

The Smithfield Town Council met in regular session on Tuesday, November 12, 2019 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor Pro-Tem Travis Scott presided until Mayor M. Andy Moore's arrival at 7:21pm.

Councilmen Present:

Travis Scott, Mayor Pro-Tem  
Marlon Lee, District 1  
David Stevens, District 2  
Dr. David Barbour, District 4  
Emery Ashley, At-Large  
John A. Dunn, At-Large  
Stephen Rabil, At-Large

Councilmen Absent

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

Administrative Staff Absent

## CALL TO ORDER

Mayor Pro-Tem Scott called the meeting to order at 7:00.

## INVOCATION

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

## APPROVAL OF AGENDA:

Councilman Ashley made a motion, seconded by Councilman Dunn, to approve the agenda with the following amendments:

- Remove from the Business Items: #1 *Consideration and request for approval to sell property located at 801 Second Avenue by using the upset bid process*
- Add to the Business Items: *Discussing regarding the naming of Booker Dairy Road*

Unanimously approved.

## PRESENTATIONS:

### 1. Administering Oath of Office to New Police Officer Angie Tyndall

Mayor Pro-Tem Scott administered the Oath of Office to new Police Officer Angie Tyndall and welcomed her to the Town of Smithfield

### 2. Acceptance of the 2019 North Carolina American Water Works Association & Water Environment Federation Award for Potable Water Distribution System of the Year

Mayor Pro-Tem Scott presented Public Utilities Director Ted Credle with the award.

### 3. Acceptance of the 2019 North Carolina American Water Works Association & Water Environment Federation Award for Sanitary Sewer Collection System of the Year

Mayor Pro-Tem Scott presented Public Utilities Director Ted Credle with the award.

#### **4. Public Library of Johnston County and Smithfield Update**

Public Library of Johnston County and Smithfield Chairman Jeff Jennings provided an update to the Council on the library and its current budget. Mr. Jennings explained the revenue sources for the library and further explained that for the last several years the library has been using fund balance to balance its yearly budget. For the past three years, \$263,000 of fund balance has been used to help balance the budget. The approved July 2019 budget was based on an estimated \$255,000 being in fund balance. Mr. Jennings explained new Library Director, Renita Barksdale, brought some concerns to him in July. At that time, it was detected there was \$86,000 in the fund balance. Immediately, the board and staff found \$50,000 in reductions and amended the budget accordingly. Another \$50,000 was transferred from investments and endowments. Mr. Jennings explained that even with the \$100,000, there would still be a shortfall of \$125,000. The Johnston County Board of Commissioners have approved an additional allocation of \$75,000. Mr. Jennings requested the Town Council consider approving an additional allocation of up to \$50,000.

Mr. Jennings explained expenses had risen faster than income. Since 2012-2013, Johnston County increased its allocation by \$35,000, but the Town reduced its allocation. State funding has increased to \$10,000 over the past 7 years. To balance the Library's budget, we have been using fund balance. Another area the Library board had to address was staff pay and benefits. The Public Library of Johnston County and Smithfield is last among the 83 libraries in the state for pay and benefits. Mr. Jennings also explained the board had received no indication the fund balance was decreasing as much as it was. The Board and staff are working hard to determine if there are any other areas in the current budget that can be decreased to make up the shortfall.

Mr. Jennings stated the decision did not have to be made tonight, but it would have to be made in the near future. The Library does have restricted and unrestricted funds through investments and endowments, but those funds have been earmarked for structural, interior and program improvements. Investment funds can also be used for matching grants.

Councilman Ashley questioned how much fund balance has been spent over the last five years. Mr. Jennings responded he was unsure about the last five years, but \$263,000 has been spent over the last three years.

Mayor Pro-Tem Scott stated the Council plans the Town's budget annually and a lot of preplanning was involved. Over the past 10 years, the Town has given \$2.5 million to the Library and we appreciate the services provided by the library. Mayor Pro-Tem Scott explained the Council was spending tax payers money and the Council has to be strictly regimented with how funds are used. Mayor Pro-Tem Scott stated the Town simply did not have the funds for this request and the library should have a back-up plan.

Councilman Barbour questioned if the Town had given the Library the funds they requested. Town Manager Michael Scott responded the Library requested \$270,747 and the Town provided \$270,000. In previous years, the Town did not fund the amount requested by the library. Councilman Barbour stated he was disappointed the funds the library requested were insufficient. Mr. Jennings responded when he first found out about the shortfall, he was shocked and disappointed because the Library Board had no idea. Mr. Jennings stated he would be remiss if he did not inform the Council of the financial position of the library.

