

**TOWN OF SELMA
REGULAR COUNCIL MEETING
FEBRUARY 10, 2015**

PRESENT: Mayor Cheryl Oliver, Mayor Pro-tem Jackie Lacy, Councilmembers Eric Sellers, Tommy Holmes and William Overby, Town Manager Jon Barlow, Town Attorney Alan “Chip” Hewett, and Deputy Clerk Brenda Thorne.

CONVOCAATION: Mayor Oliver called the meeting to order at 6:01 p.m. in the Selma Jernigan Building and declared a quorum present.

Rick Stewart of the Selma News offered the invocation.

PLEDGE TO FLAG: Mayor Pro-tem Jackie Lacy led in the pledge of allegiance to the flag.

APPROVAL OF AGENDA: A motion was made by Councilmember William Overby and seconded by Mayor Pro-tem Jackie Lacy to approve the agenda as presented. Motion carried.

CONSENT AGENDA:

Minutes

Regular Council Meeting – January 15, 2015
Special Council Meetings – January 9, 2015 and January 29, 2015

Financial Reports

Approval of Taxi Cab Franchises for Yellow and Checker Cab Co., Smithfield, NC and Teletaxi of Selma, NC (Second Hearing)

Budget Ordinance Amendment #6 for FY 2014/2015 – GCC Grant (Governor’s Crime Commission) - Police Department

TOWN OF SELMA
BUDGET ORDINANCE AMENDMENT #6
FISCAL YEAR 2014/2015

BE IT ORDAINED by the Town Council of the Town of Selma, County of Johnston, State of North Carolina, and meeting in Budget Session this 10th day of February 2015 that the Town Budget adopted on June 24th 2014, for FY 2014/2015 is hereby amended and adopted:

Section I: To amend the General Fund (Fund 10) for unanticipated/unbudgeted revenues and expenses during FY 2015. The Town’s General Fund (Fund 10) accounts are to be amended as follows:

<u>Account No.</u>	<u>Debit</u>	<u>Credit</u>
10-5100-4990 Equipment/Non-Capital	15,000	
10-3650-1600 GCC Grant (Governor’s Crime Commission) – Police Dept.		15,000

Section II: Copies of this Budget Ordinance Amendment #6 shall be furnished to the Town Clerk, the Budget Officer and the Finance Officer, and shall be available for public inspection and audit.

Adopted this 10th day of February 2015.

Councilmember Sellers stated that he would like for the Financial Reports in the future be listed as an item for discussion. A motion was made by Councilmember William Overby and seconded by Mayor Pro-tem Jackie Lacy to approve. Motion carried.

A motion was made by Councilmember Eric Sellers and seconded by Councilmember William Overby to approve the consent agenda as presented. Motion carried.

**OPEN FORUM/CITIZENS’
REQUESTS –
Eric Godwin, 412 Pecan
Drive, Selma & American**

Eric Godwin of 412 Pecan Drive and member of American Legion Post 141 thanked Council for allowing him to appear tonight. Mr. Godwin stated that the American Legion places flags on Veteran’s gravesites at Selma Memorial Gardens and

**Legion Post 141 – Flags for
Cemeteries:**

Greenwood Cemetery annually at an expense of \$400. He requested that the Town of Selma add to their budget the expense of the purchase of these flags. Mr. Godwin stated that the freedom that we enjoy was a direct result of these Veterans sacrifice, and requested that the Town add a budget line item to cover this expense.

Mr. Godwin stated that Post 141 supports the ROTC at Smithfield-Selma High School and provides two scholarships for off campus leadership classes. He said that they participate in the community by hosting bingo games at the Harrison Senior Center once a month. Mr. Godwin stated that Veterans pay for the prizes that are awarded to the winners.

Mr. Godwin stated that the American Legion hosts a Barbecue dinner for all Veterans in September of each year. He said that the funds raised help fund the scholarships, pay monthly expenses, and fund other benefits. Mr. Godwin stated that the American Legion building was in need of major repair since they lost their tenant. He said that the previous tenant's rent paid for the insurance and utilities on the property. Mr. Godwin stated that they were unable to charge the appropriate rental due to conditions of the building, and cannot afford renovation.

Mr. Godwin stated that an established memorial for the veterans of Selma would be greatly appreciated. He thanked Council for their consideration of his request.

Mr. Godwin stated that they put out over 700 flags annually at these two cemeteries.

Mayor Oliver stated that they would look at the budget to see from where the funds could come from for this year.

**PUBLIC HEARINGS/
APPEALS –
Public Hearing &
Consideration of Request for
a Special Use Permit by Eco
Energy, Inc.:**

Planning Director Julie Maybee stated that this was a quasi-judicial public hearing. She stated that anyone wanting to present evidence or testimony could be sworn in.

Attorney Hewett swore in the following:
Planning Director Julie Maybee, Attorney David Mills, Fire Chief Phillip McDaniel, Engineer Steve Chambers, Attorney Allen Wellons, and Albert Daniel of Bailey Feed Mill.

Planning Director Maybee stated that she would give an overview of what was going to happen this evening. She said that the hearing would begin with the opening of the public hearing followed by staff's presentation, the applicant's presentation, public comments, those opposed, other public comments, staff and attorney comments, cross examination, rebuttals, Council discussion and Council decision.

A motion was made by Councilmember Eric Sellers and seconded by Councilmember Tommy Holmes to open the public hearing to receive citizen comments regarding the special use permit of Eco Energy. 6:16 p.m.

Selma Planning Director Julie Maybee:

Staff requests that the staff report, presentations be attached to the record for this case and to just briefly state that this property is located on West Oak, and these are information records provided by the applicant. Just getting a vicinity map, which is on the wall showing the proposed site. Eco Energy is requesting a Special Use Permit for the installation and operation of two – 110 ft. diameter x 54 ft. tall bulk storage tanks for the wholesale storage and distribution of ethanol on a 60-acre + parcel that is on the south side of West Oak Street. The land is zoned industrial (referred to zoning maps of that area) owned by Melanie Tedder and is referenced by Johnston County Tag # 14054014. The reason the request is before Council this evening is because a Special Use Permit is required for a facility of this nature to be zoned district. A public hearing was set for this at the last meeting and staff report was forwarded to the Council and the exhibits and the application were also included in that. A majority of the property is located in the Town's extraterritorial jurisdiction. Briefly, when you look at the property, it is zoned heavy industrial. This is the map included here where you see all

