

The Smithfield Town Council met in regular session on Tuesday, November 1, 2016 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Emery Ashley, Mayor Pro-Tem  
Marlon Lee, District 1  
Travis Scott, District 3  
John A. Dunn, At-Large  
Stephen Rabil, At-Large

Councilmen Absent

J. Perry Harris, District 2  
Roger A. Wood, District 4

Administrative Staff Present

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

Present:

Bob Spence, Town Attorney

Administrative Staff Absent

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

**APPROVAL OF AGENDA:**

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

- Add to Presentations:
  - Item #2: South Smithfield Water District
  - Item #3 Service Awards

Unanimously approved.

**PRESENTATIONS:**

**1. FY 2015-2016 Audit**

Finance Director Greg Siler presented the Council with the FY 2015-2016 Audit.

*A copy of the FY 2015-2016 Audit is on file in the office of the Town Clerk.*

**2. South Smithfield Water District**

Public Utilities Director Ted Credle addressed the Council on the Smithfield South Water District. Mr. Credle explained that the Town received notification from the State that the drinking water exceeded the Trihalomethane (THM) limits. THM is a by-product of chlorine disinfectant. The increased THM limits were caused by increased temperatures and low demand for water in the summer. Mr. Credle further explained that the Town is combatting this issue by flushing the lines and increasing sampling of the water at various locations.

**3. Service Awards**

Mayor Moore explained that during his first year as Mayor he never anticipated the need to sign an emergency declaration caused by a natural disaster nor did he anticipate a horrific traffic accident on I-95 that almost caused a Town wide evacuation. He explained that he received many correspondences

thanking him for a job well done. To those he offered his appreciation, but explained that his job was easy. His job was easy because he works with a great Council and a great City Manager. His job was easy because he works with a group of professionals that are properly trained, dedicated and work tirelessly in their respective fields. Those professionals are Town employees and together they form a piece of the puzzle that makes Smithfield a great place to live, work and play. As a token of appreciation, the Town Council presented gift cards to each Department Head to be distributed to every full-time Town employee.

## **PUBLIC HEARING:**

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

### **1. Conditional Use Permit request by Victor Hugo Garcia Rizo (CUP-16-10)**

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

Planning Director Paul Embler addressed the Council on a request by Victor Hugo Garcia Rizo. The applicant was requesting a conditional use permit to allow for a residential use within a B-3 (Business) zoning district. The property considered for a conditional use permit is located on the southwest side of West Market Street approximately 190 feet southeast of its intersection with Park Avenue. The property is further identified as Johnston County Tax ID# 15077025.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the November 1, 2016 agenda packet.

The Planning Board, at its October 6, 2016 meeting unanimously voted to recommend approval of the conditional use permit to allow a residential use within a B-3 (Business) zoning district.

The Planning Department recommends approval of the request for a conditional use permit to allow for a residential use on property located within a B-3 (Business) zoning district.

Mayor Moore asked if the applicant was in agreement with the testimony provided by Mr. Embler. The applicant, Victor Hugo Garcia Rizo, responded he was in agreement with the testimony offered by Mr. Embler.

Mayor Moore asked if there were any comments/questions from those that had been duly affirmed to offer testimony. There were none.

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

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

## **The Written Finding of Facts**

Town Council of the Town of Smithfield decided the matter of the Conditional Use Permit Application by motion and vote on each of the following four findings of fact.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Scott, to vote in the affirmative to all of the below Finding of Facts. Unanimously approved.

- **Finding One of Four: Approved**

**Based on the evidence and testimony presented it is the finding of the Town Council that the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.**

The proposed residential land use at this location will not materially endanger the public were shown because the residential structure will not emit smoke, dust, odor or vibration and will not contain toxic material that may be harmful to adjacent properties or the area at large.

- **Finding Two of Four: Approved**

**Based on the evidence and testimony presented it is the finding of the Town Council that the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.**

The proposed residential land use at this location conforms to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinances. The existing structure was originally constructed for residential purposes and has adequate parking to serve the requested use.

- **Finding Three of Four: Approved**

**Based on the evidence and testimony presented it is the finding of the Town Council that the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.**

The proposed residential land use at this location will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses. Having a resident occupying this structure will have long term benefits to this property, adjacent properties and the area at large.

- **Finding Four of Four: Approved**

**Based on the evidence and testimony presented it is the finding of the Town Council that the application would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.**

The proposed residential land use at this location will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development. The property was originally intended to serve the residential needs of the area. The property is best suited for residential uses until such time that the property is designed and redeveloped for commercial uses.

### **Record of Decision: Approval of Conditional Use Permit Application # CUP-16-10**

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Scott, based upon satisfactory compliance with the above four 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 moved to approve Conditional Use Permit Application # CUP-16-10. Unanimously approved.

