

The Smithfield Town Council met in regular session on Tuesday, October 6, 2020 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

John Dunn, Mayor Pro-Tem
Marlon Lee, District 1
David Stevens, District 2 (via Conference Call)
Travis Scott, District 3
Dr. David Barbour, District 4
Stephen Rabil, At-Large
Roger Wood, 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

(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
Bill Dreitzler, Town Engineer

Administrative Staff Absent

CALL TO ORDER

Mayor Moore called the meeting to order at 7:04 pm.

INVOCATION

The invocation was given by Councilman Scott followed by the Pledge of Allegiance led by the following members of Girl Scout Troop 614: Kaitlyn Hill, Juana Garcia, Madeline Smith and Valerie Smith

APPROVAL OF AGENDA:

Councilman Scott made a motion, seconded by Councilman Barbour, to approve the agenda with the following amendments:

Add to the Consent Agenda:

- *Consideration and request for approval to allow the Downtown Smithfield Development Corporation to close South Third Street every Saturday in October for the Third StrEATery events.*
- *Consideration and request for approval to award the CDBG Neighborhood Revitalization Legal Service contract to Spence & Berkau, P.A.*

Unanimously approved.

PRESENTATIONS:

1. Administering Oath of Office to new Police Officer Julie Carroll

Mayor Moore administered the Oath of Office to new Police Officer Julie Carroll and welcomed her to the Town of Smithfield.

2. Community Development Block Grant (CDBG)–Neighborhood Revitalization Update

Skip Green provided the Council with an update on the CDBG Neighborhood Revitalization grant.

Mr. Green explained the paperwork for the release of funds has been completed. In the original application, there were twenty-two households that submitted applications to be considered for housing rehabilitation. There were delays in the loan application process due to COVID-19 because staff could not personally meet with the applicants. When all the applicants were contacted, staff discovered that two applicants had deceased and three applicants no longer wished to participate in the program. Seventeen applicants wished to continue in the program. Of those seventeen, fourteen have completed their loan applications. Mr. Green explained that legal services were solicited twice, and the Town received one proposal. This proposal was on tonight's agenda for approval. It was estimated that the title searches would take several weeks to complete. Once those have been completed, staff would begin working on the housing write-ups. In the first quarter of 2021, Mr. Green stated they would begin entering into rehab contracts. Mr. Green stated he was working on a similar project in Dunn, NC in which there were about seven contractors beginning housing rehabilitations. Those jobs should be completed in the first quarter of 2021. The hope is that staff will have a group of contractors whose craftsmanship is known. Additional contractors would also be solicited. Because of COVID-19, one thing that will have to be brought to the Town will be a certification in which each homeowner would have to sign acknowledging COVID-19 and authorizing the Town to proceed with the housing rehabilitation. We do not want to do anything the homeowners do not want done until the time is right. Within the construction contracts, there will also be a section specific to COVID-19 in which the contractors would be required to meet whatever Executive Order is in effect at the time of construction. Plus, there are OSHA requirements for COVID-19 that must be met by the contractors.

Mayor Pro-Tem Dunn questioned the total grant amount. Mr. Green responded it was \$750,000. There were twenty-two home to be rehabilitated and five or six home to be removed because they were unoccupied and dilapidated. The funds would also be used for administrative purposes.

PUBLIC HEARINGS:

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

- 1. Special Use Permit Request – Michael Sherman (SUP-20-09):** The applicant was requesting a Special Use Permit to a construct a single-family dwelling on property located within a B-2 (Business) zoning district. The property considered for approval was located on the south side of the intersection of East Lee Street and South Sixth Street and further identified as Johnston County Tax ID# 5036038

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

Planning Director Stephen Wensman testified the applicant intended to remove the home and replace it with another single-family home. Since the home was in the B-2 zoning district, a special use permit was required to demolish and replace the home. Mr. Wensman testified the property to the north was zoned R-8 (single family residential). The property to the south was zoned B-2 (funeral home). The property to the west was zoned R-8 (single family residential). The property to the east was zoned B-2 (insurance agency). The applicant submitted a sketch plan but was seeking approval of the special use permit before investing in completed plans. A survey will be required before construction. There was adequate water, sewer, and electricity on the site. Currently there is a loop driveway that connects the two streets. The new plan included two parking spaces off Lee Street.

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

STAFF'S FINDINGS OF FACT

1. The public's health, safety, or general welfare have been addressed with the proposed site plan.

2. The special use is complementary to the surrounding residential land uses and will be in an asset to the community at large.
3. The special use will not impede normal and ordinary development of the residential district. A single-family dwelling at this location will not impeded commercial activities along the South Brightleaf Boulevard corridor.
4. Adequate utilities, off parking, access and other facilities exist or are being adequately provided for.
5. Adequate egress and ingress currently exist to the site. The proposed egress and ingress are configured to allow for access two off street parking spaces.
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. With a special use permit, the use is permitted within the zoning district.

The Planning Department recommended approval of the Special Use Permit, SUP-20-09, with the following conditions:

1. That a site plan be submitted for review in accordance with the Town's Unified Development Ordinance

Planning Director Stephen Wensman incorporated his entire record and provided it to the Council in written form in the October 6, 2020 agenda packet.

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

Councilman Scott questioned if the property was currently being used as single family residential. Mr. Wensman responded it was a residential use. Councilman Scott further questioned if staff knew how long the property had been zoned B-2. Mr. Wensman responded Senior Planner Mark Helmer has been employed by the Town for over 15 years and during his time with the Town, the property has always been zoned B-2. The Comprehensive Growth Management Plan designation of this property did not change with the new Comprehensive Growth Management Plan.

Councilman Rabil questioned if it should be rezoned to R-8. Mr. Wensman responded that was not the request, but if it were zoned R-8 a special use permit would not be required.

