoning Request – Studio TK (RZ-18-09):** The applicant was requesting to rezone a 3.12 acre portion of a 9.92 acre tract of land from the B-3(Highway Entrance Business) and R-20A (Residential-Agricultural) to the LI (Light Industrial) zoning district. The property considered for rezoning was located on the east side of US 70 Business West approximately 200 feet north of its intersection with Cloverdale Drive. The property was further identified as Johnston County Tax ID#17J08001A.

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

Senior Planner Mark Helmer addressed the Council on a request by Studio TK. The property considered for rezoning was currently split zoned with 6.15 acres currently zoned light industrial. A 0.30 acre portion is zoned B-3 (Highway Entrance Business) and a 2.81 acre portion is zoned R-20A (Residential-Agricultural). Rezoning the property will serve to correct inconsistencies created when properties lines were moved and lots recombined and a rezoning of the new parcel did not occur. No non-conformities will be created by this rezoning since all existing uses on the property are currently permitted within the Light Industrial zoning district. The proposed rezoning will not have negative impacts on adjacent land uses and no change in use is proposed as a result of this rezoning classification.

Mr. Helmer explained the subject property was consistent with adjacent land uses that include industrial zoning land uses to the south. The rezoning will serve to more accurately reflect existing land uses on the site. The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance as all current land uses and site improvements appear to meet minimum development standards of the Town of Smithfield Unified Development Ordinance. The property considered for a rezoning was a small portion of an existing industrial site that was currently zoned light Industrial. The subject property was adjacent to an existing LI zoning district and land use. The proposed rezoning will not have negative impacts on adjacent land uses and no change in use is proposed as a result of this rezoning classification.

The Planning Department and Planning Board recommend approval of the zoning map amendment with a consistency statement declaring the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Senior Planner Mark Helmer has incorporated his entire record and provided it to Council in written form in the February 5, 2019 agenda packet

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

Councilman Barbour questioned the Town's extraterritorial jurisdiction (ETJ) in relation to this site. Mr. Helmer responded it was within the Town's ETJ.

Councilman Ashley questioned how the property became split zoned. Mr. Helmer stated it was his assumption that the property owner made some adjustments, but the zoning map was never amended to reflect the change.

Mayor Moore asked if there was anyone in attendance who wished to speak on this matter.

Dan Simmons of McGill Associates explained he was retained by Studio TK, a furniture manufacturing facility, to investigate the property for potential expansion. In that investigation Mr. Simmons discovered the property was split zoned. In accordance with the Unified Development Ordinance, this issue had to be resolved before a zoning permit could be issued for the expansion of the facility.

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

Councilman Barbour made a motion, seconded by, Councilman Rabil, to approve Rezoning Request RZ-18-09 3.12 acre portion of a 9.92 acre tract of land from the B-3(Highway Entrance Business) and R-20A (Residential-Agricultural) to the LI (Light Industrial) zoning district stating it was consistent with the Town of Smithfield Comprehensive Growth Management Plan and that it was reasonable and in the public interest. Unanimously approved.

CITIZENS' COMMENTS:

- Emma Gemmel of 207 Hancock Street expressed her concerns to the Town Council about residential water rate increase and Town debt. Mrs. Gemmel stated that from 2016 until 2020, residential water rates would have increased 31.6%. Mrs. Gemmel also stated that the Town currently has \$24 million worth of debt in the general fund per the FY 2017 audit. With the expansion of the water plant, the Town would incur another \$12 million in debt. Citizens have not been told how the Town would pay for the increased debt and she suggested instead of expanding the water plant, the Town should begin replacing water pipes and infrastructure.
- Pam Lampe of 415 North Second Street addressed the Council on research she and Mrs. Gemmel have conducted on the need for the water plant expansion. She explained that in their research, they found the Town had sufficient water to cover the town customers for many decades to come. Per the Wooten Report, the Town expects that its users will only consume 10% of the water produced. The Town expects to sell more water to Johnston County than it does to its actual consumers. Residents pay more per gallon for water than does Johnston County; therefore, Smithfield residents are subsidizing the County. The County should pay more per gallons. She asked the Council to reconsider the necessity of the water plant expansion.
- Guy Lampe of 415 North Second Street stated the Wooten Report was very informative. Town customers are using only 10% while the County is paying less per gallon than it costs the Town to treat it per gallon. Funds should be spent on Town citizens and not County citizens.
- Tony Nixon of 8 Cedar Drive addressed the Council on the safety of the Town citizens and the morale of the Smithfield Police Department. Mr. Nixon outlined the amount of officers that have left Town employment to seek jobs at other agencies citing offer better pay, better benefits and better incentives. Mr. Nixon further outlined annual salaries and incentives of surrounding municipalities in comparison to the Town of Smithfield. Mr. Nixon explained that Smithfield was first in reports, second in calls for service compared to other neighboring municipalities. He questioned why an officer would come to work in Smithfield to work harder in a more dangerous environment to be compensated less. He further explained the Police Department had a moral problem that could lead to a public safety problem, but some officers remain with the Smithfield Police Department because of its leadership. He implored the Town Council to take the results of the pay study and drill down to the core issues to make the most beneficial response for the citizens and the employees.

CONSENT AGENDA:

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

1. The following minutes were approved
 - January 8, 2019 – Regular Meeting
 - January 8, 2019 – Close Session
2. Approval to amend the audit contract with Thompson, Price, Scott, Adams and Company, PA for Fiscal year 2017-2018 audit.
{Attached hereto and made a part of these official minutes is a copy of the amended audit contract which is on file in the Office of the Town Clerk}

3. Approval of Resolution #634 (01-2019) to approve financing terms by First Citizens Bank for a loan in the amount of \$88,500.

Town of Smithfield
Resolution # 634 (01-2019)
Approving Financing Terms

WHEREAS: The Town of Smithfield ("Town") has previously determined to undertake a project for the financing of General Fund rolling stock, (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Purchase through First Citizens Bank ("FCB"), in accordance with the proposal dated January 18, 2019. The amount financed shall not exceed \$88,500.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.11%, and the financing term shall not exceed 59 months from closing.
 2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. The Town Manager, Interim Town Manager, and/or Mayor of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
 3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
 4. The Town shall not take or omit to take any action the Town of Smithfield or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
 5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the purchase that is to be financed from the proceeds of the FCB financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.
 6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.
4. Approval to use funds for the General Fund's contingency line item in the amount of \$11,600 for needed repairs to the Public Library of Johnston County and Smithfield
 5. Bid was awarded to Asheville Ford in the amount of \$28,612.81 for the purchase of a 2019 Ford F250 truck to be utilized by the Public Works Department. Bids received were as follows:

- Ashville Ford (NC Sheriff's Association) \$28,612.81
- Deacon Jones Auto Group \$29,381.00
- Capital Ford \$30,362.00
- Classic Ford No Bid
- Dunn Benson Ford No Bid

6. Bid was awarded to Deacon Jones in the amount of \$132,990 for the purchase of six vehicles to be utilized by the Police Department. Bids received were as follows:

- Performance Automotive \$133,391 (6) Vehicles (State Contract)
- Deacon Jones \$132,990 (6) Vehicles
- Bleecker \$138,343 (6) Vehicles

7. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Police Officer I	Police	10-20-5100-5100-0200	\$16.05/hr. (\$35,887.80/yr.)
Police Officer I	Police	10-20-5100-5100-0200	\$16.05/hr. (\$35,887.80/yr.)
Police Officer I	Police	10-20-5100-5100-0200	\$16.05/hr. (\$35,887.80/yr.)
P/T Lifeguard	P&R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T Staff	P&R – Aquatics	10-60-6220-5100-0210	\$8.00/hr.
P/T Staff	P&R – Aquatics	10-60-6220-5100-0210	\$8.50/hr.
P/T Staff	P&R – Aquatics	10-60-6220-5100-0210	\$8.50/hr.
P/T Staff	P&R – Aquatics	10-60-6220-5100-0210	\$9.00/hr.
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	\$12.83/hr. (\$26,686.40/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Police Officer I	Police	10-20-5100-5100-0200
Sanitation Equip Op	PW – Sanitation	10-40-5800-5100-0200

Unanimously approved.

