

The Smithfield Town Council met in regular session on Tuesday, May 2, 2017 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
J. Perry Harris, District 2
Travis Scott, District 3
John A. Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

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

Bill Dreitzler, Town Engineer

Mayor Pro-Tem Ashley called the meeting to order at 7:00

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

APPROVAL OF AGENDA:

Councilman Harris made a motion, seconded by Councilman Rabil, to approve the agenda with the following amendment:

- o Add Closed Session Pursuant to NCGS 143-318.11 (a) (6) to discuss a personnel matter.

Unanimously approved.

PRESENTATION:

1. Administering Oath of Office to New Police Officer – Joseph Atkinson

Mayor Pro-Tem Ashley administered the Oath of Office to new Smithfield Police Officer Joseph Atkinson and welcomed him to the Town.

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 Lampe Management Company: Ample Storage (CUP-17-04)

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

Planning Director Paul Embler addressed the Council on a request by Lampe Management Company. The applicant was requesting a conditional use permit to allow for a mini-storage facility on a 4.31 acre tract of land located within a B-3 (Business) zoning district. The property considered for approval

is located on the west side of US 70 Highway Business approximately 150 feet south of its intersection with Wilson's Mills Road. The property is further identified as Johnston County Tax ID# 15077011C and a portion of 15078199K.

Planning Director Paul Embler has incorporated his entire record and provided it to Council in written form in the May 2, 2017 agenda packet with the addition of the map provide by Terry Wethington.

The Planning Department recommends approval of the request for a conditional use permit to allow for a mini-storage facility on a 4.31 acre tract of land and located within the B-3 (Business) zoning district, with the following requirements:

- The Planning Department agrees with the need for a storm water management facility. The Planning Department agrees with the methodology of the storm water management facility's design but disagrees with adjusting the Q10pre by a factor of 1.08. The Planning Department recommends that the storm water management facility should use the actual Q10pre to size the detention facility.
- The Planning Department recommends that all storm water from the Ample Storage site and the remainder of the undeveloped property be directed to one storm water management facility that will serve both parcels of land. The proposed storm water management facility should be designed in such a manner that the second parcel could be developed to a maximum of 70% impervious.
- The storm water discharge from the storm water management facility should be discharged into the existing conveyance system and directed in such a manner as to drain toward the existing 48" pipe under Skyland Drive at the northwest corner of the Harbor House property. No storm water should be directed toward the 15" pipe located on the south west corner of the Harbor House property.

Paul Embler informed the Council the applicant had complied with all storm water management requirements.

The Planning Board recommended approval of the request for a conditional use permit to allow for a mini-storage facility on a 4.31 acre tract of land and located within the B-3 (Business) zoning district with the condition that soils analysis is submitted for review and that the projects constructs a storm water management facility if it is determined to be required. Mr. Embler stated the applicant conducted the soil analysis and agreed to comply with the storm water management facility.

Mayor Moore asked if the applicant was in agreement with the testimony provided by Mr. Embler. Ample Storage representative, Terry Wethington, responded he was in agreement with the testimony offered by Mr. Embler.

Terry Wethington expressed his appreciation to staff for their professionalism and for holding firm to the best interest in the city and the neighborhood. Mr. Wethington explained the west side of the property that abuts Harbor was an area of concern for staff. A swail will be constructed that will carry outflow from the detention pond to the 48" pipe. In order to comply with staff's request, 25' had to be removed from the back two buildings. Mr. Wethington further explained the Town Engineer spoke with Ample Storage's Engineer to discuss some other concerns and all concerns have been addressed.

Mayor Pro-Tem Ashley questioned if the two parcels had been recombined into 2 different shaped lots. Mr. Wethington responded in the affirmative. Mayor Pro-Tem Ashley further questioned if there were plans for the second lot. Mr. Wethington responded thee were not plans for the second lot at this time.

Councilman Harris questioned if staff had reviewed everything that had been submitted. Paul Embler responded that staff had reviewed everything that had been submitted. Mr. Embler explained that the Council was only approving the conditional use permit which is the concept of what they intend to do with the property. Staff will still have to go through the site plan review and there will be further

revisions. Ample storage has complied with study work as it related to a storm water management facility. The detention pond will be sized to carry both properties.

