

The Smithfield Town Council met in regular session on Tuesday, December 6, 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
J. Perry Harris, District 2
Travis Scott, District 3
Roger A. Wood, District 4
John A. Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Marlon Lee, District 1

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:

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, to approve the agenda with the following amendments:

- *Add a Closed Session pursuant to NCGS 143-318.11 (a) (6) to discuss a personnel matter.*
- *Add Business Item #5 Consideration and Approval for the repairs of Vermont Street and Laurel Drive due to damages sustained during Hurricane Matthew.*

Unanimously approved.

PRESENTATIONS:

1. Oath of Office to Administrative Captain Ryan Sheppard

Mayor Moore administered the Oath of Office to newly promoted Police Captain Ryan Sheppard.

2. Oath of Office to Police Lieutenant Samuel Jones

Mayor Moore administered the Oath of Office to newly promoted Police Lieutenant Samuel Jones.

3. Oath of Office to Police Sergeant Richard Conerly

Mayor Moore administered the Oath of Office to new promoted Police Sergeant Richard Conerly.

4. Economic Development Update

Economic Development Liaison Tim Kerigan and Sanford Holshouser Consultant Rocky Lane updated the Council on the economic development efforts of the Town. Mr. Lane explained that he and Mr. Kerigan began with the plan of work. They met with community and business leaders as well as the Smithfield Economic Development Advisory Committee (SEDAC). Outlined in the plan of work

were the following categories: Internal and external marketing, business retention and expansion, Town image, visioning and branding, product development, downtown redevelopment and retail development.

Internal and External Marketing: Mr. Lane and Mr. Kerigan met with Brenda Daniels from ElectriCities. Mr. Lane explained that ElectriCities offers two grant programs. There is an annual \$7,000 no restrictions and no match grant for economic development efforts and there is an annual \$4,000 no restrictions, one to one matching grant. Mr. Kerigan and Mr. Lane will meet with Ms. Daniels and the vice president of marketing to discuss marketing efforts for the Town.

Business Retention and Expansion: Mr. Lane explained that he and Mr. Kerigan have developed a list of potential businesses and will meet with them in early 2017.

Town Image: Mr. Lane explained that he and Mr. Kerigan have identified areas of improvement.

Visioning and Branding: Mr. Lane explained that the SEDAC wanted to focus on visioning and branding the Town.

Product Development: Mr. Lane explained that during several meetings potential industrial sites were identified. Consideration for a former certified site should be brought forward as an industrial site.

Downtown Redevelopment: Mr. Lane explained that he and Mr. Kerigan met with Sarah Edwards Executive Director of the Downtown Smithfield Development Corporation to discuss the old Town Hall. That building was discussed with Ms. Daniels because of her expertise in redevelopment.

Johnston Community College and Residential Development: Mr. Lane explained that he and Mr. Kerigan would like to meet with Dr. Johnson to discuss how the Town can leverage the Community College and assist with housing for college staff and students.

Retail Development: Mr. Lane explained that ElectriCities partners with a retail development national consultant who performs GAP analysis to determine which retail businesses should be recruited to locate to Smithfield.

Mr. Kerigan informed the Council that he has been visiting with local businesses. He also informed the Council that he has been working with the Planning Department and both he and Planning Director Paul Embler have received a lot of positive feedback.

Mayor Pro-Tem Ashley questioned if Mr. Lane and Mr. Kerigan were working with the Chamber. Mr. Kerigan responded that the Chamber has been assisting with the economic development efforts.

Councilman Scott inquired what the grants could they be used for. Mr. Lane responded that the grant funds could be used for anything marketing and economic development related.

Mayor Moore asked that a written report be provided to the Council. Mayor Moore asked Mr. Lane if in his opinion the proposed jail site was the best use of the property. Mr. Lane responded that based on his limited knowledge of the project, it does not appear to be the highest and best use of the property.

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 Oakey Grove Missionary Baptist Church (CUP-16-11)

Councilman Harris 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 Oakey Grove Missionary Baptist Church. The applicant was requesting a conditional use permit to allow for a daycare center on a .85 acre tract of land and located within a B-3 (business) zoning district. The property considered for a conditional use permit was located on the northwest side of the intersection of US Hwy 70 Business and Little Creek Church Road. The property was further identified as Johnston County Tax ID# 15J08009I.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the December 6, 2016 agenda packet.

The Planning Board, at its November 3, 2016 meeting, unanimously voted to recommend approval in accordance with the finding of fact for a conditional use permit to allow for a daycare facility within a B-3 (Business) zoning district.

