

The Smithfield Town Council met in regular session on Tuesday, March 1, 2022 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore, presided.

Councilmen Present:

John A. Dunn, Mayor Pro-Tem
Marlon Lee, District 1
David Stevens, District 2
Travis Scott, District 3
Dr. David Barbour, District 4
Stephen Rabil, At-Large
Roger Wood, At-Large

Councilmen Absent

Administrative Staff Present

Michael Scott, Town Manager
Michael Brown, Fire Chief
Ted Credle, Public Utilities Director
Lawrence Davis, Public Works Director
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources/PIO
Shannan Parrish, Town Clerk
R. Keith Powell, Chief of Police
Greg Siler, Finance Director
Stephen Wensman, Planning Director

Also Present

Bob Spence, Town Attorney

Administrative Staff Absent

CALL TO ORDER

Mayor Moore called the meeting to order at 7:00 pm.

INVOCATION

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

APPROVAL OF AGENDA:

Councilman Scott made a motion, seconded by Councilman Wood, to approve the agenda with the following amendment:

Remove from the Consent Agenda (at the request of staff): Item 7: Consideration and request for approval to purchase and install deck grates around the perimeter of the competition and splash pools at the Aquatics Center

Add to the Consent Agenda: Consideration and request for approval to adopt the Conflict-of-Interest Policy

Add: Closed Session – Pursuant to NCGS 143-318.11 (a) (5)

Unanimously approved.

PRESENTATIONS:

1. 2021 Police Department Officer of the Year Award

Chief of Police R. Keith Powell informed the Council that Officer Alexander Watts had been selected as the Smithfield Police Department's 2021 Officer of the Year. Members of the department nominate officers for this award. Once nominated, the Team Commanders vote based on the nominations on who will receive this award, and it is presented to the Chief for final approval. Officer Watts has been with the Smithfield Police Department for 2 years. Prior to his employment with the Town, he worked with Johnston County Sheriff's Office as a jailer. He currently works in the Patrol Division. Officer Watts was always willing to go above and beyond in the performance of his duties. He always has a positive attitude. He is an asset to the Department and the Town.

2. Proclamation – Designating March 12-19, 2022 as Creek Week in the Town of Smithfield

Mayor Moore read the following proclamation:

PROCLAMATION
DESIGNATING MARCH 12-19, 2022 AS CREEK WEEK
IN THE TOWN OF SMITHFIELD

WHEREAS, the first Creek Week in central North Carolina was observed in the City of Durham in 2009, and is now observed by many local governments across the state; and

WHEREAS, in addition to Creek Weeks, many local governments and organizations across central and eastern North Carolina have conducted Big Sweeps and other efforts to clean up trash in waterways; and

WHEREAS, Regional Creek Week, started by the NC Clean Water Education Partnership in 2021,

is a special week set aside where CWEP-affiliated local governments concurrently work together to celebrate and steward local creeks and streams; and

WHEREAS, the City of Durham's Creek Week alone has removed over 160,000 pounds of trash have from waterways since the first Creek Week celebration; and

WHEREAS, this impact could be greatly magnified through the collective efforts of additional local governments, organizations and individuals working together to educate about and protect our waterways; and

WHEREAS, creeks, streams, rivers, and other waterways support outdoor recreation, fisheries, healthy lifestyles, and safe drinking water supplies; and

WHEREAS, healthy waterways support biodiversity, natural beauty, and provide critical habitat for aquatic wildlife; and

WHEREAS, the Town of Smithfield will celebrate Creek Week;

NOW, THEREFORE: I, M. Andy Moore, along with the members of the Smithfield Town Council, do hereby proclaim the third week in March as CREEK WEEK in the Town of Smithfield, North Carolina and encourage all citizens to celebrate Creek Week and support efforts to protect our creeks and streams, and further encourage all citizens to steward our waterways to promote the wellbeing of this and future generations.

Duly proclaimed this 1st day of March 2022, while in regular session.

PUBLIC HEARING:

Town Clerk Shannan Parrish administered affirmations to those that wished to offer testimony during the Public Hearings.

1. **Preliminary Plat Approval – Franklin Townes (S-22-01)**: The applicant is requesting preliminary subdivision approval to divide one parcel of land totaling 15.9 acres and located within a to the R-8 CZ (Conditional Zoning) district into 134 residential lots. The property considered for approval is located on the southeast side of the intersection of Wilson's Mills Road and M. Durwood Stephenson Parkway and further identified as Johnston County Tax ID# 15083049E.