Councilman Scott questioned the operating hours. Terry Wethington responded office hours were typically 8 am until 6 pm and gate hours were typically 6 am until 10 pm. He explained that there are some commercial and municipal customers that do request earlier or later hours and exceptions are made. He further explained that there will be a manager that will reside in an apartment on site.

Mayor Pro- Tem Ashley questioned if there could be any potential issues with the second lot in the future. Mr. Embler responded the second lot was a buildable lot as defined in Article 10 of the Unified Development Ordinance. The second lot would be administratively approved as a minor subdivision.

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

Councilman Scott 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 Harris, to vote in the affirmative to all of the below Finding of Facts. Unanimously approved.

- **Finding One of Four : Agree**

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 use is for a self-storage facility. The two lots will be recombined to create two large lots. The existing driveway entrances will be maintained and there will be no additional driveways. The proposed facility will include four enclosed buildings and two T-Sheds. The facility will be fenced and a 35' landscape buffer will be provided between it and the R-8 zoning to the west. Self-storage generates significantly less traffic that the previous uses which were fast food and a mobile home sales lot. The proposed use will not endanger public health, safety or general welfare.

- **Finding Two of Four: Agree**

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 facility will be designed to meet all Town of Smithfield standards and specifications.

- **Finding Three of Four: Agree**

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 property to the north of this site is an existing strip mall. A landscape buffer will be provided between the self-storage and the strip mall. The property to the west is vacant and zoned R-8. A 35' landscaped buffer will be provided between this site and the R-8. A 35' landscaped buffer will be provided between this site and the R-8 property. When the lots are recombined, lot number 2 will be left vacant for future development.

- **Finding Four of Four: Agree**

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 area currently has a mix of commercial uses including a strip mall, fast food, gas station/mini mart and an office building. The Comprehensive Growth Management Plan calls for Commercial use on this site with a buffer to the west and south. A 35' buffer will be provided to the west on Lot 1. The future development on Lot 2 will address the buffer to the south. The proposed self-storage facility will have a brick facade on the faces adjacent to the right-of-way. This will be aesthetically pleasing and will blend, and perhaps improve, the overall look of the area. The T-Sheds will be at the rear of the site and will not be visible from the right-of-way.

Record of Decision: Approval of Conditional Use Permit Request (CUP-17-04)

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 moved to recommend approval of Conditional Use Permit Application # CUP-17-04 with the following conditions:

- A storm water management facility to be constructed to support Ample Storage and the adjacent lot.

Unanimously approved.

CITIZENS' COMMENTS:

- Darcy E. Giloni representing Mucho Mexico requested the Council allow the Latin karaoke music event scheduled for Friday, May 5th be changed until Saturday, May 6th due to the potential for inclement weather on May 5th. By acclimation, the Town Council granted Ms. Giloni's request.

CONSENT AGENDA:

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

1. Approved the following Minutes:

April 4, 2017 – Regular Meeting

April 4, 2017 – Closed Session

April 20, 2017 – Special Meeting FY 2017-2018 Budget Session

2. Special Event – Ham and Yam Jam: Approval was granted to allow Downtown Smithfield Development Corporation and Johnston Community College Foundation to conduct a concert with

amplified sound to be held May 5th from 8:00 pm until 10:00 pm at the Little Brown Jug located at 101 W. Market Street.

