

The Smithfield Town Council met in regular session on Tuesday, August 4, 2020 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Marlon Lee, District 1
David Stevens, District 2
Travis Scott, District 3
Dr. David Barbour, District 4
Stephen Rabil, At-Large
Roger Wood, At-Large

Councilmen Absent

John Dunn, Mayor Pro-Tem

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

(Note: All Town Department Heads were present, but due to Social Distancing and Mass gathering restrictions related to Covid19, they were not present in the meeting room unless an item from their Department was discussed)

Also Present

Bob Spence, Town Attorney (via conference call)

Administrative Staff Absent

CALL TO ORDER

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

INVOCATION

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

APPROVAL OF AGENDA:

Councilman Wood made a motion, seconded by Councilman Rabil, to approve the agenda with the following amendments:

- Remove Public Hearing #1: Rezoning Request- TIMA, LLC (RZ-20-04)
- Move Consent Agenda Item #4 *Approval of amended language for the Local Government Commission regarding reconciliation of accounts* to Business Item #4.

Unanimously approved.

RECOGNITION:

Town Manager Michael Scott recognized IT Specialist Eric McDowell for achieving his master's degree in Business Administration from Western Governor's University.

PRESENTATIONS:

1. Administering Oath of Office to new Police Officer Chandler Koewler

Mayor Moore administered the oath of Office to new Police Officer Chandler Koewler and welcomed him to the Town of Smithfield.

2. Appearance Commission Annual Report

Chairperson Peggy Scott submitted the Appearance Commission Annual Report to the Town Council.

Attached hereto and made a part of these official minutes is the Appearance Commission Annual Report which is on file in the office of the Town Clerk.

PUBLIC HEARINGS:

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

1. **Special Use Permit Request – Cash Auto Sales (SUP-20-08)**: The applicant was requesting a special use permit to operate an automobile renting and leasing establishment on properties located within a B-3 (Highway Entrance Business) zoning district. The properties considered for approval are located on the north side of West Market Street approximately 500 feet east of its intersection with NC 210 Highway. The properties are further identified as Johnston County Tax ID# 15080019 and 15080055.

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

Planning Director Stephen Wensman testified that Randall Mattson was requesting a special use permit to operate an automobile rental business on property located in the B-3 zoning district. Mr. Wensman further testified the site had an existing commercial building divided into office spaces. The site was subdivided by a white privacy fence with a paved parking lot in the front and a gravel tractor-trailer parking yard in the rear. There were 2 paved parking stalls to the west of the building and 16 to the east. A trucking business operated out of the rear of the property. A special use permit was approved in May, 2019 for an automobile sales business utilizing the paved parking in the front of the building with a condition of approval for no more than 10 cars for sale be on the lot at any one time, parked in striped parking stalls. This business currently exists on the property and typically has about 6-8 vehicles on the lot at any one time. Cash Auto Rental is already in operation on the site and there are no issues other than the requirement for a special use permit. When notified that a special use permit was required, the applicant quickly complied and submitted the application. Cash Auto Rental is proposing to utilize a portion of the commercial building for office use and the 2 parking stalls on the west side of the building for rental cars. Considering the car rental business in addition to the automobile sales, there is enough parking for the two uses. The primary business location is in Raleigh and when cars are needed, they are sent to Smithfield to be rented. The applicant's business operations plan to utilize only the two parking stalls on the west side of the building for the car rental use.

Mr. Wensman testified that car rental businesses are allowed in the B-3 zoning district with a valid special use permit. The Entry Corridor Overlay District (ECO district) is an overlay district that mostly pertains to development in the corridor. No new development will occur with this proposed use, other than a new sign. The proposed use is compliant with the ECO regulations. Vehicular access would remain unchanged with the rental cars having a driveway access directly onto West Market Street. There are no pedestrian accommodations along West Market Street or on the site. The applicant has already established the business on the property and installed a ground mounted sign. The applicant was also informed that a sign permit was required and that the sign located in the NCDOT right-of-way needed to be removed. The applicant has removed the sign and has submitted a permit for signs that will be processed pending the approval of the special use permit.

