

**TOWN OF SELMA
REGULAR COUNCIL MEETING
MAY 10, 2016**

PRESENT: Mayor Cheryl Oliver, Mayor Pro-Tem Jackie Lacy, Councilmembers Tommy Holmes, William Overby, and Mark Petersen, Town Manager Jon Barlow, and Town Attorney Alan “Chip” Hewett.

OTHER STAFF PRESENT: Planning Director Julie Maybee, Fire Chief Phillip McDaniel, Police Chief Richard Cooper, Finance Officer Karen Johnson, and Interim Town Clerk Brenda Thorne.

CONVOCATION: Mayor Oliver called the meeting to order at 6:00 p.m. in the Selma Jernigan Building and declared a quorum present.

Mayor Oliver stated that since last week, May 5th, was the National Day of Prayer. She asked that everyone take a moment for a silent, individual prayer.

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 Tommy Holmes and seconded by Councilmember William Overby to approve the agenda as presented. Motion carried unanimously.

CONSENT AGENDA: Minutes
Work Session Meeting – March 31, 2016
Regular Council Meeting – April 12, 2016

Councilmember Overby stated that on page 29 of the April 12, 2016 minutes referencing food trucks. He said that the minutes were missing a statement that was made regarding the difference between Meals-on-Wheels and a soup kitchen.

A motion was made by Councilmember William Overby and seconded by Mayor Pro-Tem Jackie Lacy to approve the Consent Agenda with the amendment to page 29 of the April 12, 2016 Council minutes. Motion carried unanimously.

**RECOGNITIONS/
PRESENTATIONS –
Proclamation Declaring
Older American’s Month,
May 2016:**

Mayor Oliver read the following Proclamation Declaring Older American’s Month.

**PROCLAMATION DECLARING
OLDER AMERICANS’ MONTH AND
SENIOR CITIZENS’ DAY
IN THE TOWN OF SELMA
MAY 2016**

WHEREAS, Older Americans’ Month is observed nationally each May to celebrate the accomplishments of our older citizens and to express our gratitude for the contributions they have made, and continue to make; and

WHEREAS, the Town of Selma includes a community of older Americans who deserve recognition for their contributions to our nation; and

WHEREAS, the Town of Selma recognizes that older adults are trailblazers – advocating for themselves, their peers, and their communities – paving the way for future generations; and

WHEREAS, the Town of Selma is committed to raising awareness about issues facing older Americans and helping all individuals to thrive in communities of their choice for as long as possible; and

WHEREAS, we appreciate the value of inclusion and support in helping older adults successfully contribute to and benefit from their communities; and

WHEREAS, our community can provide opportunities to enrich the lives of individuals of all ages by:

- Promoting and engaging in activity, wellness, and social involvement;
- Emphasizing home and community based services that support independent living; and
- Ensuring community members can benefit from the contributions and experience of older adults.

NOW THEREFORE, I, Mayor Cheryl L. Oliver and the Selma Town Council do hereby proclaim May 2016 to be “Older Americans’ Month” and declare May 13, 2016 as “Senior Citizens’ Day” in the Town of Selma. I urge every resident to take time this month to acknowledge older adults and the people who serve them as powerful and vital individuals who greatly contribute to our community.

This the 10th day of May 2016.

**OPEN FORUM/CITIZENS’
REQUEST:**

No one present wished to address Town Council.

**PUBLIC HEARINGS –
Consideration of an
Amendment to Selma’s
Municipal Code, Chapter
17 - Development
Regulations, Article V –
Subdivision, Section 17-99
– Residential Cluster
Development:**

A motion was made by Councilmember William Overby and seconded by Councilmember Tommy Holmes to open a public hearing to receive citizen comments regarding a request for a text amendment to Chapter 17, Article V, Section 17-99. Motion carried unanimously.

Planning Director Maybee stated that this was a text amendment and was not for any particular site in Town. She said that if this request was approved, it would be site specific, and a special use permit for each request. Ms. Maybee stated that the protocol for this meeting would be: announcement of request, open public hearing, staff presentation, public comments for and against the request, staff recommendation, close of public hearing, Council deliberation, review consistency statement findings, decision and ordinance if so approved.

Planning Director Maybee stated that as with any type of ordinance amendment that comes before Council, anytime there is an error in the ordinance, changing conditions in a particular area in the jurisdiction of the Town, or to achieve the purposes of the comprehensive plan.

Planning Director Maybee stated that in March 2016, Council asked staff to present a draft ordinance pertaining to cluster subdivisions. She said that there was a visioning session, and one of the items that came up was to look at cluster subdivisions. Ms. Maybee stated that a draft ordinance was prepared, and is included in the agenda packet. She said that it looks at cluster subdivisions in a low density zoning district (R20 and R10), and planned development, and would be subject to a special use permit if the text was approved.

Planning Director Maybee stated that the Planning Board looked at the amendment at their March 28, 2016 meeting. She said that it was by a vote of 5 to 0 to not move forward with cluster subdivisions at this time.

Planning Director Maybee stated that cluster subdivisions allows for an alternate form of development. She said that the lots are smaller (approximately 5,000 square feet). Ms. Maybee stated that the only thing that would be permitted on it would be stick built single-family dwelling; no manufactured homes or doublewides. She said that the request would have to come before Council for a specific development, and would be a public hearing. Ms. Maybee stated that the residence would be similar to that in a residential zoning district. She said the setbacks would be closer; lot frontage would be a minimum of 40 feet.

Mayor Oliver stated that in the paperwork, it stated that it has to be a minimum of ten acres. She said the idea was to provide more green space.

Planning Director Maybee stated that this was allowing for denser development. She said that with that density, they would be looking at having to be served by public utilities or having a septic system designed to accommodate those size lots.

Planning Director Maybee stated that when you are looking at a residential subdivision, you cannot discriminate as far as income. She said this was geared toward looking at the lot sizes and allowing for denser development, which would be subject to a special use permit.

Mayor Pro-Tem Lacy asked if the depended on the developer.

Planning Director Maybee stated that was correct. She said that they would have to follow the same subdivision approval process as any other subdivision plus being subject to a special use permit, and each case would be looked at on an individual basis, and looked at in how it fits in the particular area.

Councilmember Petersen stated that in an R20, that means they would have to have a minimum 20,000 square feet for the lot size. He said that in a 10-acre plot, there would be approximately 20 dwellings there.

Planning Director Maybee stated that they would be in a denser proximity to each one.

Councilmember Petersen asked if they could use prefabricated materials.

Planning Director Maybee stated not the way it is drafted.

Councilmember Overby asked if this would be allowed in the ETJ, and what the septic tank requirements were by Johnston County.

Planning Director Maybee stated that they would be allowed, and depended on whether the site was certifiable. She said that there were minimal distances between a well and septic tank. Ms. Maybee stated that would have to be looked at, but it was her understanding about 20,000 square feet. She said that it all depended on how it was designed and served by public water and septic system. Ms. Maybee stated that she could follow up on that. She said that there were alternate systems that could be designed, but it would have to be approved by the health department.

Councilmember Petersen asked if a part of the 10-acres would be a common area.

Planning Director Maybee stated that it would.

Town Manager Barlow stated that streets and right-of-ways were common areas.

Mayor Oliver stated that she thought that streets and easements were not included, and were outside the 10 acres.

Town Manager Barlow stated that was correct. He said that what they are left with was what they had to build on.

Planning Director Maybee stated that in looking at the grass section, 17-99.3, a cluster subdivision may be utilized on any acreage provided it is approved by the Town Council. She said that it could be less than ten acres.

Councilmember Overby asked if there was anywhere in Town that had ten acres.

Planning Director Maybee stated that there was not.

Town Manager Barlow stated that they would probably have to go to the ETJ.

**Mr. Jim Caldwell, 425
Dixie Drive, Selma:**

Mr. Jim Caldwell of 425 Dixie Drive stated that he was a former Town Manager. Mr. Caldwell thanked Council for letting him speak tonight. He said that he did not fully understand the reasoning for amending the ordinances. Mr. Caldwell stated that the ordinances have served the Town very well over the years during his time at Selma and during the time since then. Mr. Caldwell stated that he thought they needed to listen to the

Planning Board. He said that he did not see a need in Town for making the amendments to make this type of development possible.

**Mr. James Brown, 409
Pecan Drive, Selma:**

Mr. James Brown Of 409 Pecan Drive stated that there were three people who would have liked to have spoken, but due to a prior engagement could not. Mr. Brown stated that one has asked that the meeting be postponed. He said that he went into this with no set mind for or against. Mr. Brown stated that he had talked with several residents and two builders. He said that he was very much against it. Mr. Brown stated that the builders both advised him that there was no demand in this area for this type cluster home. He said that his main concern was, as Councilmember Petersen had asked, was how many houses per acre with a response of two per acre.