Councilman Barbour questioned if installation of a fence would be necessary based on the property's location to the insurance business. Mr. Wensman responded it was not something recommended by staff, but the Council could make that a condition of approval.

Mayor Moore asked the applicant if he agreed with the testimony offered by Planning Director Stephen Wensman. The applicant, Michael Sherman of 1990 Keen Road, Four Oaks, NC, testified that he agreed with Mr. Wensman's testimony. Mr. Sherman testified the house he owned on Lee Street was old and dilapidated. It would be less expensive to demolish the existing house and build a new house than it would be to continue repairing the existing house. Mr. Sherman further testified that he would prefer that property be a commercial use, but Senior Planner Mark Helmer talked him out of that because the property was too small to meet the commercial use requirements. He stated he was trying to make an eyesore better. Mr. Sherman stated a fence had never been installed on the property and there had never been any issues. Since the insurance office does not have a lot of traffic, it does not cause any issues with Mr. Sherman's tenants. The backyard has a large brick fence installed by the adjacent funeral home.

Town Attorney Bob Spence asked the applicant if he would be willing to install a fence as a condition of approval for the special use permit. Mr. Sherman responded he would not agree to installing a fence between his property and the insurance office.

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

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

Councilman Wood stated he was in favor of requiring the applicant to install a fence between his property and the insurance office for the safety and well-being of the future tenants. Mr. Sherman responded he has owned the house for fifteen years and it has never been a problem.

Councilman Barbour questioned the typical lot size for the B-2 zoning district. He stated that a developer could purchase the adjacent lots from Brightleaf Boulevard to Mr. Sherman's property and construct a business there. That would never have to be approved by the Council since all the properties are in the B-2 zoning district. Mr. Wensman responded that to do that, the lots would have to be consolidated and the proposed use would have to meet all the UDO requirements. Mr. Wensman stated it would be more complicated, but could be done with lot consolidation and variances. Councilman Barbour further questioned if the adjacent lots were consolidated would the Council have an opportunity to ask the property owner to install a fence between the commercial use and Mr. Sherman's property. Mr. Wensman responded it would be dependent on the business use. Some businesses would require a special use permit which would have to be approved by the Council. Regardless, a commercial development adjacent to a residential property would require a 25-foot buffer yard. For that reason, it would be difficult for someone to develop commercially adjacent to existing residential property. Higher and more intense land use are required to provide a buffer.

The Written Finding

Councilman Scott made a motion, seconded by Councilman Rabil, to approve the eight findings of fact for Special Use Permit SUP20-09 as recommended in the staff report on pages 5 and 6 of the agenda packet. 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 Special Use Permit Application Number SUP-20-09

Councilman Barbour made a motion, seconded by Councilman Rabil, to recommend approval of SUP-20-09 for the construction of a single-family dwelling on property located within the B-2 (Business) zoning district with the following condition:

1. That a site plan be submitted for review in accordance with the Town's Unified Development Ordinance

Unanimously approved.

2. Community Development Block Grant (CDBG) Covid-19: The Town of Smithfield was considering submitting a Covid-19 Community Development Block Grant Program (CDBG-CV). The CDBG-CV application requests a \$900,000 CDBG-CV grant to: (1) make broadband improvements at four locations to upgrade internet service within the Town's corporate limits; (2) make improvements to the Town's Park Amphitheater; and project administration.

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

Skip Green explained the Community Development Block Grant program required two public hearings before an application could be submitted. The first public hearing was held on September 22, 2020 and provided a general explanation of the Community Development Block Grant program. The second public hearing was required to describe the application and receive any citizen input. Mr. Green further explained the Town would be requesting a \$900,000 Community Development Block Grant (CDBG-CV) under the COVID-19 program to make broadband improvements at four locations to upgrade internet services at an estimated cost of \$225,000. Also, in the application would be improvements to the Town's amphitheater at an estimated cost of \$625,000 which would include architectural design. Project administration would cost \$50,000.

Mr. Green informed the Council that the purpose of the CBDG-CV program was to assist with COVID recovery. With social distancing, reduced capacity, and restrictions on public gatherings; as well, as businesses and school operations, staff believed there was an increased need for broadband internet services. Also, the spatial restrictions and capacity restrictions on businesses resulted in a need for outside space. The amphitheater area would allow patrons of local restaurants to enjoy outdoor lunches. The Town has met with businesses and have letters of support for the amphitheater project. The design would incorporate the needs of the local businesses. All the improvements to the amphitheater would be outside the floodplain. After the public hearing, if the Council chose to authorize the submission of an application, staff would be able to submit the application to the State in approximately a week. Currently, there is approximately \$27 million for this program, but applications are being reviewed on a first come first service basis. If awarded, the \$900,000 would not be counted toward the total amount of \$1.25 million a municipality can receive in CDBG funds per year. The COVID program is a special program, so the Town may still be eligible to apply for more CDBG funding.

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

Councilman Scott stated Mr. Green had mentioned the amphitheater would not be in the floodplain. Mr. Green responded there were parts of the amphitheater project that were not in the floodplain. From an environmental standpoint, it would be must easier if CDBG improvements were restricted to outside the floodplain. If the Town chose to make improvements in the floodplain, the Town

would have to obtain flood insurance for the structure if it were to be considered for these funds.

Councilman Scott stated he was curious as to why this project would include expansion of the Wi-Fi since the Town recently installed Wi-Fi downtown. Economic Development Liaison Tim Kerigan responded the initial downtown Wi-Fi stretches from Neuse River to Fifth Street and one block to the north and south of Market Street. This Wi-Fi would be expanded to a park in each of the four districts: Community Park in the north district, Civitan Field in the south district, Smith Collins Park in the east district and Gertrude B. Johnson Park in the west district. Mr. Kerigan explained that not only have they obtained letters of support for the amphitheater project, but they have obtained letters of support for the Wi-Fi project. The CDBG Coronavirus grant would provide people with free Wi-Fi which would allow them to search for health care, have the ability to work from home and allow school children access to a reliable network for remote learning. The school system has provided children with tablets, but many families cannot afford reliable internet service. The Town has open spaces where people can socially distance and still be able to access the internet. This Wi-Fi would be like what is currently in place downtown. Hours would be restricted and security would be in place on the network. Mr. Kerigan explained the Johnston County Schools Superintendent supports this project.