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

STAFF'S FINDINGS OF FACT

1. The special use will not be detrimental or endanger public health, safety, or general welfare. The use will utilize existing parking and there is adequate parking to accommodate the use on the property along with the other existing uses.

2. The special use is of the same character as the existing uses on the site and adjacent to the site
3. The special use is utilizing existing development and will not impede normal and orderly development and improvement of surrounding property.
4. The use is utilizing existing infrastructure, and all is in place currently.
5. Adequate egress and ingress currently exist to the site as provided for when the West Market Street landscaping was installed.
6. With a special use permit, the use will conform to the applicable regulations.
7. There are no conflicts with the Town's adopted plans.
8. The use is in conformance with Town Plans.

The Planning Department recommends approval of the Special Use Permit, SUP-20-08, with the following conditions:

1. That the parking of cars for rent be limited to 2 and that they utilize the 2 striped parking stalls on the west side of the building.
2. That all signs for the business comply with the Town's sign regulations.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the August 4, 2020 agenda packet.

Mayor Moore asked if there were any questions from the Council. There were no questions from the Council.

Mayor Moore asked the applicant if he agreed with the testimony provided by Mr. Wensman. The applicant, Randall Mattson, testified he was in agreement with the testimony offered by Mr. Wensman. He further testified the business was a small administrative bill collecting payment center. Two spaces were used for rental vehicles and vehicles are only brought in as needed. Most vehicles are rented for seven to forty-five days. Mr. Mattson testified no repairs were done onsite and there would be no wrecked vehicles on site. He stated the business was also patronizing other local businesses.

Mayor Moore asked if there was any in attendance sworn to testify in this matter. There was no one in attendance that wished to testify on the matter.

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

The Written Finding

Councilman Wood made a motion, seconded by Councilman Stevens, 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-20-08

Councilman Barbour made a motion, seconded by Councilman Stevens, 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-20-08 with the following conditions:

1. That the parking of cars for rent be limited to 2 and that they utilize the 2 striped parking stalls on the west side of the building.
2. That all signs for the business comply with the Town's sign regulations.

Unanimously approved.

CITIZEN'S COMMENTS:

- Sarah Edwards Executive Director of the Downtown Smithfield Development Corporation (DSDC) provided Council with an update on the DSDC's activities and how it has had to adapt in the face of the Covid-19 pandemic. She explained how the DSDC has assisted downtown businesses with grant opportunities and marketing.
- Omar McKnight, former resident of Smithfield, expressed his concerns to the Council about the unkept properties adjacent to his mother's property at 1511 Old Goldsboro Road in Smithfield. Mr. McKnight explained the overgrowth on these properties are a nuisance. He asked the Council to rectify the situation with the property owner. Mayor Moore responded the property owner had been contacted by staff concerning the overgrowth and explained there was a process in place for addressing nuisance properties. Mr. McKnight stated he would like the Town to be more proactive. Councilman Lee stated he had addressed this issue during the July meeting. He further stated the Town does not do equal enforcement and the Town should have a full-time Code Enforcement officer.

CONSENT AGENDA:

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

1. The following minutes were approved
 - May 28, 2020 – Special Meeting
 - June 2, 2020 – Regular Meeting
 - July 7, 2020 – Regular Meeting

2. Special Event: Community Worship Night – Approval was granted to allow Grace Community Church to hold a community worship night on Sunday, August 30, 2020 from 6:00pm until 8:00pm at the Neuse River Amphitheater. The use of amplified sound was approved. Approval would be consistent with any executive order in place at the time of the event.

3. Special Event: Theater In the Park – Approval was granted to allow Cista Lueeze’s Brunch House, Inc to hold a theater in the park event on Saturday, October 24, 2020 from 1:00pm until 4:00pm at the Neuse River Amphitheater. The use of amplified sound was approved for rehearsals and the event. Approval would be consistent with any executive order in place at the time of the event.

4. Approval was granted to promote a Police Officer II to the rank of Master Police Officer.

5. Approval was granted to adopt Resolution #662 (11-2020) supporting the Governor’s Highway Safety Program Grant submitted by the Police Department.
Attached hereto and made a part of these official minutes Resolution #662 (11-2020) which is on file in the office of the Town Clerk.