the surrounding area is predominately heavy industrial with the exception of some other districts around the perimeter. And to kind of give you an overview of the existing land use that is in the area, we have the storage tanks and this is one of the things when you look at Selma's Future Land Use map. Where it guides us in our future land use plan for support of these types of industries. We do see there is quite a few other tanks in this area, and what they are proposing to do is bring in ethanol by rail and unload it, and have it stored in tanks, and then it will be dispersed by trucks to another facility. In the future, looking at piping it directly to the facility. The request before Council this evening is being unloaded by tank or cars, put into storage tanks, and then shipped by truck to another facility. When you look at the area shown in green, this map, is the area that will be cleared to accommodate this proposed use. There is a single-family dwelling on this property and could be subdivided off if used for residential purposes. So you're looking at the area that's in green, that will be the clearing limits. There is heavy vegetation in that area. Looking at a survey map of the property, there is a flood plain on the property. Riparian buffering would have to be provided adjacent to the creek in accordance to state laws. Looking at the topographic map of the area, when you look at our I2 zoning district, the minimum lot size is 20,000 square feet and this site far exceeds that. In looking at the utilities, the applicant is responsible for the relocation, improvement, or repair to the gravity wastewater line at the location of the drive connection and the proposed turn deceleration lane. The applicant has worked with DOT on securing a driveway permit. Also, with the Fire Chief in preparing a plan and he'll testify to that further. When we look at our future land use plan, again it states in there that the tank farm is of strategic importance to the Town of Selma, and encourages us to support those types of businesses because they are an asset to our community. When you consider a Special Use Permit and this is governed by state law, you have to make the required findings of fact. The Planning Board did meet; they did make the findings of fact and those are included as Exhibit B. Those were the same findings of fact that were presented by the applicant and that when you look at the findings of fact, there are basically five:

1. All applicable specific conditions pertaining to the proposed use have been or will be satisfied.
2. Access roads or entrances and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency vehicles.

I think it is very important in working with DOT prior to the issuance of a zoning permit that this request was approved and they have to provide a copy of that driveway permit. They have been in contact with DOT and DOT has been in contact with me as well.

3. There is necessary public and private facilities and services to be able to adequately handle the use.

Again going to the emergency plan that was presented to the Fire Chief. I think that's next as well.

4. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways will not impair the integrity of the character of adjoining properties and the general area and minimize adverse impacts to public health, safety and general welfare.

When you go back to look at the site that demonstrates the buffering that was in that area. Again I refer you to the findings of fact, and the final one,

5. The use or development conforms to general plans for the physical development of the Town's Planning jurisdiction as embodied in this chapter, the Town's land use plan, or other development policies as adopted by the Town Council.

This goes back to the future land use plan that encourages this type of use.

At the Planning Board's December 15th meeting, they deliberated and made the findings of fact, they recommended conditional approval. The conditional approval being that the Special Use Permit request comply with all state and federal regulations, and the final approval by the Fire Chief.

If you have any questions, I'll be glad to answer them.

Town Attorney Chip Hewett:

At the staff level what we'll do the testimony of the Planning Director will be received and also for the record, we're to receive all the items under 6A that's been presented by the Planning Director for the record.

Councilmember Eric Sellers:

There are a lot of people who have signed up to speak. I assume should we have questions we should ask them individually.

Town Attorney Chip Hewett:

You can break it up. If you want to ask questions. Then the applicant. However you want to do it.

Mayor Oliver:

I know we have a number of people that were sworn in. I know two signed in and if amongst yourselves you had a special order in which to go or not. If not, we can start with the first two that did sign up and the others can come up as well.

Selma Planning Director Julie Maybee:

Did you want to hear comments from the Fire Chief?

Mayor Oliver:

Yes. Is it your recommendation to hear those now?

Selma Planning Director Julie Maybee:

Yes.

Town of Selma Fire Chief Phillip McDaniel:

Basically, I'm here to answer questions you want me to have. They have turned in a generic emergency operations plan, which is everything they can do without the facility being open. It will be updated as the facility becomes to be just like the rest of the terminals. All have to update that annually. What we've seen on paper now, nothing alarms me but will be required to go thru all the codes. Really more state of the art stuff. There has been a lot of upgrades over the years. Complete fire suppression to be place prior to our approval.

Mayor Oliver:

As a recommended order, I would ask if David Mills, Counsel for Eco Energy, come forward and give name and address.

Attorney David Mills, 1559B Booker Dairy Road, Smithfield, N.C.:

I am counsel for Eco Energy. I'm delighted to be here. Also with me is Steve Chambers who's the engineer on the project. He'll come up in a few moments to talk more about it. When we were at the Planning Board meeting, he got up behind me and kinda got mad because I had said everything that he planned on saying. Well, I feel the same way about Ms. Maybee. She told you everything I had planned on saying. I'm going to be very brief. For a number of years, I was the County Attorney so I've sat in on many Special Use Permit hearings. I don't think I've ever seen one where the proposed use and the proposed location were more appropriate for each other. I mean, were talking about a fuel terminal out here amongst the fuel terminals. If there is not an appropriate place here, there is not an appropriate place. These folks have put a lot

of thought into this process with the access, with the rail spurs, with the circular drive here to make sure the emergency vehicles can get in and out. As Ms. Maybee correctly pointed out, this is something that is encouraged by the existing land use plan. So we think this is something that very neatly fits into the Land Use Plan and the special zoning or special use regulations here in Town. As Ms. Maybee said, there are five findings of fact that you have to make based on the evidence provided to you in order to approve the special use permit.

First is all applicable special conditions pertaining to the proposed use have been or will be satisfied. Those applicable conditions are 1) that there be a security fence around the facility. One of these dotted lines here represents, I think it's the orange, the fencing. So that's been satisfied. All structures housing the storage of bulk liquid has to have a setback of more than 250 feet, and that's been done, and Mr. Chambers can testify to that as far as the distance is. And the emergency operations plan be developed, and you've already heard the Fire Chief testify that has been submitted and that will be revised and solidified as the project goes forward and as dirt is actually moved on the ground.

The second thing in fact is access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or emergency. As Ms. Maybee said, we have been working with DOT; DOT has made an analysis to the extent that a turn lane is going to be recommended. That is going to be put in. The drive way is a sufficient width to allow two-lane traffic – one in; one out. Again, as I said earlier there is a circular motion here so that emergency vehicles can get in and out of easily. There are not going to be a lot of employees here. Just a handful of employees at a time. This is not a place where there is going to be a whole lot of cars coming in and parking. Nobody from the public will be coming in and out. Everybody will be related to the operation. So think that the traffic flow and the parking is adequate.

Third, all necessary public and private facilities and services will be adequate to handle the proposed use. The existing utilities and so forth are adequate, and as Ms. Maybee said any changes to the utilities, any modifications, or relocation of utilities, the applicant will handle.

Fourth, the location and arrangement of the use of the site, screening, buffering, landscaping, and pedestrian ways will not impair the integrity or character of adjoining properties and the general area and minimize adverse impacts to public health, safety, and general welfare. Again, we point to the fact that is supposedly consistent with all the other uses around, so the fact that the proposed use here is not going to adversely affect any other property. Of course, the proper safe guard and regulations will be observed in respect to the buffer and completely consistent with the surrounding communities.

Finally, the use or development conforms to general plans for the physical development of the Town's Planning jurisdiction as embodied in this chapter, the Town's land use plan, or other development policies as adopted by the Town Council. This is a permitted special use in this particular zoning district, and as we have already said a couple times, it is consistent with the land use plan.