Councilman Ashley questioned if any of the affiliate libraries supported the main library. Mr. Jennings responded the main library supports all the affiliates with book distribution and cataloguing, but the affiliates do not monetarily support the main library as each of the other libraries have their own expenses.

Councilman Dunn questioned if there had been major cost cutting efforts at the library. Mr. Jennings stated the board and staff cut \$50,000 in expenses.

It was the consensus of the Council to take this under advisement and consider this request during the budget process.

Town Clerk Shannan Parrish administered affirmations to those that wished to testify during the first Public Hearing

## **PUBLIC HEARINGS:**

1. **Special Use Permit Request – Edilzar Ortiz (SUP-19-12):** The applicant was requesting a special use permit to allow for tire dealer and service on property located within a B-2 (Business) zoning district. The property considered for approval was located on the southwest side of the intersection of Massey Street and South Brightleaf Boulevard and further identified as Johnston County Tax ID# 15027004

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

Planning Director Stephen Wensman testified the 0.123-acre property was located at the southwest corner of Massey Street and South Brightleaf Boulevard in the B-2 zoning district. The property was currently vacant and was a nonconforming property with a nonconforming building. The lot was smaller than the minimum lot size for the B-2 zoning district and the building does not meet district setbacks, lacks landscaping, dumpster screening, required paved parking, or defined driveway. There is a public sidewalk along the Massey Street frontage, but none along South Brightleaf Boulevard.

The building is approximately 2000 sq. ft. in area and has two garage doors and a pedestrian entrance facing South Brightleaf Boulevard. A small office area is adjacent to Massey Street. The building is setback onto the rear and Massey Street property lines (zero setback), but appears to have a required 15' interior side setback. The building setback from the Brightleaf right-of-way is about 24 feet; whereas, the UDO requires 50 feet. The limited setback limits parking to approximately 4-6 parked vehicles. The parking surface is gravel and there are no curbs or curb-stops. The gravel surface extends to the Brightleaf Boulevard curb.

Special Use Permit is required for Tire Sales and Service in the B-2. The proposal does not trigger compliance with parking, buffer yard and dumpster screening requirements. Parking requirements for the 2000 sq. ft. tire shop is not specifically addressed. Retail use requires 1 stall per 200 sq. ft. and office; 4 spaces per 1000 sq. ft. There appears to be adequate parking for 4-6 cars. Handicap parking cannot be adequately addressed on a gravel lot. The site has adequate vehicular access with two 30 ft. wide driveway curb cuts. There is a public sidewalk along Massey Street that is in poor condition and no sidewalk along South Brightleaf Boulevard. Tire changing businesses typically display new tires for sale in the front of their businesses. The building has a concrete apron in the front of the service bays and the area in between that has space for tire display. Storage of waste tires is another frequent issue found with tire changing businesses. There is no outside storage area associated with this property to contain waste tires. A storage area is needed to contain waste tires until they can be picked up for off-site recycling or disposal. Staff recommends the applicant either construct a screened outside storage area, or store the tires indoors until they can be picked up.

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

### **STAFF'S FINDINGS OF FACT**

1. The tire dealer and service business will not be detrimental to or endanger the public health, safety, or general welfare if there is a provision for waste tire storage that is screened from public view.
2. The tire dealer and service business will be in harmony with existing development given that the surrounding area is all zoned B-2 General Business and there are a variety of auto oriented business in the adjacent area.

3. The tire dealer and service business will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The area is nearly fully developed and the special use is in keeping with other uses permitted in the district.
4. There are adequate utilities, good road access off of S. Brightleaf Blvd., and adequate parking for the proposed use. With a provision for tire storage, either screened outside, or within the building, there should be adequate facilities provided.
5. The tire dealer/ service business is not a high traffic generating land use and there is adequate ingress and egress to the site.
6. The site is nonconforming in lot size, setbacks, parking, buffering/landscaping and dumpster storage, however the nonconforming regulations and triggers for compliance in Article 10, Section 10.8 of the UDO are not triggered by this land use.
7. The site has adequate vehicular access and public parking. There is a sidewalk along the Massey Street frontage, but no public sidewalk along S. Brightleaf Boulevard.
8. The site has adequate public vehicular access and public parking.

Councilman Ashley if there could be access from Massey Street. Mr. Wensman responded there could not be another access because it would create a nonconforming driveway.

Mayor Moore asked for an explanation of the tire display. Mr. Wensman responded tire dealerships typically have tires for sale displayed on the property. As a condition of approval, Mr. Wensman is recommending that it be limited to areas on the concrete apron in front of the building. This is so tires will not be displayed in the parking area.