### **CITIZENS' COMMENTS:**

Peggy Scott, Chairperson for the Appearance Commission, informed the Council and the public about two endowments that could assist citizens with tree replacement due to damages caused by Hurricane Matthew. Mrs. Scott explained that the J.B. George and J.P. George Endowments allows for the planting of trees throughout the Town, in the right of ways, for beautification purposes. These trees are

offered at no cost to the citizens. She explained that if a citizen would like to add trees to their landscape along property lines in the right of ways, they should contact Public Works or Town Hall. The trees can be replaced or added with any kind of tree that is approved by the Appearance Commission and Public Works Director Lenny Branch.

## **CONSENT AGENDA:**

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

1. Approved the Minutes of the October 4, 2016 regular meeting and the October 4, 2016 closed session.
2. Approved the 5% promotion increase for the new Police Captain.
3. Approved the 5% promotion increase for the new Police Lieutenant.
4. Approved the 5% promotion increase for the new Police Sergeant.
5. Acceptance of Transportation Alternative Program (TAP) funding for sidewalk intersections to make them ADA compliant. Approval was also granted to use \$9,180.00 of general fund contingency funds as the Town's matching portion.
6. Adopted Ordinance #487 Declaring Road Closures for the Annual Christmas Parade, the Annual Christmas tree Lighting and the Annual Martin Luther King, Jr. Parade.

### **ORDINANCE # 487**

#### **AN ORDINANCE DECLARING ROAD CLOSURES FOR THE ANNUAL CHRISTMAS TREE LIGHTING, THE ANNUAL CHRISTMAS PARADE AND THE ANNUAL MARTIN LUTHER KING, JR. PARADE**

**WHEREAS**, the Town Council of the Town of Smithfield acknowledges a long tradition of providing an annual Christmas Parade and annual Tree Lighting Ceremony for the pleasure of its citizens; and

**WHEREAS**, the Town Council of the Town of Smithfield acknowledges a new tradition of providing an annual Martin Luther King, Jr. Parade for the pleasure of its citizens; and

**WHEREAS**, the Town Council of the Town of Smithfield acknowledges its citizens realize a financial benefit from holding these annual events; and

**WHEREAS**, the Town Council of the Town of Smithfield acknowledges each event requires approximately two hours to install signing and traffic control to be provided by the Smithfield Police Department, and also requires approximately two hours for removing signs, traffic control and litter.

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Smithfield pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the days and times set forth below on the following described portion of a State Highway System route:

#### **Annual Tree Lighting Ceremony**

Date: First Thursday of every December  
Time: 5:00 pm to 9:00 pm  
Route Description: North 3rd Street between Market Street and Bridge Street

#### **Annual Christmas Parade**

Date: Second Thursday of every December  
Time: 5:00 pm to 9:00 pm  
Route Description: Market Street (US70) from South 6th Street to South 2nd Street

**Annual Martin Luther King, Jr. Parade**

Date: Second Friday of every January

Time: 5:00 pm to 9:00 pm

Route Description: Market Street (US70) from South 6th Street to South 2nd Street

Duly adopted this the 1st day of November, 2016.

7. Approved various budget amendments

<u>November, 2016</u>			
<b>1. Revenue</b>			
30-3970-0700 Fund Balance Appropriation		\$ -	\$ 300,000
			\$ 300,000
<b>Expenditures</b>			
30-7220-7400 Capital Outlay-Digitized Mapping Portion \$50,000		\$ 385,000	\$ (30,000)
30-7200-9101 Transfer to W/S CAPITAL PROJECT FUND		90,000	165,000
30-7220-9101 Transfer to W/S CAPITAL PROJECT FUND		510,000	165,000
		<u>\$ 985,000</u>	<u>\$ 300,000</u>
			<u>\$ 1,285,000</u>
To establish and fund the Water/Sewer Asset Inventory and Assessment (AIA) Grant as approved at the October 4, 2016 Council Meeting			
<b>2. Revenue</b>			
45-3980-1401 Transfer From Water Fund		\$ 1,003,400	\$ 330,000
			<u>\$ 1,333,400</u>
<b>Expenditures</b>			
45-7200-7407 Water AIA		\$ -	\$ 165,000
45-7220-7418 Sewer AIA		-	165,000
		<u>\$ -</u>	<u>\$ 330,000</u>
			<u>\$ 330,000</u>
To establish and fund the Water/Sewer Asset Inventory and Assessment (AIA) Grant as approved at the October 4, 2016 Council Meeting			
<b>3. Revenue</b>			
40-3990-000 Fund Balance Appropriation		\$ -	\$ 2,476
40-3290-0001 Interst - J.P. George		-	185
		<u>\$ -</u>	<u>\$ 2,661</u>
			<u>\$ 2,661</u>
<b>Expenditures</b>			
40-4100-3300 J.B. George Projects		\$ 1,200	\$ 915
40-4100-3301 J.P. George Projects		-	1,746
		<u>\$ 1,200</u>	<u>\$ 2,661</u>
			<u>\$ 3,861</u>
To bring forward unspent interest resulting from call of investment			
<b>4. Revenue</b>			
10-3990-0000 Fund Balance Appropriation		\$ 760,118	\$ 17,000
			<u>\$ 777,118</u>
<b>Expenditure</b>			
10-4110-5718 Transfer to General Fund Capital Proj. Fund		\$ -	\$ 17,000
			<u>\$ 17,000</u>
To refund the Street Lighting Project. Was funded in FY16 but monies were not transferred			

8. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Police Officer I	Police	10-5100-0200	\$16.641/hr (\$37,209.95/yr)
P/T Admin Support Specialist	Planning	10-4900-0200	\$9.667/hr

Unanimously approved.