Councilmember Petersen stated that in the R20 zoning district, there would be two houses per acre; however, in the R10 there would be four houses per acre.

Mr. Brown asked when they change to cluster homes, you are going to allow how many per acre.

Councilmember Petersen stated that it would still be the same thing. He said if you had a ten-acre plot, you would have a maximum of 20 homes on it.

Mr. Brown stated that the cluster homes that they have at Southport in Wilmington, NC are about ten to fifteen feet apart maximum.

Councilmember Petersen stated that part of this is that you have an area where the homes are clustered together. He said that if you look at the totality of the plot, the actual development, in a ten-acre development you would have in a R20 a maximum of 20 homes.

Mr. Brown stated that cluster homes what he knew of from Southport in Wilmington are a lot more on a size piece of property. He said that builders build these in town to utilize the sewer system. Mr. Brown stated that he did not think the Town's sewer system was up to par.

Mr. Brown stated that he was against it, and had talked to quite a few neighbors on Bennett and Pecan Drive. He said that there were four moving out now. Mr. Brown stated that the Town had not planned wisely. He said that he thought there was no demand, and until there is a demand, the Town should not change the zoning.

**Ms. Jennifer Liverman,
428 Bennett Drive, Selma:**

Ms. Jennifer Liverman of 428 Bennett Drive stated that it seemed like the older she gets, there are more things that are coming up that are affecting her life. She said that she felt like people are being voted in are making decisions that are just not necessary. Ms. Liverman stated that the biggest decision about this is that she did not see anywhere inside Selma that they need this ordinance. She said that the biggest thing that stands out to her was that the Planning Board voted 5 to 0 to deny it. Ms. Liverman stated that her husband served on the Planning Board at one time. She said that he felt that when the Planning Board made a decision about something that

the Mayor and Town Council should listen. Ms. Liverman stated that this cluster dwelling was too close. She said that one thing that she thought about was fire and rescue and those homes being that close together. Ms. Liverman asked them to hold off on doing this until they saw a definite need for it and to take heed to the Planning Board.

Planning Director Maybee stated that she wanted to mention about the density requirements. She said that with a cluster subdivision, you look at what the overall density was in a specific zoning district like the R20. Ms. Maybee stated that if it is two lots per acre, with a cluster subdivision that result would be if you had a ten acre tract that would be 20 dwellings. She said that they would be put closer together and you will be having open space. She said that in some instances it is helpful to have that as far as the running of utilities. Ms. Maybee stated that going back to the Planning Board's recommendation, staff concurs with the Planning Board at this time. She said that in looking at the R20 zoning district, the intent of that is a rural agricultural area. Ms. Maybee stated that she did think that this was a good option for some item in the future.

A motion was made by Councilmember Mark Petersen and seconded by Councilmember Tommy Holmes to close the public hearing. Motion carried unanimously. 6:26 p.m.

Mayor Oliver stated that the public hearing is closed, and they have come to Council deliberation and consistency statement findings.

Councilmember Overby stated that what he has heard is that this is that all the homes are going to be setting in one place and the backside would be wide open.

Councilmember Petersen stated road front.

Councilmember Overby stated that what he has also heard is that because there is no ten acres in Town, all this would concur outside the Town limits in the ETJ.

Mayor Oliver stated that was correct.

Councilmember Overby stated that there was a possibility with a special use permit that cluster homes could be allowed in Town.

Mayor Oliver stated that they have to have ten acres.

Councilmember Overby stated that his question to the Board was what advantages are there to put in cluster homes in the ETJ. He said that most of the time a person that owns ten acres most of the time is going to put more than 20 homes in those ten acres.

Mayor Oliver stated that they might. She said that there were so many advocates for cluster homes, and someone was speaking about the costs of the infrastructure. Mayor Oliver stated that often the costs for the infrastructure are less, because the lines that they are running are shorter.

She said that in trying to capture some of the comments from the visioning session, it was discussed what they want Selma to be 20 to 30 years from now. Mayor Oliver stated that they were talking about small Towns, which she said that she was an advocate of small Towns. She said that she hoped they were viewed as safe havens. Mayor Oliver stated that even in that safe have to have a small cluster development where it is its own community where everyone knows each other. She said that the idea is that often the houses are smaller. Mayor Oliver stated that it seemed like they were on the pendulum changing from the mansion that everyone wanted over to smaller homes. She said that the idea was to have a development that took a different form to allow for more green space. Mayor Oliver stated that they are becoming very popular and trendy. She said that there was a lot of support with one person interested in some property in the ETJ area who was interested in doing that.

Mayor Oliver stated that was a little of the background for those that were not at the visioning session.

Councilmember Overby stated that he was not sure that they covered what Johnston County would actually allow them to have in the ETJ. He said that he would like to see more information from that as well.

Mayor Oliver stated that the Town has the planning and zoning jurisdiction in the county area.

Planning Director Maybee stated that was correct. She said that it was adopted by Council and the boundaries were verified by staff. Ms. Maybee stated that staff did research the ordinance to make sure that was accurate.

Councilmember Overby stated that he understood that, but if he constructed a cluster home and had to put a septic tank in, he would have to get a permit. He said that the County could deny his permit based on how close he is.

Ms. Maybee stated that there are a lot of alternate systems that can be designed to serve. She said that they could have a common system. Ms. Maybee stated that it would be subject to approval by the health department. She said that there were a lot of different alternate systems besides onsite septic systems that could possibly be utilized. Ms. Maybee stated that would all be things to be considered when they are looking at the findings of fact to not endanger the public health and safety. She said that would be something that would need to be addressed. Ms. Maybee stated that they would need to have a specific design, which would be a part of the subdivision process. She said that the applicant would need to work with the health department, and the Planning Board would be looking at the concept plan, and asking those very same questions.

Councilmember Overby stated that he thought when you are talking cluster, septic systems should be ruled out because they are too close. He said you cannot tie two houses to one septic tank.

Planning Director Maybee stated that it had been her experience to have an area to pump a septic system to an area, and that area be designated for that

septic system. She said that she has seen it pumped offsite as far as two to three miles.

Councilmember Overby asked if that would be a cost to the developer.

Planning Director Maybee stated that was correct, and that particular type of system was about \$6,000 per system. She said it was all subject to the approval of the health department.

Mayor Pro-tem Lacy stated that she was not sure what this was. She said that she was thinking little houses, but it could actually include a gated facility, town houses, or anything in that nature. Mayor Pro-Tem Lacy stated that they would have their own little green space, even for senior citizens, and would not require that much upkeep.

Mayor Oliver stated that other cluster communities larger than 10 acres do things like equestrian communities. She said that they group the houses together to give more pastureland. Mayor Oliver stated that there were many variations on the theme. She said it allows the developer to get money for the houses, and gives free space for the horses, or whatever might be the theme for the community.

Councilmember Holmes stated that his concern was that they have been wanting Selma to grow outside the Town's limits. He said that sometime back, they were wanting to rezone the end of Webb Street to allow a solar farm. Councilmember Holmes stated that if they approve this ordinance amendment, they would have developers flocking in wanting to put in cheap homes. He said that it would block the Town in, and asked where they would move to expand Selma.

Mayor Oliver stated that developers could come in and put up cheap homes with the code and zoning that is in place now. She said that this was just a different formation of how the houses are.

Councilmember Holmes stated that anyone that has land in the ETJ could sell it to a developer to put 10 or 20 homes, and would block Selma in. He said that they do not have 10 acres in Town.

Mayor Oliver stated that it was expansion. She said that it was the same number of houses, but are grouped differently on the property.

Councilmember Holmes questioned that if cluster homes are put in at the end of Webb Street, how they were going to have a commercial business to come in. He said that they would not because they would be blocked in with these little cluster homes.

Councilmember Petersen stated that he thought that Councilmember Holmes' main concern was the appearance of it. He questioned if it was going to be conducive to developing something in a traditional fashion.

Mayor Oliver stated that was the reason for the special use permit. She said that this would be the same as with the solar farm. Mayor Oliver stated that

you cannot project every request, but each request would be viewed in the same way that they viewed the solar farm. She said that Council approved the majority of the solar farm requests, most of which were in the ETJ. Mayor Oliver stated that they did not approve the solar farm at the end of Webb Street because it was in a strategic growth corridor, which she believed was the right decision for Selma. She said that the same thing could be made for applicants for cluster homes. Mayor Oliver stated that she could not see developers flocking to do that. She said that she would love to see some developers flocking to Selma for lots of reasons, but to get more rooftops into a diversified community. Mayor Oliver stated that instead of stunting growth it actually could promote growth and bring vitality.

Councilmember Holmes questioned if the Town is blocked in, how is it going to promote growth. He said that with housing developments around Town, how they could promote growth.