6. Agreement was approved and bid was awarded to Environmental Service Systems in the amount of 5,040 for janitorial services at the Water Plant. Bids received are as follows:
 - Parrish Cleaners \$9,852.00
 - Jani-King \$9,540.00
 - ISparkle \$7,200.00
 - Environmental Service System \$5,040.00

7. Bid was awarded to Amick Equipment in the amount of \$146,546 for the purchase of a 2021 Freightliner Knuckleboom loader truck to be utilized by the Public Works Sanitation Department. Bids received are as follows:
 - Carolina Environmental Systems Inc. \$144,000.00
 - Amick Equipment \$146,546.00
 - Public Works Equipment \$151,600.01

The apparent low bidder was not selected because of staff’s experience with the equipment offered by Carolina Environmental Systems, Inc.

8. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Police Officer II	Police	10-20-5100-5100-0200	\$19.52/hr. (\$43,646.72/yr.)
P/T Lifeguard	P&R - Aquatics	10-60-6220-5100-0230	\$8.00/hr.
P/T Lifeguard	P&R - Aquatics	10-60-6220-5100-0230	\$8.00/hr.
P/T SRAC General Staff	P&R - Aquatics	10-60-6220-510-0210	\$9.00/hr.

Current Vacancies			
<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	
Assistant Finance Director	Finance	10-10-4200-5100-0200	
Police Officer I (3 positions)	Police	10-20-5100-5100-0200	
Pump Station Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	

Business Items:

1. **S-20-01 Twin Oaks Subdivision, Section III, Phase VI:** The applicant is requesting review and approval of a 20-lot subdivision of an 8.62 acre tract of land that is within an existing RMH (Residential Manufactured Home) zoning district. The property considered for

subdivision approval is located on the west end of Will Drive approximately 1,00 feet northwest of its intersection with Yelverton Grove Road. The property is further identified as Johnston County Tax ID# 15J11008M.

Planning Director Stephen Wensman informed the Council that JYMCO development was requesting a preliminary plat of the Twin Oaks subdivision, section III, phase IV. Mr. Wensman explained the property was located in the extraterritorial jurisdiction of the Town on Yelverton Grove Road. Mr. Wensman explained this was the completion of an old subdivision that laid dormant for fifteen years or more. The proposed 20-lot residential subdivision was located at the ends of Ray Drive and Will Drive. The property gently slopes to the west towards the nearby Polecat Branch. It is sparsely vegetated until the last 100-200 feet of existing wetland/forest along the Polecat. The proposed subdivision will create a loop that connects the dead-ends of Will Drive and Ray Drive. The proposed road is twenty-two feet wide, in previous phases that were developed previously had twenty-seven-foot-wide streets. The Town will only approve a twenty-two-foot-wide street. Also, Will Drive and Ray Drive have not been accepted by NCDOT. At this time, the Developer is working with NCDOT to get that road approved. There is a lateral connection through the farmland to the north and to the south so if that land develops there is a connection. The Polecat Branch contains some wetlands.

The proposed 20 new 10,000+ sq ft single or two-family residential lots exceed the minimum lot sizes. Two family residential lots are permitted uses in the R-MH District on lots 7500+ sq. ft. or greater. 2.15 acres of the 8.62 acres will remain as common open space containing the existing wetlands and stormwater SCM. Each unit would have a driveway to accommodate two cars as required.

The UDO states that the Council may require the applicant to construct a public sidewalk along the new streets. None have been provided on earlier phases and none are proposed with this phase. The comprehensive plan supports sidewalks in urbanizing areas of the Town and areas with walking distance to schools or other similar destinations. The comprehensive plan does not support sidewalks in this rural area.

The development will be served by Town of Smithfield water and sewer with a Master Meter on the County's system. The water line is shown on the edge of the road pavement and the sewer line is shown running down the center of the streets. Electricity will be provided by Duke Progress Energy. Service connections are located at the property lines. Because the previous phases happened so long ago this one had to start over with a preliminary plat but originally it was all conceived up to be with town, water and sewer with a loop system. A loop system is better for the overall water quality. There appears to be no impact to trees on site and no tree preservation will be required.