Mayor Pro-Tem Scott questioned if the tires would only be displayed during the business hours. Mr. Wensman responded in the affirmative.

Mr. Wensman explained staff recommends approval of the proposed tire sales and storage use with the following conditions:

1. That tire sale display be limited to areas on the concrete apron in front of the building.
2. That worn tires be stored in a screened, outdoor facility with a 6' high durable opaque fence with landscaping surrounding, or inside the building.
3. That all service work be conducted entirely within the building.

Mr. Wensman added the applicant was proposing to do some minor auto repair inside the building which was a permitted use.

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

Mayor Pro-Tem Scott questioned if there would be disable vehicles on the lot. Mr. Wensman responded there would be very limited parking; therefore, he didn't believe those spaces would be used for disabled vehicles.

Town Attorney Bob Spence questioned if this had been an auto repair shop in the past. Mr. Wensman responded it was a similar use, but the tire repair use triggered the requirement for a Special Use Permit.

Councilman Dunn questioned if the storage area and the parking stalls were overlapping. Mr. Wensman responded he believed there was room for four to six parking stalls depending on how the site was laid out. Councilman Dunn questioned if there was a designated area for waste tires. Mr. Wensman responded as a condition of approval the waste tires must be stored in the building or screened. Councilman Dunn stated the proposed site was located along a main Town thoroughfare and the only place for the waste tire storage area would be between the buildings. Mr. Wensman responded the Council

could specify in the conditions that the area between the buildings or inside be used for waste tire storage.

Mayor Moore stated he was concerned about the number of used waste tires because other dealership continue to stack up and it appeared these waste tires were being stored for longer periods of time. He also expressed his concerns about where the tires could be displayed.

Councilman Barbour questioned if there were any special fire safety requirements for the storage of waste tires. Fire Chief John Blanton testified tire storage was classified as high hazard storage. The Fire Code allows the storage area to be 50 feet by 30 feet. The Town Council could pass a more restrictive Town ordinance in the future to address any concerns. Indoor storage of tires is limited to 10 feet on racks.

Councilman Barbour questioned if the Fire Inspector conducted inspections of tire facilities. Chief Blanton responded an initial inspection was conducted, but maintenance and monitoring was not conducted. If the Fire Department receives a complaint, they will inspect the tire storage facility.

Councilman Rabil questioned if the business was in operation. Mr. Wensman responded it was in operation, but they have ceased all operations pending the approval of the special use permit. The owner and the applicant were unaware of the requirement.

Mayor Moore asked the applicant if he was in agreement with the testimony provided by Mr. Wensman. The applicant, Edilzar Ortiz, stated he was in agreement with the testimony provided by Mr. Wensman.

Julian Baker, owner of the property, testified that the building had been painting and landscaping had been installed in the front and along Massey Street. Mr. Baker testified he was in agreement with the testimony offered by Mr. Wensman. Mr. Baker also testified that Mr. Ortiz can only store waste tires on a utility trailer or in the building.

Mayor Moore asked if there was anyone in attendance sworn to testify in this matter.

Lafayette Atkinson testified that he owned the property adjacent to the site. For the past 25 years, Mr. Baker has operated it as a garage. Mr. Atkinson stated he was concerned because 95% of the block was still residential. He expressed his concerns about the quantity of waste tires that can be stored on the property. In the event of a fire, the carcinogens that could be emitted could be hazardous to the residents. Mr. Atkinson questioned of the Council would limit the number of stored tires. Another suggestion was to install a sprinkler system within two years.

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

Councilman Ashley questioned the amount of new tires Mr. Ortiz would have in stock. Mr. Ortiz responded new tires would only be stocked based on what the customer ordered.

Councilman Ashley questioned the average number of used tires Mr. Ortiz would be holding for disposal. Mr. Ortiz responded it would be dependent on the amount of business, but he planned to dispose of the tires weekly.

Mayor Moore questioned if Mr. Ortiz would be using a storage trailer to use for waste tires. Mr. Ortiz responded it would be a 12-14-foot trailer, but he was unsure if it would be enclosed or simply screened.

Councilman Ashley questioned if Mr. Ortiz had ever operated a tire business before. Mr. Ortiz responded he had not.

Councilman Rabil questioned the hours of operation. Mr. Ortiz responded hours of operation would be 7 am until 7 pm 7 days a week.