Mayor Oliver stated that in a sense, they have the same thing around in various divisions, and you look at homes are clustered now. She said that they are spaced according to the same frontage, setback, etc. Mayor Oliver stated all this does is change the figures again so that on that same size lot, you would position homes in a different way. She said that it was the same number of homes, and they were not losing out on growth.

Councilmember Holmes stated that was his views, and he was not for it.

Councilmember Overby stated that Mr. Brown advised that there were some other people who wanted to speak. He asked if they were going to accommodate that request.

Councilmember Petersen stated that it could be tabled until the next meeting.

Councilmember Overby stated that more information from the County could be obtained.

Mayor Oliver stated that she would like to ask for the ordinance amendment to be put on the Town's website or copies made for people to view. She said that there was a lot of detail in that amendment.

Planning Director Maybee stated that when the public hearing was advertised, it made people aware that if they did want the information it was available. She said that information could be put online as well.

Mayor Oliver asked if they could continue the hearing to get the citizen input.

Attorney Hewett stated that the public hearing was closed. He said that Council could have another public hearing. Attorney Hewett stated that it is at the deliberation stage now. He said that it was against protocol, but they could allow public comment, but it would not be a part of the public hearing at the next meeting.

Mayor Oliver asked if the public hearing should be advertised again.

Attorney Hewett stated that if Council wanted to conduct a second public hearing, they would have to re-advertise for a public hearing at the June meeting.

A motion was made by Councilmember Mark Petersen and seconded by Mayor Pro-Tem Jackie Lacy to advertise for a second public hearing at the June 14, 2016 Town Council meeting. Motion carried unanimously.

**Consideration of an
Amendment to Selma's
Municipal Code, Chapter
17 – Development
Regulations, Article IV –
Zoning District
Regulations, Section 17-
67(g)(1) – Produce Stands,
and also the Table of
Permitted Uses:**

Mayor Oliver stated that this public hearing was for the consideration of an amendment to Selma's Municipal Code, Chapter 17 – Development Regulations, Article IV – Zoning District Regulations, Section 17-67(g)(1) – Produce Stands and Table of Permitted Uses.

A motion was made by Councilmember William Overby and seconded by Mayor Pro-Tem Jackie Lacy to open the public hearing. Motion carried unanimously. 6:42 p.m.

Planning Director Julie Maybee stated that the protocol as far as the public hearing would be the same as for the previous public hearing for cluster subdivisions.

Planning Director Maybee stated that at the February 22, 2016 Town Council Work Session meeting, it was the consensus of Council for staff to design a draft ordinance amendment for the sale of produce. She said that the Planning Board reviewed the text amendment which would allow a produce stand in the General Business Zoning District. Ms. Maybee stated that the Planning Board recommended that the ordinance be amended to allow that as a permitted use. She said that when they looked at the zoning ordinance, it was not listed as being permitted in any zoning district. Ms. Maybee stated that it was listed as a use in the Table of Permitted Uses. She said that she believed that this was an omission. Ms. Maybee stated that when you look at some of the reasons why you would request a text amendments: to correct a manifest error in this chapter; because of changing conditions in a particular area of the jurisdiction generally; or to achieve the purposes of the comprehensive plan. She said that she thought that this requested amendment was in accordance with that.

Planning Director Maybee stated that the Planning Board recommended that the ordinance be amended to allow produce stands within a general business zoning district. She said that many of the produce stands that are in place are located along South Pollock Street. Ms. Maybee stated this would allow produce stands as a permitted use in that zoning district. She said that this is some housekeeping and cleaning up of some things.

Planning Director Maybee stated that the other thing that staff is looking at is, which is something else that was discussed, other produce stands where citizens are doing some homegrown, and she was looking at some ordinance provisions on that. She said that staff was currently working on that, and would be discussing in the near future.

**Ron Cottle, Cottle Farms,
2488 West NC Hwy. 403,
Faison, NC:**

Ron Cottle of Cottle Farms, Faison, North Carolina, thanked the Town Council for giving him the opportunity to talk about their roadside stands, and thanked the citizens for purchasing their strawberries over the years. Mr. Cottle stated that he was a fourth generation farmer. He said that in order for them to sell their product they have to go outside their small Town. Mr. Cottle stated that they do sell in Fairson, but there are not many people there. He said that they have to reach out to other communities to sell their product. Mr. Cottle stated that all their produce on their stands is fruit they grow themselves on their family farm. He said that they have been selling in Selma for over nine years. Mr. Cottle stated that it was a shock to receive a letter on their produce stand that they would need to close. He said that the other towns that they sell strawberries in are Goldsboro, Mount Olive, Wallace, Garner, Jacksonville, Clayton, and Clinton. Mr. Cottle stated that they have a couple of towns that ask them to purchase a permit, and that is no problem. He said that a lot of people forget that towns like Selma were built on agriculture. Mr. Cottle stated that little by little they get hammered out of these places. He said that they need to think what started these towns. Mr. Cottle again thanked Council, and said that they were not selling anything bad; they were selling something good for you.

**Don Parrish, 206 Williams
Street, Faison, NC:**

Don Parrish stated that Mr. Cottle said enough for them, and was glad to be here. Mr. Parrish stated that he manages the stands for Cottle Farms. He said that they have 14 stands total. Mr. Parrish stated that they first came to Selma eight years ago. He said that he came to Town Hall and asked to see the clerk to see what they needed to do to sell strawberries. Mr. Parrish stated he was advised to go ahead and set up his stand. He said that was what they did. Mr. Parrish stated that they were previously located at Lee Oil Company, and moved last year to where they are now located at Highway 301 and Ricks Road. He said that the people running their stands, he has known for years, and are proud of their people. Mr. Parrish stated that they do not allow any loud music, and are very strict about it. Mr. Parrish thanked Council for the opportunity to speak tonight. He said that they hoped to stay in the Town of Selma. He said that they had not had a problem until this year, and hoped that they could overcome it. Mr. Parrish stated that when the strawberry season was over, they would be gone. He said that he hoped everything would work out where they could stay on the corner with the help of Mr. Bartholomew.

Planning Director Maybee stated that staff concurs with the Planning Board's recommendation to approve the text amendment. She said that staff also finds that the text amendment is consistent with the Future Land Use Plan as a commercial use in a commercial area. Ms. Maybee stated that it would not endanger the public health and safety, it is in the public interest, and would comply with the same requirements as any other business in that area, and any permits.

Councilmember Overby asked if they were strictly talking General Business.

Planning Director Maybee stated that was correct.

Councilmember Overby questioned side streets not being in this.

Planning Director Maybee stated that was correct. She reviewed with Council the General Business Zoning District area. Ms. Maybee stated that there were some side streets, but she was looking at what they had requested before.

Councilmember Petersen asked if where they currently have their stand is in the General Business Zoning District.

Planning Director Maybee stated that it was in the General Business District.

Mayor Pro-Tem Lacy asked if someone wants to sell their local vegetables, would they have to be on another plot.

Planning Director Maybee stated there is one principle use per piece of land. She said that staff was looking at the other provisions as far as an accessory use. Ms. Maybee stated that she would be discussing that with the Planning Board to address homegrown items.

Mayor Oliver stated that in terms of the wording, if a term could be put in place of second principal use, such as a side use.

Planning Director Maybee stated that the text amendment that she would be bringing back to Council would deal with an accessory use. She said right now, this is the main use of the property is a produce stand.

Councilmember Overby stated that he would like it to be clear that they have to have a special permit.

Planning Director Maybee stated that they would need a zoning permit just like everybody else.

Mayor Oliver if a price had been set for that.

Planning Director Maybee stated that it would be based on the cost of construction. She said that it would be nominal. Ms. Maybee stated that at the best of recollection, it would be about \$50.00 for the zoning permit.

A motion was made by Councilmember William Overby and seconded by Councilmember Tommy Holmes to close the public hearing. Motion carried unanimously. 6:53 p.m.

A motion was made by Councilmember William Overby and seconded by Councilmember Mark Petersen to accept the text amendment as presented and approved by the Planning Board. Motion carried unanimously.

A motion was made by Councilmember William Overby and seconded by Councilmember Mark Petersen to approve the consistency statement draft. Motion carried unanimously.

Planning Director Maybee asked that Council find that the motion was consistent with the Future Land Use Plan in the fact that it shows the area as a commercial area, and that a produce stand was consistent with that.

Mayor Oliver stated the motion would include the language to state that it is consistent with the Town of Selma's Future Land Use Plan as amended, and it is Council's determination that the amendment is reasonable and are in the public's interest for the following reasons: orderly development and fees for the permits.

Mayor Oliver stated that the text amendment for produce stands based on the Town Council's consistency statement findings move to approve the text amendment request and approve the text ordinance amendment.

A motion was made by Councilmember William Overby and seconded by Councilmember Tommy Holmes to approve the text amendment request and approve the text ordinance amendment. Motion carried unanimously.