3. Special Event – Outdoor Music: Approval was granted to allow Mucho Mexico Restaurant to conduct a Latin Karaoke Music event for Cinco de Mayo to be held May 6th from 5:00 pm until 10:00 pm at the restaurant located at 712 East Market Street.
4. Approval was granted to install “Dead End” street signs on the 1100 block of North Street at Eleventh Street.
5. Approval was granted for an annual website hosting agreement with EZTask in the amount of \$2,000.
6. Approval was granted for a budget amendment to adjust the Booker Dairy Road Project estimated construction cost from 3.5 million to the actual bid of 1.935 million

	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
<u>BOOKER DAIRY ROAD CAPITAL PROJECT FUND</u>			
1. Revenue			
44-3900-0007 Loan Proceeds/BB&T	<u>\$ 3,625,000</u>	<u>\$ (1,587,751)</u>	<u>\$ 2,037,249</u>
Expenditure			
44-7220-3800 Construction	\$ 3,500,000	\$ (1,564,372)	\$ 1,935,628
44-7220-3100 Atty and Legal Fees	\$ 25,000	\$ (25,000)	\$ -
44-7220-3000 Engineering	<u>\$ 100,000</u>	<u>\$ 1,621</u>	<u>\$ 101,621</u>
	<u>\$ 3,625,000</u>	<u>\$ (1,587,751)</u>	<u>\$ 2,037,249</u>

To adjust the construction cost of project to match bid

7. Advisory Board Appointments

- Bryan Gibson was appointed to serve a first term on the Appearance Commission
- Richard Childrey was appointed to serve a first term on the Library Board of Trustees

8. New Hire Report

<u>Filled Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Police Officer I	Police	10-5100-0200	\$15.58/hr. \$34,836.88/yr.)
Part-time Police Officer I	Police	10-5100-0200	\$16.35/hr.

<u>Current Vacancies</u>	<u>Department</u>	<u>Budget Line</u>
Police Officer	Police	10-5100-0200
Water Plant Operator I	PU – Water Plant	30-7200-0200
Sanitation Equip. Operator	PW – Sanitation	10-5800-0200

Unanimously approved.

BUSINESS ITEMS:

1. Grant Agreement - NC Department of Natural and Cultural Resources for the Connect NC Bond Grant for the Miracle Inclusive Playground and the DAV Fitness trail and Adoption of Resolution #602 (07-2017)

Parks and Recreation Director Gary Johnson addressed the Council on a request to accept the Connect NC Bond Grant for the Miracle Inclusive Playground and the DAV fitness trail. Mr. Johnson explained that at the September 6, 2016 Town Council meeting, the Council approved the request to apply for the Connect NC Bond Grant for facilities for Disabled Children and/or Disable Veterans. The grant was applied for and the Town was awarded \$160,000 for Phase 2 of the Partnership to Build a

Miracle Project and for a DAV Fitness trail. The required match amount was \$40,000. The Town Council agreed to appropriate \$30,000 from "In Lieu of Recreation Fees". Partnership for Children of Johnston County has agreed to fund the additional \$10,000.

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, to accept the Connect NC Bond Grant and approved Resolution # 602 (07-2017). Unanimously approved.

RESOLUTION # 602 (07-2017)
FOR THE TOWN OF SMITHFIELD TO ACCEPT THE NC CONNECT BOND GRANT
PARTNERSHIP TO BUILD A MIRACLE INCLUSIVE PLAYGROUND PHASE II & THE DAV
FITNESS TRAIL

WHEREAS, the Smithfield Town Council along with Partnership for Children and the Miracle League of Smithfield desires to construct an inclusive playground for children with disabilities; and,

WHEREAS, the Smithfield Town Council also desires to construct a fitness trail for Disabled American Veterans; and

WHEREAS, the Smithfield Town Council submitted an application and received, one hundred and sixty thousand dollars (\$160,000.00) in funding from the Connect NC Bond Grant which will fund the accessible wooden pirate ship play structure and surfacing, accessible playground, picnic shelter, sensory wall, site amenities, dugout shade structures at the Inclusive Playground and connector trail accessible fitness stations for the DAV Fitness Trail; and

WHEREAS, the Smithfield Town Council certifies it will comply with the State of North Carolina's Terms and Conditions of the Connect NC Bond Project Agreement; and

WHEREAS, the Town Manager is the Chief Financial Officer for the Town.