The Planning Department recommends approval of the request for a conditional use permit to allow for a daycare facility 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, Charles Pulley, 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.

Councilman Rabil made a motion, seconded by Councilman Harris, 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 Wood, 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.

Establishing a daycare center at this site will not endanger the public health, safety, or general welfare. The requirements that the state is mandating will mitigate any such dangers.

- **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.

It is the applicant's intent that the property will meet all state and local ordinance conditions and specifications.

- **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 use will not adversely affect the use or any physical attributes of adjoining or abutting property. Property is located on the corner of 70 Bus Hwy and Little Creek Church Road. Property is adjacent to a field housing cows and near the property line of a parking lot of Johnston Union Baptist Church, directly across the street is undeveloped property.

- **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 location and character of the use will be in harmony with the area in which it is to be located. The conditional use shall demonstrate conformance to the Land Use Plan. It will not impact other projects as required by GS 160A-382(b).

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

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, 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 move to recommend approval of Conditional Use Permit Application # CUP-16-11. Unanimously approved.

2. Conditional Use Permit request by Amalia Felix Mireles (CUP-16-12)

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

Planning Director Paul Embler addressed the Council on a request by Amalia Felix Mireles to allow for an automotive repair facility with tire sales on a 1.1 acre tract of land located within a B-3 (Business) zoning district. The property considered for a conditional use permit was located on the southwest side of the intersection of South Brightleaf Boulevard and Wal-Pat Road and further identified as Johnston County Tax ID# 15A61047D

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the December 6, 2016 agenda packet.

The Planning Board, at its November 3, 2016 meeting, unanimously voted to recommend approval in accordance with the finding of fact for a conditional use permit to allow for an automotive repair facility within a B-3 (Business) zoning district.

The Planning Department recommends approval of the request for a conditional use permit to allow for an automotive repair facility 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, Amelia Felix Mireles, responded she 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.

Councilman Wood questioned if the parking lot would be paved. Mr. Emblar responded that the applicant would have to meet all the paving requirements of the Unified Development Ordinance. Mr. Emblar clarified that the site plan submitted was a master plan to be completed in three phases.

Councilman Scott questioned if the existing building would be demolished in phase one of the project or if it would be reconstructed. Mr. Emblar responded that the existing building has been condemned. The site plan shows demolition of the existing building and construction of a new building.

Councilman Harris questioned if the site plan incorporates additional phases with additional parking. Mr. Emblar explained that the applicant will not be able to use any parking spaces unless they are in compliance with the UDO. During phase one, the parking will accommodate employee parking, customer parking and six additional spaces.

Councilman Harris questioned why there would be no egress or ingress from Wal-Pat road. Mr. Emblar explained that NCDOT most likely dictated that there could be no entrances or exits.

Due to some confusion on the site plan that was submitted, Engineer Brian Leonard explained that the site plan submitted was a master plan to be completed in three phases. The objective was to have to Council approve the conditional use permit with the submitted site plan to avoid the need to reappear before the Planning Board and Town Council for an additional approval. Mr. Leonard assured the Council that any parking spaces would comply with the UDO.

Mr. Emblar explained that the purpose of master planning is to totally plan the site. If the applicant changes anything with the submitted plan, she must come back to the Town Council for approval.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, 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 site layout and building plans shall be designed and subsequently approved by all applicable agencies, including the Town of Smithfield. Therefore, all applicable engineering guidelines and principles will be followed for designing and constructing a safe, functioning facility. The use itself will benefit the general welfare by providing a viable need to the public for automobile repair.

- **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.

As described above, the site layout and building plans will be designed and approved by all applicable agencies. The applicant intends to obtain all approvals and/or permits as required, beginning with this Conditional Use Permit request. The approval/permitting process with various agencies/departments includes, but is not limited to, NCDOT Driveway approval; site plan approval and zoning permit by Planning Department; utility approval/inspections of water/sewer services by Public Works; Building Permit by Inspection Dept; NC Erosion Control approval (if required); and any other approvals/permits as required. The use itself will be operated by the owner in accordance with all local or state regulations as required..

- **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 site layout and subsequent construction will physically take place within the overall property boundary of the site and along the property frontage. As mentioned in the applicant's statement above, the proposed use is actually "allowed" in the current zoning district, however, the associated use of "tire sales" requires a conditional use permit. The applicant intends to comply with any special conditions or requirements that are typically imposed for tire sales/storage at other similar uses, for the purpose of minimizing any impact to adjacent properties.