The applicant has submitted a stormwater management narrative and preliminary data that indicates a workable stormwater management plan is feasible and will be submitted with the construction documents.

Development is not located within a flood zone and all development is outside of the existing wetlands.

According to the UDO, Section 10.112.3, at least one fifty-seventh of an acre (1/57) shall be dedicated for each dwelling unit planned or provided for in the subdivision plan. Alternatively, the Town can accept a fee in lieu of parkland. There are no Town plans for parks in this area and the applicant will be required to pay a fee in lieu of parkland dedication. The fee in lieu will be due prior to recording the final plat, based on the number of lots in the plat (20).

Staff is recommending approval of the preliminary plat.

Councilman Scott questioned when the original subdivision was constructed. Mr. Wensman responded that it constructed well past the five-year vesting rights period.

Councilman Barbour questioned what would happen if the roads were not accepted by NCDOT. Mr. Wensman responded the process for NCDOT accepting a road is if you build it, you have to provide core samples and other information and the road has to satisfy NCDOT's requirements. The applicant is working with NCDOT to receive compliance.

Councilman Barbour stated he had never been in favor of utilizing Town resources for non-Town assets. He was not in favor of providing water to subdivisions that did not annex into the Town. With this subdivision, the Town does not have a choice in this matter. Councilman Barbour stated the Town had to be consistent with sidewalk requirements. Mr. Wensman responded the Town required sidewalks on one side of a subdivision in the ETJ, but NCDOT stated they would not maintain those sidewalks. Staff worked through that issue with the Comp Plan process. In the R-20A where those areas are likely to stay rural, staff is not going to necessarily require sidewalks. Anything that has a different residential zoning would require sidewalks on one side. Also, staff has applied for a Pedestrian Planning grant that will assist with identifying where sidewalks and trails will be needed in the Town.

Councilman Scott stated it would be foolish for the Town not to approve this project. He stated the loop for water and sewer was a very good thing. One concern he did have was the sewer capacity allocation from Johnston County which had nothing to do with this project.

Mayor Moore questioned if the two-family residential developments would be stick built homes. Mr. Stacey Whitely responded they would be stick built. There are two lots on the back side that will possibly be too small and those would have manufactured homes on those lots.

Councilman Wood made a motion, seconded by Councilman Rabil, to approve the preliminary plat of the Twin Oaks Subdivision, Section III, Phase IV (S-20-01). Unanimously approved.

2. Bid Award and request for approval to enter into a contract with JSmith Civil, LLC in the amount of \$786,381 for the reconstruction of Equity Drive

Public Works Director Lenny Branch and Town Engineer Bill Dreitzler addressed the Council on a request to enter into a contract with JSmith Civil, LLC for the reconstruction of Equity Drive. Mr. Dreitzler explained the contractor would be doing FDR pavement improvements with the same specification as was done for Venture Drive. Along with the resurfacing, curb and gutter will be added on both sides and sidewalks will be constructed on the interior of Equity Drive. On June 11th, staff advertised for bids. On July 16th bids were received from JSmith Civil, Turner Asphalt, Fred Smith Company, ST Wooten and Providence Construction. JSmith Civil was the low bidder, but staff had concerns because neither Mr. Branch nor Mr. Dreitzler had previous experience with this contractor. After several meetings, staff became confident the contractor could complete the project. They will be using a subcontractor, Ruston Paving, who is highly qualified and experienced with the FDR portion of the project. Mr. Dreitzler further explained the project manager is a gentleman from the Smithfield area. Staff recommended awarding the low bid to JSmith Civil in the amount of \$786,381 for the reconstruction of Equity Drive.

Councilman Rabil questioned if JSmith Civil had experience with the FDR process. Mr. Dreitzler responded the subcontractor, Ruston Paving, is experienced with the FDR process.

Mayor Moore questioned if staff checked references for JSmith Civil. Mr. Branch responded in his research he found they had completed several large projects on time. Mr. Branch has requested a phasing plan to keep all the businesses open. Staff will work with the businesses and keep them informed. He and Mr. Dreitzler will be on site often throughout the project. JSmith Civil will do surveying first and provide a plan for traffic and utilities. The goal is to have this project completed before winter.