Business Items:

1. Approval to Adopt resolution #635 (02-2019) to begin the procedure for closing a portion of Meadowbrook Drive

Town Manager Michael Scott addressed the Council on a request to begin the process of vacating an unopened street. The street was located between First Street and Vermont Street otherwise known as Meadowbrook Branch. The Town has reserved its right of way for years. There are four landowners adjacent to the property. Some of them have approached the Town requesting the land be vacated thus adding it to their individual properties.

Town Attorney Bob Spence explained this was a street that Colonel Grantham had dedicated over sixty years ago, but never constructed. Meadowbrook did not extend between First Street and Vermont Street; therefore, what was left was a backyard portion of four or five houses that are technically within a street that was not constructed. The purpose was to withdraw that street. There is a sewer line in the area so the Town will retain an easement. All property owners have signed an agreement supporting the street closing and thus stipulating the boundary lines of their property.

Councilman Ashley questioned how this request came to the Town. Mr. Spence responded that Eddie Foy made the request because the unopened street runs through his property. Councilman Ashley questioned if the Town would be responsible for maintaining the ditch since it was a significant drainage ditch. Mr. Spence stated there were not regulations concerning maintenance, but if the Town needed to do some maintenance, they could access it.

Mayor Pro-Tem Scott inquired as to how the property lines would be drawn and if they were revert back to an old plat. Mr. Spence responded it would revert back to an old plat that has been recently surveyed.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Rabil, to approve Resolution #635 (02-2019) to begin the procedure for closing an unopened portion of Meadowbrook Drive. Unanimously approved.

Town of Smithfield
Resolution 635 (02-2019)
of Intent to Close A Portion
Of Unopened Street on Meadowbrook Drive in Smithfield, North Carolina

A RESOLUTION DECLARING THE INTENT OF THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD TO CONSIDER THE CLOSING OF MEADOWBROOK DRIVE BETWEEN VERMONT STREET AND FIRST STREET AND ALONG MEADOWBROOK BRANCH

WHEREAS, GS 160A-299 authorizes the Town Council to close streets and public alleys; and

WHEREAS, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of Meadowbrook Drive between Vermont Street and First Street and along Meadowbrook Branch; and

NOW THEREFORE BE IT RESOLVED, by the Town Council of Smithfield, North Carolina, that:

1. A meeting will be held at 7:00 pm on the 5th day of March, 2019 in the Council Chambers of the Town Hall to consider a resolution closing that portion of Meadowbrook Drive between Vermont Street and First Street and along Meadowbrook Branch.
2. The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four for four successive weeks in the News and Observer Zone Edition or other newspaper of general circulation in the area.
3. The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
4. The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by GS 160A-299.

Upon motion duly made by Mayor Pro-Tem Scott, and duly seconded by Councilman Rabil, the above resolution was duly adopted by the Town Council at a meeting held on the 5th day of February, 2019 in the Town Hall

Upon call for a vote, the following Councilmembers voted in the affirmative:

Mayor Pro-Tem Travis Scott
Councilman Emery Ashley
Councilman John Dunn

Councilman Stephen Rabil
Councilman David Barbour
Councilman Stevens

and the following Councilmembers voted in the negative: None

2. Consideration and Approval of a service contract with ACSM to provide fabrication and installation of Phase II of the Wayfinding Sign System and to approve the use of 2% Tourism monies to fund the contract.