Councilman Rabil made a motion, seconded by Councilman Barbour, to open the public hearing. Unanimously approved

Planning Director Stephen Wensman testified that Morris and Ritchie Associates of NC, PC was requesting the preliminary plat of Franklin Townes, a 134-lot townhouse development on 15.9-acres of land in a R-8 Conditional Zoning District. The property was rezoned to R-8 CZ with a site plan for the Franklin Townes development on December 7, 2021 by the Town Council. The preliminary plat was consistent with the approved master plan. The developer was proposing to phase the development with construction of 30 homes in 2023, 48 homes in 2024, 48 homes in 2025 and 8 homes in 2026. Mr. Wensman further testified that in order to approve the preliminary plat, the Town Council needed to meet the four finding of fact.

Mr. Wensman reviewed staff's opinion of the findings. They are as follows:

STAFF'S OPINION ON THE FINDINGS OF FACT

1. The plat is consistent with the adopted plans and policies of the town; *The plan is consistent with the adopted plans and policies of the town.*
2. The plat complies with all applicable requirements of this ordinance; *The plan complies with all applicable requirements of this ordinance and the R-8 Conditional Zoning Master Plan.*
3. There exists adequate infrastructure (transportation and utilities) to support the plat as proposed. *There is adequate infrastructure*
4. The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses. *The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses.*

Planning Staff recommends the Town Council approve the preliminary plat of Franklin Townes, S-22-01, with the following conditions based on finding of fact for preliminary subdivisions:

1. That the subdivision be in accordance with the approved R-8 Conditional Zoning Master Plan with the following deviations from the R-8 Zoning District:

Item	R-8 CZ
Streets & right-of-way	27' wide back-to-back in 50' R/W with 3' utility strip
Curb and gutter	Valley curbs in front of units and within 10' of an end unit.
Rear setback	15'
Perimeter buffer	10'
Building separation	20'
Building height	39'-6 1/4"

2. That the driveway entrances be constructed in accordance with the town's standard driveway apron detail.
3. That park dedication fees in lieu be paid prior to recording the final plat in accordance with the UDO Section 10.114.8.
4. That all utility fees including system development fees be paid before recording the final plat.
5. That the Town of Smithfield Stormwater Operations and Management agreement with a maintenance plan be submitted and recorded prior to final plat recording.
6. That the HOA declarations and covenants be submitted for Town Attorney review prior to final plat and the HOA
 - a. be responsible for the ownership and maintenance of all common amenities including front, side yard and open space landscaping, the stormwater SCM, parking lots, recreational amenities, and open space
 - b. enforce no parking in the subdivision streets
 - c. enforce the provision requiring trash and recycling rollofs to be stored in garages or rear yards.
7. That streets be posted "no parking".

Mr. Wensman testified that many of the above conditions were approved with the rezoning; however, conditions 6 & 7 were added with this preliminary plat application.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the March 1, 2022 agenda packet.

Mayor Moore asked if there were any questions from Council. There were none.

Mayor Moore asked the applicant if he agreed with the testimony provided by Mr. Wensman and if he had additional testimony to offer. The applicant, Rob Bailey, of R & R Development Group testified he was in agreement with the testimony offered by Mr. Wensman.

Councilman Scott stated that in the initial discussion there was some controversy about the driveway. He asked Mr. Bailey to explained how the plans for the driveway had changed. Mr. Bailey responded that NCDOT requires a certain distance between a major intersection and a driveway. The driveway has been moved to the southwest, closer to the church on Wilson's Mills Road. All plans have been submitted to NCDOT for their review and approval. Mr. Bailey further testified there were two potential access points into the existing neighborhood. They chose to use the one closest to Wilson's Mills Road because they felt it would have the least impact on the current residents.

Councilman Scott questioned the phasing of the development's construction. Mr. Bailey responded that phases 1A & 1B would be constructed at the same time for a total of 76 lots. There were two reasons for this. One was because of the location of the sewer outfall and the other reason was for the amenities and for infrastructure. Construction is based on what the market could absorb.

Mayor Moore asked if there was in attendance that was duly sworn in who wished to testify on the matter. There was no one in attendance who wished to testify on the matter.

Councilman Wood made a motion, seconded by Councilman Stevens, to close the public hearing. Unanimously approved.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve preliminary plat, S-22-01, with 7 conditions of approval, based on the 4 finding of fact for preliminary subdivision. Unanimously approved.