NOW, THEREFORE BE IT RESOLVED, by the Smithfield Town Council authorizes the Town Manager to formally accept the terms and conditions of the Grant Agreement and Funding Approval in the amount of \$160,000 dated April 1, 2017 along with the project description outlined in the approved application to the North Carolina Department of Natural and Cultural Resources, Division of Parks and Recreation. The Town will match the approved grand funds with \$40,000 to complete accessible wooden pirate ship play structure and surfacing, accessible playground, picnic shelter, sensory wall, site amenities, dugout shade structures at the inclusive playground and connector trail accessible fitness stations for the DAV fitness trail.

2. Agreement - NCDOT for the conversion of traffic signals in the Town of Smithfield.

This item was tabled at the February 7, 2017 Town Council Meeting

Public Utilities Director Ted Credle addressed the Council on a request to enter into an agreement with NCDOT for the conversion of various NCDOT traffic signals in Smithfield. Mr. Credle explained that during Hurricane Matthew, the Town experienced a loss of power which affected a majority of the Town customers. Until power was restored, a dangerous situation was noticed. Many drivers approached various intersections without stopping, or even slowing down. This clear and present danger was somewhat lessened by having the Smithfield Police Department direct traffic in the busiest intersections. NCDOT has a specification that allows their stoplights to be converted to a light that can accept generator power. The Town feels that in the rare occasions when power may be out for extended time, it may be best to use generator power to operate the busiest intersections, which in turn, would free up the Police to patrol and safeguard the citizens. The first step in converting the NCDOT stoplights is to establish an agreement with the NCDOT to allow the Town to perform the conversion. A part of this agreement specifies the Town is to submit \$2,500 to execute the agreement.

A local contractor submitted a quote whereby they would furnish and install material and labor to install 30 amp 120v manual switches at a cost of \$1200 per traffic signal. Staff is allowing a \$300 contingency per traffic signal. Bringing the total cost per traffic signal to \$1500 per signal. At this time, staff was only requesting to move forward with only the NCDOT agreement.

Councilman Scott made a motion, seconded by Councilman Rabil, to execute an agreement with the North Carolina Department of Transportation and spend \$2500 (per the agreement) for the conversion of various NCDOT traffic signals in the Town of Smithfield. Unanimously approved.

3. Approval for Sidewalks on Booker Dairy Road between Buffalo Road and Bradford Street and Adoption of Resolution #603 (08-2017)

Town Manager Michael Scott addressed the Council on a request concerning sidewalks along Booker Dairy Road. He explained at the September 1, 2015 Council Meeting, the Town Council passed a resolution requesting the assistance from North Carolina Department of Transportation (NCDOT) to share in the cost of adding sidewalks on both sides of Booker Dairy Road, as part of the Booker Dairy Road Extension Project. The Town Manager further explained on February 20, 2017, a meeting was held with NCDOT Officials to discuss the progress of the Booker Dairy Road Extension Project; as well as, the improvements that will be made during this project. The addition of sidewalks was also discussed. NCDOT Officials requested the Town send a recommendation as to where the sidewalks should be placed and NCDOT would respond with the viability of the request; as well as, a cost to the Town, with the cost being split 30% Smithfield responsibility and 70% NCDOT responsibility. The Planning Department and the Town Manager submitted the request shortly thereafter. NCDOT has approved a portion of sidewalk on both sides of the improved Booker Dairy Road between Buffalo Road and Bradford Street. The overall cost for the sidewalks is estimated at \$186,800, with NCDOT bearing 70% of the cost (\$130,760) and the Town of Smithfield bearing 30% of the cost (\$56,040). Additional requests for sidewalks were not approved due to the lack of curb and gutter in other areas of the project. It was recommended the Town Council pass a resolution approving an agreement with NCDOT for the construction of sidewalks along the Booker Dairy Road Project between Buffalo Road and Bradford Street, at an estimated cost to the Town of Smithfield of \$56,040. The payment will not be required until the Booker Dairy Road Extension Project is complete, estimated to be during the FY 2019-2020 budget.

Councilman Scott inquired as to NCDOT funding for the second and third priority sidewalks. Town Manager Michael Scott responded NCDOT will not fund those sidewalks. The Town would have to obtain permission from NCDOT before sidewalks could be installed and paid for by the Town.