- **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 adjacent properties to this site are like-zoned and this auto repair use would be consistent with other allowed uses in this zoning district. In fact, another auto repair shop is located directly adjacent to the site. As stated previously, the proposed use is allowed in this zoning district, making it compatible with the surrounding area; however, its association with tire sales is the sole reason for this conditional use permit request. Therefore, as the applicant demonstrates compliance with the Town's requirements for tire sales, then this use would be in harmony with the surrounding area, and in compliance with all other zoning requirements.

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

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, 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, move to recommend approval of Conditional Use Permit Application # CUP-16-12 as proposed in the site plan submitted to the Council. Unanimously approved.

CITIZENS' COMMENTS:

- Rick Childrey, President of the Greater Smithfield Selma Chamber of Commerce, spoke on behalf of the Board of Directions, stating its opposition for the selected site for the County law enforcement center. He read the below statement from the Chamber.



Smithfield-Selma Chamber "position" on potential sites for the proposed new Johnston County: Law Enforcement Center.

The Smithfield-Selma Chamber of Commerce does not support the selection of the Buffalo Road site for a future Law Enforcement Center. The Chamber recognizes the need for an updated and expanded law enforcement center and appreciates the efforts to maximize efficiency; however, as a business membership organization, the Smithfield-Selma Chamber of Commerce is focused on positive economic growth and job creation in the greater Smithfield-Selma area. The proposed location of the Law Enforcement Center does not promote economic growth or job creation. The close proximity to three schools, recreational facilities, shopping, and the new \$1.8 billion Novo Nordisk expansion makes the Buffalo Road site highly suitable site for upscale residential and/or retail use and highly unsuitable for use as a Law Enforcement Center. The Chamber encourages county and town leaders to review other sites, particularly those the county already owns more suitable for a Law Enforcement Center.

Mayor Pro-Tem Ashley questioned if the Chamber had presented its statement to the County Commissioners. Mr. Childrey responded that the statement had been disseminated to the Chamber members. Mayor Pro-Tem Ashley also questioned if the County Commissioners consulted the Chamber on the proposed location. Mr. Childrey responded that they were not consulted and only met with the Commissioners after it was requested by the Chamber.

Councilman Harris questioned which property already owned by the County should be used for the law enforcement center. Mr. Childrey stated that the County owns land near the landfill. Mr. Childrey also suggested that other sites could be reviewed for potential relocation. Mr. Childrey further stated that Smithfield was eight miles from the Novo Nordisk expansion site and due to the enormity of that project; it would have a ripple effect on surrounding areas.

Councilman Scott expressed his appreciation to Mr. Childrey for his service to the Chamber. He encouraged teamwork among the Chamber, the Town and the County. Mr. Childrey responded that there is definitely a need for the jail facility and he was certain that by working together, they could find a good location where it would be beneficial to Smithfield and the County.

Councilman Harris explained that months ago, there were conversations about the proposed location of the jail facility. In September, a few members of the Council along with members of the Chamber met with members of the County Commissioners whereby 8- 10 potential sites in the area were presented to the County Commissioners for consideration. The Sheriff wants to keep the jail facility as close to the courthouse as possible.

- Jacob Whittington, a freshman at Smithfield Selma High School (SSS), expressed his opposition to the proposed jail location. He explained that SSS already has a negative reputation in the county and the proposed jail would only add more negativity.
- Antonio McDaniel, a senior at Smithfield Selma High School, expressed his opposition to the proposed jail location. He asked who would want to go to a school near the jail. He stated that the homes that could be built near the school would bring more money back into the community and the school. He further stated that if he was a parent, he would not allow his children to attend a school that was in close proximity to the county jail.
- Susan Augustyn of 36 Brookwood Drive expressed her opposition to the proposed jail location. She explained that she received no notification from the County that there was an offer on the proposed property. Ms. Augustine expressed her concerns about the potential economic impact the jail would have on the Town of Smithfield. If the County moves forward

with this location, the Town would not receive any tax revenue. She further stated that the Town Council has the duty not to rezone the land for the jail site.