With that, I believe you have based on the evidence that has been submitted, I believe you have what is needed to make the recommended or required findings of fact, and I'll ask Mr. Chambers to come forward and address anything that I failed to mention and to also affirm from an engineering stand point things that I described to you.

Mayor Oliver:

Welcome Mr. Chambers. If we may have your full name and address.

Steven Chambers, 129 North First Street, Albemarle, N.C.:

I won't repeat anything you've already heard. I would like to relay on the behalf of Eco their thanks for going thru this process and the time that's been put in to this. I can answer any questions you have. Eco is a great corporate customer. They are a great client in the neighbors they are in. This would be their fourth full facility like this. They have several other facilities that are not quite this large. They know what they are doing. They do a good job. As you well know, this is the terminal complex that feeds Raleigh. The pipeline comes up, feeds these terminals. This ethanol product would primarily be in this market. It would just go straight to the terminal farms, be stored there, and blended into gasoline. I do believe the firm had met all the findings of fact. Ms. Maybee has been very thorough in helping us address everything and the Fire Chief. I'd be happy to answer any questions.

Attorney David Mills:

Can I see what was accepted into the record just to see if anything that was needed?

Attorney Chip Hewett:

Yes. That right there.

Mayor Pro-tem Lacy:

There is a house in the area?

Steven Chambers:

The property line (the yellow/black dashed line) Ms. Tedder owns this house.

Mayor Pro-tem Lacy:

Does anyone live in it?

Steve Chambers:

It was vacant the last time we were on site. She would subdivide that out.

Attorney David Mills:

Was I correct in that the orange line represents the fencing?

Steve Chambers:

Yes Sir. The orange is the fencing. Full fencing with 6-foot chain-link fencing with 3-strand barbed wire. The facility would have video camera monitoring and security lights. All that is typically handled under federal. Plan calls for video monitoring, fences are checked everyday.

Attorney David Mills:

And the gates going into the facility are set back more than 50 feet?

Steve Chambers:

Yes Sir.

Attorney David Mills:

And there is more than 250 feet set back from the tanks to adjoining property line?

Steve Chambers:

Yes Sir.

Attorney David Mills:

Attorney Allen Wellons is also here. He represents the owner of the property.

Attorney Allen Wellons 609 Hancock Street, Smithfield N.C.:

I would like to thank the Council and the Mayor in always helping an industry come to Selma. Melanie Tedder and her husband have owned this property. Eco is actually taking part of this and is making another part available for another industry to come in. Are there any questions about the ownership?

Attorney Chip Hewett:

David, is that the evidence and witnesses for the applicant?

Attorney David Mills:

Yes it is.

Attorney Chip Hewett:

For the record, so far we have received into evidence all the items under 6A. We've heard the staff report, the applicant has presented witnesses and testimony that has been received into evidence and is in the record. Anything further from the applicant?

Attorney David Mills:

No Sir.

Attorney Chip Hewett:

At this point, does Council have any further questions for the applicant? We'll shift over to anyone in opposition. At this time, Council may have some questions for the applicant.

Councilmember Eric Sellers:

You've made me feel very good about a lot of things except for one big one for me. I agree with everything you've said. It's consistent. We've got a pretty good sized rail line there. You're obviously bringing it in by rail. I'm curious to know why...I'll get to that in a minute. Somebody needs to make me feel a warm, fuzzy about the rail. Because what we don't want; that thing is running right beside Noble Street. Runs perpendicular all the way to 301. That facility is exactly a mile from Green Street. There are two things we know we have; trains and terminals. For us to look after citizens, we obviously want to improve business. We also want to make sure citizens can drive and get to where they want to go. And if 301 is blocked or if Buffalo Road or down further (2 intersections coming from Raleigh) those are blocked, there are no trucks getting out of that oil terminal period. If you block it on the other side, there are no citizens getting in and out of Selma. I need somebody that has got Railroad on their job description making me warm and fuzzy saying we've got it covered.

Attorney David Mills:

Well Railroad is certainly not on my job description.

Steve Chambers:

It is half of my job description; however I not Norfolk Southern. It's a Norfolk Southern served corridor. They run by federal rules; what they can block, and how long they can block it. This type train I don't think will be delivered in mass at one time. Norfolk Southern switchyards I understand it. They've improved operationally and track quality. That was the first thing we did before we came to see you guys. We had to put a track plan of their service corridor that they approved. We did that a year ago. So how they get here, all I know they follow the federal rail administration rules. How long they can block the road or not block the road. I don't think you'll see any difference, it may even be an improvement from what you have today. This is a unit train. A unit train is a little different from when you see a train with 10 cars of something, 12 cars of something else. They are called singles. This unit train comes delivered; 80 cars from wherever it originated, say the Midwest, it would come straight to Selma – probably the NS switch yard. Then it will be put in packages and to be brought here.

Councilmember Eric Sellers:

Do you know from which direction it's going to come in from?

Steve Chambers:

It would have to come from the east; I'm not sure. It would come out of the Midwest through Norfolk Southern's service area. It would be broken down into pods and brought here. If it wasn't, it probably would take, it wouldn't block a street, but they

do have complete access. This could be parked in about 30 to 45 minutes. Definitely wouldn't be blocking and city streets. I know that is outside FRA regs for keeping a street closed that long. I don't think you'll notice a difference in rail transport, and might see an improvement. But I'm not an expert on FRA rules. NS would own the train until it is parked. Then they would release it to the industry. It would be the industries train until they off loaded it. Then they would release it back to Norfolk Southern.

Councilmember Eric Sellers:

I have no reason to doubt anything you said, but it sure would make me feel good if someone from Norfolk Southern told me that.

Councilmember William Overby:

How many pods do you think they could put on the off tracks?

Steve Chambers:

These are strings of 13 to 16; it will hold 80 cars total. I'm not sure if Norfolk Southern would break the train up. We want to get that 80 cars, before they break it, they want to get those cars as close to facility as they can.

Attorney David Mills:

Mr. Chambers, am I correct, just because this will hold 80 units, doesn't mean they will be hauling 80 units in there everyday.

Steve Chambers:

No. Exactly. This is about a mile. There are rules on how long a train can sit on a crossing.

Councilmember Eric Sellers:

Problem is that when they break the rules there is not much you can do about it.

Steve Chambers:

It is Norfolk Southern's train, and it their contractual obligation to get the train here. Eco has no responsibility actually past the lift point. They do nothing past it.

Councilmember Eric Sellers:

I'm good with that, but we do.

Steve Chambers:

I can put you in contract with NS folks.

Attorney Chip Hewett:

On the benefit of Mr. Sellers, if you have something from Norfolk Southern, would you be willing to supplement the file, it will allow you to introduce it into evidence, you can give it to the Town that they have approved and are okay with it. I think Mr. Wellons may also...

Attorney Allen Wellons:

Would like to work with you to supply you that information. It is sort of important to go ahead and move forward and bring that information as it comes. We've got some other hurdles we have to deal with and this is one of them.