Economic Development Liaison Tim Kerigan addressed the Council on a request to enter into a contract with ACSM for the installation and fabrication of phase II of the Wayfinding Sign System and to use tourism funds for this endeavor. Mr. Kerigan explained staff along with Sarah Edwards and Donna Bailey-Taylor have been working on this project for quite some time. Staff was requesting approval of a contract with ACSM for Phase II. Mr. Kerigan explained the Town has already budgeted \$203,631 for the wayfinding project thus far made up of funds from a \$99,631 USDA grant and local contributions of \$ 75,000 (2% Tax) and \$29,375 from the Downtown Smithfield Development Corporation (DSDC). The remaining \$21,736 was reserved to pay for a site survey, and lighting. Forty signs would be included in phase I which included 2 gateway signs. Currently the welcome sign on the west side has been removed and will be replaced soon.

From the budgeted \$203,631 there remains a balance of \$16,861 that can be allocated towards phase II. Additional funds are needed to fabricate and install the rest of the wayfinding plan signs. The Phase II contract in the amount of \$67,780, if approved, will include the fabrication and installation of (2) G1 Monumental Gateway signs, (10) T-1 Large Trailblazer signs and (4) P Parking Signs for downtown. In addition to the contractual obligation, phase II will require roughly \$4,500.00 to be budgeted for an additional survey for an easement and lighting. The phase II budget includes a \$3,500 contingency to cover any additional costs associated with the site work or costs associated with assisting with final placement of signs in the public right-of-way to address MUTCD regulations. The total amount of 2% tourism monies needed to complete the phase II project is: \$58,919. The wayfinding committee has been considering the need for a phase III project which would include additional gateway signs to be located at the town limits near Highway 210, Outlet Center Drive near Selma, and out near Buffalo Road and US 70 Highway West. If the project is considered, it would likely consist of (3) G1 – Monumental Gateway Signs at a cost of \$12,050 each, plus costs for lighting, landscaping, and surveying if on private property. It would also likely take some time for staff to get approval of the sites for the signs if on private property.

Staff, the DSDC and Johnston County Tourism Bureau recommend approval of the ACSM phase II contract in the amount of \$67,780 and allocation of \$58,919 of 2% Tourism monies to pay for the contract and other project costs.

Councilman Rabil questioned why all the gateway signs were not included in Phase I. Mr. Kerigan responded it was due to land acquisition. The landowners of two of the signs must agree to allow the Town to install the signs on their property.

Councilman Ashley made a motion, seconded by Councilman Rabil, to approve the contract with ACSM for Phase II of the Wayfinding Sign System by using 2% tourism funds for the project. Unanimously approved.

3. Update on the Water Plant Expansion

Public Utilities Director Ted Credle provided an update to the Council on the proposed water plant expansion. Mr. Credle explained that currently, the design consultant had submitted 60% of the plan which have been reviewed and approved by staff. At this point, the placement of the new tank and basin are set. They are in locations due to hydraulics, space and how the ground can support the structures. The piping has been sized and placed. The reservoir has been shaped to maximize storage with as little footprint expansion as possible. Funding has been approved by NCDEQ and has been forwarded to the LGC for approval. Mr. Credle provided a rendering of the reservoir expansion with the rerouting of the greenway, the water plant expansion and the closing of North Second Street.

Mr. Credle addressed some concerns by residents. He explained since the construction site would be active for 20 months, for safety reasons all access would be closed to the public during construction. Originally the proposed access for construction traffic into the site was to be from North 2nd street. But discussions with NCDOT indicated they will make no claim of ownership of Hospital Road from Buffalo Road. Meaning the Town can close that portion of Hospital Road along

with the portion of North 2nd Street and construction traffic will access the site via Hospital Road. As construction finishes, the Town will maintain the closure of 2nd Street as the newly construction section inside the plant will not be built back to public traffic standards.