Mayor Pro- Tem Ashley stated that the Town should pass an ordinance requiring any development in the second or third priority areas which would require sidewalks. Paul Embler responded that should the properties be developed or redeveloped, the Town would require sidewalks.

Mayor Pro-Tem Ashley suggested if there are excess funds in the current budget to cover the cost of the sidewalks, those funds should be encumbered so they can not be used for any other project.

Councilman Harris made a motion, seconded by Councilman Dunn, to approve Resolution #603 (08-2017). Unanimously approved.

**TOWN OF SMITHFIELD
RESOLUTION # 603 (08-2017)
ACCEPTING AN AGREEMENT WITH THE North Carolina DEPARTMENT OF
TRANSPORTATION
FOR SIDEWALKS TO BE INSTALLED ALONG BOOKER DAIRY ROAD**

WHEREAS, on September 1, 2015 the Smithfield Town passed Resolution #566 (16-2015) requesting assistance from the NCDOT for sidewalks to be constructed along Booker Dairy Road; and

WHEREAS, as a part of the Booker Dairy Road Project, North Carolina Department of Transportation (NCDOT) as agreed to install sidewalks along both sides of Booker Dairy Road between Buffalo Road and Bradford Street; and

WHEREAS, the estimated total cost to construct the sidewalks is \$186,800 of which, 70% will be funded by the NCDOT at a cost of \$130,760 and 30% will be funded by the Town of Smithfield at a cost of \$56,040; and

WHEREAS, the Smithfield Town Council is committed to this project to provide adequate safety for pedestrians; and

WHEREAS, the Smithfield Town Council appreciates all the assistance that the North Carolina Department of Transportation has provided to the Town and continues to provide to the Town of Smithfield.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Smithfield, enters into an agreement with the North Carolina Department of Transportation to construct sidewalks along both sides on Booker Dairy Road between Buffalo Road and Bradford Street at a cost of \$186,800; 70% will be funded by NCDOT at a cost of \$130,760 and 30% will be funded by the Town of Smithfield at a cost of \$56,040.

Councilmembers Comments:

- Mayor Moore congratulated Town Manager Michael Scott on completing the Master's of Public Administration at the UNC School of Government and recognized his one year anniversary as the Town Manager.
- Councilman Lee recognized Kayrese McDuffie executive Director of the Annie D. Jones Child Enrichment Fund. Councilman Lee explained that Mrs. McDuffie's organization assists children in the East Smithfield Community.
- Councilman Scott reminded everyone of the upcoming Ham and Yam Festival.

Town Manager's Report:

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

- Planning Director Paul Emblar announced that he will retire on June 30th.
- Venture Drive : Turner Asphalt has been completing preconstruction work and locating water valves on Venture Drive. Milling of the road will begin Sunday, May 7th at 8:00 pm and will continue through the night, weather permitting. The project is expected to be complete by mid-June.
- Inclusion Park: The contract is complete with JP Edwards and we should see dirt beginning to move at the site within the next week or so.
- Street Resurfacing: The street resurfacing project for FY 17 is scheduled to begin in mid-May and should be completed by the end of the current fiscal year.
- Boat Ramp: State Wildlife Resources has indicated they are prepared to upgrade the boat ramp in the Neuse River. This has been a long awaited project. Construction should begin once the water levels have receded. This is being complicated by the recent releases of water from Falls Lake.
- Coffee with a Cop: The next Coffee with a Cop is scheduled at Gotham's Restaurant, on Market Street in the downtown area for Thursday, May 18th from 9:00 am to 11:00 am.

- **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) to discuss a personnel matter

Mayor Pro-Tem Ashley made a motion, seconded by Councilman Harris, to go into closed session pursuant to NCGS 143-318.11 (a) (6). Unanimously approved at 7:57 pm.

Reconvene in Open Session:

Councilman Harris made a motion, seconded by Councilman Dunn, to reconvene in open session. Unanimously approved at 8:25 pm.

Recess

Councilman Harris made a motion, seconded by Councilman Scott, to recess the meeting until May 10, 2017 at 6:30 pm. Unanimously approved.

The meeting recessed at approximately 8:26 pm.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Williams, Town Clerk