**BUSINESS ITEMS:**

**1. Approved bid award in the amount of \$39,991.89 with Superior Recreation for the acquisition and installation of playground equipment at Gertrude B. Johnson Park.**

Parks and Recreation Director Gary Johnson addressed the Council on a request to award the bid for acquisition and installation of playground equipment to Superior Recreation in the amount of \$39,991.89. Mr. Johnson explained that \$50,000 was appropriated in the capital line item for upgrades to Johnson Park. The Parks and Recreation Department sent a request for proposals to four suppliers: Barrs Recreation, LLC, Carolina Parks and Play, Cunningham Recreation and Superior Recreation of the Carolinas. Proposals were to meet the following criteria: A playground unit designed for ages 2-5, a playground unit designed for ages 5-12, an independent swing set structure and an independent climbing wall.

Bid submitted were as follows:

Barrs Recreation	\$38,583.00
Superior Recreation	\$39,991.80

Mr. Johnson further explained that although Barrs Recreation provided the lowest bid in regards to price, the proposal by Superior Recreation of the Carolinas provided more playground equipment for the additional amount. Remaining funds will be used for surfacing and other amenities.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Scott, to award the bid for acquisition and installation of playground equipment at the Gertrude B. Johnson Park to Superior Recreation in the amount of \$39,991.89 to be funded from capital line item 10-6200-7400. Unanimously approved.

**2. Authorization to apply for an AFG (Assistance to Firefighters Grant) to replace aging Air-Packs (SCBA's) and the Air compressor to fill them with, that are currently being used by the fire department.**

Fire Chief John Blanton addressed the Council on a request to apply for an Assistance to Firefighters Grant (AFG). Chief Blanton explained the AFG process opened on October 11th, 2016 and closes on November 18th, 2016. This grant allows Fire Departments to apply for equipment. The Smithfield Fire Department is seeking this grant opportunity to replace aging air packs and an aging air compressor. Specific equipment was as follows: 36 air packs which include 2 bottles and a mask for each pack, 15 additional masks, 1 station cascade compressor, and 1 rit pack (combined the additional with the price of the rit pack, 1-75min bottle, mask, and 10ft hose). This grant is a 95%-5% purchase, meaning the Town's responsibility would be 5% and the awarded amount of the grant would be 95%. The amount of the grant application would be \$419,953.00. The Town's responsibility, if awarded, would be \$20,997.00. Notification of grant awards should be received within an eight to twelve month process. If awarded, it would not affect the current budget. The aging equipment will have to be purchased in the upcoming budget years due to being noncompliant in the very near future.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Scott, to authorize the Fire Department to submit an application for the Assistance to Firefighters Grant (AFG). Unanimously approved.

**Councilmembers Comments:**

- Mayor Pro-Tem Ashley commended Town and County staff for their efforts during Hurricane Matthew and during the traffic incident on I-95.
- Councilman Scott explained that during power outages, intersections with traffic signals become dangerous. He asked that staff investigate ways to keep traffic lights operational during outages. Mayor Pro-Tem Ashley suggested that the proper way to proceed through a 4 way intersection be placed on the Town website.

- Councilman Scott also stated that relying on Duke Energy in a power outage situation is frustrating

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

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

- Streetscape Project – The project is now complete.
- Greenway Repairs – There is no additional damage to the greenway due to Hurricane Matthew. The contractor will undergo repairs when the water levels recede and water from Falls Lake is no longer being released.
- Government In Touch Meeting – The last meeting is scheduled for November 13<sup>th</sup> at the Smithfield Recreation and Aquatics Center
- Brogden Road Substation Transformer – The transformer has been set and will allow more customers to be removed from the Hospital Road substation.
- The Parks and Recreation Department received notification that the 2017 Tar Heel League Softball Tournament will be held at Community Park in July

- **Department Reports**

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

### **Closed Session: Pursuant to NCGS 143-318.11 (a) (5)**

Councilman Dunn made a motion, seconded by Councilman Rabil, to go into closed session pursuant to NCGS 143-318.11 (a) (5) to consult with the Town Attorney. Unanimously approved at 8:24 pm.

### **Reconvene in Open Session:**

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Dunn, to reconvene in open session. Unanimously approved at 9:11 pm.

### **Adjourn**

There being no further business, Mayor Pro-Tem Ashley made a motion, seconded by Councilman Scott, to adjourn the meeting. Unanimously approved.

The meeting adjourned at 9:11 pm.

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M. Andy Moore, Mayor

ATTEST:

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Shannan L. Williams, Town Clerk