Mayor Moore stated there would be one potential construction project in the area. He questioned if there were any issues with beginning the project so soon. Mr. Dreitzler responded he did have some concerns about the new hotel getting ready to go into construction. He stated the utility connections for that hotel would be made prior to the reconstruction of Equity Drive. Staff was also going to work with the Public Utilities Director to determine if there are other properties in the area that will need a utility connection in the future.

Councilman Scott stated a parking plan needed to be in place so the large trucks do not park on the road. The other thing is letting business owners know that Equity Drive is not a parking zone. Councilman Scott questioned if the company was bonded. Mr. Dreitzler responded that as part of the

contract process, they had to be bonded and insured.

Mr. Dreitzler explained this project was going to be a challenge because of all the activity in the area. Staff will be monitoring the project very closely throughout the entire project.

Councilman Rabil questioned if some of the construction could be done at night to have less of an adverse effect on the businesses. Mr. Dreitzler responded staff was requiring them to always maintain access to all businesses. That included the three hotel sites that only have one access point.

Councilman Scott made a motion, seconded by Councilman Stevens, to award the bid and enter into a contract with JSmith Civil, LLC in the amount of \$786,381 for the reconstruction of Equity Drive. Unanimously approved.

3. Discussion concerning utility late fees

Town Manager Michael Scott explained this item was before the Council because of budget discussions concerning how the Town issue utility bills to our customers. One question was if the Town could allow our customers to select their own due dates. Another question could the Town allow greater leniency or more time before the penalties are applied. Collections of penalties currently generates \$200,000 a year. The Town Manager further explained with meters being read by meter readers, they need a specific section of Town to go read the meter. Meter readers cannot travel from one side of town to the other side of town to check a meter that is due at the same time. That would not be cost effective, and would not meet the meter reading contract requirements. Allowing customers to select their own due dates really does not work well and really is not feasible under our current system. What could be done if the council should choose, is allow more time before late penalty is applied. As it is right now, if you have if you are late one day your penalty is applied. If you want to allow five days or 10 days before the penalty is applied, by proxy, you are really moving your due date five days or 10 days down the road until your penalty is due. That is something that we can manage with our current system.

Finance Director Greg Siler added that moving the penalty date out 10 days was staff's recommendation to remedy or alleviate late fees for some customers. By moving it out 10 days, the Town is changing the cutoff date as well. Customers that cannot pay or have no intention to pay before they leave a property could potentially get 10 more days of service that is a third of the month. While it is hard to put a number on what that might mean in terms of revenue losses for the Town, Mr. Siler was comfortable saying the revenue loss could reach six figures.

Councilman Rabil questioned if the deposit would offset some of the revenue loss. Mr. Siler responded the deposit does offset some of the loss, but deposits are not held indefinitely by the Town.

Councilman Scott stated the current due dates and penalty dates effects some of the Town's elder population that are on fixed incomes.

Councilman Scott made a motion, seconded by Councilman Rabil, to direct staff to create a new policy delaying the utility penalty by 10 days for all customers. The policy must include a new cutoff date. Unanimously approved.

4. Approval of amended language for the Local Government Commission regarding reconciliation of accounts

Town Manager Michael Scott referenced page 113 in the agenda packet which was a letter sent Local Government Commission (LGC) to the Town. The letter stated the Town needed to change its policy in the way staff is conducting and completing year end reports. A letter signed by every member of the Council was sent to the LGC responding to their original letter. Staff received no input from the LGC until last week when they stated the Town's response was insufficient. Mr. Siler wrote another response that will satisfy their requirements, but it must be signed by every member of Council. The request was to approve the new letter written by Mr. Siler for the LGC which deals specifically with year-end adjustments and the audit process.