Councilman Dunn questioned if the storage trailer would be fully enclosed or with sides. Smithfield Police Officer Miguel Renteria translating for Mr. Ortiz responded that at this time he doesn't know if it will be enclosed or a cage trailer. Mr. Ortiz doesn't have a trailer currently, but he will do whatever is the Council feels is necessary.

Officer Renteria stated that earlier Mr. Ortiz was asked if he had ever operated a business like this in the past and Mr. Ortiz did not fully understand the question. Officer Renteria explained that Mr. Ortiz was working at the tire business on Lee Street and Highway 301 before starting this business.

Councilman Barbour stated he would prefer the used tires be stored inside the building. Mr. Wensman responded the draft conditions of approval is that they be stored in a screened area or inside the building. The waste tires would be completely screened if they were in a trailer with sides and a roof.

Councilman Barbour stated Mr. Ortiz seemed to be willing to do what was necessary to meet the requirements. Mr. Ortiz stated he was willing to meet the requirements.

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

### **The Written Finding**

Councilman Ashley made a motion, seconded by Councilman Dunn, to vote in the affirmative to all of the 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-19-12**

Councilman Ashley made a motion, seconded by Councilman Dunn, 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-19-12 with the following conditions:

1. That tire sale display be limited to areas on the concrete apron in front of the building.
2. That worn tires be stored in a screened, outdoor facility with a 6' high durable opaque fence with landscaping surrounding, or inside the building.
3. That all service work be conducted entirely within the building.
4. All used tires will be removed on a weekly basis

Unanimously approved.

**2. Smithfield Town Plan - The Planning Department was requesting the review and consideration of the proposed Town of Smithfield Comprehensive Land Use and Transportation Plans**

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

Planning Director Stephen Wensman explained the Town hired Kimley-Horn and Stewart to prepare the Comprehensive Land Use Plan and the Transportation Plan. The Steering Committee, Staff, the Consultants have all been working together for almost a year and a half. Mr. Wensman introduced Jake Petrosky from Stewart and Allison Fluitt from Kimley-Horn.

Ms. Fluitt explained that she and Mr. Petrosky would provide an overview of each of the four volumes. She explained Comprehensive plans were used to provide policy guidance for long-term decisions related to managing growth. This plan serves as an update to the Town's 2003 Comprehensive Growth Management Plan, and as an updated Transportation Plan. It is intended to be a reference for the general public and for people investing in land and development within Smithfield.

In volume 1, it provides a plan purpose, backgrounds analysis and community engagement. Ms. Fluitt stated they were very proud at the amount of community engagement.

In volume 2, it provides the Growth Management Plan. Mr. Petrosky explained the goal was to update the future land use map and the growth patterns of the Town. This plan is meant as a guide for growth and development. The map is going to guide the use of land, be a guide for rezoning and possible public and private investment.

Mr. Petrosky explained the policy as it relates to growth areas. He explained potential plans for the eastern and western gateways. He explained there were a lot of discussion about the Downtown area. This is the center of the community and they want to build on the success of downtown while still maintaining and blending the historic residential areas. The plan also suggests subdivision design that may be common in the northern part of Town.

Mr. Petrosky also highlighted environmental protection included in the plan. He stated the Town must think about open space proactively because citizens will need places to recreate. The plan also includes preservation of the flood plan and preservation of the tree canopy. We have to be respectful of having a Town on the river and how we can capitalize on it. He explained the greenway was an asset that most communities would love to have. Mr. Petrosky explained if the Neuse River Greenway were to connect to Clayton's Greenway, the economic impact would be \$1 million in

business revenue and 400,000 in labor income annually. The plan identifies areas for parks and the potential route for the Mountains to Sea Trail.

Ms. Fluitt explained Volume 3 – The Transportation Plan. Highlights included street typology to correlate with land uses and transportation. She explained the different functions for classes of roadways and indicated some roadways would need to be reclassified based on their function. Larger transportation recommendation included intersection and interchange improvements. The number one comment from the public was concerning the Outlet Center Drive roundabout. In this area, it was the goal to reduce confusion without hindering the stoppage of traffic from I-95. There was also a recommendation in the plan to widen US 70 East to 4 lanes from the Johnston Community College to Downtown Smithfield. This would also enhance the CSX railroad bridge. Near terms improvements included: Downtown crossing enhancements, greenway expansion and South Third Street traffic calming and enhanced crossways. Mid-term improvements included: Downtown Plan, bicycle boulevards, railroad crossing enhancements and enhanced crossings and streetscapes. Long Term improvements included: US 70 Business re-designation and East Market Street corridor space reallocation.

