

The Smithfield Town Council held a Special Meeting on Tuesday, August 30, 2022 at 6:30 pm in the Council Chambers of the Smithfield Town Hall. Mayor M. Andy Moore presided.

Councilmen Present:

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

Councilmen Absent

Roger Wood, At-Large

Administrative Staff Present

Michael Scott, Town Manager
Ted Credle, Public Utilities Director
Gary Johnson, Parks and Recreation Director
Shannan Parrish, Town Clerk
Stephen Wensman, Planning Director

Also In Attendance

Bob Spence, Town Attorney

I. Call to Order

Mayor Moore called the meeting to order at 6:30 pm

II. Approval of the Agenda

Councilman Stevens made a motion, seconded by Councilman Barbour, to approve the agenda with the following amendment:

Add to the Closed Session Statute subsection (6).

Unanimously approved.

III. Topics of Discussion

1. Discussion concerning amendments to the Town's Code of Ordinance: Article IV Chapter 5 "Buildings and Building Regulations", Article V Chapter 5 "Commercial Building Maintenance and Appearance Regulations" and Chapter 8 Garbage, Trash and Refuse

Town Attorney Bob Spence explained the proposed ordinance amendments were before the Council for discussion purposes only. The Ordinances could not be adopted without a public hearing. He explained the Town can act on nuisance buildings, but the section in the administrative code were outdated and quoted obsolete State Statute. Also, with the State's adoption of 160D, the administrative code had to be updated.

With 160D-1119 and 1129, it allows Town to pass Ordinances to set standards for commercial buildings. The proposed building code will reference the current state statutes. By adopting those standards, the Town would have those resources available to use if it ever needed to.

Mr. Spence explained the Minimum Housing Code was also outdated and needed to follow the new state statute. This allows for repairs unless the cost of repairs exceeds 50% of the value.

Mr. Spence explained 160D-1119 Condemnation of Unsafe Buildings. The proposed amendments to the Town Ordinance will now follow the state statute. This will allow for the property owner to make repairs, but it outlines a procedure that must be followed.

Article 5 Commercial Buildings: Mr. Spence explained the proposed ordinance amendments would follow the state statute. The state statute does apply to residential properties, but he was proposing to apply it only to commercial property. Mr. Spence explained the community development target area and the certified action that could be taken by Council as referenced in NCGS 160D-1119(c). This allows the Town to bring its Code into compliance with state law. Mr. Spence explained the process for adopting the proposed Ordinances. The Town Manager explained the Council could not legally adopt these ordinances without proper notice and a public hearing.

Councilman Scott stated he had some concerns because the proposed ordinance referenced misdemeanor charges. Mr. Spence responded that it only related to commercial buildings and it was included because state statute allows it. Mr. Spence stated it was the intent not to charge someone with a misdemeanor, but to leverage that so the property would be repaired.

Chapter 8: Garbage: Mr. Spence explained the minimum housing standards have been updated and the proposed ordinance amendment would mirror the state statute. Mr. Spence further stated these updates were not meant to cause any harm to anyone, but to simply force people to clean up their properties. Mr. Spence informed the Council that since these were amendments to the Administrative Code of Ordinances, they would not be reviewed by the Planning Board. They would appear on the Council's October agenda.

Mayor Moore asked the Council to review all the information provided and send any questions or concerns to the Town Attorney or the Town Manager

2. Discussion concerning Park in Lieu Fees

Parks and Recreation Director Gary Johnson explained this issue was first introduced during the budget sessions. He explained the Town currently assesses a fee of 1/57th of the appraised value of the property per acre per unit for park in lieu fees. With the adoption of NCGS 160D, the fee

should be assessed on the taxed value and not the appraised value. The calculation is based on the tax value, the density and how the density would affect parks.

Councilman Stevens stated this needed to be investigated because the Town would have to fund future park space.

Mayor Moore asked if the proposed change allows for the developer to receive credit for a private park. He stated he did not agree with providing credit to a developer for a private park. Mr. Wensman stated the park dedication is used for public parks not private parks.

The Council was given two methods of calculating park in lieu fees based on the statute. One was where a certain percentage of the tax value of the property was collected as a fee. The other method was a fee determined by the code required square footage of open space multiplied by the tax value of the property. Also, alternative percentages of tax value were evaluated as potential changes. Those percentages were 1.75%, 2.25% and 3%.

Councilman Scott questioned if staff could calculate a 5% or 7% of the tax value. Staff will provide those figures to the Council.

Councilman Stevens asked what was the process for updating the Park in Lieu fees. Mr. Wensman explained since this was a UDO amendment, it would be taken to the Planning Board and then to the Council for consideration and approval.

Mayor Moore encouraged the Council to discuss any issues with the Planning Director before it was introduced to the Planning Board at its October meeting.

3. Discussion concerning Storm Water and Storm Water Funding

Town Manager Michael Scott explained that this issue has been discussed before. Stormwater issues are not improving and the Council should consider moving forward with the ERU Study. Planning Director Stephen Wensman explained there was a grant the Town was interested in, and it would be competitive, but the Council needed to pass a resolution committing to implementing a stormwater enterprise fund.

Councilman Scott stated that stormwater was a real issue and some action needed to be taken.

Councilman Scott made a motion, seconded by Council Barbour, to adopt Resolution 709 (18-2022). Unanimously approved.

RESOLUTION No. 709 (18-2022) **BY TOWN OF SMITHFIELD TO DEVELOP AND IMPLEMENT A NEW STORMWATER** **UTILITY WITH STORMWATER ENTERPRISE FUND**

WHEREAS, North Carolina General Assembly (NCGA) Session Law 2021-180 Section 12.14 established the Local Assistance for Stormwater Infrastructure Investments (LASII) Fund as a special fund in the Department of Environmental Quality to provide grants to eligible entities as defined in the Session Law for projects that will improve or create infrastructure for controlling stormwater quantity and quality, and

WHEREAS, The Town of Smithfield intends to request, or to partner with a Council of Government or non-profit entity to request, LASII grant assistance to develop and implement a new stormwater utility in the Town of Smithfield in a project described as Smithfield Stormwater Utility and Mapping Project, and

WHEREAS, The Town of Smithfield does not have a stormwater utility with a stormwater Enterprise Fund at the time of application,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD:

That Town of Smithfield will develop and implement a Stormwater Utility by providing staff and resources as determined by the project described above before the completion of the project.

That Town of Smithfield will establish a Stormwater Enterprise Fund before the completion of the project described above.

That Town of Smithfield will adopt and place into effect on, before, or upon completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for the Stormwater Enterprise Fund and for the proper operation, maintenance, and administration of the Stormwater Utility.

That Michael Scott, Town Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Smithfield with the State of North Carolina for a grant to aid in the development and implementation of a new stormwater utility project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Town of Smithfield has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

IV. Closed Session Pursuant to NCGS 143-318.11 (a) (5) & (6)

Councilman Rabil made a motion, seconded by Councilman Stevens, to enter into Closed Session pursuant to the aforementioned statutes. Unanimously approved at 8:08 pm.

V. Reconvene in Open Session

Councilman Barbour made a motion, seconded by Councilman Rabil, to reconvene in open session. Unanimously approved at 10:23 pm.

VI. Adjourn

Having no further business, Councilman Barbour made a motion, seconded by Mayor Pro-Tem Dunn, to adjourn the meeting. The meeting adjourned at approximately 10:24 pm.

ATTEST:


Shannan L. Parrish, Town Clerk




M. Andy Moore, Mayor