Mayor Pro-Tem Dunn questioned the overall Wi-Fi footprint in each location. Mr. Kerigan responded it was a mesh network so that one would not lose connectivity within that mesh. For the parks, the network would be solely within the park so once you exited the park, you would lose connectivity. The network would not extend into the adjacent neighborhoods or businesses.

Councilman Barbour questioned if the amphitheater was in the floodplain. He questioned which portion of the amphitheater project was not within the floodplain. Town Manager Michael Scott responded staff believed they would be able to utilize most of the area. The Town had a low-rise study conducted for the amphitheater itself. Since the Town was not going to change the footprint, improvements can be made using the existing posts which were included in the plans for the upgrade to the amphitheater.

Councilman Barbour stated it was his understanding the bulk of the cost of the amphitheater improvements was not the pavilion itself, but it was making the area ADA accessible. Mr. Kerigan responded the bulk of the cost was grading the area and making the entire facility accessible. In the higher elevations of the project, there would be benches and shade covers.

Councilman Barbour questioned how much of the amphitheater project was in the floodplain and if the bulk of the cost were to make the whole area handicap accessible. Parks and Recreation Director Gary Johnson responded the floodplain begins at the very front of the stage. In front of the stage, the mezzanine seating area to the top of the hill are either in the 100- year or 500-year flood plain. Councilman Barbour stated the Town could possibly have to cover the cost of the actual stage, but these grant funds would significantly reduce the overall cost of the project.

Councilman Scott stated he believed it was appropriate for the Town to seek grant funding for projects, but he felt there were other priorities in the Town such as residential housing and businesses that have been flooded. He was interested to know if there were other projects that have more of a priority that these funds could be used for. The Town Manager responded the biggest issue was the CDGB grant had to be associated with COVID-19 and how the Town could assist its citizens and visitors to socially distance and seek prevention from contracting COVID-19. The Town Manager explained this was not a competitive grant, but a first come first serve grant. The quicker the Town submitted its application, the more likely the Town would receive funding. Staff looked throughout the Town and evaluated different projects that would benefit the Town. These projects were what staff believed would benefit the Town the most at this time.

Mayor Moore asked if there was anyone in attendance that wished to seek on the matter. There was no one in attendance that wished to speak on the matter.

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

No action needed as the approval of the application submission could be found as Consent Agenda

CITIZEN'S COMMENTS:

- David Johnson of 125 Cypress Point, Smithfield, NC informed the Council that on September 1st, there was 24 inches of water inside his building on 1621 South Brightleaf Boulevard. In 1987, the building was not in the floodplain, but as of 2018, it is in the flood plain. He stated the Council and staff were aware of the flooding in the area. He explained he was having difficulties renting his building because of flood issues. While he understood the issue was caused by CSX railroad and the Town has exhausted its efforts in trying to get CSX to fix its issues, he stated he had nowhere else to turn then to the Town since this was a stormwater issue. He asked if the Town was willing to pay for the improvements to add two 48-inch drains if he could get CSX to allow the Town to facilitate the improvements. He further questioned if the Town would suspend his property taxes or a portion of his property taxes so he could purchase flood insurance. Mayor Moore stated the Town would not suspend Mr. Johnson's property taxes because the Town had State laws it had to abide by.

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
 - August 24, 2020 – Special Meeting
 - September 1, 2020 – Regular Meeting
 - September 1, 2020 – Closed Session
 - September 22, 2020 – Special Meeting
2. Special Event: Theater in the Park - Approval was granted to allow Cista Lueeze's Brunch House, Inc to close Front Street and a section of the Greenway by the Neuse River Amphitheater on October 24, 2020 The Temporary Use Permit was approved for this event at the August 4, 2020 Town Council Meeting.
3. Special Event: Church Service- Approval was granted to allow Alice Wells to conduct a church service on October 11,2020 from 2:00pm until 4:00pm at Smithfield Community Park. Amplified sound was approved for this event.
4. Special Event: Documentary Showing – Approval was granted to allow Margaret Scovil to show a free documentary on October 23, 2020 from 6:30pm until 8:30pm and October 25, 2020 from 4:00pm until 6:00pm at the Town Commons. Amplified sound and the closure of Front Street at East Johnston Street were approved for this event.
5. Special Event: Fireworks Display – Approval was granted to allow Smithfield Parks and Recreation to conduct a Veteran's Day fireworks display on November 11, 2020 from 5:00pm until 7:00pm from Smithfield Community Park. Amplified sound was approved for this event.
6. Career Ladder Promotion – Police Department: Approval was granted to promote a Police Officer from the rank of Police Officer II to the rank of Master Police Officer.
7. Approval was granted to adopt resolution No. 666 (15-2020) authorizing the disposition of certain surplus property and the auctioning of most of that property by the electronic auction service of GovDeals.com

**TOWN OF SMITHFIELD RESOLUTION # 666 (15-2020)
Authorizing the Sale of Certain
Personal Property at Public Auction**

WHEREAS, the Town Council of the Town of Smithfield desires to dispose of certain surplus property of the Town in accordance with NC GS 160A-270; and

WHEREAS, the Town Council of the Town of Smithfield desires to utilize the auction services of a public electronic auction service.

NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

- 1) The following described property is hereby declared to be surplus to the needs of the Town:

Dept.	Vin/Ser.#	Description
General Gov		41 Computers
General Gov		41 Monitors
General Gov		Keyboards & Cables
General Gov		Drive Encloser
General Gov		Projector
Finance	070X766	Hasler Mail Folder Inserter with Cabinet
Planning	JPSC72F4HT	HP model Q3716A printer with toner
Planning		Toshiba model T-FC500U-K printer with toner
Planning	2G1WS55R479259317	2007 Chevrolet Impala
Police	2B3KA43V19H597268	2009 Dodge Charger
Police	2B3CL1CT6BH556478	2011 Dodge Charger
Police	2B3CL1CT1BH554675	2011 Dodge Charger
Police	2B3CL1CT5BH556483	2011 Dodge Charger
Police	2C3DXAT6EH121240	2014 Dodge Charger
Police		6 vehicle prisoner dividers
Police		4 used ATV tires
Fire	1FMRU16W61LA24361	2001 Ford Expedition
Fire		1992 Service Truck Body
Fire	Various	Lot of 9 - 1.5" Akron Turbojet nozzle
Fire	Panther/Warb-Hp	Lot of 31 air packs
Fire	Panther/Warb-Hp	Lot of 63 masks
Fire	Panther/Warb-Hp	Lot of 59 bottles
Public Works	1FTWW32Y88EB42978	2008 Ford F-350
P & R	IFDWF36S23EB91247	2003 Ford F-350 Dump
P & R	TC2653D090624	2000 John Deer 2653A reel mower
P & R	015387	Scag Turf Tiger
P & R		John Deere 420 Tractor
P & R		Allis Chalmers 5015/9518 Tractor
P & R		John Deere Gator 4x2
P & R		Diamond Vera Pro 2000 3 wheel drag

- 2) The Town Manager or his designee is authorized to receive, on behalf of the Town Council, bids via public electronic auction for the purchase of the described property.
- 3) The public electronic auction will be held beginning no earlier than October 19, 2020.

- 4) The Town Council further authorizes the disposal of Town surplus property by use of a public electronic auction system provided by GovDeals Inc. The property for sale can be viewed at www.govdeals.com. Citizens wanting to bid on property may do so at www.govdeals.com. The terms of the sale shall be: All items are sold as is, where is, with no express or implied warranties; All items will be sold for cash or certified check only; Payment must be received for all items sold before they may be removed from the premises; All items sold must be paid for and removed from the site of the sale within 5 business days of the sale, or they will be subject to resale.
 5. The Town Clerk shall cause a notice of the public auction for surplus property to be noticed by electronic means in accordance with G.S. 160A-270(c), available on the Town of Smithfield website www.smithfield-nc.com
 6. The highest bid, if it complies with the terms of the sale, may be accepted by the Finance Director or his designee and the sale consummated.
8. Approval was granted to adopt Resolution No.667 (16-2020) authorizing the submission of a Community Development Covid-19 (CDBG-CV) application.

**TOWN OF SMITHFIELD
RESOLUTION # 667 (16-2020)
APPLICATION FOR NORTH CAROLINA COMMUNITY DEVELOPMENT BLOCK GRANT
CORONAVIRUS (CDBG-CV) PROGRAM FUNDING FOR SMALL BUSINESS AND
ECONOMIC RECOVERY AND ENHANCING INTERNET ACCESS**

WHEREAS, the Town of Smithfield's Town Council has previously indicated its desire to assist in small business and economic recovery, as well as enhancing internet access within the Town; and,

WHEREAS, the Town Council has held two public hearings concerning the proposed application for North Carolina Community Development Block Grant Coronavirus (CDBG-CV) funding to benefit its most vulnerable and high-risk citizens, those lacking proper internet access and those small businesses negatively impacted by COVID-19 restrictions, and

WHEREAS, the Town Council wishes the Town to pursue a formal application for North Carolina Community Development Block Grant Coronavirus (CDBG-CV) to benefit its high proportion of low to moderate income citizens, and

WHEREAS, the Town Council certifies it will meet all federal regulatory and statutory requirements of the state of North Carolina Community Development Block Grant Coronavirus (CDBG-CV) program,

NOW, THEREFORE BE IT RESOLVED, by the Town of Smithfield Town Council that:
The Town is authorized to submit a formal application to the North Carolina Department of Commerce's Rural Economic Development Division (REDD) for approval of a Community Development Block Grant Coronavirus (CDBG-CV).

The Mayor Andy Moore, and successors so titled, is hereby authorized to execute and submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant Coronavirus (CDBG-CV).

That Michael Scott, Manager, and successors so titled, is hereby authorized and directed to furnish such information as the North Carolina Department of Commerce may request in connection with an application or with the project proposed; to make assurances as contained in the application; and to execute such other documents as may be required in connection with the application.

9. Approval was granted to bring forward budget encumbrances from the 2019-2020 fiscal year to

the 2020-2021 fiscal year

ENCUMBRANCES FROM 2019-2020 TO 2020-2021

GENERAL FUND

		Amount Requested	Amount Available
10-61-4110-5300-5710	Non-Departmental - Economic Development	\$ 25,000	\$ 25,000
10-61-4110-5300-5712	Non-Departmental - S.H.A.R.P Reimbursements	20,000	20,000
10-10-4110-5300-0771	Non-Departmental - Unemployment Compensation	15,000	15,000
10-10-4900-5300-4501	Planning – Service Contracts (Engineering Standards Manual & Pedestrian Planning)	30,000	30,000
10-10-4900-5700-7400	Planning - Capital Outlay	12,000	12,000
10-60-5500-5300-3440	General Serv. - Appearance Commission	26,685	4,747
10-60-5500-5700-7400	General Serv. - Capital Outlay (Painting Mausoleum)	3,000	3,000
10-30-5600-5300-7300	Streets -Sidewalk & Curb Repair (NCDOT Sidewalk Agreement)	112,406	112,406
10-30-5600-5300-7400	Streets -Capital Outlay (I95 Bridge Lighting)	93,000	93,000
10-30-5600-5300-7401	Streets -Street Paving (Equity Drive)	173,000	173,000
10-76-5800-5970-9110	Transfer to GF Capital Reserve	80,000	80,000
		<u>\$</u> <u>590,091</u>	<u>\$</u> <u>568,153</u>