**AN ORDINANCE AMENDING THE SELMA MUNICIPAL CODE
CHAPTER 17, ARTICLE IV – ZONING DISTRICT
REGULATIONS**

Be it ordained by the Town Council of the Town of Selma:

Section 1. The Selma Municipal Code, Chapter 17, Article IV – Zoning District Regulations, is hereby amended as follows:

- (1) Section 17-67(g), (1) is revised to include a produce stand as permitted principle use in a General Business (GB) Zoning District; and
- (2) The Table of Permitted Uses in Chapter 17 is amended to show a produce stand as a permitted principle use in the GB Zoning District.

Section 2. These ordinance amendments shall be effective immediately upon adoption.

DULY ADOPTED THIS THE 10TH DAY OF MAY 2016.

**Consideration of an
Amendment to Selma's
Municipal Code, Chapter
17, Development
Regulations, Article XVI,
Section 17-433 – Board of
Adjustment:**

A motion was made by Councilmember William Overby and seconded by Mayor Pro-Tem Jackie Lacy to open the public hearing. Motion carried unanimously. 6:58 p.m.

Planning Director Maybee stated that the protocol would be the same as the previous items. She said that this request comes before Council in response to citizen and staff concern. Ms. Maybee stated that with the assistance of Town Attorney Hewett, an amendment was prepared that enables the Planning Board to serve as the Board of Adjustment. She said that the Board of Adjustment has not meet since 2010, and it has been difficult to recruit volunteers, and has been a difficult position to fill. Ms. Maybee stated that the Planning Board deliberated on this text amendment that

would allow the Planning Board to serve as the Board of Adjustment. She said that when they are acting in that capacity, a meeting comes to order as the Board of Adjustment. Ms. Maybee stated that it would be separate from the meeting of the Planning Board. She said that they would be governed by the General Statutes that regulate the Board of Adjustment. Ms. Maybee stated that they would consider issues such as variances, appeals to staff decision, etc. She said that it does not detract from the authority of Council, which sets the legislation. Ms. Maybee stated that the Board of Adjustment would consider variances when there is a demonstrated hardship. She said that there are findings of fact that are referenced in the General Statutes. Ms. Maybee stated that the Planning Board voted approve that ordinance amendment. She said that the proposed revision follows the General Statutes, and that language is referenced in the proposed text amendment.

Mayor Oliver asked if there was a reason for the dissenting vote.

Planning Director Maybee stated that it was her personal opinion that it was acting in both capacities for both the Planning Board and Board of Adjustment. She said that he wanted to fairly be able to evaluate the request as Planning Board member or Board of Adjustment member, and whether they have would an unbiased opinion as a Board of Adjustment member and Planning Board member. Ms. Maybee stated that as a Board of Adjustment function, there are specific findings of fact that has to be made. She said it was the burden of the applicant to support that. She said that if findings of fact are not made, the Board should not approve the request, and those findings of fact are set by State law. Ms. Maybee stated that it takes a four-fifths vote to grant a variance, or make a decision.

Councilmember Overby asked Ms. Maybee to give him an example when the Board of Adjustment would be asked to come in and wear a different hat.

Planning Director Maybee stated that someone could be asking for a variance for the setbacks of a sign. She said that if they were wanting to replace the sign with a larger sign, and it does not meet the current setback requirements. Ms. Maybee stated that the Board of Adjustment would look at the specific case to see if those variance findings could be made.

Councilmember Overby stated that at that point, the Planning Board has already voted either for or against.

Planning Director answered no. She said that the Planning Board, when it comes to the Town's ordinances, was an advisory board to Council. She said that if a text amendment was received to change the setbacks on a sign. Ms. Maybee stated that if the setback was 30 feet. She said that the Planning Board would make a recommendation to Council on changing it. Ms. Maybee stated that they would not make a decision, but that recommendation would be across the board, not for a specific property. She said that Town Council would make the final decision on that. Ms. Maybee stated that the Board of Adjustment would be looking at a specific piece of property, which has something peculiar about that piece of property that is

unique compared to neighboring properties. She said that they would then look at the findings of fact to see what makes this different.

Councilmember Overby stated that his concern was that the Planning Board had already discussed it, and it is sent to the Board of Adjustment for the same discussion.

Planning Director Maybee stated that the Planning Board would not be having that discussion. She said that it would be the Board of Adjustment.

Town Attorney Hewett stated that it would never go to the Planning Board. He said that there is a problem that is identified. Attorney Hewett stated that the majority of the time, someone builds over the setback. He said that when they go to the Town, it never goes to the Planning Board. Attorney Hewett stated that it would go to the Board of Adjustment for a variance to see if it is permissible or not. He said that the Board of Adjustment operates as quasi-judicial, which has to have witnesses. Attorney Hewett stated that if they deny it, then the appeals process goes to Superior Court.

Councilmember Petersen asked that now since there is no Board of Adjustment, what recourse do they have.

Town Attorney Hewett stated that by statute, the Town is required to have a Board of Adjustment. He said that in order to meet the statutory obligation, the Town would have to appoint an independent Board of Adjustment. Attorney Hewett stated that they are letting the Planning Board serve as that. He said that their other option would be to appoint an independent Board of Adjustment.

Planning Director Maybee stated that staff does recommend approval of this text amendment so that they can consider citizen requests in a timely manner. She said that this request was consistent with the Future Land Use Plan.

A motion was made by Mayor Pro-Tem Jackie Lacy and seconded by Councilmember Tommy Holmes to close the public hearing. Motion carried unanimously. 7:08 p.m.

Councilmember Petersen stated that they needed to do something. He said that if a situation arose, and they had to appoint a Board, someone's variance would be put on hold until such time they get a Board together.

Mayor Oliver stated that she would like to see both, because it simply gives more community input. She said that she wanted to take this time to applaud those that serve on the Planning Board. Mayor Oliver stated that there was a lot of details and information to go through. She said that if they could use that education that they go through to have an even better informed Board of Adjustment.

Councilmember Overby asked how many members were on the previous Board of Adjustment.

Planning Director Maybee stated that she thought it was seven. She said that there was also ETJ representation. Ms. Maybee stated that overall, they could not find any volunteers to serve on the Board. She said that they have not been able to process any requests that have come in, because by law they have to have a quorum.

Councilmember Overby asked how many members are on the Planning Board.

Planning Director Maybee stated that there are seven. She said that if the text amendment is approved, there is a scheduled workshop on June 16, 2016 for Board of Adjustment training on quasi-judicial procedures.

Councilmember Overby asked during a Planning Board meeting, would the other group ever be called in, or were they two different meetings.

Planning Director Maybee stated that they would be two separate meetings.

Councilmember Overby asked why they could not have more than just the Planning Board of the Board of Adjustment.

Planning Director Maybee stated that the problem is that they cannot recruit anyone. She said that this is what has brought them to this point. Ms. Maybee stated that she would like to have two separate boards, but right now she has a citizen that has waited six months to have a request heard, and has not been able to help him. She said that she did not have any authority to do anything. Ms. Maybee stated that the only thing she could do was bring something to the Planning Board to voice her concern.

Councilmember Overby stated that the only problem that he has, is there any ETJ members on the Planning Board.

Planning Director Maybee stated that there were ETJ members on the Planning Board, and it does comply with the General Statutes. She said that there are four members from Town and 3 from the ETJ.

Councilmember Overby stated that he would try it, but down the road, he might want to change.

Mayor Oliver stated that this would take care of the person that has been waiting six months. She said that maybe they could ultimately have enough interest to have two boards. Mayor Oliver stated that at the last meeting, Ms. Maybee had stated that many small towns are moving in this direction.

Planning Director Maybee stated that she has worked where the Planning Board has served in this capacity before. She said that it does work. Ms. Maybee stated that the Board of Adjustment has their separate meeting, and when that business is done, the meeting is closed. Ms. Maybee stated that the Planning Board would then open up their meeting. She said that there are two separate sets of minutes, and two separate agenda packages.

Town Attorney Hewett stated that they may not even have the meetings the same night, because the Board of Adjustment is fact specific. He said that they were there to rule on that one specific item. Attorney Hewett stated that normally there would be a Board of Adjustment meeting, and would never talk about the Planning Board. He said that it would be convoluted to try to have a Planning Board and Board of Adjustment meeting. Attorney Hewett stated that this is like a court hearing.

A motion was made by Councilmember William Overby and seconded by Councilmember Tommy Holmes to approve the draft consistency statement that the Selma Town Council has determined that the proposed action is consistent with the Town of Selma's Future Land Use Plan; moreover, it is Council's determination that the amendment to Selma's Municipal Code is reasonable in the public interest for the following reasons: lack of applications for the Board of Adjustment, and use of the knowledge that the Planning Board has about the Municipal Code to make good decisions as a Board of Adjustment. Motion carried unanimously.