Councilman Scott asked for the Town Manager to clarify the request. On May 28th, the Council took

action to table the water plant project. Councilman Scott stated he understood the LGC was supposed to conduct a hearing today on the loan for the water plant expansion. He questioned if the letter was the reason why the LGC did not conduct the hearing. The Town Manager responded the letter does not have anything to do with the water plant. In the original letter it states, "if you are planning to issue debt that requires the approval of local government commission, we must receive a complete and thorough response this letter before recommending your debt application". When the LGC meeting was scheduled, they reviewed the original response and decided they needed a different response. It is not related to the water plant at all. It is related to any meeting the Town will have with the LGC.

Councilman Barbour questioned the changes in the letters. Finance Director Greg Siler responded the LGC did not feel Mr. Siler addressed the questions in the letter. A couple things that was pointed out was the explanation that were given by the auditor and some of the balance sheet accounts were not reconciled timely because staff was installing new software. The second comment was specifically addressing our plan for reconciling the balance sheet statements. In the past this was done by the auditors, but the rules for auditing are constantly changing.

The Town Manager added that on July 24th he received an email from Susan McMullen, who is the Assistant Director of fiscal management for the LGC. Her email stated the following: "Please accept our apologies to your manager and your board for the confusion caused by this letter needs to be revised. I appreciate your frustration with having to redo something you thought was completed. We should have raised our concerns about this response earlier when we received it and did not."

Councilman Rabil asked about the update. Mr. Siler explained the LGC was requesting an update on how he was addressing the auditor's comments. In his response, he informed the LGC the Town would be hiring someone qualified that would assist with these items.

Councilman Scott questioned if staff was pursuing the LGC for financing for the water plant after the May 28 discussion and tabling the project. The Town Manager responded that he was not present for that meeting, but he did go back and listen to the meeting. He reviewed the minutes and saw nothing in there telling staff not to proceed. What he saw was a motion to table discussion of the water plant until the Council had more information, which was what staff was trying to provide by going to the LGC. After listening to the recording, Councilman Barbour even made a statement clarifying the motion of the meeting and that the motion was not going to delay the water plant expansion. Staff was going to seek additional information to provide to the Council.

Councilman Scott stated that he made the motion and that was not his intent. The minutes were approved by the Council without opposition, but it was understandable that there may have been some confusion. Councilman Scott has spoken to members of Council and they need to understand why we are doing this now considering the Covid-19 pandemic. Councilman Scott received a phone call from a citizen concerning the motion. To the citizen, it appeared that staff was proceeding with the project without the Council's knowledge. Councilman Scott stated he was unaware of the meeting with the LGC because he believed the motion, he made on May 28th stopped the forward progress of the water plant expansion. The Town Manager responded he sent the Council that information to the on two separate occasions and spoke with the Mayor about the LGC meeting.

Councilman Barbour stated the Council had already voted in favor of the water plant expansion and the only way to stop that would be to rescind the vote and not table a discussion. Tabling a discussion does not rescind a vote by the Council. The Town Manager stated Councilman Barbour was correct. Councilman Barbour further stated during the meeting, Council did not have all the information and was awaiting additional information. He further stated the water plant expansion was approved over a year ago unanimously. There have been lots of discussion and additional information. Until we do something differently, the motion for the expansion stands until rescinded. The Town Manager responded staff realizes this is a sensitive issue to a lot of people. Staff has spent a lot of time with community members answering their questions. So, staff understand the importance of transparency. The Town Manager further stated it was his goal and the goal of the staff to obtain all the information they can possibly receive to assist the Council will making an informed decision.

Councilman Lee questioned when the original letter was signed because that was not his signature. The Town Manager responded that every member of Council signed the letter.

Councilman Barbour made a motion, seconded by Councilman Stevens, to approve the letter. Councilman Barbour, Councilman Stevens, Councilman Scott, Councilman Rabil and Councilman Wood voted in favor of the motion. Councilman Lee voted against the motion. Motion passed 5 to 1.