Approved Conditions:

1. That the subdivision be in accordance with the approved R-8 Conditional Zoning Master Plan with the following deviations from the R-8 Zoning District:

Item	R-8 CZ
Streets & right-of-way	27' wide back-to-back in 50' R/W with 3' utility strip
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6. That the HOA declarations and covenants be submitted for Town Attorney review prior to final plat and the HOA
 - a. be responsible for the ownership and maintenance of all common amenities including front, side yard and open space landscaping, the stormwater SCM, parking lots, recreational amenities, and open space
 - b. enforce no parking in the subdivision streets
 - c. enforce the provision requiring trash and recycling rollofs to be stored in garages or rear yards.
7. That streets be posted "no parking".

CITIZEN'S COMMENTS:

- Antoine Williams questioned why some houses in Town had to be built 3 to 6 feet off the ground when other houses could be built on concrete slabs. Some houses in Belmont, Pine Acres and Sandy Run have been built 6 feet off the ground. Mayor Moore responded the height has to do with the flood plain and FEMA requirements. Planning Director Stephen Wensman responded that there were some lots that are affected by the floodway and the 100-year floodplain. Those lots have to be elevated 2 feet above the ordinary high water because of floodplain regulations. Mr. Wensman invited Mr. Williams to come to the Planning Department and discuss the issue in more detail.
- Kristin Tucker new pastor of First Baptist Church introduced herself and Brian Thayer the youth minister to the Council. She informed the Council she was looking forward to helping the Town to grow and to continue to make it an amazing place to live.

CONSENT AGENDA:

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

1. The following minutes were approved:
 - January 18, 2022 – Special Meeting
 - January 18, 2022 – Closed Session
 - February 1, 2022 – Regular Meeting
 - February 1, 2022 – Closed Session
2. Special Event: Fundraiser – Aidan DeSimone was granted approval to hold a fundraiser at Smithfield Community Park on March 18, 2022 from 1:00pm until 5:00pm. The use of amplified sound and the presence of a food truck were also approved.
3. Special Event: Spring Movie Night – LifeSpring Church was granted approval to hold a spring movie night on April 2, 2022 from 4:00pm until 10:00pm at 1220 South Brightleaf Blvd. (Civitan Field). The use of amplified sound was also approved.
4. Approval was granted to promote a Journey Lineman to the position of Electric Line Crew Leader.
5. Approval was granted to promote a Water Plant Operator I to the position of Water Plant Operator II.
6. Approval was granted all employees to donate sick time to an employee in the Public Utilities Electric Department
7. Approval was granted to adopt Resolution No. 694 (03-2022) accepting public dedication of public lands or facilities for streets, parks, and public utility lines for the East River Phases 3-7

TOWN OF SMITHFIELD
 RESOLUTION NO. 694 (03-2021)
 RESOLUTION ACCEPTING DEDICATION TO THE PUBLIC OF
 RIGHTS-OF-WAY AND EASEMENTS ON SUBDIVISION PLATS for East River Phases 3-7

WHEREAS, G.S. 160A-374 authorizes the Town Council to accept by resolution any dedication made to the public of land or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction; and

WHEREAS, the Smithfield Town Council has acted to approve the preliminary plat named in this resolution on January 5, 2021; and,

WHEREAS, the preliminary plat named in this resolution contain dedication to the public of lands or facilities for streets, parks, public utility lines, or other public purposes; and WHEREAS, the Smithfield Town Council finds that it is in the best interest of the public health, safety, and general welfare of the citizens of the Town of Smithfield to accept the offered dedication on the plat named in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Smithfield Town Council, North Carolina:

Section 1. The Town of Smithfield accepts the dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes offered by, shown on, or implied in the following approved preliminary plat:

East River Phases 3-7 Map Book 05612 Page 0276

Section 2. Acceptance of dedication of lands or facilities shall not place on the City any duty to open, operate, repair, or maintain any street, utility line, or other land or facility except as provided by the ordinances, regulations or specific acts of the Town, or as provided by the laws of the State of North Carolina.

Section 3. Acceptance of the dedications named in this resolution shall be effective upon adoption of this resolution.

Adopted the 1st day of March, 2022 in Smithfield, North Carolina.

- 8. Approval was granted to appoint Stuart Lee to the Downtown Smithfield Development Corporation's Board of Directors.
- 9. Approval was granted to appoint Jason Evans to a first term on the Recreation Advisory Committee.

10. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Fire Marshall	Fire	10-60-6220-5100-0200	\$29.31/hr. (\$64,013.04/yr.)
Police Officer I	Police	10-20-5100-5100-0200	\$18.97/hr. (\$42,416.92/yr.)
P/T SRAC Staff - General	P&R - Recreation	10-60-6200-5100-0210	\$9.00/hr.
P/T SRAC Staff - General	P&R - Recreation	10-60-6200-5100-0210	\$9.00/hr.
P/T Lifeguard	P&R – Aquatics	10-60-6220-5100-0210	\$8.00/hr.
Sanitation Laborer	PW – Sanitation	10-40-5800-5100-0200	\$13.35/hr. (\$27,768.00/yr.)
Water Plant Operator I	PU – Water/Plant	30-71-7200-5100-0200	\$14.73/hr. (\$30,638.40/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Customer Service Representative	PU – Electric/CS	31-72-7230-5100-0200
Electric Line Technician	PU – Electric	31-72-7230-5100-0200
Firefighter I/II (2 positions)	Fire	10-60-6220-5100-0200
IT Specialist	General Government	Shared
Police Officer I/II – Patrol (6 positions)	Police	10-20-5100-5100-0200
P/T Collections Assistant	PU – Electric/CS	31-72-7230-5100-0200

- 11. Approval was granted to adopt a Conflict-of-Interest Policy.
{Attached hereto and made an official part of these minutes, is the Conflict-of-Interest Policy which is on file in the Office of the Town Clerk}

Business Items:

1. Consideration and request for approval to update the Police Department's Career Ladder Policy

Chief of Police R. Keith Powell addressed the Council on a request to update the Police Department's Career Ladder Program. He explained the Police Department was seeking approval to add the text to the current career ladder to include an incentive for officers hired that are fluent in Spanish. This would be an up to a five percent increase for any officer that is proficient in Spanish. Oral and written tests would be administered to determine proficiency. Chief Powell stated this would be an excellent recruitment and retention tool. This was also an effort to bridge the gap between the Police Department and the Latino community.

Mayor Pro-Tem Dunn asked if this was being considered for other departments. Town Manager Michael Scott responded the other departments felt this would be a good program to implement Town wide. He further stated that it was sometimes a challenge to communicate with citizens or customers when there was a language barrier. Anything staff can do to hire people who are proficient in Spanish would be an asset to the Town.

Councilman Barbour made a motion, seconded by Councilman Wood, to approve changes

to the Police Department's Career Ladder Policy. Unanimously approved.

Councilmembers Comments:

- Councilman Scott stated the Council could improved their conduct during Council meetings: specifically parliamentary procedures. He offered two books for members of the Council to review concerning parliamentary procedures.

Town Manager's Report:

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

- Public Utilities Director Ted Credle informed the Council that staff applied for a waiver from DEQ for a sanitary sewer flow reduction for residential projects. The State has approved the waiver and issued a 25% reduction from 120 gallons per bedroom to 90 gallons per bedroom. This will help with future sewer allocation. This was not retroactive, but will affect any residential developments going forward. Since the bulk of the large growth projects are residential, this is a big help. It was very good news.

Councilman Rabil questioned if there was a time limitation of this new allocation. Mr. Credle responded this will remain in perpetuity. The Town can also request a waiver to lower this new allocation in the future.

Councilman Barbour questioned if this reduction would help with the Town's current sewer capacity issues. Mr. Credle explained that because the allocation per bedroom has been reduced, the Town's application for future allocation become more favorable because the Town would be requesting a smaller amount. Also, this would allow future developers to be able to increase the size of their residential development.

Town Manager Michael Scott asked Mr. Credle to quickly address if a new development were to come here, and they were having to pay capacity fees, how would this impact them. Mr. Credle responded if the capacity fee was per gallon, it allows a developer to construct more houses for the fee. The fee number does not change, but what is passed on to the developer are less expensive making it more attractive to develop in the Town of Smithfield.

- Parks and Recreation will be hosting summer camps this year. These were cancelled last year because of COVID. Registration begins on April 4, 2022
- The Fire Department has received a grant for the purchase of smoke detectors to provide and install them in lower income homes.

Closed Session: Pursuant to NCGS 143-318.11 (a) (5)

Councilman Barbour made a motion, seconded by Councilman Rabil, to enter into Closed Session pursuant to the aforementioned NC General Statute. Unanimously approved at approximately 7:35 pm.

Reconvene in Open Session

Councilman Steven made a motion, seconded by Mayor Pro-Tem Dunn, to reconvene in Open Session. Unanimously approved at approximately 7:46 pm.

No action was taken by the Council following the Closed Session

Adjourn

Being no further business, Councilman Barbour made a motion, seconded by Mayor Pro-Tem Dunn, to adjourn the meeting. Unanimously approved. The meeting adjourned at approximately 7:47 pm.

ATTEST:


Shannan L. Parrish, Town Clerk




M. Andy Moore, Mayor