A motion was made by Councilmember William Overby and seconded by Councilmember Tommy Holmes that based on the consistency statement findings to approve the proposed text amendment request and approve the following Ordinance amendment to the Selma Municipal Code. Motion carried unanimously.

AN ORDINANCE TO AMEND THE SELMA TOWN CODE

Be it ordained by the Selma Town Council as follows:

Section 17-433 entitled "Board of Adjustment" of the Code of Ordinances, Town of Selma, North Carolina, is hereby amended to read as follows:

- 1) To repeal the existing entire text of Section 17-433 of the Selma Town Code and replace it with the following:

Section 17-433. Board of Adjustment.

(a) *Establishment of the board; qualifications.*

(1) Pursuant to N.C.G.S. §160A-388(a), the Planning Board as set forth in Section 17-432 of the Town Code shall serve and perform the duties of the Board of Adjustment. When the Planning Board convenes as the Board of Adjustment, the quorum shall be no less than five (5) of the seven (7) members. The tenure of the Board of Adjustment shall follow the tenure of the Planning Board.

(2) *Officers.* The Board of Adjustment shall elect one (1) member to serve as chair of the board and preside over its

meetings, and may create and fill such offices and committees as it may deem necessary. The term of the chair and other offices shall be for one (1) year, with eligibility for reelection to a second term. The Chair, or any member temporarily acting as chair, is authorized to administer oaths to any witnesses in any matter coming before the board.

(b) *Procedure.*

- (1) When the Board of Adjustment convenes, it shall follow the statutory procedures set forth in N.C.G.S. §160A-388, which is fully incorporated into this ordinance by reference.
- 2) This Ordinance shall become effective upon adoption by the Town Council.

ORDAINED, this the 10th day of May 2016.

Request to Set a Public Hearing for Rezoning for 1650 West Oak Street, Selma, NC, Swiss Haven Partners, LLC (RZ# 4.1.16):

Planning Director Julie Maybee stated that a request has been received from Swiss Haven Partners, LLC to rezone approximately a two-acre lot at 1650 West Oak Street. She said that the request is to rezone the property from General Business to a Heavy Industrial (I-2) Zoning District. Ms. Maybee stated that the Planning Board deliberated on this request at their April 26, 2016 meeting, and recommended approval of the request.

Planning Director Maybee requested that Council consider Exhibit #2, which is a resolution to set a public hearing at the next regular Council meeting on June 14, 2016.

A motion was made by Mayor Pro-Tem Jackie Lacy and seconded by Councilmember William Overby to approve a resolution to set a public hearing for June 14, 2016. Motion carried unanimously.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON AMENDMENT (REZONING) TO SELMA'S MUNICIPAL ORDINANCE, CHAPTER 17

WHEREAS, upon receiving a request from Jim York, Swiss haven Partners, LLC (RZ #4.1.16) to rezone property at 1650 West Oak Street, Selma, North Carolina (Johnston County Tax ID # 14054014I); and

WHEREAS, the request was considered pursuant with Selma's Municipal Code, Article VII, Section 17-453.

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

Section 1: A public hearing on the request be held at the Town Council Meeting on Tuesday, June 14, 2016, starting at 6:00 p.m. in the Selma Jernigan Building.

DULY ADOPTED THIS THE 10TH DAY OF MAY 2016.

**PLANNING & ZONING
REPORT AND
RECOMMENDATIONS –
Selma Town Council
Motion and Findings of
Fact – Blanchard Terminal
Co., LLC (SUP #2.1.16):**

Mayor Oliver asked if in the future, if the findings of fact that were approved at their last meeting could be included in the Consent Agenda.

Planning Director Maybee stated that she would be glad to incorporate those in the Consent Agenda.

Councilmember William Overby and Councilmember Tommy Homes were in agreement.

Planning Director Maybee stated that the reason that this is done is to give the applicant a written copy of findings of fact. She said that there is a time that they could appeal a decision. Ms. Maybee stated that their time starts when they get a copy of the findings of fact. She said that she liked to have the findings of fact recorded in the Register of Deeds Office. Ms. Maybee stated that it is not required, because over time, the special use permit runs with the land. She said that if anyone else purchases the property, they know what the conditions of approval are that Council approved.

Planning Director Maybee stated that in looking at the minutes and listening to the tape, these were the findings of fact and staff respectfully requests that Council approve the findings of fact. She said that the request is for Blanchard Terminal Company at 3707 Buffalo Road for the 95,000 barrel floating tank for the storage of ethanol.

A motion was made by Councilmember Tommy Holmes and seconded by Councilmember Mark Petersen to approve the findings of fact as presented.

Councilmember Overby asked about page 2, where it talks about Mayor Pro-Tem Jackie Lacy. He asked if a new copy would be printed that included the write-in.

Mayor Oliver stated that a correction needed to be made in the spelling of Mayor Pro-Tem Jackie Lacy's name as well.

Motion carried unanimously.

**Selma Town Council
Motion and Findings of
Fact – Interstate Outdoors,
Inc. (SUP #2.2.16):**

Planning Director Maybee stated that this was a special use permit for a storage and maintenance yard for a sign shop at 809 South Raiford Street. She said that staff requests that Council approve the findings of fact. Ms. Maybee advised Council that Mr. Stancil did obtain his permits.

A motion was made by Councilmember Tommy Holmes and seconded by Councilmember William Overby to approve the findings of fact. Motion carried unanimously.

**Update on Food Trucks
and Mobile Soup Kitchens
Ordinance Provisions:**

Planning Director Julie Maybee stated that she had spoken with the Planning Board at its last meeting, and some of the individuals involved with the mobile soup kitchen. She said that the Planning Board would be discussing this at their May 16th and May 20th meetings. Ms. Maybee stated that she would try to take into consideration comments that were raised by Councilmembers, the Planning Board, and those involved with the mobile soup kitchen.

Councilmember Overby stated that since they already have an ordinance for special events, he would caution rewriting the ordinance if they do not foresee food trucks outside special events. He said that soup kitchens are a different thing. Councilmember Overby stated that they already have meals-on-wheels, and if they are being let go, soup kitchens should be also.

Code Information Update:

Planning Director Julie Maybee stated that they had someone come and they had a joint meeting with the Planning Board and Town Council to talk about the Town's Development Regulations. She said that it has been the subject of the Strategic Plan goals about having an ordinance that was user friendly, consistent, and non-conflicting. Ms. Maybee stated that staff is working on a re-write of Chapter 17 with a consultant in making this ordinance more user friendly. She said that she hoped to have a draft back to the Planning Board and Council within six months. She said that they were looking at streamlining the text, and taking out contradictions to make it more user friendly. Ms. Maybee stated that they were working on the points that were raised and comments from the Division of Community Assistance.

Ms. Maybee stated that she wanted to give an update that they are working with the Johnston County Inspection Department on the unsafe buildings and structures. She said that they have been very cooperative in working with staff on the minimum housing code enforcement issues. Ms. Maybee stated that they try to keep an updated report on the website. She said that Council adopted an ordinance dealing with the boarded-up residences. Ms. Maybee stated that Code Enforcement Officer Moore did an inventory, and sent out a courtesy notice to the property owners making them aware of what the ordinance provisions were. She said that if the property was boarded for more than 60 days, it would be referred to Johnston County Inspections Department as a minimal housing code violation. Ms. Maybee stated that they were reaching out to the community making them aware of what the ordinance was by giving them a copy of the provisions so that they would be aware of the change.

Mayor Oliver asked if they could get a list of the properties that letters were sent.

Councilmember Overby stated he was interest in what the railroad was going to tell them.

Planning Director Maybee stated that they were talking about residential structures.

Mayor Oliver asked Councilmember Overby which property he was alluding to.

Councilmember Overby stated that he was questioning the Mitchener Station. He said that building is boarded up.

Town Manager Barlow stated that would take a different building code.

Mayor Oliver stated that in code enforcement, they were seeing many of the same repeat properties from the previous year. She asked if it was effective as it could be, and if there was anything that could be done to prevent grass from being waist high.

Planning Director Maybee stated that was one thing in the rewrite of the ordinance. She said that they do have some blight standards in the Town's development regulations in Chapter 17. Ms. Maybee stated that it was referenced in other sections of the ordinance. She said that they were looking at consolidating those provisions in one section of the ordinance. Ms. Maybee stated that there was a provision in the general statutes about chronic violators. She said that in the rewrite, a chronic violator that was cited three times in the prior year, and the following year they get one notice. Ms. Maybee stated after that one notice it becomes an abatement violation so that you do not have the same people continuing with the violations. She said that could be addressed in the rewrite of the ordinance.

Mayor Oliver asked if they had to wait six months.