- Deanna Augustyn explained that she was a parent of three children in Wilson's Mills Elementary where she volunteers every day. She expressed her opposition to the proposed jail location. She explained that when she and her husband were in the market to buy a home, they initially did not want to reside in Smithfield because of the reputation of Smithfield Selma High School (SSS). She explained that one day her children along with 505 children currently enrolled in Wilson's Mills Elementary School will be SSS students and she wants them to be better than the school's reputation. She explained that we are not bettering ourselves or our reputation by allowing a jail to be built so close to the schools.
 - Mayor Moore stated that Ms. Augustine was a perfect example of people moving to the community and getting involved. He explained that we need more people to get involved in the community.
- Jana Faulkner expressed her opposition to the proposed jail location. She explained that she is a teacher and an advocate for the young people. She explained that the County has made a decision about the jail location and the Smithfield Selma community was never considered. She asked the Town Council to support the area schools and not the proposed jail location.
- Jeff Navaro of 502 West Wellons Street expressed his opposition to the proposed jail location. Mr. Navaro explained that he currently serves as the chairman of the Chamber's Economic Development Committee. He further explained that there was a need for a new jail facility, but the proposed site was not conducive for the proposed use. He explained that when the Mountain to Sea Trail is completed, the trail will be constructed directly through this property. Those frequenting the trail will be faced with the outdoor recreational area of the jail and the inmates that will be utilizing it.
- Nichole Booker of 309 North Second Street explained that she is a local attorney with children that attend the Neuse Charter School. She expressed her opposition to the proposed jail location and offered any assistance to the Council. She implored the Council not to allow the fear of what the County Commissioners could do to force them into a decision that was not in the best interest of Smithfield.
- Ida Morton Director of CopTube located at 333 East Market Street, explained that the program was designed as a bridge between law enforcement and the community in an effort to deter crime. She suggested that all involved parties discuss this issue together.
- Rick High a native of Raleigh and gang educator stated that locating a jail near all the schools does not make any sense.
- Steve Hart of 1374 Buffalo Road expressed his opposition to the proposed jail location stating that the children on their way to and from school should not have to see the comings and goings of inmates.
- Ken Langston of 2255 Buffalo Road explained that he had the good fortune of building shopping centers and never did he go into a community and ask where the county jail was so he could build a shopping center next to it. He stated that it was irresponsible for both boards to approve this site because of the potential for tax revenue for the County and Smithfield. He suggested that the County consider a courthouse development in the Downtown area therefore there would be no need to bus inmates from the jail to the courthouse. Mr. Langston further explained that he resides on Buffalo road and does not want inmates as his neighbors.
- Omar McKnight a Smithfield Selma High School graduate and current resident of Winston Salem asked if the County was trading education for incarceration. He explained that the youth of the area need positive influences and more programs should be made available to them. He suggested that the proposed funding for new police vehicles be used for youth programs.

- David Stevens of 709 South Crescent Drive expressed his opposition to the proposed jail site. He asked those in audience to raise their hands if they were in agreement with the proposed jail location. No one raised their hands.
- William Ragsdale stated that he has been a resident for seventy years and he has watched this Town change and grow. He explained that the citizens do not need any more land in Smithfield to go tax free. Currently, the NCDOT will be constructed a road that will tie into Ava Gardner Boulevard and a million dollars' worth of property will be taken off the tax records for this road. He challenged the Town Council to make the right decision for the citizens of Smithfield because this may be the most important decision they ever make. Mr. Ragsdale stated that it's the desire of the County to keep the jail close to the courthouse, but the school board chose to bus our children 5 miles outside of Town to attend school on Galilee Road. If it's good enough for our children then it should be good enough for a prisoner.

Mayor Pro-Tem Ashley recognized Smithfield Selma High School Principal Stephen Baker. Mayor Moore thanked County Commissioners Ted Godwin and Keith Branch for being in attendance.

CONSENT AGENDA:

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

1. Approved the following Minutes:

November 1, 2016 – Regular Meeting
November 1, 2016 – Closed Session

2. Approved Resolution # 594 (21-2016) Designation of Applicant's Agent – FEMA

A fully executed copy of Resolution 594 (21-2016) is on file in the Office of the Town Clerk.

3. Bid Award to Deacon Jones in the amount of \$ 23,800 for three patrol vehicles in the Police Department. Bids are as follows:

- Ilderton Dodge \$23,950 (1) vehicle (State Contract Dealership)
- Deacon Jones Dodge \$23,800 (1) vehicle

4. Accepted the transfer of 1,429.74 accumulated sick leave from Johnston Community College earned by the Division Chief Fire Training Officer and a placed a moratorium period of 2 years before the employee can access those hours.