Steve Chambers:

The special use if for the tank as I understand it not necessarily for the train. I'll get you whatever I can get from Norfolk Southern.

Councilmember Eric Sellers:

It's very important.

Attorney Chip Hewett:

You can put it as subject to verification from Norfolk Southern if you were inclined to do that.

Mayor Pro-tem Jackie Lacy:

Will they have to build additional tracks to get it to the landing?

Steve Chambers:

There is no track improvement other than what you see here. Just the red siding. And that's Eco's res... Norfolk Southern is going to build the switch.

Councilmember Eric Sellers:

Once you get the ethanol in the tanks, you are going to download into trucks, and sell basically to the other industries to mix with their fuel. Right?

Steve Chambers:

That's correct.

Councilmember Eric Sellers:

Just a silly question, in today's world why would you not do a pipeline?

Steve Chambers:

It takes a little more to get a pipeline underground. Hazardous material to the terminals in today's world. This model does get the ethanol at the terminal. Eco for instance has a facility in Denton, N.C. which is Healing Springs about 40 miles from Greensboro, same to Charlotte. That terminal supplies most of the ethanol in Denton to both Greensboro and Charlotte. Eco from Denton supplies a customer in Selma. This gets it about as close as we can get it and have a future study to get a pipeline connection. You wouldn't notice the truck traffic. It generates about 50 trucks a day. And to give you another idea, the train comes in and typically off loaded in 24 hours. And it's gone until the next one comes in 10 to 14 days depending on the market.

Attorney David Mills:

That was my point earlier. We're not talking about train movement daily.

Attorney Chip Hewett:

Any additional questions. We'll receive the additional questions in as testimony. Any further questions from the applicant. We will consider the applicants as rested. At this point, is there anybody else sworn. Please state your name and address for the record.

Albert Daniel, 404 East Preston Street, Selma:

Some of you know me; I'm with Bailey Feed Mill. We currently bring in ethanol into the Selma market and have been for years. Just a couple of things. We are currently in discussions on an additional project to our facility we feel like would definitely be a better alternative for what we are doing now. It involves a pipeline to Kinder Morgan terminals. It would be similar to what Eco is saying we would bring in the trains, off load in 24 hours, pipe directly over. The advantages we would have we would be taking the trucks completely off the road. We would have a more safe, more efficient way to get ethanol to the terminals. The one thing as a citizen here, my concern with this project is introducing a new rail switch in Town limits. We handle a lot of rail cars and understand how the rail system operates. The railroad is the railroad. You introduce a new switch in Town; there are going to be road blocks. I'm pretty sure. Can't say for sure, speaking as someone with experience. I ask that Council take all that into consideration. Hopefully long term economic impacts for the Town. We've been here for quite some time and would like to continue here in Selma and keep growing as good neighbors. Do you have any questions for me?

Councilmember Eric Sellers:

The pipeline to Kinder Morgan, what stage? Is it a talking stage, is it the planning stage, is it the doing state?

Albert Daniel:

We're in the doing stage, pretty close. We've had some preliminary meetings, emergency response here. With Phillip, we've had some general discussion on that. We've got the driveway, not in hand, but we're very close to having a right-of-way agreement. We're basically there. I'm not even sure what our biggest hurdle is right this second. If we get that in hand, we'll be good to go. We've got a very dedicated supplier. Good partner with Kinder Morgan. The tank farm has a number of tanks that are currently being used for ethanol. What we will be doing is utilizing existing tank capacity. It really would not be any new tankage; just be utilizing existing tanks.

Councilmember Eric Sellers:

Is there something Kinder Morgan can give us that Kinder Morgan can give us that tells us more about their intentions and what kind of timeframe?

Albert Daniel:

Absolutely.

Mayor Oliver:

Attorney Hewett are we veering away from evidence being given to this particular hearing for Eco Energy?

Attorney Chip Hewett:

Is there any documents any type of written evidence you want to submit to Council to consider the denial of the special use permit?

Albert Daniel:

No Sir.

Attorney Chip Hewett:

In terms of your testament, I understand what your project involves. Is there anything you've presented that would be in opposition to the five findings of fact by way of evidence.

Albert Daniel:

Five findings of fact?

Attorney Chip Hewett:

What they did, they presented a plan of these so called findings of fact. They filled in the blank. Anything that you've got that would contradict the evidence the presented on the five findings of fact.

Albert Daniel:

No. My main issue would be the operations side. The railroad currently brings cars in a certain way now, and introducing a new rail switch in Town would be something important that you guys to consider. Thank you.

Attorney Chip Hewett:

Is there anyone else wishing to speak that has been sworn on this matter?
Any rebuttal by the applicant?

Attorney David Mills:

No. I think you adequately addressed the fact the concerns that were raised are outside the scope of those five findings of fact.

A motion was made by Councilmember Eric Sellers and seconded by Councilmember Tommy Holmes to close the public hearing. 6:54 p.m.

Mayor Oliver asked Planning Director Maybee if she had any further information or comments before Council considered the request.

Ms. Maybee stated that looking at this because the property does abut the town limits, encourage voluntary annexation of the property. She also recommended making those findings of fact in considering to approve or deny the request.

Attorney Hewett stated that in the past, Council had gone done each findings of fact and received a motion to approve or not approve for the special use permit.

Councilmember Sellers stated that they needed to review and vote on each findings of fact individually.

Mayor Oliver read each findings of fact with the following actions:

- 1) Motion was made by Councilmember Eric Sellers and seconded by Councilmember William Overby to approve. Motion carried.
- 2) Councilmember Sellers stated that this was his issue. He said that he needed more information to say yes on this issue. Mr. Sellers stated that he needed Norfolk Southern to give him something that tells him what is going on. He said that if they close every rail intersection on Noble Street they would be killing themselves.

Attorney Hewett stated that they could make a motion based on verification of approval of the applicant submitting the information from Norfolk Southern to Council.

Councilmember Sellers asked if this could be tabled for 30 days. He said that this was a decision that was pretty important to the future of this Town. Councilmember Sellers stated that he wants to make sure they make the right decision. He said that he feels that he does not have all the information to make that decision at this time.

Attorney Hewett stated that Council was in the process of approval. He said Council was at a point that they have to proceed forward and vote. Attorney Hewett stated that the issue needed to be tabled before they got into this part of the approval.

Attorney Hewett stated that a “no” on anyone of these five would technically kill the special use permit.

Mayor Oliver stated that she was in favor of moving ahead subject to verification of the information. She said this allows them to keep going, but would it allow them to stop the process.

Attorney Hewett stated that the law and rules allow the matter by agreement of the parties at this juncture can recess and reschedule by agreement by the applicant and the Town. He said that was a suggestion, but was not sure the applicant was in agreement.

Attorney Wellons stated that they would like to come back with the information from the railroad. He said that he thought this would make it a contingency. Attorney Wellons stated that if the Town does not get what it needs from the railroad then Council could bring it back up. He said that this was a contingency that would be there. Attorney Wellons stated that they are trying to move forward as quick as they can. He said that time was of the essence, and it was important to get the railroad here.