Planning Director Maybee stated that the rewrite of Chapter 17 was a massive undertaking. She said that she would do everything possible to expedite it.

Mayor Oliver stated that they give someone two weeks to respond once they are notified.

Planning Director Maybee stated that it was 15 days. She said that you have to give people a chance to respond. Ms. Maybee stated that they are getting compliance. She said that she thought that 15 days was a reasonable amount of time by the time a letter is sent and received, and contract with someone to get it taken care of.

Mayor Oliver stated that the Town of Smithfield is putting up signs stating that they have 10 days to comply or the grass would be cut.

Councilmember Homes stated that they have addressed this issue over the past two summers regarding tall grass. He said that he thought it had been drawn up. Councilmember Holmes stated that if he received a citation, three last year...

Planning Director Maybee stated that the rates do go up. She said that if the person does not correct, they issue a citation. Ms. Maybee stated that the second citation goes up, and keeps going up. She said that they have issued citations with fines.

Mayor Oliver stated that they did put in place the higher rates thinking that would be a detriment, but in reality they are still having to monitor property. She questioned if the 14 days could become 10 days, and if the second notice could become 5 or 7 days.

Councilmember Overby asked if it had to be mailed by law.

Planning Director Maybee stated that they send the letter out by certified mail so that they have proof of service. She said that the Town might have to put a lien on the property when the Town has it cut.

Councilmember Overby questioned lost days for when the post office was not open.

Planning Director Maybee stated that the weekend counts as days. She said that she respectfully has to give people a chance to comply. Ms. Maybee stated that they are getting over 90% compliance. She said that the other thing was doing public education and reaching out. Ms. Maybee stated that they have something in the upcoming newsletter reminding people of the ordinance provisions. She said that they are proactive in making people aware of the situation, and trying to get compliance. Ms. Maybee stated that she thought they would eventually see a decrease. She said that she has seen an improvement in the cleanup. Ms. Maybee stated that they could reevaluate it again next year to see if they are still having the same things.

**TOWN MANAGER'S
REPORT AND
RECOMMENDATIONS-
Consideration of a
Contract with Mauldin &
Jenkins, PLLC to Audit
Accounts for FY
2015/2016:**

Town Manager Barlow stated that this was for the consideration of a contract with Mauldin and Jenkins to audit the Town of Selma accounts for 2015/2016. He said that Mauldin & Jenkins was an auditing firm out of Atlanta, Georgia. Mr. Barlow stated that the Town contracted with them last year, which was a one-year contract. He said that they could not start the audit until the LGC approves the contract. Mr. Barlow stated that he would recommend that the Town enter into a contract with Mauldin and Jenkins for fiscal year 2015/2016 at \$24,000, which was the same as last year.

A motion was made by Councilmember Tommy Holmes and seconded by Councilmember William Overby to approve the contract with Mauldin & Jenkins to audit the Town of Selma's fiscal year 2015/2016 accounts.

Mayor Oliver stated that it was the preference of Town Council that they get to review the audit report before being filed with the LGC.

Town Manager Barlow stated that they do have to have the report filed with the LGC by October 31, 2016.

Councilmember Overby asked Attorney Hewett if he had read the contract.

Attorney Hewett stated that he did. He said that it was consistent with last year's contract.

Councilmember Overby asked about the new items that were in the contract that were highlighted in blue.

Town Manager Barlow stated that the Town Attorney said that it was a very standard contract that the LGC puts out for North Carolina auditing firms.

Mayor Oliver called for a vote. Motion carried unanimously.

**Body Camera Policy for
Police Department:**

Town Manager Barlow stated that body cameras were a hot topic in police departments across the country, and was another tool at their disposal. He said that how it is used and how the Town writes its policies specific to Selma is yet to be determined. Mr. Barlow stated that it was a great idea at the time this year for the Town to take advantage of it, but the Town needed to be careful as they enter into it that they have everything in place to handle such a program. He said that Police Chief Cooper has drafted a policy along with the help of Town Attorney Chip Hewett. Mr. Barlow stated that he has put something together that the Town could go into with small steps, a pilot program. He said that four Police Officers have already acquired their own cameras. Mr. Barlow stated that the idea now was to test them using this policy. He said that there were many costs that needed to be considered, but did not think there would be an issue with data storage on the pilot program.

Police Chief Cooper stated that the policy that has been drafted was about 5 pages long. He said that in North Carolina, they would not find much regarding body cameras. Chief Cooper stated that they did a nationwide search, but did find one in Greensboro, NC, which is a much larger Town. He said in the County, there are three small departments that have body cameras. Chief Cooper stated that one is not using the cameras because they do not have a policy in place, and another department has been using them for about six years with no policy in place. He said the District Attorney strongly urged him to get a policy in place before using the cameras.

Police Chief Cooper stated that he had talked with Attorney Chip Hewett, and Police Captain Thomas, and they were at the point to explore this area. He said that he was all for body cameras, but thought it was going very costly. Chief Cooper stated that they have four officers that purchased body cameras and storage with their own money. He said that these four officers have been using them. Chief Cooper stated that they decided to discontinue the use of the body cameras until there was a policy in place. He said that what was being presented was a generic policy, and covers all the areas. Chief Cooper stated that it was hard to put a timeline on when things could be released. He said each one would have to be reviewed individually. Chief Cooper stated that he thought it would be good to go to a pilot program with these four officers. He said that all four of these officers are on one shift. Chief Cooper stated that the Town has four shifts; four patrol officers per shift. He recommended going to a pilot program for about 12 months to see how it works, and in the meantime, they could find out what the costs were going to be.

Police Chief Cooper stated that if they went to every officer wearing the cameras, it would become a cost issue as far as storage. He said that VC3 would have to get involved at that point. Chief Cooper stated that they needed to see what it is going to cost the Town, and then let Council make

the decision if that was the route they wanted to go. He said that right now, the state of North Carolina was letting each Town make their own decision regarding the use of body cameras. Chief Cooper stated that there were federal grants that would help with the purchase of body cameras, which was not the big cost. He estimated that cameras would cost between \$5,000 and \$10,000, but the big cost would be the storage of data. Chief Cooper stated that was something that they needed to research while doing this pilot program.

Mayor Oliver asked if there was an estimated cost for the pilot program storage.

Police Chief Cooper stated that the four officers purchased their own gigabytes, and they would be stored at the Police Department. He said that it is not costing the Town anything at this point.

Councilmember Overby asked if at some point they were going to have an archive.

Police Chief Cooper stated that he did not think they would have to archive anything that they did not have a complaint on. He said that they do not have that many complaints.

Councilmember Overby asked Chief Cooper if he had poled his department to see if they were for or against.

Chief Cooper stated that he has not.

Mayor Oliver asked about the retention or destruction being pursuant to state public records retention laws; however, there were no retention laws specific to this type of media.

Attorney Hewett stated that part of the problem was there would probably be state legislation that would be coming out about this. He said that it has not happened yet, but thinks it is somewhere in the committee. Attorney Hewett stated that would take care of most of the questions they are talking about would be answered from the state law. He said that right now in terms of retention, there is probably not a written policy.

Mayor Oliver stated that there were a few things that seemed to be in conflict, and asked that they consider moving the body camera policy into a work session. She said that she thought the data she brought back from Durham. Mayor Oliver stated that she thought that there were some core pieces that needed to be there. She said this would give them the chance to compare the two documents.

Town Attorney Hewett stated that the base policy came from Greensboro. He said that the majority of what is there came from Greensboro.

Councilmember Overby stated that he agreed with Chief Cooper. He said that it needed to be put in a pilot to know what is going to happen.

Mayor Oliver stated that this policy needed to hold together. She said that she would like one more shot at it, and thought it would be appropriate to have a public hearing.

It was the consensus of the Town Council to discuss the body camera policy further at a work session.

**Marathon Fire Protection
Petroleum Agreement:**

Town Manager Barlow stated that a fire protection agreement was being presented for Town Council consideration from Marathon Petroleum Company. He said this was the result of the special use permit that Council approved for the installation of an ethanol tank. Mr. Barlow stated that part of the review process required from the Fire Chief was to add some additional fire suppression capability. He said that the apparatus that is being installed was not specific to Marathon, but gives Chief McDaniel the authority to use it anywhere that he sees fit. Mr. Barlow stated that it was primarily for Marathon's protection, but gives Fire Chief McDaniel the ability to take it to other places and use it as necessary. He said that Fire Department staff was going to house and maintain it as far as keeping insurance on it.

Mayor Oliver asked what the cost of the maintenance.

Town Manager Barlow stated that the cost of the unit was \$50,000, and Marathon was paying for the acquisition, so there is no cost to the Town. He said that there would be some periodic payments that would need to be made, and the Town would work with Marathon on maintaining the equipment.

Fire Chief McDaniel stated that Marathon would be responsible for the vehicle registration, insurance, tags and DOT inspections. He said that he did not foresee any costs to the Town other than a few man-hours.