5. Approved Ordinance # 488 Amending the Town of Smithfield Code of Ordinances CHAPTER 18, Utilities, ARTICLE V Water Shortage and Conservation, Section 18-157, Enforcement

**Town of Smithfield
North Carolina
ORDINANCE # 488**

**An ORDINANCE TO AMEND THE TOWN OF SMITHFIELD CODE OF ORDINANCES,
CHAPTER 18, UTILITIES,
ARTICLE V. - WATER SHORTAGE AND CONSERVATION,
Sec. 18-157. - Enforcement**

WHEREAS, Section 18-157 (1) of the Town of Smithfield's Code of Ordinances outlines the penalties for violating the direct or indirect use of water from the town distribution system; and

WHEREAS, The Public Utilities Department wishes to remove these penalties from the Code of Ordinances and have them placed in the Fee Schedule that is adopted yearly.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Smithfield that Chapter 18, Utilities, Article V. – Water Shortage and Conservation, Sec. 18-157. – Enforcement is rewritten as follows and the penalties for any violations will be outlined in the Fee Schedule adopted yearly:

Size Service Connection	Penalty
¾ inch	\$30.00
1 inch	40.00
1½ inch	50.00
2 inch	60.00

Sec. 18-157. - Enforcement.

- (1) The direct or indirect use of water from the town distribution system in violation of these rules and regulations is prohibited. Any water customer of the town distribution system that violates or permits the violation of these rules and regulations shall be subject to the ~~following penalties:~~ **penalties outlined in the Town of Smithfield Fee Schedule.**
- (2) Each violation shall be added to the customer's water bill and paid in the same manner as current payments to the town.
- (3) Each day a violation occurs shall be considered a separate violation.
- (4) The director of public utilities shall be responsible for enforcing any restrictions imposed from these rules and regulations. If a violation is known to have occurred pursuant to this article, a written violation shall be affixed to the property where the violation occurred and mailed to the customer of record and any other person known to the town who is responsible for the violation and its correction. The written notice shall describe the violation and order that it be corrected immediately or within such specified time as the town determines is reasonable under the circumstances.
- (5) If a violation notice is not complied with, or violation fees for previous violations are not paid, the town may restrict or terminate, water service subject to the following procedures:
 - a. The town shall give the customer notice by mail or messenger that, due to reoccurring violations or failure to pay for previous violations, water services will be restricted or terminated within a specific time. The customer will [will] have the opportunity to appeal restriction or termination by requesting a hearing scheduled before an official designated as a hearing officer by the city manager. The request for such hearing should be made before the cut-off date. A prompt conference with a hearing officer will be held.
 - b. If such a hearing is requested by the customer charged with the violation, he or she shall be given full opportunity to be heard before restriction or termination.
 - c. The hearing officer shall order whether service should be restricted or continue. The customer may appeal to the city manager for a prompt

hearing. The city manager shall make findings of facts and order whether service should continue or be terminated.

d. Any customer charged with the violation of this ordinance may appeal the findings of the hearing officer or city manager to the Smithfield Town Council.

(6) A fee of fifty dollars (\$50.00) shall be paid for the reconnection of any water service restricted or terminated pursuant to subsection (5). In the event of multiple violations, the reconnection fee shall be one hundred dollars (\$100.00) for the second violation and one hundred fifty dollars (\$150.00) for each additional violation.

This ordinance shall be effective upon adoption

6. Approved Resolution # 595 (22-2016) Accepting the Amendment to the Records Retention and Disposition Schedule

**TOWN OF SMITHFIELD
RESOLUTION NO. 595 (22-2016)
ACCEPTING THE AMENDMENTS TO THE
MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE
AMENDED OCTOBER 1, 2016**

WHEREAS, The Municipal Records Retention and Disposition Schedule is endorsed by the Division of Archives and History and the Department of Cultural Resources; and

WHEREAS, The Town of Smithfield currently uses this system for record retention and disposal; and

WHEREAS, The Municipal Records Retention and Disposition Schedule was published on September 10, 2012; and

WHEREAS, the Town of Smithfield adopted the Municipal Records Retention and Disposition Schedule on January 3, 2013; and

WHEREAS, The Town of Smithfield recognizes the amendments to the Municipal Records Retention and Disposition Schedule dated October 1, 2016.

NOW, THEREFORE, BE IT RESOLVED THAT THE SMITHFIELD TOWN COUNCIL accepts the Municipal Records Retention and Disposition Schedule Amendment issued by the North Carolina Department of Cultural Resources, Division of Archives and History, Archives and Records Section, Records Services Branch, dated October 1, 2016. The Amendments are as follows:

STANDARD 4. BUDGET, FISCAL AND PAYROLL RECORDS

- Amending item 32 Escheat and Unclaimed Property File as shown on substitute page 29.

STANDARD 6. EMERGENCY SERVICES AND FIRE DEPARTMENT RECORDS

- Amending Item 3, 911 Recordings as shown on substitute page 41 and Item 18 Emergency Notifications as shown on substitute page 43.