Attorney Hewett stated that for clarification purposes, the applicant submitted under oath and testimony that the railroad has approved this project. He said that they do not have a piece of paper with them to verify that. Attorney

Hewett asked if that was what Council was looking for, verification in writing from the railroad.

Councilmember Sellers stated that he would like for someone from the railroad to tell him how they are going to get it in there and how they are going to do it without blocking those roads.

Mayor Oliver stated that it was the citizen impact that they needed someone to speak about.

Attorney Mills stated that the special use permit relates solely to the tank farm. He said that the rail siting is not part of the special use. He said that legally this did not have anything to do with the special use permit. Attorney Mills stated that the things being discussed are outside the scope of the special use permit.

Councilmember Sellers stated that their responsibility was to look after the best interests of the citizens. He said that he did not have all the information that he needed. He said that a contingency was one way around it. Councilmember Sellers asked how much information could be put on a contingency.

Attorney Hewett stated that Council could be as specific or as general as they want to be. He said that for general, a representative from the railroad needed to satisfy the Town regarding the issues with the concerns that were raised. Attorney Hewett stated that if they wanted to go the other way, they would have to put more details with it.

Mayor Oliver stated that a contingency would help them get the information they need.

Councilmember Sellers asked if they put the contingency out there and Norfolk Southern does not supply the necessary information, they could say that they have done a general broad contingency that has not been met.

Attorney Hewett stated that it was a conditional approval with a missing piece if the puzzle. He said that information would fit or not fit. Attorney Hewett stated that it fits, they move on; however, if it does not fit they could have a supplemental hearing to say the Town has to deny and this is why that is based on finding #2.

Attorney Mills asked Council to articulate what concerns Council wanted Norfolk Southern to address.

Councilmember Sellers stated that he wanted them to state that they were not going to be blocking the rail intersections along Noble Street, which includes Green Street, Highway 301, and Buffalo Road.

A motion was made by Councilmember Eric Sellers and seconded by Councilmember Tommy Holmes to approve the findings of fact #2 on the condition that the applicant produce an individual from Norfolk Southern to present information to the Town regarding the access issues to the proposed site that is satisfactory to the Town consistent with the law. Motion carried.

- 3) A motion was made by Councilmember William Overby and seconded by Councilmember Tommy Holmes to approve. Motion carried.
- 4) A motion was made by Councilmember William Overby and seconded by Councilmember Tommy Holmes to approve. Motion carried.

- 5) A motion was made by Councilmember Eric Sellers and seconded by Councilmember Tommy Holmes to approve. Motion carried.

A motion was made by Councilmember Tommy Holmes and seconded by Councilmember Eric Sellers to approve the special use permit subject to the conditions that are associated with the findings of fact #2. Motion carried.

**Public Hearing &
Consideration of a Request
for a Development Ordinance
Text Amendment by Bon-Ric:**

Planning Director Julie Maybee stated that Bon-Ric, a Selma property owner had filed a request to amend Selma’s Municipal Code Chapter 17, Section 17-453(b) to allow as a permitted use “an establishment serving malt beverage” in the Central Business District (CB). She said the proposed use was not listed as a permitted or special use in the CB zoning district and could affect approximately 60 property owners.

Ms. Maybee stated that the Planning Board had reviewed the application and determined at their December meeting that the proposed action was inconsistent with the Town’s Future Land Use Plan. She said the Planning Board denied the amendment request recommending that each proposed location needed to be evaluated on an individual basis through a special use permit. Ms. Maybee stated that staff concurs that this amendment to not be allowed as a permitted use in this zoning district.

Ms. Maybee advised that at the January 15th meeting, Council adopted a resolution setting February 10, 2015 as the public hearing date. She said that notice of this public hearing was published in the local paper in accordance with ordinance provisions.

A motion was made by Councilmember Tommy Holmes and seconded by Councilmember William Overby to open the public hearing to receive citizen comments. Motion carried. 7:19 p.m.

Heidi Zboinski of 127 Toffler Lane, Benson, N.C. stated that that she was confused about this being a text amendment or the special use permit.

Mayor Oliver stated that this was about the text amendment that would allow bars in any building in the Central Business district.

Ms. Zboinski stated that they were more interested in the special use permit.

Mr. D.R. Godwin and Mr. Ricky Godwin were in agreement to wait until the next public hearing regarding the special use permit.

A motion was made by Mayor Pro-tem Jackie Lacy and seconded by Councilmember Tommy Holmes to close the public hearing. Motion carried. 7:22 p.m.

A motion was made by Councilmember Eric Sellers and seconded by Councilmember Tommy Holmes to deny the request by Bon-Ric for a development ordinance text amendment that would allow an establishment to serve malt beverages in the Central Business (CB) zoning district as a permitted use including the findings of fact. Motion carried.

**Public Hearing &
Consideration of a Request
for a Development Ordinance
Text Amendment by the
Planning Board:**

Planning Director Julie Maybee stated that on December 15, 2015, the Planning Board considered Bon-Ric’s text amendment request to allow “an establishment serving malt beverage” as a permitted use in the Central Business zoning district. She said that Planning Board recommended against allowing the use as a permitted use; however, recommended it as a special use in the CB zoning district. Ms. Maybee stated that the proposed special use permit provisions were to be consistent with requirements for bars and taverns in the Interstate Business (IB) zoning district.

Ms. Maybee stated that required consistency statement findings were made and specific amendments to Selma’s Municipal Code were recommended by a majority of the Planning Board.

A motion was made by Councilmember Eric Sellers and seconded by Councilmember Tommy Holmes to open the public hearing to receive citizen comments regarding a development ordinance text amendment by the Planning Board. Motion carried. 7:34 p.m.

Ricky Godwin, Jr. of 460 Batten Pond Road, Selma, stated that the Alley Bar has been at its present location for more than 50 years. He said this was brought about by the Planning Board and Ms. Maybee. Mr. Godwin stated that there was an existing opening between the two buildings. He said that no permit was required to reopen an existing opening. Mr. Godwin stated they were trying to expand the bar to the adjacent building. He said that they went before the Planning Board to expand the serving of malt beverage into the adjacent building. Mr. Godwin stated that the state of North Carolina ALE has no problem with that. He said that he also found out that malt beverages is not even considered an alcohol license; it's a malt beverage license. Mr. Godwin stated anyone could get a special use permit for a banquet facility to serve any type of alcohol or come into downtown and get a liquor license to serve beer/liquor. He said that they were not looking for that. He said the through the work of Ms. Maybee and the Planning Board, they resolved the issue to keep everyone from opening a bar in downtown by making it a special use. Mr. Godwin stated that this was an established business that was looking to expand.

With no others wanting to address Council, a motion was made by Mayor Pro-tem Jackie Lacy and seconded by Councilmember Tommy Holmes to close the public hearing. Motion carried. 7:39 p.m.