WATER FUND

30-71-7220-5300-5710	Water Dist/Sewer Coll. - Economic Development	<u>\$</u> <u>200,000</u>	<u>\$</u> <u>200,000</u>
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Electric FUND

31-72-7230-5300-5710	Electric - Economic Development	<u>\$</u> <u>200,000</u>	<u>\$</u> <u>200,000</u>
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J.B. GEORGE BEAUTIFICATION FUND

40-61-4100-5300-3400	J.B. George Projects	\$ 2,381	\$ 2,381
40-61-4100-5300-3410	J.P. George Projects	1,148	<u>298</u>
		<u>\$</u> <u>3,529</u>	<u>\$</u> <u>2,679</u>

**ENCUMBRANCES FOR PURCHASE ORDERS ISSUED PRIOR TO
6/30/2020**

G/L ACCOUNT	ACCOUNT DESCRIPTION	DEPARTMENT	VENDOR	PO#	AMOUNT REQUESTED	AMOUNT NEEDED
10-10-4100-5700-7400	Capital Outlay	Gen Gov	CB Towers LLC	20208008	\$20,317.50	\$20,317.50
10-10-4100-5700-7400	Capital Outlay	Gen Gov	Municipal Code Corp	20186293-R2	\$9,600.00	\$9,600.00
10-20-5100-5300-3100	Vehicle Supplies/Maint.	Police	Communications International	20207993	\$2,125.00	\$2,125.00
10-20-5100-5300-3100	Vehicle Supplies/Maint.	Police	Communications International	20207994	\$3,072.00	\$0.00
10-20-5100-5300-3100	Vehicle Supplies/Maint.	Police	Communications International	20207995	\$660.00	\$0.00
10-20-5100-5300-3300	Supplies/Operations	Police	Rhinehart Fire Services	20208045	\$500.00	\$0.00
10-20-5100-5300-3600	Uniforms	Police	Lawmen's	20207960	\$655.00	\$655.00
10-20-5100-5300-3600	Uniforms	Police	Galls	20207992	\$1,278.00	\$0.00
10-20-5100-5300-3600	Uniforms	Police	American Uniform Sales	20208101	\$1,200.00	\$0.00
10-20-5100-5300-3600	Uniforms	Police	Lawmen's	20208102	\$1,450.00	\$1,450.00
10-20-5100-5700-7400	Capital Outlay	Police	Performance Chrysler	20208024	\$16,365.00	\$16,365.00
10-20-5100-5700-7400	Capital Outlay	Police	Atlantic Resources	20208025	\$2,400.00	\$2,400.00
10-20-5100-5700-7400	Capital Outlay	Police	First Citizens Bank Visa(NCDMV)	20208026	\$5,000.00	\$5,000.00
10-20-5300-5125-0601	Firefighters Physicals	Fire	UNC Physicians Network	20208076	\$11,340.00	\$11,340.00
10-60-5500-5300-3440	Appearance Commission	Parks & Rec	Barrs Recreation	20207896	\$12,665.20	\$0.00
10-60-5500-5300-3440	Appearance Commission	PW-Appearance	Partners in Recognition	20207936	\$3,018.66	\$0.00
10-60-5500-5300-3440	Appearance Commission	Parks & Rec	Rodney S Blackmon	20208098	\$3,877.67	\$3,877.67
10-60-5500-5700-7400	Capital Outlay	PW-Appearance	Mark Gregory Roofing	20197362-R1	\$14,800.00	\$14,800.00
10-60-5500-5700-7400	Capital Outlay	PW-Appearance	Dennis Evans	20197408-R1	\$10,000.00	\$10,000.00
10-60-6200-5300-1700	Equip Maint & Repair	Parks & Rec	Molinas Tree Service	20207605	\$1,800.00	\$0.00
10-60-6200-5300-1700	Equip Maint & Repair	Parks & Rec	James Paul Edwards Inc	20208096	\$1,800.00	\$1,800.00
10-60-6200-5300-1700	Equip Maint & Repair	Parks & Rec	James Paul Edwards Inc	20208097	\$850.00	\$850.00
10-60-6200-5300-1700	Equip Maint & Repair	Parks & Rec	Blueprint Construction	20208106	\$1,200.00	\$0.00
10-60-6200-5300-3300	Supplies/Operations	Parks & Rec	The Casey Group	20208067	\$1,510.00	\$0.00
10-60-6220-5300-1700	Equip Maint & Repair	Parks & Rec	The Sage Landscaper	20208099	\$1,500.00	\$0.00

10-60-6220-5300-1700	Equip Maint & Repair	Parks & Rec	Volt Power	20208100	\$3,420.00	\$0.00
10-60-6220-5300-3300	Supplies/Operations	Parks & Rec	Zones Inc	20208109	\$820.00	\$0.00
10-60-6220-5300-3900	Aquatic Supplies	Parks & Rec	Gupton Services	20208070	\$4,474.00	\$0.00
10-61-4110-5300-5710	Economic Development	Gen Gov	Shandy Communications	20208007	\$7,898.00	\$7,898.00
10-61-4110-5300-5710	Economic Development	Gen Gov	CB Towers LLC	20208008	\$376.75	\$376.75