STANDARD 12. PERSONNEL RECORDS

- Adding item 1-A Accreditation Records as shown on substitute page 101.
- Amending items 36 Family Medical Leave Act (FMLA) Records, 42 Leave File, and 43 Leave Without Pay File as shown on substitute pages 110-111.

7. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Electric Line Technician	PU - Electric	31-7230-0200	\$16.35/hr (\$34,008.00/yr)
WP Operator/Trainee	PU – Water Plant	30-7200-0200	\$13.50/hr (\$28,080.00/yr)
PT P&R Staff	P&R – Recreation	10-6200-0210	\$9.00/hr
PT P&R Staff	P&R – Recreation	10-6200-0210	\$9.00/hr

Unanimously approved.

BUSINESS ITEMS:

1. Accepted a Duke Energy Electric Vehicle Grant in the amount of \$25,000 for the construction of 5 electric vehicle charging stations

Public Utilities Director Ted Credle addressed the Council on acceptance of a grant for five electric vehicle charging stations. He explained that as part of a settlement between Duke Energy and the EPA, Duke Energy launched a program to fund Electric Vehicle (EV) charging stations in many of the states they serve, including North Carolina. These funds were made available to cities and towns that were considered “underserved” by electric vehicle charging infrastructure. Duke Energy will pay for 100%, up to \$5,000 per charge port, for each station installed. There is no local match required. The Town of Smithfield applied to receive this funding to pay for ten (10) stations, totaling \$50,000. On November 8, 2016, the Town received notification that we had been selected to receive funding for five (5) of the station, in the amount of \$25,000. The Town will pay for the initial installation and Duke Energy will reimburse the Town up to \$5,000 per port. The Town is proposing to install “metered” stations, to allow EV users to re-charge the vehicle at minimum cost. The proposed locations were chosen on the basis that visitors would park long enough for the charging to be effective. Those locations approved were: 509 North Brightleaf Boulevard, 245 College Road, 350 East Market Street, 207 East Johnston Street, 901 South Brightleaf Boulevard, and 600 Booker Dairy Road. As part of this process, Duke Energy will send documentation to execute the agreement, so the Town can receive the funds. The due date for returning the executed paperwork is December 31, 2016. If the Town fails to execute the paperwork, the funds will be given to another community. Due to the lack of time involved, the Council is asked to authorize the Town Manager to execute the required funding agreement to accept the \$25,000 funds from Duke Energy. The stipulation concerning this paperwork is that the Town Manager, The Town Attorney and the Mayor all review and approve the paperwork, as to form.

Councilman Scott questioned who would pay for the electricity being used. Mr. Credle explained that each port would be metered similar to a gas pump and the person using the port would pay for the electricity.

Councilman Harris questioned if there would be an annual maintenance cost. Mr. Credle explained that he thought it would be minimal, but he would research what other communities were doing. Councilman Harris further questioned if the Town would be responsible for any damages. Town Manager Michael Scott explained that the Town would have insurance to cover any vandalism and if anyone utilizing the charging port damaged it then their insurance should pay for the damages.

Councilman Scott made a motion, seconded by Councilman Dunn, to approve the request to accept the grant funding and authorize the Town Manager to execute the necessary grant agreement. Unanimously approved.

2. Adopted a Career Ladder Program for the Water Plant

The Public Utilities Director Ted Credle addressed the Council with a request to adopt a career ladder program for the Water Plant Employees. He explained that the Public Utilities Department had a long-standing career advancement path for the personnel at the Water Treatment Plant; but, staff can find no adopted record for such. Staff has prepared the attached documentation to explain what has been previously accepted and what is proposed to be formalized, going forward. Public Utilities encourage the personnel at the Water Plant to advance their training, knowledge and experience by offering this

career ladder. Town Council has approved similar career paths for the Electric Division and the Water & Sewer Division in the past two years.

Councilman Harris inquired if the Council would be informed of any career ladder advancements. Town Manager Michael Scott stated that all career ladders would be approved by the Council.

Mayor Moore questioned if the certifications from the state simply made them eligible not entitled to the career ladder increase. Mr. Credle responded that it makes them eligible only. Mayor Moore asked Council and staff to consider adopting a policy similar to the tuition assistance program whereby any employee receiving paid certification training be required to work a certain amount of time with the Town or be forced to pay back the cost of the classes needed for certification.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, to approve the request for a career ladder plan for the water treatment plant. Unanimously approved.