A motion was made by Councilmember William Overby to approve the request of the Selma Planning Board to amend the Selma Municipal Code, Chapter 17 – Development Regulations to allow “an establishment serving malt beverages” as a special use in the Central Business zoning district.

Motion dies from lack of a second.

**Public Hearing &
Consideration of an
Amendment to the Town's
Sewer Fee Schedule:**

Town Manager Jon Barlow stated that in December 2014 and January 2015 staff offered proposals seeking to amend the Town of Selma Sewer Schedule of Fees. He said the mid-year adjustment proposal is a result of insufficient revenue within the sewer fund. Mr. Barlow stated that at the end of the past fiscal year, the Sewer Fund ended the year with a \$600,000 deficit. He said the shortfall was covered by a loan from the water fund. Mr. Barlow stated that in FY15 sewer rates were increased to help alleviate the shortage. He said that as a result, the sewer fund is performing much better, but not to the point where revenues are sufficient to support the fund.

Mr. Barlow stated that a recommendation was made in December to increase the sewer fee by \$2.00/1,000 gallons for all tiers. He said that in January another option was offered, which proposed adjusting the upper tiers only. Mr. Barlow stated that this plan also suggested making out-of-town rates twice the in-town rate. Mr. Barlow stated that at the direction of Town Council, he was asked to consider other options. Mr. Barlow was requested to include options that made adjustments to all tiers - not just a few, a single flat rate, and a one-time assessment. He said that there were an infinite number of methods to make the fee schedule produce the desired effect. Mr. Barlow presented three additional options based on the options listed above that met that goal.

Mr. Barlow presented the following:

- Option 2 amends all tiers proportionally and doubles the in-town rate for out-of-town users. The net effect is about \$435,000 in additional annual revenue.
- Option 3 is a single flat rate regardless of the volume. The result is significantly higher charges for lower volume users.
- Option 4 takes a look at a one-time assessment to meet the desired revenue goal. If all users, regardless of volume and location paid the same the assessment would

be \$161.72. Breaking it into in-town/out-of-town the result is \$150 and \$300 respectively.

Mr. Barlow recommended that Council approve option 2 of the sewer fee schedule. He said that each tier is modified and charges the user based on the volume of sewer. Mr. Barlow stated that it is consistent with the schedule in that's in place currently, which charges more as more sewer is consumed.

A motion was made by Councilmember Eric Sellers and seconded by Councilmember Tommy Holmes to open the public hearing to receive citizen comments. Motion carried. 7:50 p.m.

With no one wishing to speak, a motion was made by Councilmember Eric Sellers and seconded by Councilmember Tommy Holmes to close the public hearing. Motion carried. 7:51 p.m.

Councilmember Sellers stated that this was the most detailed information he has received since he has been on Council. He said this information that tells him what they need to do. Councilmember Sellers stated that he liked option #2 and makes the most sense.

Mayor Oliver stated that she also likes option #2.

Councilmember Overby asked if this increase would cover the \$600,000 debt.

Town Manager Barlow stated that it would cover the \$600,000 will be covered over a 6 year period.

Councilmember Sellers asked how quickly this would help the Town meet its covenants in order to go ask for more money in terms of grants.

Town Manager Barlow stated that the Town had a long way to go just to meet the bond covenants. He said that the rate increase could be reflected in the April billing.

A motion was made by Councilmember Eric Sellers and seconded by Mayor Pro-tem Jackie Lacy to approve the changes as presented in option #2 to be effective in the April 2015 billing. Motion carried.

A motion was made by Councilmember Tommy Holmes and seconded by Councilmember Eric Sellers to amend the above motion to change the billing effective date to May 1st for the sewer rate increase. Motion carried.

**Request to Set Public Hearing
to Rezone/Land Use Map
Amendment to Property
Owned by Roshaun Holloway:**

Planning Director Julie Maybee stated Roshaun Holloway has requested his property located at 209 West Dr. Martin Luther King, Jr., Way (Tax ID # 14032037) be rezoned from R-10 zoning district to Central Business (CB), and amend the Future Land Use Map from a residential district to a commercial designation.

Ms. Maybee stated that the Planning Board recommended approval of the Future Land Use Map amendment and the rezoning request.

Ms. Maybee requested that a public hearing on the rezoning request be scheduled for March 10, 2015.

A motion was made by Councilmember William Overby and seconded by Councilmember Tommy Holmes to schedule a public hearing to receive citizen input on the request to rezone property located at 209 West Dr. Martin Luther King, Jr., Way at 6:00 p.m. in Jernigan Building. Motion carried.

**Request to Set Public Hearing
for a Special Use Permit by
Red Toad:**

Planning Director Julie Maybee stated that Red Toad, LLC has requested special use permit for the installation of a solar farm at 4451 Buffalo Road. She said the approximate forty-nine (49) acre parcel is located in an area zoned industrial 2 (I2). She said the property is owned by Roberts & Wellons (Tax ID # 14054026).

Ms. Maybee stated that a special use permit is required for a solar farm in the I2 zoning district. She said that the special use permit application was reviewed and approved by the Planning Board at their January 26th meeting.

A motion was made by Councilmember Tommy Holmes and seconded by Councilmember William Overby to schedule a public hearing to receive citizen comments regarding the proposed solar farm on March 10, 2015 at 6:00 p.m. in the Jernigan Building. Motion carried.

**Request to Set Public Hearing
for a Development Ordinance
Text Amendment:**

Planning Director Julie Maybee stated that at January 26, 2015 Planning Board meeting, a recommendation was made to amend Chapter 17, Section 17-432 (g) by changing a quorum of the Planning Board from five members to four.

A motion was made by Councilmember Eric Sellers and seconded by Councilmember Tommy Holmes to schedule a public hearing to receive citizen comments regarding the proposed ordinance text amendment for March 10, 2015 at 6:00 p.m. in the Jernigan Building. Motion carried.

RECESS:

Mayor Oliver asked everyone to take a three minute break.

Councilmember Holmes recommended moving item 7d up 7a. A motion was made by Councilmember Tommy Holmes and seconded by Councilmember Eric Sellers to move item 7d up to 7a. Motion carried.

Returned to Regular Session at 7:14 p.m.

**PLANNING/ZONING/
ECONOMIC DEVELOPMENT –
Consideration of Resolution to
Investigate a Voluntary
Annexation Petition & Set a
Public Hearing Date for 1394
West Noble Street by James
Eason:**

Planning Director Julie Maybee stated that an owner-initiated voluntary annexation petition was filed by James William Eason for .54 acres located at 1394 West Noble Street (tax ID # 14001006). She said the property was contiguous with Town limits. Ms. Maybee stated that there is a single-family dwelling on the lot, and is served by water and sewer.

Ms. Maybee requested that Council direct the Deputy Clerk to investigate the voluntary annexation petition and to set a public hearing date to receive citizen comments.

A motion was made by Councilmember Eric Sellers and seconded by Tommy Holmes to adopt the Resolution directing the Town Clerk to investigate the petition received. Motion carried.