\$145,972.78 \$108,854.92

WATER FUND

PO Number

30-71-7200-5300-1700	Equip Maint & Repair	PU-Water Plant	KL Shane Inc	20208062	\$17,135.00	\$0.00
30-71-7200-5300-1700	Equip Maint & Repair	PU-Water Plant	Masons Fab & Designs	20208073	\$2,100.00	\$0.00
30-71-7200-5300-4501	Service Contracts	PU-Water Plant	Inenco Inc	20207799	\$7,400.00	\$0.00
30-71-7200-5700-7400	Capital Outlay	PU-Water Plant	TA Loving Company	20207990	\$110,000.00	\$0.00
30-71-7220-5300-1700	Equip Maint & Repair	PU-Water Sewer	Nixon Power Services	20207568	\$5,030.51	\$5,030.51
30-71-7220-5300-4501	Service Contracts	PU-Water Sewer	Nixon Power Services	20207568	\$8,781.84	\$8,781.84

\$150,447.35 \$13,812.35

ELECTRIC FUND

31-72-7230-5300-1700	Equip Maint & Repair	PU-Electric	Mark Beauchamp	20207826	\$14,682.50	\$0.00
31-72-7230-5300-1700	Equip Maint & Repair	PU-Electric	Jackson Builders	20208042	\$2,250.00	\$0.00
31-72-7230-5300-3100	Vehicle Supplies/Maintenance	PU-Electric	Altec Industries	20207881	\$5,526.80	\$0.00
31-72-7230-5300-3300	Supplies/Operations	PU-Electric	Anixter	20207785	\$2,426.88	\$2,426.88
31-72-7230-5300-3300	Supplies/Operations	PU-Electric	National Transformers	20208000	\$8,665.00	\$8,665.00
31-72-7230-5300-3300	Supplies/Operations	PU-Electric	Anixter	20208001	\$8,910.72	\$4,926.40
31-72-7230-5300-3300	Supplies/Operations	PU-Electric	Stuart C Irby Co	20208003	\$1,343.25	\$0.00
31-72-7230-5300-3300	Supplies/Operations	PU-Electric	National Transformers	20208004	\$15,060.00	\$15,060.00
31-72-7230-5300-3300	Supplies/Operations	PU-Electric	Wesco	20208005	\$5,294.80	\$2,783.80

\$64,159.95 \$33,862.08

GENERAL CAPITAL PROJECT FUND

46-10-4900-5700-7400	Wayfinding	Planning	ACSM INC	20197166-R1	\$117,375.00	\$117,375.00
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46-40-5800-5700-7404	Hook Leaf Truck	PW-Sanitation	NCDMV	20197333-R1	\$2,006.00	\$2,006.00
					\$119,381.00	\$119,381.00

10. Approval was granted to replace the cardio fitness equipment at the Smithfield Recreation and Aquatics Center.

11. The following Advisory Appointment was approved:

- Paul “Sonny” Howard, Jr. was appointed to a first term on the Parks and Recreation Advisory Committee

12. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Lifeguard	P&R - Aquatics	10-60-6220-5100-0230	\$8.00/hr.
P/T SRAC General Staff	P&R – Aquatics	10-60-6220-5100-0210	\$9.00/hr.

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Assistant Finance Director	Finance	10-10-4200-5100-0200
Firefighter I	Fire	10-20-5300-5100-0200
Fire Inspector (Part-time)	Fire	10-20-5300-5100-0210
Licensed Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200
Police Officer I (4 positions)	Police	10-20-5100-5100-0200
Pump Station Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

13. Special Event: Third StrEATery – Approval was granted to allow the DSDC to close South Third Street every Saturday in October of 2020

14. Approval was granted to award the CDBG Neighborhood Revitalization legal services contract to Spence & Berkau, P.A. in the amount of \$650.00 per title search per house and \$185.00 per hour for other legal services.

Business Items:

1. Consideration and request for approval at accept the Governor’s Highway Safety Program Grant for a two-officer traffic team

Chief of Police R. Keith Powell addressed the Council on a request to accept the Governor’s Highway Safety Program Grant for a two-officer traffic team. Chief Powell explained the department received notification that it had been awarded the grant. For the first year, the federal portion of the grant would be \$191,852 and the Town would be responsible for \$33,800. During the first year, funds would cover all equipment, salaries, and benefits. Staff will have to reapply each year for grant funding, but all equipment would become property of the Town once the first year was completed. Chief Powell stated Captain Grady has put a lot of work into this grant and there was still more that would have to be done.

Councilman Scott made a motion, seconded by Councilman Rabil, to authorize the Police Department to accept the Governor’s Highway Safety Program grant for a two-officer traffic team. Unanimously approved.

Councilman Barbour made a motion, seconded by Councilman Wood, to approve the budget amendment as submitted. Unanimously approved.

GENERAL FUND				BEFORE	ADJ.	AFTER
1. Revenue						
10-20-3300-3307-0090 Grant - GHSP				\$ -	\$ 191,852	\$ 191,852
Expenditures						
10-00-9990-5300-0000 General Fund Contingency				\$ 401,989	\$ (33,856)	\$ 368,133
10-20-5100-5100-0200 Salaries				2,154,900	87,292	2,242,192
10-20-5100-5125-0600 Group Insurance				470,000	34,716	504,716
10-20-5100-5300-0800 Training				13,895	1,200	15,095
10-20-5100-5700-7400 Police - Capital				271,550	102,500	374,050
				\$ 3,312,334	\$ 191,852	\$ 3,504,186
To establish and fund the Governor's Highway Safety Program Grant Award						

2. Consideration and Request for approval to adopt the design-build criteria for the proposed Police Department Expansion Project