Ms. Fluitt suggested the following policy and program recommendations: Adopt resolution supporting median treatments where they are desired, Use Town staff as conduit to NCDOT to report traffic signal concerns, Develop a resolution of support for commuter rail and/or Amtrak service expansions being studied for Selma, Pursue a Comprehensive Pedestrian Planning grant through the NCDOT Bicycle and Pedestrian Planning Grant program and Update street design standards to align with the Smithfield Town Plan

Mayor Moore recognized members of the Town Plan Steering Committee that were in attendance. He thanked them for their hard work and dedication.

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.

Planning Board Member Mark Lane of 2080 Yelverton Grove Road explained this was not a perfect plan and it never would be. He stated he voted against the plan every time it was before the Planning Board. Mr. Lane was satisfied with every part of the plan except as it related to the Mountains to Sea Trail. He explained the proposed trail would be routed through a residential neighborhood and he did not agree that was the best place for the trail. Mr. Lane would like to have that part of the plan removed entirely. He stated the trail would benefit the Town much more if the Greenway was connected from Smithfield Selma High School and Community Park to Clayton.

Emma Gemmel explained in Volume 1 the demographics map should be removed because she and Pam Lampe felt it was unnecessary. In Volume 2, the Municipal Service District needed to be completely removed because it included the North Smithfield Neighborhood. They would like to see a firm hard line for the North Smithfield Neighborhood because this would be used for land use and rezoning. Without that hard line, the area could become higher in density with multi-plexuses instead of duplexes. The North Smithfield Historic District from highway 301 to Front Street want to be protected from encroachment on the neighborhood. Mrs. Gemmel further stated that Planning Director Stephen Wensman was promoting density for all areas starting with this growth plan. This plan would greatly change the Town. North and South Smithfield will have issues with the plan as presented.

Kay Kennedy explained to the Council that she and her husband live in South Smithfield. She is concerned about the proposed location of the Mountains to the Sea Trail. She asked for consideration that the Mountains to Seas Trail (Neuse River Greenway) be located on the western side of Town.

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

Councilman Dunn stated this was a fairly extensive plan. It was his suggestion the Council take the time to thoroughly review the plan and discuss it at a later date at possibly a workshop.

Councilman Dunn made a motion, seconded by Mayor Pro-Tem Scott, to table this request pending a workshop meeting to be held at a later date. Unanimously approved

### **CITIZENS' COMMENTS:**

- Ross Lampe expressed his concerns about a recent news article about proposed renovations to the Neuse River Amphitheater costing \$900,000. He explained in the 1980s, the Kiwanis and the Rotary clubs built the facility for less than \$15,000. The amphitheater was built to supplement the Ham and Yam Festival. Mr. Lampe believed if the Town spoke with the Kiwanis and the Rotary Clubs they would be glad to help with repairs.

Mayor Pro-Tem Scott asked Mr. Lampe for his vision of the area. Mr. Lampe responded he'd like for the area to remain unchanged. He stated the amphitheater was well-built and simply needed some repairs.

- Pam Lampe of 415 North Second Street asked the Council to table or deny Johnston County's request to place a force main within the Town's sewer easement. She explained with the water plant expansion on hold, the County could possibly have that line located in another area that would be less impactive to the neighborhood. She requested the County complete the project by directional bore only to preserve the tree canopy. Mrs. Lampe would like for a member of Town staff to show her where the line will be installed. She further asked for the results of the UFS study and the answers to the questions submitted to the Army Corp of Engineers.
- Emma Gemmel expressed her concerns about being able to trust the Town. She explained she and Mrs. Lampe have been given half truths or deceptions on many of the issues they have raised. She stated the Town does not need the water plant expansion or more debt. She stated the Town should be saving its money for sewer. She asked the Council not to approve the request from Johnston County.

### **CONSENT AGENDA:**

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

1. The following minutes were approved
  - October 1, 2019 – Regular Meeting
2. Special Event – Turkey Trot: Approval was granted to allow the Clayton General Store to hold a 5k and Family Fun run on November 23, 2019 at 1025 Outlet Center Drive from 10:00 am until 9:00pm. Amplified sound was approved for this event.
3. Approval of a Career Ladder promotion at the Water Plant. The employee was promoted from Water Plant Operator I to Water Plant Operator II.
4. Approval of Career Ladder promotions at the Fire Department. Three employees were promoted from the rank of Firefighter I to Firefighter II.
5. Bid was awarded Asheville Ford in the amount of \$29,267.69 for the purchase of a 2020 Ford F250 Pickup truck for the Public Works General Services Division. Bids received were as follows:

• Ashville Ford (NC Sheriff's Association)	\$29,267.69
• Deacon Jones Auto Group	\$30,495.52
• Capital Ford	\$31,382.00
• Classic Ford	\$31,794.00
6. Bid was awarded to James River Equipment in the amount of \$25,595.37 for the purchase of a John Deer 3038E tractor with a 4 in 1 bucket. Bids received were as follows

- James River Equipment (Asheboro, NC) \$25,595.37
- Southeast Farm Equipment (Hope Mills, NC) \$25,969.79
- Quality Farm Equipment, LLC (Winterville, NC) \$27,047.80

7. Approval was granted for the following budget amendments

<u>GENERAL FUND</u>	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
<b>1. Expenditures</b>			
10-30-5700-5300-3310 Powell Bill - Drainage	\$ 13,000	\$ 11,090	\$ 24,090
10-00-9990-5300-0000 General Fund Contingency	<u>272,128</u>	<u>(11,090)</u>	<u>261,038</u>
	<u>\$ 285,128</u>	<u>\$ -</u>	<u>\$ 285,128</u>

To fund repair of culvert collapse on Vermont Street caused by heavy rain in July, 2019

<b>2. Expenditures</b>			
10-40-5800-5300-0760 Sanitation - Temp Services	\$ -	\$ 15,000	\$ 15,000
10-40-5800-5100-0200 Sanitation - Salaries	<u>555,040</u>	<u>(15,000)</u>	<u>540,040</u>
	<u>\$ 555,040</u>	<u>\$ -</u>	<u>\$ 555,040</u>

To fund employee shortage with temp agency

**WATER/SEWER FUND**

<b>3. Expenditures</b>			
30-71-7220-5700-7400 Wtr Coll/Sewer Dist - Capital Outlay	\$ 200,000	\$ 72,721	\$ 272,721
30-00-9990-5300-0000 Water/Sewer Contingency	<u>313,331</u>	<u>(72,721)</u>	<u>240,610</u>
	<u>513,331</u>	<u>-</u>	<u>513,331</u>

To cover greater than anticipated water line breaks and sewer collapse

**J.B. GEORGE FUND**

<b>4. Revenues</b>			
40-61-3900-3900-0000 Fund Balance Appropriation	<u>\$ -</u>	<u>\$ 1,096</u>	<u>\$ 1,096</u>
<b>Expenditures</b>			
40-61-4100-5300-3400 J.B. George Projects	\$ 3,130	\$ 731	\$ 3,861
40-61-4100-5300-3410 J.P. George Projects	<u>783</u>	<u>365</u>	<u>1,148</u>
	<u>\$ 3,913</u>	<u>\$ 1,096</u>	<u>\$ 5,009</u>

To bring forward balance of funds not used last fiscal year

8. The following were appointed to serve on the Stormwater Advisory Committee:

- Lawrence Davis – Town of Smithfield
- Ed Hoy – Resident
- Billy Lassiter – Resident
- Will Lampe – Lampe- Malphrus
- Mike Mancuso – Triangle East Chamber of Commerce

- Lynn Daniels – Sleep Inn
- Chad Simmons – McGill Associates
- Billy Massengill – Johnston County Schools
- Matthew Starr – Sounds Rivers
- Bishop Richard Johnson – St. Peters Church of Christ
- Perry Harris – Industrial

9. Approval was granted to recommend that Mike Fleming be reappointed to the Johnston County Economic Development Advisory Board representing the Town of Smithfield.

10. The following advisory board appointments were approved:

- Julia Narron was appointed to a first term on the Appearance Commission
- Doris Wallace was appointed to a first term on the Planning Board as an In-Town Member. For this appointment, Ms. Wallace relinquished her seat on the Board of Adjustment.

11. New Hire Report

<u>Filled Positions</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Facility Maintenance Specialist	PW – General	10-60-5500-5100-0200	\$13.49/hr. (\$28,059.20/yr.)
P/T Instructor	P&R – Aquatics	10-60-6220-5100-0230	\$15.00/hr.
P/T Instructor	P&R – Aquatics	10-60-6220-5100-0230	\$15.00/hr.
P/T Pool Staff – Lifeguard	P&R – Aquatics	10-60-5220-5100-0220	\$7.50/hr.
P/T Pool Staff – Lifeguard	P&R – Aquatics	10-60-5220-5100-0220	\$7.50/hr.
P/T SRAC Staff – General	P&R – Aquatics	10-60-6220-5100-0210	\$9.00/hr.