A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition was received on February 10, 2015 by the Selma Town Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Deputy Town Clerk before further annexation proceedings may take place; and deems it advisable to proceed in response to this request from James and Jake Eason Life Estate annexation (parcel located at 1394 W. Noble Street, Selma, North Carolina, Tag#14001006).

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

The Deputy Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation.

DULY ADOPTED THE 10TH DAY OF FEBRUARY, 2015.

Deputy Clerk Brenda Thorne presented the Certificate of Sufficiency certifying that the petition has been investigated and found to be signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Selma, North Carolina:

I, Brenda W. Thorne, Deputy Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is contiguous to the Town’s primary corporate limits as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Selma, this 10th day of February, 2015.

A motion was made by Councilmember William Overby and seconded by Councilmember Tommy Holmes to adopt a resolution fixing the date for a public hearing on the proposed annexation for March 10, 2015 at 6:00 p.m. in the Jernigan Building located at 110 East Anderson Street. Motion carried.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G. S. 160A-31

WHEREAS, a petition requesting annexation of an area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Deputy Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Deputy Clerk has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Selma that;

Section 1: A public hearing on the question of annexation of the area described herein will be held at the Jernigan Building at 6:00 p.m. on March 10, 2015.

Section 2: The area proposed for annexation is described as follows:

“BEGINNING at a stake in the Southern Railroad bounds, Parker heirs’ corner, runs with the Parker Heirs’ line South 38 degrees West 260 feet to a stake in the line of Highway right-of-way; thence along the line of right-of-way in a northerly direction 105 feet to a stake, corner of Lot No. 1; thence wit

h the line of Lot No. 1 North 38 degrees East 238 feet to the Southern Railroad bounds; thence along the line of Southern Railroad bounds South 51 degrees East 98 feet to the BEGINNING and containing 56/100 of an acre, more or less, and being Lot No. 10 as shown by map and survey of the C.L. Eason lands made by H.A. Herring Registered Surveyor, January 21-23, 1950.”

DULY ADOPTED THIS THE 10TH DAY OF FEBRUARY, 2015.

Request/Consideration of Oak Tree Industrial Park Recertification:

Planning Director Julie Maybee stated that as a result of the Council’s visioning sessions, goals and strategies have been identified for the community. She said in particular, the need to provide a platform for a healthy economy and to create an inviting community for new business, industries and residents.

Ms. Maybee stated that a proposal was received from Sanford Holshouser to recertify Oak Tree Industrial Park. She said the cost of the update would not exceed \$2,000. Ms. Maybee stated that funding is available in the department’s 2014/2015 budget to pursue this economic development strategy to have a shovel ready industrial park.

Councilmember Overby stated the proposal includes expenses and asked Mr. Lane how many times the Town has gone through the certification process for this piece of property.

Mr. Lane stated that this would be the third time.

Councilmember Overby stated that he did not want to see this item left open. He stated that he should know what the expenses should be.

Mr. Lane stated that they could remove the expenses all together.

Councilmember Sellers questioned what was meant by the statement that the scope of the work should not include any legal services that may be required in the completion of the project.

Mr. Lane stated it was a statement that was put on a contract as a standard. He said that this would fall into play if the Town Attorney needed to do a title search on a piece of property. Mr. Lane stated that he did not expect anything legal on this certification.

Attorney Hewett questioned if the covenants needed to be looked at.

Mayor Oliver stated that the covenants could be reviewed separately.

A motion was made by Mayor Pro-tem Jackie Lacy and seconded by Councilmember Eric Sellers to approve the recertification of the Oak Tree Industrial Park at a cost to not exceed \$2,000. Motion carried.

**Request/Consideration of
Strategic Economic
Development Plan Update:**

Planning Director Julie Maybee stated that because of the Council's community visioning sessions, goals and strategies have been identified. She said that the need to provide a platform for a healthy economy and to create an inviting community for new businesses, industries, and residents.

Ms. Maybee stated that a number of strategies/actions have been identified to accomplish this goal including: 1) creating a clear focus in marketing Selma, through economic development goals and options; and 2) identifying the desired industry sectors or retail options for recruitment.

Ms. Maybee stated that in order to move forward on these objections, a proposal for Sanford Holshouser to update our Strategic Economic Development Plan would be required.

Ms. Maybee stated that Selma's original Strategic Economic Development Plan was completed in October 2008; and just prior to the downturn in the economy. She said that funding was available in the department's FY 2014-2015 budget to pursue this economic development strategy. Ms. Maybee stated that the quoted price was \$9,800 plus travel expenses (not to exceed \$750).

Ms. Maybee requested that Council authorize staff to move forward on updating Selma's Strategic Economic Development Plan as proposed.

A motion was made by Councilmember Tommy Holmes and seconded by Mayor Pro-tem Jackie Lacy to approve the proposal from Sanford Holshouser for the updating of Selma's Strategic Economic Development Plan. Motion carried.

**Code Enforcement Update –
Citation:**

Planning Director Julie Maybee stated that as an outcome of the Council's visioning sessions, goals and strategies have been identified for the community. She said the need to create a safe, viable, and inviting Town for new and existing residents.

Ms. Maybee stated that staff is in the process of reviewing the Town's land use regulations and developing strategies to make them clear, consistent, user friendly, and more enforceable.

Ms. Maybee stated that Selma Police Sergeant Bruce Avery, while on temporary assignment with the Planning Department, spearheaded efforts to make the ordinance more enforceable through the development of a code violation citation.

**TOWN MANAGER'S REPORT
& RECOMMENDATIONS –
Sludge Study Presentation –
Don Garbrick, Pease
Associates:**

Town Manager Barlow introduced Mr. Garbrick of Pease Associates located at 1520 South Boulevard, Charlotte NC. He said that Mr. Garbrick would be presenting his findings of the sludge study that was recently done.

Mr. Garbrick presented Council with a report prepared by his company. He said the Town has a simplistic plant for what is done in the business. Mr. Garbrick stated that if the sludge is not removed properly, the filters would become overloaded. He advised Council that staff at the water plant was doing a lot with very little. Mr. Garbrick stated that they were operating as efficiently as they can with what they have available to work with.

Mr. Garbrick advised Council that that sludge comes from two sources, primary sedimentation and back wash from the filters. He said the Town's existing sludge removal system in the sedimentation basin does not work. Mr. Garbrick stated that the basin was being used for storage of sludge, and quarterly pumping the sludge out and taking it to the Johnston County Landfill. He said that the Town was decreasing its detention time, and was not meeting the detention time required by state criteria.

Mr. Garbrick stated that they looked at taking the sludge to a drying bed on site; however, there is not enough space on site to allow this process to happen. He said the second option was to remove the sludge from the basin and put in a new tank for a period of time for storage.

Mr. Garbrick stated that the Town could continue to do what it is doing for sludge removal, which takes a lot of manpower and anywhere from three to five days to accomplish. He said the second option was to put in a mechanical device to truly remove the sludge.