Town Engineer Bill Dreitzler addressed the Council on approval to adopt the design build criteria for the proposed Police Department expansion project. Mr. Dreitzler explained this was a process request. A few years ago, the general statues changed to implement the design build delivery process. As a municipality, staff must create and have Council adoption of a design build criteria which was project specific. The UNC School of Government provided the guidance and examples which staff followed. Staff was requesting the Council adopt the design build criteria which would allow staff to advertise for request for qualifications to move forward with the project under the design build delivery system. Mr. Dreitzler informed the Council in January or February of this year, staff sent out request for proposal for the architectural design to do a traditional design build process and received no responses. APR Restoration and Commercial Development contacted staff and ultimately met with staff because the company specializes in design build delivery like the Police Department expansion. When staff met with them, they felt comfortable with the process and felt this would be a good opportunity to control cost using the delivery system. The Town had an agreement with them which included the preliminary design, the construction document phase and construction. They created a preliminary design that created a floor plan for the Police Department expansion and a site plan. Staff cannot proceed with APR at this time because with the design build process, the Town is required to adopt the design build criteria and advertise the request for qualifications. The Town must receive three applications to review. If three are received, staff will make a selection based on qualifications which will be submitted to the Council for approval. If three applications are not received, the Town must readvertise. At that point if there are still less than three, the general statute allows staff to negotiate with a single firm (be it that only one company submits an application). All information provided by APR will be provided to any applicant that wants to bid this process. By providing this information, it lets contractors know what the Town wants to build. Mr. Dreitzler further explained he believed the Council could have a recommendation by staff for a contractor by the December Council meeting. Then it would four to six months for construction drawings and permitting. He explained staff was only requesting for the Council to adopt the design build criteria specific for the Police Department expansion and there was no financial obligation to the project at this time.

Councilman Scott questioned the cost savings that would be realized by doing this process and what percentage of the overall cost could be saved. Mr. Dreitzler responded he was unsure of the total savings percentage, but with the design build process, staff had control of the costs. Staff would be

able to work closely with the firm throughout the process and continually evaluate the cost of the project. This process is an interactive process with staff and the firm.

The Town Manager reminded the Council that funding for this project was not something that was budgeted from fund balance or from any of the Town's reserves. The Town would be acquiring debt for this project. Finance Director Greg Siler was investigating USDA financing and its interest rate and how this project may qualify. Mr. Siler was also investigating other funding sources.

Councilman Barbour made a motion, seconded by Councilman Wood, to adopt the design-build criteria for the proposed Police Department Expansion Project and authorize Town staff to move forward with the use of the design build delivery method for the expansion of the Police Department. Unanimously approved.

3. Consideration and request for approval of the Spring Branch Community Restoration Project with KCI

Planning Director Stephen Wensman addressed the Council on a request to approve a contract with KCI to design and install the Spring Branch Community Restoration Project. Mr. Wensman explained the overall cost of the project was estimated at \$200,500. In mid-2019, staff applied for a grant with the Attorney General's Office for the full amount of the project. The Town was awarded \$100,000 which left a \$100,500 funding shortfall. In March, the Council approved the Memorandum of Understanding with the Attorney General's Office in support of the project and the grant. At that time, staff talked about funding sources by creating a wetland bank out of constructed wetlands to be able to receive wetland credits, but that has not materialized. The only potential funding source for this project would be contingency funds. Mr. Wensman explained there were two phases of the project. The first phase would be constructing the wetland and the second phase would be to create an extension of the greenway coming along the Spring Branch. The Town received a commitment from the Johnston County Visitor's Bureau to support the second phase of the project as a tourism project using 2% monies.

Mr. Wensman explained the project was located at the site of the community gardens which are FEMA buyout lots. The Comprehensive plan talked about the future expansion of the greenway by coming along the Spring Branch. Ultimately, the intention would be to connect the Spring Branch to the Neuse River and to Smith Collins Park and then back around to Johnston Community College. The idea for this project would be to create a constructed wetland on the FEMA lot. When it floods that water would pour into the constructed wetland, filtering it and storing water before it slowly released back into the Spring Branch. A concept of the project was provided to the Council.

Councilman Scott questioned how the Town would fund the additional \$100,500. The Town Manager responded contingency funds in the General Fund could be used for this grant match. If the Council chose to use contingency funds for this project, there would be approximately \$150,000 remaining in the contingency funds for the remainder of the fiscal year. The Town Manager explained this was an important project because there has been a lot of flooding downstream and in other parts of Town. The pond idea was a great idea because it will slow the flow of water through the creek bed during times of high-level stormwater. The Town Manager explained that while he did not like the idea of using contingency funds, he hated to turn away a \$100,000 grant for something that was a true need for the Town. He stated he was comfortable using contingency funds for this project. As a caveat to this, the Town Manager explained there was a problem with an embankment at the greenway. Staff has received an estimate of \$90,000 to repair that embankment. If the Council chose to proceed with the Spring Branch Restoration Project, the embankment repair would have to wait until the 2021-2022 budget and budgeted accordingly. At this time, the embankment was not a problem and was not intruding on the greenway or causing the greenway to be closed at that location, but we do not know if the condition will continue to erode. If we waited until later in the fiscal year, the Council may be able to use the balance of contingency funds to repair the embankment. The Town Manager did not recommend repairing the embankment if the Council chose to move forward with the Spring Branch Restoration Project.

Councilman Scott questioned if the greenway would be deemed a recreation facility. The Town Manager responded he determined this project would not be deemed recreation as it related to the

grant. Staff investigated using fee in lieu of funds, but staff did not feel the first phase of this project fit the criteria for using those funds. The second phase could possibly be funded through that source, but for this phase, it would not qualify because a park is not being constructed.

Councilman Scott questioned if the restricted reserved funds could be used for this project. The Town Manager responded the funds from the sale of Bingham Park were reserved funds for parks, but those funds could be moved by a vote of the Council if that was the Council's wishes. If those funds were used, in essence the Council would be using fund balance to pay for the project.