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Police Officer I (6 positions)	Police	10-20-5100-5100-0200
P/T Recreation Aide	P&R – Recreation	10-60-6200-5100-0210

Unanimously approved

**Business Items:**

**1. Consideration and request for approval to allow the Fire Department to retain the ladder truck**

*This item was tabled at the October meeting*

Fire Chief John Blanton addressed the Council on a request to retain the ladder truck. He explained the Department was asking to retain the Ladder Truck to be used as a spare in the current fleet and remove 2003 LaFrance (Engine 2) from service since it has been out of service for 109 days.

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Scott, to allow the Fire Department to retain the E-one ladder truck and remove Engine 2 from service. Unanimously approved.

**2. Consideration and request for approval to allow Johnston County to place a force main within the Town’s sewer easement along a portion of the Neuse River**

Public Utilities Director Ted Credle addressed the Council on a request by Johnston County to place a force main within the Town’s sewer easement along a portion of the Neuse River. Mr. Credle explained as growth continues in the northern section of Town, there is an ever-increasing demand for utility services. Specifically, there is greater demand for water and sewer service to areas north of Booker Dairy Road. This area sends sewer through the collection system to the County pump station located behind the Water Plant. As development continues in this area, the need for sewer service has placed an increased burden on the County sanitary sewer lift station. It is precisely this ability to

convey the sewage from this growing area that enables the Town to continue to grow. Simply put, the existing lift station has reached a point where sizing upgrades and modernization are required to allow service to continue and further Town development. The County is in the process of upgrading this station. A part of this upgrade is the installation of a new force main to convey the sewer from the pump station to tie-in to the existing County line in Market Street. The County is requesting to locate the new force main within Town property at the Water Plant and along the Town outfall on the west side of the Neuse River. Town staff has reviewed the proposed path and has no objection to the route. Further, since the upgrade of the station has the effect of providing more sewer capacity for Town growth, staff feels it is in the interest of the Town to assist the County in the project by allowing the proposed routing.

Councilman Dunn questioned how much of the project will be completed by directional bore. Mr. Credle responded approximately 2/3 would be done by boring.

Councilman Ashley questioned what would become of the existing pipe. Johnston County Public Utilities Director Chandra Farmer explained the County was trying to determine if both lines can be used. If not, the old line would be abandoned in the future.

Mayor Pro-Tem Scott explained there was a sewer odor near the greenway and asked if the new pipe would have vents. Ms. Farmer explained the new line would be a pressurized line that will have vents at the highest points.

Mayor Pro-Tem Scott questioned if alternate routes were investigated for this project. Mr. Credle responded there were two reasons why alternate routes were not investigated. 1) to minimize the impacts to the wetlands and 2) for the event when the water plant and reservoir. Mr. Credle explained if not now, then at some point in the future, the Town would have to expand the water plant and the reservoir.

Councilman Barbour questioned if this plan was developed by the Town and the County. Ms. Farmer responded it was developed by the County engineers that would impact the least amount of property owners. Councilman Barbour stated this was the plan the County wanted and what they needed Smithfield to agree to. Ms. Farmer responded in the affirmative.

Councilman Ashley questioned who owned the land where the new line would be installed. Mr. Credle responded the Town owned the land.

Town Manager Michael Scott informed the public that the Council had received an e-mail from Victor Ogburn, III which he asked to be a part of the record opposing the project (which on file in the office of the Town Clerk).

Councilman Barbour made a motion, seconded by Councilman Ashley, to approve to request to allow Johnston County to place a force main within the Town's sewer easement along a portion of the Neuse River. Councilman Barbour, Councilman Ashley, Councilman Dunn, Councilman Lee, Councilman Rabil and Councilman Stevens voted in favor of the motion. Mayor Pro-Tem Scott voted against the motion. Motion passed 6 to 1.

Mayor Pro-Tem Scott stated he still had concerns with the potential sewer odors. Ms. Farmer responded the carbon units could be placed on the vents to help with the odor.

### **3. Booker Dairy Road Naming/ Ava Gardner Avenue**

Town Manager Michael Scott explained the Council recently received a letter from the Ava Gardner Museum Board asking the Council to reconsider their decision stating there was no known connection between Ava Gardner and this geographical location. They felt renaming this road in her honor would be inappropriate. The Town Manager recommended tabling this item until Thursday November 14<sup>th</sup> at 7:00 pm. The regular meeting can be recessed until that time. It was the consensus of the Council to table this item until Thursday, November 14<sup>th</sup> at 6:30 pm.

