

The Smithfield Town Council met in regular session on Tuesday, July 12, 2016 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor Pro-Tem Emery D. Ashley presided.

Councilmen Present:

M. Andy Moore, Mayor 8:06
Marlon Lee, District 1
Travis Scott, District 3
Roger A. Wood, District 4
Ted Credle, Public Utilities Director
John A. Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

J. Perry Harris, District 2

Administrative Staff Present

Michael Scott, Town Manager
Jim Freeman, Interim Town Manager
John Blanton, Fire Chief
Lenny Branch, Public Works Director
Paul Embler, Planning Director
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources/PIO
R.K. Powell, Interim 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:

- Remove Consent Agenda Item #2: *Special Event – Street Crusade: The Applicant, Andrea Hinnant of Blessed by God Ministries, was seeking approval to hold a street crusade (parade) with amplified sound on Saturday, July 16, 2016 from the hours of 11:00 am until 2:00 pm. This was removed at the request of the applicant*
- Remove Consent Agenda Item #9: *Approval of an agreement renewal with Lane Lawn Care for Town right of ways, I-95 exits and Water Plant facilities. This item will be placed on the August 2, 2016 agenda.*

Unanimously approved.

PRESENTATIONS:

1. Life Savings Awards presented to Lt. Ryan Sheppard and Officer Sean Cook.

Mayor Pro-Tem Ashley and Interim Chief of Police R. Keith Powell presented Lieutenant Ryan Sheppard and Officer Sean Cook with Life Saving Awards for their actions on January 30, 2016 that resulted in the saving of a life.

PUBLIC HEARING:

1. Conditional Use Permit request by Grodproductions (CUP-16-04)

Town Clerk Shannan Williams affirmed those that wished to offer testimony during the Public Hearing.

Councilman Wood made a motion, seconded by Councilman Rabil, to open the Public Hearing. Unanimously approved.

Planning Director Paul Embler addressed the Council on a request by Grodproductions. The applicant was requesting a conditional use permit to conduct a studio for the performing arts on property located within a B-2 (Business) zoning district. The property considered for approval was located on the south

side of East Market Street approximately 200 feet southeast of its intersection with Brightleaf Boulevard. The property is further identified as Johnston County Tax ID # 15027026.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the July 12, 2016 agenda packet.

The Planning Board, at its June 2, 2016 meeting, unanimously voted to recommend approval of the conditional use permit request for a recording studio on property located within a B-2 zoning district with the following condition of approval:

1. The hours of operation are set at 12:00 P.M. - 9:00 P.M.

The Planning Department recommends approval of the request for a conditional use permit to allow for the operation of a recording studio on property located within a B-2 (Business) zoning district.

Mayor Pro-Tem Ashley asked if there were any comments/questions from those that had been duly affirmed to offer testimony.

The applicant Gerald Sanders stated that he was in agreement with the testimony offered by Mr. Embler.

Mayor Pro-Tem Ashley asked if there were any questions from Council.

Councilman Wood questioned if the applicant had any discussions concerning the proposed business with the resident that is located above the studio. Mr. Sanders responded that he had spoken with the resident and assured that there would be no adverse effects to the resident.

Councilman Scott questioned if the applicant was in agreement with the Planning Board's hours of operation recommendation. Mr. Sanders responded that those times worked well for him.

Councilman Lee questioned if the applicant has any discussions with the funeral home that is adjacent to the property. Mr. Sanders stated that he would speak with the owner of the funeral home. He further explained that he would be very respectful and limit his operation during funeral services.

Councilman Wood made a motion, seconded by Councilman Rabil, to close the Public Hearing. Unanimously approved.

The Written Finding of Facts

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

Councilman Dunn made a motion, seconded by Councilman Lee, 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 studio for the performing arts at this location will not materially endanger the public were shown because the site has existing parking available and layout of the site facilitates safe movement of automobiles and pedestrian traffic with little additional congestion.

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 studio for the performing arts this location conforms to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinances providing a conditional use permit is secured and a valid zoning permit issued.

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 studio for the performing arts 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 providing noise does not exceed the published noise ordinance standards.

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 studio for the performing arts 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 proving all minimum development standards are met to include minimum parking standards.

Record of Decision: Approval of Conditional Use Permit Application # CUP-16-04

Councilman Scott made a motion, seconded by Councilman Lee, that 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-16-04 with the Planning Board's recommendation to limit the hours of operation to 12:00 pm – 9:00 pm. Unanimously approved.

CITIZENS' COMMENTS:

- Paul Emblar on behalf of Greater Vision Worship Center & the Church of God of Prophecy requested that the Council allow the church to hold a special event on July 31, 2016 at Smith Collins Park. Mr. Emblar explained that the request was submitted to the Town after the agenda had been distributed to the Council. Karin Villa of Greater Vision Worship Center explained that there would be a short service with amplified sound followed by a picnic and fun day.