Mayor Pro-Tem Dunn questioned if the CDBG-CV funds could be used for this project. The Town Manager responded staff had investigated that possibility, but it did not meet the grant's criteria.

Councilman Scott stated he understood the Town was addressing the issues and proposed putting in a new section of the greenway, but he was struggling because it appeared the Town could not maintain what it already had. He further stated he was nervous about spending contingency funds when employees cost of living increases had not been addressed. The Town Manager explained funds were set aside for the salary increases of 2.5%. Those funds were not accounted for in the \$150,000 that would be remaining in contingency funds if this project were approved.

Councilman Barbour questioned how many emergency type events happen from October to July where contingency funds would be needed. The Town Manager responded that historically contingency funds were used for emergency type repairs like road wash outs due to flooding or greenway repairs. These examples are typically associated with hurricanes. The Town Manager stated since he could not predict what would happen in the spring of the year, it was his recommendation to not spend any more of the contingency funds until later in the fiscal year.

Councilman Barbour questioned if the greenway was closed at the embankment repair site. The Town Manager responded it was not closed because the asphalt pad had not been compromised. Staff has installed an orange fence between the greenway path and the river. Councilman Barbour further questioned if there was a potential short-term fix for that portion of the greenway. The Town Manager responded there was not a short-term fix. The path was not in danger of collapsing right now, but if it washed out more due to a flooding event, that could change.

Mayor Pro-Tem Dunn stated this was the same creek that has flooded numerous times and several houses have been damaged during the flood events. He questioned if this project would alleviate some of those issues. The Town Manager responded it was an ongoing problem in the area. This would alleviate some of the issues.

Councilman Rabil inquired as to the timeline of the grant. Mr. Wensman responded it was a three-year grant beginning September of 2019. If the project was approved tonight, it would be completed by the end of summer 2021.

Mayor Pro-Tem Dunn stated he was not comfortable having most of the contingency funds allocated this early in the fiscal year. He felt the greenway repairs should be addressed first since it appeared this project could be put on hold until later in the fiscal year. The Town Manager responded the Council did have time to decide when to move forward with this project, but it has been bid. The delay could mean the Town would lose the bidder or it could rebid the project and the bids received could be higher than the current bid.

Councilman Scott questioned the percentage of fund balance currently in the general fund. The Town Manager responded he believed it was around 90%. The fund balance was healthy and there were funds available, but staff was trying to stay within budget. Revenues for this fiscal year were reduced in order to reduce expenses due to COVID-19. Revenues could exceed expectations, but that was contingent on sale tax revenue. It was not a case of not having funds, but a case of staying within budget.

Mayor Pro-Tem Dunn stated if the Spring Branch project were to be postponed then staff could investigate other grant sources. The Town Manager responded staff has exhausted every possibility for grant funding of this project. The grantee will not provide additional funding.

Councilman Barbour stated the project wasn't as urgent as it originally appeared so it could be delayed. Mr. Wensman responded if the Town were to follow the timeline, the project would be completed by July or August. To the delay the project would mean the improvements would not be in place for the storm season.

Councilman Scott questioned how sure staff was that the second phase of the project would be funded. Mr. Wensman responded that prior to doing this project he was exploring a state trail grant to fund some of the additional trails. Mr. Wensman felt the second phase of this project could be funded by a State Trails grant and the Visitor's Bureau has committed funding.

Councilman Wood made a motion, seconded by Councilman Rabil, to approve the Spring Branch Community Restoration Project contract with KCI and contingency funds in the amount of \$100,500 would be used to complete Phase I of the project. Councilman Wood, Councilman Rabil and Councilman Barbour voted in favor of the motion. Mayor Por-Tem Dunn Councilman Lee, Councilman Stevens, Councilman Scott voted against the motion. The motion failed by a vote of 5 to 3.

Councilman Scott requested this item be placed on the November agenda. He further requested for staff to investigate other funding sources.

Councilmembers Comments:

- Mayor Moore commended DSDC Executive Director Sarah Edwards for the Third StrEATery event. Mayor Moore stated he had attended the event and encouraged everyone to attend one of the events if possible.
- Councilman Barbour informed the Council that due to COVID-19 the Annual Sky Fest was cancelled. Instead, there will be a fly over each Johnston County community conducted on Friday, October 9th. The F-15 planes will be seen over Smithfield at approximately 12:09pm.

Town Manager's Report:

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

- Expressed his appreciation to Town Attorney Bob Spence and his law firm for assisting the Town with the CDBG grant for legal services. The Town Manager explained staff was having a difficult time finding a law firm that was willing to assist the Town.
- Halloween – Staff is recommending that trick-or treating occur as normally schedule on Saturday, October 31st from 5:00 pm until 8:00 pm. The Town is asking citizens to not have events that would cause people to gather in one place; such as, haunted houses or trunk or treating. The Parks and recreation Department has suspended those types of events and have introduced two virtual events. If people want to be involved, they should turn their porch light on so trick or treaters will know that house is participating. If you do not want to participate, please leave your light off and shut your door. The Town is asking the trick or treaters to only go to the houses with lights on. The Police Department will have additional officers out that night safely handing out glow sticks.

Closed Session Pursuant to NCGS 143-318.11 (a)(1), (3) & (6)

Councilman Barbour made a motion, seconded by Councilman Wood, to enter into Closed Session pursuant to the aforementioned statutes. Unanimously approved at approximately 9:02pm

Reconvene in Open Session

Councilman Barbour made a motion, seconded by Councilman Wood, to reconvene in Open Session. Unanimously approved at approximately 12:10 am.

Recess

Councilman Barbour made a motion, seconded by Councilman Wood to recess the meeting until Tuesday, October 20, 2020 at 6:00 pm. Meeting recessed at approximately 12:11 am

ATTEST:

M. Andy Moore, Mayor

Shannan L. Parrish, Town Clerk