Another concern expressed by the residents was how traffic would be impacted by the closing of that portion of North Second Street. Mr. Credle explained in October 2018, a traffic impact study was conducted by Ramey Kemp Associates. The study concluded that levels of service would be similar after closure. The closure would have little to no impact.

Mr. Credle further explained the necessity of the reservoir expansion. In order to do this and avoid impacting wetlands, the existing reservoir will be expanded to the south. The greenway will be rerouted around the expanded reservoir to reconnect the trail.

Another concern expressed by the residents was the unsightliness of the completed water plant expansion. Mr. Credle explained all new construction would be to the north and east of the existing structures. The design team incorporated a buffer to assist in the shielding. A planted screen of green arborvitae was proposed to shield the plant. An earthen berm was sent out for bid as further screening should the Council feel it's warranted.

Another concern expressed by the residents was could the Town afford the expansion without increasing rates. Mr. Credle explained that in October 2018, a consultant was hired to analyze projected revenues and expenses associated with the expansion including the debt service on the loan. They concluded that in 3 to 4 years there would be a \$300,000 shortfall. They recommended rate increases, requesting more funding, reducing the scope of the project or adjusting long range capital plan to ensure expenses did not over reach revenues. Staff determined the best course of action was to adjust the 10 year capital plan which would be brought before the Council at the March meeting.

Mr. Credle explained NCDEQ approved the 20 year \$12,050,000 loan with a 1.82% interest rate. Annual loan payments would be \$732,774. The final loan package was forwarded from NCDEQ to the LGC for final approval. Final approval from LGC will only come after they have received and reviewed the Town's audit which has not been completed.

Mr. Credle explained that the design consultant would continue to review the plans to achieve a final set of plans. By remaining on schedule set forth by NCDEQ, approved plans should be ready for bid by late July with construction beginning in late October.

Councilmembers Comments:

Councilman Barbour explained the salary survey must be our first step on any type of evaluation. As an elected official, they would not be doing due diligence if their decision was based on cursory information and not fact. When the Council makes decisions, the Town citizens deserve to know they are made to the best of our abilities based on the knowledge and information we have. It would be nice to make a quick decision, but that would not be the right thing to do. Councilman Barbour also encourage residents of District Four to attend the Comprehensive Plan Meeting to voice any concerns they may have.

Town Manager's Report:

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

- Comprehensive Plan: The next Public Comprehensive Plan Meeting is scheduled for February 19th from 6:00 pm to 8:00 pm at the fire department training room
- Public Works: Our Public Works Department has received recognition designating it as a North Carolina Main Street Champion. We hope to have a presentation of the award before Council in April.
- Audit: The FY 2018 Audit is nearing completion. We have returned the final paperwork

necessary to complete the audit. An audit report is planned to be given to Council at the March 5th regular meeting

- Marquis Sign: The digital marquis sign in front of Town Hall is nearing completion. We expect it to be fully complete and operational by the end of the month.
- Ladder Truck: The Fire Department is expected to take delivery of the new ladder truck by the end of July, 2019. We will be budgeting for our first debt service payment in the next fiscal year. We will also be making recommendations to the Council during the budget process on how best to surplus the existing truck.
- MLK Parade: The Martin Luther King Jr. Parade is scheduled for Saturday, February 16th at 3:00. It will follow the same route as the Christmas Parade.
- Council Meeting: Staff is asking for a special council meeting be called for Thursday, February 21st at a time of the Council's choosing. This will allow staff to present changes in two articles in the current UDO and offer the Planning Board recommendations for changes. A public hearing must be advertised and held as part of any changes to the UDO. It was the consensus of the Council that this meeting be held at 6:30 pm on Thursday, February 21, 2019
- A highlight of each department's monthly activities was given to the Council

Adjourn

Being no further business, Councilman Ashley made a motion, seconded by Councilman Barbour, to adjourn the meeting. The meeting adjourned at approximately 8:32pm.

ATTEST:

M. Andy Moore, Mayor

Shannan L. Parrish, Town Clerk