A motion was made by Councilmember Tommy Holmes and seconded by Councilmember William Overby to approve the fire protection agreement with Marathon Petroleum. Motion carried unanimously.

**Consideration of Awarding
a contract for Street
Paving Services:**

Town Manager Barlow stated that two attempts were made to obtain bidders for street paving proposals. He said that the project consisted of about 8,100 feet of streets. Mr. Barlow stated that they did receive two bid from S.T. Wooten and Barnhill Construction. He said that of the two bids, S.T. Wooten was the low-bidder with a base price of \$204,315 to perform the paving of 8,100 linear feet.

Mayor Oliver stated that they have requested to see the prioritized list of streets for repaving or resurfacing.

Town Manager Barlow stated the he would present that during the budget discussions. He said that it was unit based, and if they wanted to change streets, it would still be the same unit price per linear foot. Mr. Barlow stated that if they wanted to add more streets or change the priority, they could do that.

Mr. Barlow advised Council that this project does not include the new construction of Winston Circle, which would be a separate bid.

Mayor Oliver asked if there were a timeframe in which the work would be accomplished.

Town Manager Barlow stated that it typically 120 to 180 days. Mr. Barlow recommended that the Town enter into a contract with S.T. Wooten for \$204,315.

A motion was made by Councilmember Tommy Holmes and seconded by Mayor Pro-Tem Jackie Lacy to approve the street paving contract with S.T. Wooten Company for 8,100 linear feet of streets for \$204,315. Motion carried unanimously.

**Consideration of Awarding
Contracts for
Administrative and
Engineering Services for
Ricks Road Sewer
Improvement Project:**

Town Manager Barlow stated that the Town was recently awarded a significant grant from the Division of Water Infrastructure (DWI) for a CDBG project to improve the sewer in the Preston Street area and Ricks Mobile Home Park area. He said that they acknowledged receipt of our signed contract, and gave the Town authorization to seek administrative and engineering services for this project. Mr. Barlow stated that the Town advertised for bids twice with only one response from the Wooten Company. He said that the Wooten Company has a lot of experience with the Town of Selma, and with CDBG projects.

Mr. Barlow stated that since they were the sole source bidder, he would need to send a letter to DWI seeking their approval of that bid. He said that if Council does authorize the Town to enter into contract negotiations for administrative and engineering services, it would be pending DWI's approval.

Councilmember Holmes asked what the price was.

Town Manager Barlow stated that they could not do a RFP; they had to do a RFQ for a CDBG project. He said they could only look at their qualifications, and what their hourly rates are for service. Mr. Barlow stated that the next step would be enter into contract negotiations once it is awarded to the Wooten Company, at which point they could go into price.

Mayor Oliver stated that on page 4, it refers to \$28,800 in matching funds.

Mr. Barlow stated that portion was the Kelly's obligation.

Town Manager Barlow stated that with CDBG, there are federal limits on how much consulting professionals can charge on administrative and engineering services, and that is based on the cost of the project.

A motion was made by _____ and seconded by _____ to enter into a contract with The Wooten Company for administrative and engineering services for the Preston Street and Ricks Mobile Home Park area pending approval by DWI. Motion carried unanimously.

**Selma Train Station –
Request for Traffic
Calming Measures:**

Town Manager Barlow stated that even though the Town does not have a traffic calming policy, the state does. He said that Public Services Director Alex Fuller was recently contacted by the NCDOT Rail Division about making some traffic calming improvements on Railroad Street in front of the depot. Town Manager Barlow stated that was a municipal street; therefore, any changes as far as traffic regulations needed to come through the Town Council. He said that the NCDOT designed these improvements, and asked the Town to consider them. Mr. Barlow stated that the NCDOT made five points for consideration.

1. In order to read the exhibit panel at the caboose, pedestrians must stand in the street. NCDOT recommends relocating the panel to the north side of the caboose.
2. The speed limit along East Railroad Street is not posted and is therefore statutory 35 mph. This is hazardous due to the perpendicular parking, the curve, and the sight distance, which is limited by the caboose display. Therefore, NCDOT recommends reducing the speed limit to posted 20 mph.
3. There is no crosswalk for pedestrians crossing East Railroad Street. A dedicated crossing lane is not necessary, but motorists ought to be aware there are pedestrians crossing in that area. This can be accomplished by installing pedestrian crossing signage with 20 MPH limit and “AHEAD” placard. Section 2C.50 of the Manual on Uniform Traffic Control Devices (MUTCD) allows for the use of pedestrian crossing signs as an advanced warning where pedestrians may share the road.
4. Some vehicles cross the center of the road unnecessarily, creating a more uncertain crossing for pedestrians. NCDOT recommends installing centerline and edge pavement markings to delineate 10-foot wide travel lanes, which would require drivers to stay within their designated lane while pedestrians cross the street.
5. In addition to number 3, NCDOT recommends pedestrian crossing pavement markings to supplement the signage and warn drivers that pedestrians may be crossing the street. Section 3B.20 of the MUTCD allows pavement markings to supplement signs as additional emphasis.

Town Manager Barlow stated that since the Town does not have the expertise or equipment to put the markings on the street, he would recommend staff change the signage, putting the signs on the posts, and moving the pedestal, if NCDOT would supply the paint and put the markings on the street. He said that it would be a good joint project if they would do that piece of it.

Mayor Oliver asked if they would maintain it going forward.

Town Manager Barlow stated the Town would need to make that request.

A motion was made by Councilmember Tommy Holmes and seconded by Mayor Pro-Tem Jackie Lacy to agree to the recommended actions by NCDOT, which deal with the lowering of the speed limit from 35 mph to 20 mph, and for NCDOT to install and maintain the pavement markings to their design. Motion carried unanimously.

**Review of Town of Selma
Internet Services:**

Town Manager Barlow stated that the Town was nearly complete in implementing its IT services with VC3 moving everything to the cloud. He said that they have come to the realization that some of our improvements are limited by our internet connection. Mr. Barlow stated that we were limited by the speeds that the internet could provide the Town. He said that it varies depending on the time of day, and location, with Town Hall being the biggest choke point. Mr. Barlow stated that the Town’s internet provider was Time Warner Cable.

Mr. Barlow reviewed with Council background information as provided by the Town’s IT Consultant from VC3.

Mayor Oliver asked if a Time Warner representative could come to the next Council meeting.

Town Manager Barlow stated that he would contact VC3 consultant, Kevin Eves.

Mayor Oliver asked that this be put at the top of the priority list due to this being budget impacting.

**Budget Ordinance
Amendments:**

Finance Director Karen Johnson stated that Budget Amendment #21 is to clean up Governing Body, Finance, Police, Fire, and Public Works Department Funds, and does not change their totals.

A motion was made by Councilmember William Overby and seconded by Councilmember Mark Petersen to approve Budget Ordinance Amendment #21. Motion carried unanimously.

**TOWN OF SELMA
BUDGET ORDINANCE AMENDMENT #21
FISCAL YEAR 2015/2016**

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 May 2016 that the Town Budget adopted on June 16, 2015, for FY 2015/2016 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:

Account No.	Debit	Credit
Governing Body		
10-4100-1920 Legal Services (E)	600.00	Increase
10-4100-3910 Legal Advertising (E)		600.00 Decrease
Finance		
10-4130-2600 Finance Supplies & Matl. (E)	150.00	Increase
10-4130-3110 Travel/Training (E)		250.00 Decrease
10-4130-4400 Software Contract (E)	1250.00	Increase
10-4130-4990 Equipment/Not Capital (E)		1150.00 Decrease
Police		
10-5100-3510 Maint. & Repair Bldg. (E)	7080.00	Increase
10-5100-5000 Capital Outlay (E)		7080.00 Decrease
10-5100-7507 USDA #97-05 Police Dept (E)		428.50 Decrease

10-5100-7508	USDA #97-05 Police Dept (E)	428.50	Increase
Fire			
10-5300-7700	USDA #97-13/17 Fire (E)	1156.00	Decrease
10-5300-7701	USDA #97-13/17 Fire (E)	1156.00	Increase
Public Works			
10-5600-3110	Travel/Training (E)	1132.00	Decrease
10-5600-3990	Contracted Services (E)	480.00	Increase
10-5600-5000	Capital Outlay (E)	652.00	Increase

Section II. Copies if this Budget Ordinance Amendment #21 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 May 2016.

Finance Director Karen Johnson stated that Budget Amendment #22 was to fix line items where they receive more money in recreation fees and the Polar Express along with their expenditures.

Mayor Oliver questioned the \$675.00 for the credit card user fee.

Ms. Johnson stated that it was \$100 every month to Rec-1. She said that expense was not anticipated.

Town Manager Barlow stated that this was the on-line registration that the Recreation Department was using.