Councilman Rabil made a motion, seconded by Councilman Wood, to approve the Special Event Request to be held on July 31, 2016 in Smith Collins Park between the hours of 8:00 am and 4:00 pm. Unanimously approved.

- Antoine Williams of 306 Cedar Drive questioned if there would be any type of buffer or barrier on Old Goldsboro Road between the residence and the business that is being constructed.

Planning Director Paul Embler explained that the business owner had submitted a site plan that includes a buffer with a screen wall at the rear of the property to include a combination of plant materials and a wood/brick wall. Mr. Embler further explained that the plant material at full maturity would create a natural screen between the residence and the business on Old Goldsboro Road. Mr. Embler provided a copy of the site plan to those in attendance.

- Michael Reddick of 3433 Dutchman Road, Raleigh NC questioned the amount of funds that were reported to have been spent at Smith Collins Park.

Town Manager Michael Scott responded that he would provide Mr. Reddick with a copy of the accounting of expenditures for improvements at Smith Collins Park.

- Tim Johnson of 206 Walnut Drive expressed his appreciate to the Town Manager for conducting the Government in Touch meeting in the East Smithfield District. Mr. Johnson explained that a lot of parks in Smithfield had been neglected due to funding. He suggested that the Town devise a plan to improve all the parks in Smithfield. He suggested that the Town consider revising the Parks Master Plan.

CONSENT AGENDA:

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

1. Approved the following Minutes:

May 23, 2016 – Budget Work Session
June 1, 2016 – Budget Work Session
June 7, 2016 – Regular Meeting
June 7, 2016 – Closed Session
June 20, 2016 – Budget Work Session

2. Special Event –Smith Collins Park Softball Games: The applicant, Marlon Lee, gained approval to hold community softball games with amplified sound every Sunday from July 17, 2016 until September from the hours of 4:00 pm until 9:00 pm. in Smith Collins Park.
3. Career Ladder Promotion – Public Utilities/Water Plant: Approval to promote a Water Plant Trainee to the position of Water Plant Operator I due to obtaining class C certification. Certification was obtained August 27, 2015, therefore back pay in the amount of \$1,149.20 to be paid in addition to the salary increase.
4. Approval of an agreement with One Source Document Solutions in the amount of \$25,580.00 to update the Laserfiche software.

(Attached by reference and made a part of these official minutes is a copy of the approved agreement with One Source Document Solutions.

A copy is on file in the Office of the Town Clerk

Agreement – 2016: One Source Document Solutions – Laserfiche)

5. Approval of an agreement with Municipal Code Corporation to perform a legal review of the Town's Code of Ordinances.

(Attached by reference and made a part of these official minutes is a copy of the approved agreement with Municipal Code Corporation

A copy is on file in the Office of the Town Clerk

Agreement – 2016: Municipal Code Corporation)

6. Approval of an agreement renewal with Grid One Solutions to perform utility meter reading services.

*(Attached by reference and made a part of these official minutes is a copy of the approved agreement with Grid One Solutions
A copy is on file in the Office of the Town Clerk
Agreement – 2016: Grid One Solutions)*

7. Approval of an agreement renewal with Lane Lawn Care for Parks and Recreation facilities.

*(Attached by reference and made a part of these official minutes is a copy of the approved agreement with Lane Lawn Care
A copy is on file in the Office of the Town Clerk
Agreement – 2016: Lane Lawn Care – Parks and Recreation Facilities)*

8. Approval of Amendments to the Fee Schedule.

*(Attached by reference and made a part of these official minutes is a copy of the approved 2016-2017 Fee Schedule
A copy is on file in the Office of the Town Clerk
Budget Ordinance & Fee Schedule – FY 2016-2017)*

9. New Hire Report

Position	Department	Budget Line	Rate of Pay
Firefighter I	Fire	10-5300-0200	\$14.88/hr (\$32,497.92/yr)
Police Officer I	Police	10-5100-0200	\$15.27/hr (\$34,143.72/yr)
Pump Station Mechanic	PU – Water/Sewer	30-7220-0200	\$13.49/hr (\$28,059.20/yr)
P/T Laborer	PU – Water/Sewer	30-7220-0200	\$8.00/hr
P/T Lifeguard	P&R – Aquatics	10-6220-0220	\$7.50/hr
P/T Lifeguard	P&R – Aquatics	10-6220-0220	\$7.50/hr
P/T Lifeguard	P&R – Aquatics	10-6220-0220	\$7.50/hr
P/T Instructor	P&R – Aquatics	10-6220-0230	\$9.00/hr
P/T Instructor	P&R – Aquatics	10-6220-0230	\$10.00/hr
P/T Instructor	P&R – Aquatics	10-6220-0230	\$15.00/hr
P/T Instructor	P&R – Aquatics	10-6220-0230	\$17.50/hr

Unanimously approved.