WATER TREATMENT PLANT CAREER LADDER

TITLE	PAY GRADE	EXPERIENCE/QUALIFICATION
Water Plant Trainee	Pay Grade 11	Beginner
Water Plant Operator I	Pay Grade 12	"C" Certification & 6 months
Water Plant Operator II	Pay Grade 13	"B" Certification & 18 months
Water Plant Operator III	Pay Grade 14	"A" Certification & 30 months
Water Plant Mechanic/Operator	Pay Grade 13	(As Vacancies arise)
Chief Water Plant Operator	Pay Grade 20	(As Vacancies arise)
Water Plant Chemist	Pay Grade 20	(As Vacancies arise)
Water Plant Supervisor	Pay Grade 22	(As Vacancies arise)

EXPLANATION OF ELIGIBILITY FOR CAREER LADDER POSITIONS:

Water Plant Trainee: is the title given to a worker who is coming on board with little, or no, experience. This is granted to someone looking to begin their career in the Water Plant Division. This individual will have no certification and 0-12 months experience. This title has been given the pay grade of 11.

Water Plant Operator I: is the title given to a worker who has obtained the first level of certification, the completion of "Operator C" licensure. This certification will only be granted by the State of North Carolina after the candidate has a minimum of 6 months of work experience, has attended the appropriate training class, and has successfully passed the required, written exam. This title has been given the pay grade of 12.

Water Plant Operator II: is the title given to a worker who has obtained the second level of certification, the completion of "Operator B" licensure. This certification will only be granted by the State of North Carolina after the candidate has obtained the "Operator C" licensure, has a minimum of 18 months of work experience, has attended the appropriate training class, and has successfully passed the written exam. This title has been given the pay grade of 13.

Water Plant Operator III: is the title given to a worker who has obtained the third level of certification, the completion of "Operator A" licensure. This certification will only be granted by the State of North Carolina after the candidate has obtained the "Operator B" licensure, has a minimum of 30 months of work experience, has attended the appropriate training class, and has successfully passed the written exam. This title has been given the pay grade of 14.

EXPLANATION OF ELIGIBILITY FOR NON-CAREER LADDER POSITIONS:

Water Plant Mechanic/Operator is the title given to a worker who has obtained the first level of certification, the completion of "Operator C" licensure. This certification will only be granted

by the State of North Carolina after the candidate has 6 months of work experience, has attended the appropriate training class, and has successfully passed the written exam. This employee must also perform routine maintenance tasks and be familiar with plant machinery such as pumps & motors, plumbing, and simple electrical controls. This title has been given the pay grade of 13.

Chief Water Plant Operator is the title given to a worker who has obtained the third level of certification, the completion of "Operator A" licensure. This employee will have extensive knowledge of the systems and workings of the Water Plant. This employee will have a mastery of the required reporting documentation to the State to maintain lawful operation of the Water Plant. This employee will also be designated as the ORC (Operator of Responsible Charge) for the Water Plant. This title has been given the pay grade of 20.

Water Plant Chemist is the title given to the employee who will be responsible for taking the required samples, running the required tests, and submitting the required reports concerning the quality of the produced water, in accordance with North Carolina law. This employee should have obtained the first level of certification, the completion of "Operator C" licensure. This certification will only be granted by the State of North Carolina after the candidate has obtained the "Operator C" licensure, has 6 months of work experience, has attended the appropriate training class, and has successfully passed the written exam. This employee will also have extensive knowledge of the systems and workings of the Water Plant. This title has been given the pay grade of 20.

Water Plant Supervisor is the title given to the employee that has managerial responsibility over the Water Plant. This employee must have a wealth of knowledge in the water production field, a mastery of the workings at the Water Plant and at least 10 years of experience working at a water production facility. This title has been given the pay grade of 22.

3. Approved to back-fill the Sanitation Equipment Operator Position in the Public Works Department due to the movement of the animal control function to the Police Department

Town Manager Michael Scott addressed the Council on a request for personnel changes. He explained that the current animal control employee was scheduled to retire effective on or about January 1, 2017. In 2010, the Animal Control position was moved from the police department to the Public Works Department in an effort, in part, to maximize Human Resources. The Animal Control Officer was expected to fulfill the duties and responsibilities of Animal Control and Public Works employee, simultaneously. This arrangement did not function as anticipated, as the animal control function required a full time position. This left the Public Works Department short manpower to complete the tasks required of a Public Works employee. By moving the animal control function back to the Police Department, the new animal control officer will be in a better position to succeed, as he or she can seek guidance continually throughout the day from supervisors within the police department that have a thorough understanding of the law and legal processes that are required for an animal control officer to take actions against violators of Town Ordinances. Because of vacancies that have existed within the Police Department during the first five months of the fiscal year, the Police Department can easily absorb the financial responsibilities of employing a new animal control officer. The Town Manager has the authority to move the animal control officer under Town of Smithfield, Code of Ordinances, Chapter 4, Article II, and Sections 25 – 27. By hiring a new equipment operator within Public Works, the department can better reach its goals and better fine tune its management requirements to areas within Public Works and Sanitation. Budget amendments will not be needed in Public Works due to the salary of the current Animal Control Officer's salary being higher than an entry level equipment operator. Budget amendments are not required to the Police Department's FY 2016-17 budget, due to previous and existing vacancies. The Police Department will be adding the additional staff and operational fees for the animal control officer during the FY 2017-18 budget process for future years.