Councilmembers Comments:

- Councilman Lee asked for updates on some old business. He questioned the installation of the speed bumps on Lee Street. He stated Martin Luther King Jr Drive was not a state-maintained road and there have been concerns about excessive speeding on the road. He questioned if there was an update on the flooding of Cedar Drive. He questioned if the Town engineer had seen photos of the flooding. Councilman Lee stated he would like information on how many minority owned contractors the Town uses. He also stated he would like information on the number of Councilmembers and Depart Heads children have been employed by the Town during the summer for the past fifteen years.
- Councilman Scott stated he would like to discuss the water plant. He stated he did not understand what tabling the discussion versus the project really meant because to him it was hideous in the way it was described. Councilman Scott stated he would like to reclarify his motion in that the Council table the water plant expansion because of the current situation. All budgeted funds would be used to fix the current water plan. He references paged 61 of the agenda packet.

Councilman Scott made a motion, seconded by Councilman Lee, to table the water plant expansion.

Town Clerk Shannan Parrish explained to Councilman Scott that she accurately reflected in the minutes the motion made by Councilman Scott at the May 28th meeting. It was not her position to know the intent of the motion, but to simply record what was said.

Councilman Stevens suggested the Council have a discussion at the next meeting to figure out if we need to move forward with the water plant expansion. Councilman Stevens stated the Council needed more information to determine the feasibility of the project.

Councilman Scott stated there were a lot of unanswered questioned and the real risk was the financial debt the Town would be faced with should the bulk water customers decide to stop purchasing water from the Town. The residents would have to repay the debt.

Councilman Wood questioned how many years the County has been purchasing water from the Town. The Town Manager responded the contract began in 1999, but he had no knowledge if the County purchased water from the Town prior to that date.

Councilman Scott rescinded his motion.

Councilman Scott commended Councilman Lee on his handling of racial diversity in the Town. He stated Councilman Lee has done a lot of work in the Town.

Councilman Scott asked the Police Chief if given the opportunity could the officers have a general appearance versus a uniformed appearance in certain aspects of their career to make them more approachable because the uniform can be intimidating.

- Councilman Barbour informed the Council that on July 14th a taskforce meeting was held on developing a drone strategy for both the town and citizens. Ten staff members attended. He appreciated Town staff for getting involved with NCDOT to help resolve a drainage issue on Wilson Mills Road. Councilman Barbour informed the Council that his father Clarence Barbour passed away this afternoon. He was a simple man with simple needs and simple wants. He owed his strength of character and love to his father and his daily walk. He was honored to be his son and he will miss him until he sees him again.
- Councilman Wood congratulated his son and daughter-in-law as they welcomed their first child, Ryker Allen Wood, at approximately 8:15 this evening.

- Mayor Moore commended staff for preparation made in anticipation of Hurricane Isaias. He also asked that we remind our neighbors about keeping their grass clippings out of the roadway. He stated the Town did not want to require clippings being bagged or put into containers. He stated a lot of the local flooding issues occur when the storm drains are covered with yard debris.

Town Manager's Report:

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

- Commended the Council for being devoted to the Town and attended the meeting. The dedication of the Council goes beyond speaking about.
- Planning Meeting: Staff is ready to have a joint meeting between the Council and the Planning Board to discuss statutory changes, as well as our move to a conditional zoning model of development approvals. Please check your schedules for availability. We hope to discuss this at tonight's meeting
- CARES Funding: The amount of CARES funding has increased slightly for the Town to \$421,535. Money is expected to be deposited into the Smithfield General Fund account by the end of the week.
- Downtown Wi-Fi: The downtown Wi-Fi is currently being tested with hopes of being operational this month.
- THM's: Due to the higher than normal temperatures in July, the water department noticed an increase in THM levels in the Country Club area. The higher concentrations are not beyond acceptable levels however, staff is working to bring the percentage down to a more desirable level by flushing the fire hydrants/water lines in the area.

Closed Session Pursuant to NCGS 143-318.11 (a)(4)

Councilman Wood made a motion, seconded by Councilman Rabil, to enter into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 9:11pm

Reconvene in Open Session

Councilman Stevens made a motion, seconded by Councilman Wood, to reconvene in Open Session. Unanimously approved at approximately 11:00 pm

Adjourn

Being no further business, Councilman Wood made a motion, seconded by Councilman Barbour to adjourn the meeting. The meeting adjourned at approximately 11:11 pm

ATTEST:

M. Andy Moore, Mayor

Shannan L. Parrish, Town Clerk