BUSINESS ITEMS:

1. Approval of Resolution # 590 (17-2016) Conveyance of Surplus Property to the Town of Wilson’s Mills

Interim Chief of Police R. Keith Powell addressed the Council on a request to allow the Police Department to surplus 2 K-9 cages retrofitted to the Chevrolet Impala patrol vehicles. Chief Powell explained that these cages cannot be used in the new K-9 vehicles because they are constructed to fit a specific vehicle. Chief Powell further explained that the Wilson’s Mills Police Department has sought consideration that these items be conveyed to their governmental unit enabling them to begin a K-9 program in their Municipality. NCGS 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration.

Councilman Scott made a motion, seconded by Councilman Rabil, to approve the request and Resolution #590 (17-2016). Unanimously approved.

TOWN OF SMITHFIELD RESOLUTION # 590 (17-2016)
Approving Conveyance of Property to
Another Unit of Government in North Carolina
Pursuant to NC G.S. 160A-274

WHEREAS, the Town of Smithfield owns 2) K-9 cages that were fitted for the Police Department's Chevrolet impala vehicles that were utilized by the K-9 Officers; and

WHEREAS, the Town of Smithfield can no longer utilize this property because new vehicles were purchased for the K-9 Officers and the cages are built specific for the new vehicle; and

WHEREAS, the Wilson's Mills Police Department has express interest in this property to begin a K-9 Program in their Municipality; and

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, the Town of Smithfield has determined that it is in the best interest of the Town to convey the K-9 cages to the Town of Wilson's Mills, and deems it wise to do so for no consideration.

THEREFORE, THE SMITHFIELD TOWN COUNCIL RESOLVES:

1. The Town of Smithfield hereby conveys to the Town of Wilson's Mills the following property: 2) K-9 cages
2. The property herein described shall be conveyed for no consideration.
3. The Mayor or his designee is authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

2. Bid Award to T & D Solutions for the installation of the additional transformer at the Brogden Road Substation in the amount of \$181,111.00

Public Utilities Director Ted Credle addressed the Council on a request to award the bid to T & D Solutions for the installation of the additional transformer at the Brogden Road Substation. Mr. Credle explained that plans and specifications were developed by Booth & Associates and Town Staff for the installation of the second transformer at the Brogden Road substation. These bid documents were dated June 13, 2016. Bid advertisements were then issued on June 10 for a bid opening on June 28, 2016, for this project. Bids were opened at 2:00 p.m. on June 28, 2016. Bids were received from T&D Solutions, Inc. in the amount of \$181,111.00 and from Coastal Power in the amount of \$274,680.00.

It was staff's recommendation to award the bid to T & D Solutions in the amount of \$181,111.00.

Councilman Scott questioned if T & D Solutions had previously performed work for the Town. Mr. Credle responded they had.

Councilman Dunn a motion, seconded by Councilman Wood, to award the low bid to T&D Solutions, Inc. for the installation of the transformer and associated equipment at the Brogden Road substation, per the project plans & specifications, in the amount of \$181,111.00. Unanimously approved.

3. Bid Award to Lekson Associates for the purchase of the relay cabinet at the Brogden Road Substation in the amount of \$ 34,082.00.

Public Utilities Director Ted Credle addressed the Council on a request to award the bid to Lekson Associates for the purchase of the relay cabinet for the Brogden Road Substation in the amount of \$34,082.00. Mr. Credle explained that plans and specifications were developed by Booth & Associates and Town Staff for the purchase of the second relay cabinet for the second transformer at the Brogden Road substation. These plans were dated May 5, 2016. Bid advertisements were then issued on June 10 for a bid opening on June 28, 2016, for this project. Bids were opened at 2:00 p.m. on June 28, 2016. Bids were received from the following: Lekson Associates in the amount of \$34,082.00; Kemco Industries in the amount of \$35,672.00; and Atlantic Power Sales in the amount of \$ 3,137.00

It was staff's recommendation to award the bid to Lekson Associates in the amount of \$34,082.00

Councilman Wood made a motion, seconded by Councilman Dunn, to award the bid to Lekson Associates for the purchase of the relay cabinet at the Brogden Road substation, per the project plans & specifications, in the amount of \$34,082.00. Unanimously approved.