Councilman Wood made a motion, seconded by Councilman Scott, to approve the request as submitted. Unanimously approved.

4. Approval of Economic Development Expenditure

Economic Development Liaison Tim Kerigan addressed the Council on consideration to approve various economic development expenditures. Mr. Kerigan explained that the Town continues to build on recruiting, retention, expansion and appreciation efforts for all economic development possibilities. These efforts include trade shows, seminars, local business visits, partnering with the JCVB, DSDC, Smithfield-Selma Chamber, the Johnston County Economic Development Office and ElectriCities. In order to present an initial positive first impression, as well as a memorable encounter, staff would like to be empowered with a few items that may both open the door to our clientele as well as leave them with something to hold that reminds them of Smithfield. The following items will help us express our message:

- Trade Show Table Cloth with Logo
- “In Touch” magnets promoting social media, PEG Channel, website, etc.
- “Value Cards” game promoting positive Smithfield values
- “River Rock” squeezable stress reliever – promoting ease of “doing business” in Smithfield and within the Planning Department and ED efforts
- Engraved “Worry-free Stone” – pocket-sized
Mini Breath Spray with Logo and “Fresh Perspective”

Councilman Wood made a motion, seconded by Councilman Harris, to approve the economic development expenditure as presented by Mr. Kerigan. Unanimously approved.

5. Bid awards for the repairs of Vermont Street and Laurel Drive due to damage sustained during Hurricane Matthew.

Town Manager Michael Scott informed the Council that staff received the last quote for the repairs today. He explained that with the damage sustained to Vermont Street and Laurel Drive, staff would like to move forward with getting those streets repaired as quickly as possible. Since these repairs were both unbudgeted, the Town Manager proposed using Powell Bill funds to fix the streets. Once the Town receives FEMA reimbursement for the damages, staff will replenish the Powell Bill fund.

Mayor Pro-Tem Ashley made a motion seconded by Councilman Wood to approve the low quote from J. P. Edwards in the amount of \$34,604 for the repair of Vermont Street and to approve the low quote from Narron Contracting, Inc. in the amount of \$9,828 for the repair of Laurel Drive. Unanimously approved

Councilmembers Comments:

- Mayor Pro-Tem Ashley questioned if there was anything that the Council needs to do assist the County on the jail location. Councilman Harris suggested that the Council consider adopting a resolution revisiting the location. Mr. Harris further stated that he recently spoke with a County Commissioner and it was indicated that this issue is not over.
- Councilman Scott expressed his appreciation to the Downtown Smithfield Development Corporation for the Touch a Truck Event and for the Tree Lighting event. He also thanked the local churches for providing meals to those in need over the Thanksgiving holiday.

Town Manager’s Report:

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

- Venture Drive: The evaluation of the drainage pipe system has been completed. Since the review revealed no damages, Public Works will be securing bids for the reconstruction of Venture Drive immediately.
- Christmas Parade: The annual Christmas Parade will take place on Thursday, December 8th, beginning at 7:00. Town Hall will be open during the parade and

volunteers will be providing free coffee and hot chocolate to the public. Artwork from Smithfield Middle School will be displayed on the walls.

- For the benefit of the media: None of the meetings concerning the potential jail location took place outside of open meetings laws because no quorums were present.

- **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)

Emery made a motion, seconded by Councilman Dunn, to go into closed session pursuant to NCGS 143-318.11 (a) (6) to discuss a personnel matter. Unanimously approved at 9:22.

Reconvene in Open Session:

Councilman Dunn made a motion, seconded by Councilman Harris, to reconvene in open session. Unanimously approved at 10:37.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Dunn, to approve a 10% increase to the Town Manager's annual salary effective January 1, 2017 due to the successful completion of the Manager's six month probationary period. Unanimously approved.

Adjourn

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

The meeting adjourned at 10:40 pm.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Williams, Town Clerk