Councilmember Petersen asked if they charge the Town \$100 per month and a percentage.

Ms. Johnson stated that it was \$100 per month.

A motion was made by Councilmember Mark Petersen and seconded by Mayor Pro-Tem Jackie Lacy to approve Budget Ordinance Amendment #22. Motion carried unanimously.

**TOWN OF SELMA
BUDGET ORDINANCE AMENDMENT #22
FISCAL YEAR 2015/2016**

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 May 2016 that the Town Budget adopted on June 16, 2015, for FY 2015/2016 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:

Account No.	Debit	Credit	
10-3650-0200 (R) Recreational Fees	3693.00		Increase
10-3650-0500 (R) Polar Express	4830.00		Increase
10-6200-2600 (E) Supplies & Materials	824.00		Increase
10-6200-2992 (E) Christmas Parade	1094.00		Increase
10-6200-2993 (E) Polar Express	4730.00		Increase
10-6200-4190 (E) Property Rent – Dhow	1200.00		Increase
10-6200-4501 (E) Credit Card User Fee	675.00		Increase

Section II. Copies of this Budget Ordinance Amendment #22 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 May 2016.

Finance Director Karen Johnson stated that the following budget ordinance amendment was for the cleanup of some other accounts, and does not change their totals.

A motion was made by Councilmember Mark Petersen and seconded Councilmember William Overby to approve Budget Ordinance Amendment #23. Motion carried unanimously.

**TOWN OF SELMA
BUDGET ORDINANCE AMENDMENT #23
FISCAL YEAR 2015/2016**

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 May 2016 that the Town Budget adopted on June 16, 2015, for FY 2015/2016 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:

Account No.	Debit	Credit	
10-4910-4900 (E) Condemnation & Demolition		10,000.00	Decrease
10-4910-3990 (E) Contracted Services	10,000.00		Increase
10-6300-3200 (E) Books & Tapes		3333.11	Decrease
10-6300-3510 (E) Maintenance & Repair Bldg.	2791.78		Increase
10-6300-3990 (E) Contracted Services	393.33		Increase
10-6300-4990 (E) Equipment/Not Capital	148.00		Increase
10-6400-3990 (E) Contracted Services	7423.24		Increase
10-6400-5000 (E) Capital Outlay		7423.24	Decrease

Section II. Copies of this Budget Ordinance Amendment #23 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 May 2016.

Financial Statements:

Town Manager Barlow stated that in the Council package, there were financial statements for month ending April 2016. He said that they were ten months into the fiscal year. Mr. Barlow stated that all funds looked good except for the issues that he keeps bringing up with sewer. He said that he wished that they were in a better position in closing out the year with sewer. Mr. Barlow stated that one thing he wanted to bring up was \$600,000 loan that the sewer fund owes the water fund. He said that the \$100,000 that they were going to do has not been made yet that they might see next month.

Mr. Barlow stated that the General Fund looked great with expenditures being less than revenues.

Mr. Barlow stated that there would be a little more revenue coming from the transfer from the sewer fund. He said that revenues were where they should be for both the water and sewer funds. Mr. Barlow stated that on the sewer side, the wastewater treatments had far exceeded his expectations of where they would be this time of the year.

Mayor Oliver stated that under the year-to-date comparison for the sewer capital reserve, last year there was 63,000 in revenue and this year only \$36,000.

Town Manager Barlow stated that last year the figures were misstated. He said that this year's figures were more in line, and should end the year with about \$41,000 in revenue.

Town Manager Barlow stated that there was a huge year-to-date difference in the electric fund. He said that they had not sold as much electricity this year as in the previous years. Mr. Barlow stated that the majority of the reduction was in the Town's wholesale costs. He said that the Town was not paying as much for the purchase of power. Mr. Barlow stated that the electric revenues for fiscal year 2016 were about \$900,000 less than last year.

**TOWN ATTORNEY'S
REPORT:**

Town Attorney Hewett had nothing to report.

**MAYOR'S REPORT &
RECOMMENDATIONS-**

**Imagine Selma – Part 2,
5/19 6:00 PM to 7:30 PM &
5/21 9:00 AM to 10:30 AM:**

Mayor Oliver stated that part 2 of the Visioning Session would be Thursday, May 19th from 6:00 p.m. to 7:30 p.m., and on Saturday, May 21st from 9:00 a.m. to 10:30 a.m. She said this was a continuation of discussions that they had in March. Mayor Oliver stated that they would compile all the date, review it, and start talking about what actions to take to move in the direction the community wants to go. She asked everyone to attend and offer comments.

**Marketing Committee
Window Cling Trial:**

Mayor Oliver stated that the Marketing Committee would soon be doing a window cling trial. She said that this is for some of the vacant buildings that are located downtown. Mayor Oliver stated that they were going to trial of things that have probably been seen in other communities. She said they wanted to improve the appearance. Mayor Oliver stated that they would do a couple of trials, and Council could provide feedback.

**Upper Coastal Plains RPO
Transportation Advisory
Council Update:**

Mayor Oliver stated that the state was late in giving the list of possible projects. She said that the Council would be meeting in June to prioritize the road projects. Mayor Oliver stated she was asked to give the number one for Selma. She said that they chose to stay with 301 and the sidewalk project, because of the safety issues, and it had scored higher in points. Mayor Oliver stated this stood the best change in getting through. She said that she would keep them posted on that project.

**Pavement at Highway 301
and 70 Intersection
Update:**

Mayor Oliver stated there have many complaints regarding the intersection of Highway 301 and 70. She said that they have gone through the channels, and escalated it last month. Mayor Oliver stated they are going to amend

the resurfacing list for this year, and they are going to correct it. She said that she did not have a date, but sometime during the 2016 paving season, they should see some relief there.

Solar Farm Landscaping:

Mayor Oliver stated that Council was aware that the solar farm on Ricks Road had a number of years before it becomes fully grown. She said that the architect has a signed affidavit, which states it meets the 80% opacity requirement.

Town Manager Barlow stated that the Town's Development Code, there are some opacity requirements of 75% opacity after three years. He said that the landscape architect certified that the landscape plan met the standards of the Town's code, and the Town had to rely on that professional's statement. Mr. Barlow stated that the Town has to follow its Code in regards to what the Town had in place when they put in the landscape buffering requirements, because this was a special use permit in the R-10 District. He said that they would have to monitor it over the next three years.

JCI Unity House:

Mayor Oliver stated that Johnston County Industries (JCI) Unity House would be having an open house this Thursday from 4 to 7 p.m. at 112 East Richardson Street, Selma, across from Selma Elementary.

Set Date for May Work Session:

It was the consensus of Council to schedule a Work Session meeting on May 26, 2016 at 6:00 p.m. in the Jernigan Building located at 110 East Anderson Street.

**COUNCILMEMBERS'
REPORTS &
RECOMMENDATIONS –**

Councilmember Overby asked Town Manager Barlow if they could run the rates again when the rate study was done for electric. He said that he understood that some changes have been made with some of the assets did not come back correctly, so now the rates were actually going down. Councilmember Overby stated that it would not cost anything to run it. He said that the Town of Smithfield ran theirs again, and because of this adjustment, were able to reduce their rates again.

Town Manager Barlow stated that the Town was quoted \$6,000. He said it was in the draft budget to bring them in January to give them an update.

Councilmember Overby stated that this was separate. He said that there might be an opportunity now because the rates are coming down.

Town Manager Barlow stated that each model was going to be different. He said to get someone to look at it would be a great idea.

Mayor Oliver stated that they re-ran the numbers because of changes in the value of assets. She said that it might have been specific to the Smithfield model, but it was worth asking to see if Selma would profit from the re-run.

Councilmember Overby stated that he would bring in more details.

Mayor Oliver asked if there were any last minute changes in what was approved in the sale of the assets.

Town Manager Barlow stated that each individual unit has a different debt service that they are responsible for. He said that he has not seen anything where the Town's debt service levels have changed.

Town Manager Barlow stated that if Smithfield got it for free, he would not mind asking.

CLOSED SESSION:

Town Attorney Hewett stated that the Town Council needed to go into closed session per North Carolina General Statute 143-318.11(4) to consider a matter regarding economic development, and 143-318.11(6) a personnel matter.

A motion was made by Councilmember Mark Petersen and seconded by Councilmember Tommy Holmes to go into closed session. Motion carried unanimously. 8:41 p.m.

Town Council returned to regular session at 9:32 p.m.

Mayor Oliver stated that the clause regarding the Town Manager living in Selma was deleted from his contract.

ADJOURNMENT:

With no further business, a motion was made by Councilmember William Overby and seconded by Councilmember Mark Petersen to adjourn. Motion carried unanimously.

The meeting adjourned at 9:34 p.m.

BRENDA W. THORNE, Interim Town Clerk