Mr. Garbrick recommended the building of a second tank by getting the sludge out of the process. He said this would give the Town a buffer by allowing staff to determine when to haul it away.

Mr. Garbrick stated that the Town does not need to do anything now, but during the long term, they needed to improve the efficiency of the plant by providing a means of collecting and disposal of sludge.

Mr. Garbrick stated that once the sludge was removed from the Town's system, pressure would be removed from the filters. He said that the current form of sludge removal is costing the Town approximately \$40,000 annually.

Mr. Garbrick stated that there were multiple options out there. He said that if you were going to build this plant new today, he would recommend putting in the removal equipment in the sedimentation basin, provide a holding tank, and build a centrifuge for dewatering on site that way the Town would have control of everything.

Mr. Garbrick stated that there appears to be additional funding available through state agencies for the next fiscal year for this type of application.

**Auditor RFP for Fiscal Year
2014/2015:**

Town Manager Jon Barlow stated that auditing services request for proposals were sent out in early January with a deadline to respond by Friday, January 23, 2015. He said that ten proposals were received and reviewed thoroughly by staff with the top three firms listed for review. Mr. Barlow stated that a number of criteria were used to

evaluate each proposal with price being a major factor. He said that other criteria such as staff experience, prior municipal auditing experience, experience auditing a town with an electric utility and references from existing clients were taken into consideration.

Mr. Barlow stated that the firm of Mauldin & Jenkins was identified as the firm that offered the best proposal, which fit the needs of the Town of Selma. He said Mauldin & Jenkins is a large firm based in Atlanta, Georgia, which has an entire division of staff dedicated to municipal auditing. Mr. Barlow stated that in addition to a very competitive price, this firm offered extra services such as quarterly training sessions at no extra cost.

Mr. Barlow stated that the RFP requested a 5-year audit relationship on the basis of annual negotiation after the completion of the first year contract. He said each year, after negotiation had taken place, an annual contract documenting the terms of the audit would be signed. Mr. Barlow stated that since one governing board may not obligate future governing boards, the remaining years of the agreement would be subject to annual governing board approval. He said the Town reserves the right to request proposals at any time following the first year of this contract. He said the proposal was prepared for 5 years with year one being the only obligated year.

Mr. Barlow stated that Mauldin & Jenkins is registered with NC Local Government Commission and the NC State Board of CPA Examiners, which is a requirement to perform audits in North Carolina.

A motion was made by Councilmember Tommy Holmes and seconded by Councilmember Eric Sellers to approve the auditing services contract with Mauldin & Jenkins, LLC for fiscal years 2015 - 2019 as presented. Motion carried.

Consideration of a Sidewalk Improvement Project:

Town Manager Jon Barlow stated that the Town recently had a portion of its sidewalks surveyed for the purpose of identifying sections that may be creating trip hazards. He said the survey was performed by Precision Safe Sidewalks – a company specializing in sidewalk repair using concrete cutting repair technology. Mr. Barlow stated the project area is bounded by Sharpe, Richardson, Green, and Anderson Streets.

Mr. Barlow stated that the survey concluded that within the project area there were 234 trip hazards that range in size between 1” and 2 1/2”. He said the estimated cost to perform the repairs is \$23,663. Mr. Barlow stated that for the sake of comparison, the report states if these same areas were dug out and repaired in a traditional manner then the cost would be approximately \$57,994.

Mr. Barlow stated that this was a Powell Bill eligible project, and that there were currently sufficient remaining project funds in the Powell Bill Fund to perform this project in the current fiscal year.

Mr. Barlow stated that based on the number of trip hazards identified in the project area and the competitive price offered by Precision Safe Sidewalks, it was his recommendation to enter into a contract to make these sidewalk repairs.

A motion was made by Councilmember William Overby and seconded by Councilmember Eric Sellers to enter into a contract with Precision Safe Sidewalks to repair sidewalks in the area of Sharpe, Richardson, Green, and Anderson Streets for \$23,663 to be paid from the Powell Bill Funds. Motion carried.

TOWN ATTORNEY'S REPORT – North Carolina General Assembly Regarding Work Session Meetings:

Attorney Chip Hewett stated that Council needed to continue to listen to what is going on in Raleigh that would affect the Town. He said that the first was the abolishment of the 2-mile ETJ district, which would affect the Town’s planning and zoning issues and would be statewide. Attorney Hewett stated that the second issue would be a constitutional amendment to change the eminent domain powers of the state regarding condemnations, which could limit or restrict those powers.

Attorney Hewett advised Council that there was so much business going before Council that most towns are going to a work session agenda. He stated that during a regular meeting, special meeting, or emergency meeting Council could vote as long as proper notification is given; however, during a work session, items could be discussed but not voted on. Attorney Hewett stated that a work session would be considered for informational and debate purposes only.

Taxicab Franchise:

Attorney Hewett stated that on the taxicab ordinance, they would be amending Chapter 6 of the Town's ordinances. He said that after July 2015, privilege licenses would be extinct. Attorney Hewett stated that Article I and Article II would need to be repealed. He said that in the taxicab ordinance, the two issues that were of concern were Section 6-62 that requires quarterly inspections by the Police Department and Section 6-82 that requires the franchise to be renewed annually. Attorney Hewett stated that based on North Carolina law, this could be changed to be reviewed on a 3-year basis.

After discussions by Council, it was recommended to remove the inspections by the Police Department and change the franchise renewal for three years.

**Update on Condemnation of
905 West Walnut Street:**

Attorney Hewett stated that he wanted to give an update regarding the property at 905 West Walnut Street. He said that his office had sent a letter stating that Council decided to proceed forward with the condemnation. Attorney Hewett stated that he and Town staff have not heard anything from Ms. Lemon regarding the complaint. He said that the complaint is ready for signature by Council if they want to move forward with the condemnation.

**MAYOR'S REPORT AND
RECOMMENDATIONS –
General Comments:**

Mayor Oliver recognized the Chamber of Commerce Award winners for Selma:

Electric Utilities Director Donald Baker as the Distinguished Citizen of the Year, Mayor Pro-tem Jackie Lacy as the Athena Award Winner, and Hula Girls that won the Jimmy Creech Small Business Award.

Mayor Oliver thanked the NAACP for a great Martin Luther King, Jr. prayer breakfast on January 24th.

Mayor Oliver stated that she and Mayor Pro-tem Lacy attended a joint meeting of Board of Commissioners and Board of Education for Johnston County.

Mayor Oliver reminded Council of a meeting scheduled for February 25, 2015 regarding the Johnston County Parks and Recreation Master Plan at the Johnston Community College auditorium.

February Work Session Date:

After discussion by Council, a Work Session was scheduled for February 23, 2015.

**COUNCILMEMBERS'
REPORT AND
RECOMMENDATIONS:**

Council did not have anything to report.

ADJOURNMENT:

With no further business, a motion was made by Councilmember Tommy Holmes and seconded by Mayor Pro-tem Jackie Lacy to adjourn. Motion carried.

The meeting adjourned at 9:10 p.m.