4. Downtown Smithfield Development Corporation request to refinance Streetscape Loan for a lower interest rate payment and consider alternative options on arrears. Update on the 2006 Streetscape Loan

Interim Town Manager Jim Freeman provided the Council with an accounting of the 2006 USDA Streetscape Loan. Finance Director Greg Siler explained Mr. Siler explained that in 2006, at the request of the Downtown Smithfield Development Corporation (DSDC), the Town of Smithfield borrowed \$250,000 for streetscape improvements. The loan was to be repaid by DSDC over 30 years at 4.25% with annual payments of \$15,125. He further explained that in 2012, the DSDC Executive Director Chris Johnson requested that three years of payments to the streetscape loan be forgiven to allow for repairs to the completed at the Hastings House. At that time, the Council decided to defer one payment. This was never conveyed to the DSDC. The DSDC did not make the three payments for which they believed had been forgiven. Mr. Siler explained that once the discrepancy was discovered, the DSDC provided the following three options:

1. Forgive the missed payments, recognizing the value added to Town property (Hastings House) through DSDC's improvements.
2. Add the missed payments to the end of the loan and reduce the rate of interest, thereby reducing the amount of the annual payment.
3. Have DSDC pay the missed payments, then reduce the rate of interest and lower the remaining payments.

DSDC Executive Director Sarah Edwards explained that the DSDC would not have completed any of the improvements to the Hastings House if the board had known that the streetscape payments had not been forgiven.

Mr. Siler explained that this loan was paid off by the Town in 2016. He further explained that the Town could refinance the principal balance amount of \$221,961.30 at an interest rate of 2.25% for the remaining term of 24 years. The DSDC's annual payment would be reduced by \$3,052.78 for an annual payment of \$12,072.22. This would save the DSDC \$73,266.72 over the remaining life of the loan.

Councilman Scott made a motion, seconded by Councilman Wood to have the DSDC pay the two missed payments in the amount of \$ 30,250 and refinance principal balance amount 221,961.30 at an interest rate of 2.25% for the remaining term of 24 years. Unanimously approved.

5. Approved the purchase property located at 116 South Fifth Street

Town Manager Michael Scott addressed the Council on a request to purchase the property located at 116 South 5th Street. The Town Manager explained that during previous discussions with the Town Council, Town staff was given authority to negotiate the purchase of property at 116 South 5th Street, Smithfield. The Town Manager met with the property owner and had negotiated a price of \$25,000 to purchase the property in its present condition. Demolition of the house and outbuilding must take place on the property as soon as feasible after taking ownership. It was recommended the Town purchase the property, as 116 South 5th Street shares property boundaries on all sides with Town owned property. The property would be necessary for future expansion of the police department or to add additional parking for either the police or fire personnel. The Town Manager further explained that money was originally placed into the police department budget (\$35,000) for matching funds for two traffic officers. The Town has since received notice that the department was not successful in its grant application. A budget amendment accompanied this request to use this \$35,000 for the purchase of the 116 South 5th Street property and the necessary demolition of the buildings.

Councilman Rabil made a motion, seconded by Councilman Wood, to approve the purchase of the property located at 116 South Fifth Street in Smithfield in the amount of \$25,000. Unanimously approved.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Rabil, to approve the budget amendment for the purchase of the property and the demolition of the current dwelling. Unanimously approved.

July Budget Amendment

1. Expenditures				
10-5100-0201	Police – Traffic Grant Team/Equip	\$35, 000	\$(35,000)	\$ 0
10-5100-7400	Police- Capital Outlay	\$154,500	\$35,000	\$189,500
		\$189,500	\$0	\$189,500

To fund the purchase and demolition of property (116 S. Fifth Street) next to police department

Councilmembers Comments:

- Councilman Lee offered condolences to the families of James Holder, Nezzie Sanders and Ronald Cox. Mr. Lee expressed his appreciation to everyone that attended the Government in Touch District 1 meeting at Johnston Community College.
- Councilman Scott stated that a Government in Touch meetings should be held in all Town districts.
- Mayor Moore explained that he had just returned from Covington, GA where he and others from the area met with local officials. He explained that this area was very similar to Smithfield and the local officials of Covington had been very successful in the growth and development of the Town.

Town Manager’s Report:

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

- Police Chief Hiring Process– Questionnaires have been sent and a second review will be completed by mid –July.
- The Police Department Traffic grant – The Town was recently notified that it did not receive this grant.
- The new website was recently launched.
- Three firefighters have been hired

- Smithfield Crossings Project – The final reimbursement of \$250,000 has been submitted. Once received, this will close out the project.

Councilman Lee questioned if there was any progress on the Pine Acres buffer. The Town Manager responded that the Town's Engineer has spoken with Mr. Etheridge and they will meet within the next coming weeks.

- **Department Reports**

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

Closed Session: Pursuant to NCGS 143-318.11 (a) (6)

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Wood, to go into closed session pursuant to NCGS 143-318.11 (a) (6) to discuss several personnel matters. Unanimously approved at 8:15.

Reconvene in Open Session:

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Scott, to reconvene in open session. Unanimously approved at 10:17pm.

Adjourn

There being no further business, Councilman Dunn made a motion, seconded by Councilman Rabil, to adjourn the meeting. Unanimously approved.

The meeting adjourned at approximately 10:18 pm.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Williams, Town Clerk