### **Councilmembers Comments:**

- Councilman Barbour reminded the Council of the recent tragedy in his district. He encouraged

everyone not to drink and drive. He stated this accident could have been avoided. He asked that family be remembered.

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

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

- Veterans Service at Smithfield Selma High School. The Town Manager expressed his appreciation for all veteran.
- Christmas Tree Lighting: Downtown on December 5<sup>th</sup> at 7:00
- Grinch Run: The annual Grinch Run is scheduled for Saturday, December 7<sup>th</sup> at 9:00 am at Community Park. Bring an unwrapped toy in lieu of a fee to participate.
- JoCo Works: JoCo Works is scheduled at JCC on November 14<sup>th</sup> and 15<sup>th</sup>. A VIP Brunch is being held by JCC at the Wilson Building from 9:00 am to 11:00 am on Friday, November 15<sup>th</sup> for those who are interested.
- Leaf Pick-Up: The leaf box is in operation today, picking up leaves from scheduled trash routes. We are seeing a larger than normal amount of leaves for pick up. This has put leaves about one half a day behind the normal trash schedule.
- CDBG Grant – The Town was awarded a \$750,000 grant for housing and revitalization for the eastern part of Smithfield
- A highlight of each department's monthly activities was given to the Council

### **Closed Session: Pursuant to NCGS 143-318.11 (a) (3), (4) and (5)**

Councilman Barbour made a motion, seconded by Councilman Dunn, to enter into closed session pursuant to NCGS 143-318.11 (a) (3), (4) & (5). Unanimously approved at approximately 9:22 pm.

### **Reconvene in Open Session**

Mayor Pro-Tem Scott made a motion, seconded by Councilman Barbour, to reconvene in open session. Unanimously approved at approximately 10:58 pm

### **RV Parks Conditions**

Mayor Pro-Tem Scott made a motion, seconded by Councilman Barbour, to approve the following conditions for the RV Park. Mayor Pro-Tem Scott, Councilman Barbour, Councilman Ashley, Councilman Dunn, Councilman Rabil and Councilman Stevens voted for the motion. Councilman Lee voted against the motion. Motion passed 6 to 1.

1. There shall be no stacking of vehicles for the RV Park onto Magnolia Drive
2. The entrance drive (guest stacking area to the looped road) shall be paved with cement or asphalt.
3. The outside loop drive shall consist of a stone/all-weather surface.
4. A 50-foot, opaque landscape buffer shall be provided with an opaque fence between the properties of Pine Acres subdivision and the RV Park comprised of new plantings and existing trees and shrubs when available to be maintained by the RV Park Operator.
5. The existing drainage ditch shall be maintained by the RV park operator.
6. The applicant agrees to comply with the RV Park Requirements in the Town's current Unified Development Ordinance.

7. A maximum of fifteen (15) percent of total park spaces are allowed to be used for long term renters longer than twelve months.
8. The RV park operator shall provide on-site, 24-hour human staff that can summon law enforcement or emergency services, should the need arise.
9. The RV Park operator shall install and maintain fire hydrants as directed by the local Fire Marshal.
10. Ingress and egress to the RV Park will be routed through the existing roadways known as Venture Drive and Magnolia Drive. No access to the RV Park will be provided through the adjacent Pine Acres subdivision. Traffic through the adjacent Pine Acres subdivision shall be limited to public utilities and emergency services. The RV Park operator shall install a knock down gate in the buffer fence to accommodate ingress and egress for and emergency use and public utility access only. The RV park operator shall maintain the emergency access drive free from obstructions.
11. The RV Park Operator shall enforce quiet hours between the hours of 10:00 pm and 8:00 each day of the week.
12. The perimeter of the RV property adjacent to the residential properties of Pine Acres shall have an opaque black chain link fence, of six-foot design, that is located approximately 15 feet off the Pine Acres property line. The fence will be of a design to provide spatial buffering between adjoining residential uses and discourage pedestrian travel between the RV Park and the adjoining Pine Acres subdivision.
13. Vehicular parking shall be allowed only in areas designated as such on the approved site plan

Councilman Ashley questioned the 15% of the total spaces be allowed for long term renters longer than 12 months as proposed in Item #7. Attorney Chip Hewitt replied the 15% would be applied to the total number of cabins and RV spaces.

### **Recess**

Being no further business, Mayor Pro-Tem Ashley made a motion, seconded by Councilman Barbour, to recess the meeting until Thursday, November 14, 2019 at 6:30pm. Unanimously approved. The meeting recessed at approximately 11:20 pm.

ATTEST:

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M. Andy Moore, Mayor

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Shannan L. Parrish, Town Clerk