

The Smithfield Town Council met in regular session on Tuesday, October 4, 2022 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore, presided.

Councilmen Present:  
John Dunn, Mayor Pro-Tem  
Marlon Lee, District 1  
Sloan Stevens, District 2  
David Barbour, District 4  
Stephen Rabil, At-Large  
Roger Wood, At-Large

Councilmen Absent  
Travis Scott, District 3

Administrative Staff Present  
Michael Scott, Town Manager  
Michael Brown, Fire Chief  
Ted Credle, Public Utilities Director  
Lawrence Davis, Public Works Director Dr.  
Gary Johnson, Parks & Rec Director  
Eric McDowell, IT Director  
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  
Tim Kerigan, Human Resources/PIO

### CALL TO ORDER

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

### INVOCATION

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

### APPROVAL OF AGENDA:

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve the agenda with the following amendments:

- Add to the Presentations:
  - Consideration and request for approval to adopt Resolution No. 712 (21-2022) Supporting Operation Green Light for Veterans
  - School Bond Referendum
- Add to Business Item: Consideration and request for approval to allow the Fire Department to hire an additional Firefighter position due to a pending retirement.

### PRESENTATIONS:

#### 1. **Administrating Oath of Office to new Police Officer Joshua Lynch**

Mayor Moore administered the Oath of Office to new Police Officer Joshua Lynch and welcomed him to the Town of Smithfield

#### 2. **Proclamation: Recognizing October 2-8, 2022 as Public Power Week in the Town of Smithfield**

Mayor Moore presented the following proclamation to Public Utilities Director Ted Credle.

PROCLAMATION  
Recognizing Public Power Week  
October 2-8, 2022  
In the Town of Smithfield

WHEREAS, public power is a crucial component in cities and towns across North Carolina, contributing to the overall health of communities by providing unmatched electric reliability, affordable and sustainable power, excellent local service, and essential jobs in communities; and

WHEREAS, North Carolina's more than 70 public power cities and towns are among more than 2,000 across the country, providing electricity with a reliability rating of 99.98 percent to nearly 1.3 million North Carolinians; and

WHEREAS, many of North Carolina's public power cities and towns have been electric providers for more than 100 years, assisting their communities through boom times as well as pandemics and economic downturns, maintaining life-saving electricity to homes and businesses; and

WHEREAS, North Carolina public power communities are part of a mutual aid network that spans the state and country, providing invaluable support during times of hurricanes and other natural disasters while maintaining a superior safety record; and

WHEREAS, North Carolina's public power utilities are dependable institutions that provide excellent service, valuable energy solutions, and a commitment to community; and

WHEREAS, North Carolina's public power utilities are dependable institutions that provide excellent service and a commitment to community; and

WHEREAS, the Town of Smithfield recognizes Public Power Week and commends the public power cities and towns across our state for their outstanding contributions to our communities.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield, along with the Town Council, do hereby proclaim October 2nd through the 8th as

Public Power Week

in the Town of Smithfield and commends its observation to all citizens.

### 3. Proclamation: Recognizing October 9-15, 2022 as Fire Prevention Week in the Town of Smithfield

Mayor Moore presented the following proclamation to Fire Chief Mike Brown.

Proclamation  
Recognizing October 9-15, 2022  
As Fire Prevention Week  
In the Town of Smithfield

WHEREAS, the Town for Smithfield is committed to ensuring the safety and security of all those living in and visiting the Town; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,580 people in the United States in 2020, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 356,500 home fires; and

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, first responders are dedicated to reducing the occurrence of home fires and injuries through prevention and protection education; and

WHEREAS, the 2022 Fire Prevention Week™ theme, "Fire won't wait. Plan your escape.™," effectively serves to remind us it is important to have a home fire escape plan.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield do hereby proclaim October 9<sup>th</sup> through the 15<sup>th</sup> as

Fire Prevention Week

in Smithfield, North Carolina, and I urge all citizens to take time to have a fire escape plan and to support the many public safety activities and efforts of fire and emergency services.

### 4. Consideration and request for approval to adopt Resolution No. 712 Supporting Operation Green Lights for Veterans

Councilman Barbour made a motion, seconded by Councilman Wood, to adopt Resolution No. 712 (21-2022) Supporting Operation Green Light for Veterans

TOWN OF SMITHFIELD  
RESOLUTION NO. 712 (21-2022)  
Supporting Operation Green Light for Veterans

WHEREAS, the residents of the Town of Smithfield have great respect, admiration, and the utmost

gratitude for all of the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, the Town of Smithfield seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm's way for the good of all; and

WHEREAS, Veterans continue to serve our community in the various Veterans Services Organizations, religious groups, civil service, and by functioning as Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the National Association of Counties encourages all municipalities to recognize Operation Green Light for Veterans; and

WHEREAS, the Town of Smithfield appreciates the sacrifices of our United States Military Personnel and believes specific recognition should be granted.

NOW THEREFORE, BE IT RESOLVED, with designation as a Green Light for Veterans, the Town of Smithfield Town Council, hereby declares from October through Veterans Day, November 11, 2022, a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service; and

BE IT FURTHER RESOLVED, that in observance of Operation Green Light, the Town of Smithfield encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business or residence.

## 5. School Bond Referendum Presentation

Friends of Johnston County Public Schools Committee members, Landis Bullock and Johnna Faulkner, made a presentation to the Town Council in support of the School Bond Referendum. They explained how supporting the upcoming bond referendum would help all the schools in Johnston County.

Following the presentation, Mayor Moore stated his concern was for Smithfield schools. He questioned how constructing a school in the Wilson's Mills area would alleviate overcrowding in other area schools. Mr. Bullock responded that districts would be redrawn and students from 6 high schools would attend the new high school in Wilson's Mills.

Councilman Wood questioned if the proposed redistricting would keep students in their district or would students still be allowed to transfer to a high school of their choosing. He stated allowing students to transfer to other schools was a problem. Mr. Bullock responded that was a Board of Education issue and should be discussed with them.

Councilman Barbour stated he was concerned because student enrollment had not increased drastically. Mr. Bullock responded that growth was happening in Smithfield and Johnston County and the additional schools would be needed for that future growth.

Mayor Moore stated that the Town has done an excellent job at recruiting residential development. His fear was that the practice of student transfers would continue and Smithfield schools would continue to suffer. He stated students living in Smithfield should attend Smithfield schools. He asked for the redistricting plan and data concerning the alleviation of overcrowding in area school that warrant the need for an additional high school to be shared with the Council. Mr. Bullock responded he would arrange for a meeting with School Superintendent, Dr. Bracy, members of the School Board and members of the Council to discuss all the Council's concerns.

Mr. Bullock asked for the Council's support of the school bond referendum.

## PUBLIC HEARING:

1. **Economic Development Incentive Grant – Project Neyer:** In accordance with NCGS 158-7.1(a), The Town Council has called for a public hearing to consider an economic development incentive grant and adoption of Resolution No. 706 (15-2022)

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

Mike Fleming, Smithfield's representative on the Johnston County Economic Development Advisory Board, addressed the Council on the proposed economic development incentive grant for the Neyer project. He explained it was Al Neyer's desire to invest and build a state of the art 260,000 square foot Class A manufacturing facility in Smithfield on Wal Pat Road. Neyer was a leading commercial real estate development and design build firm in multiple markets throughout the eastern United States. In addition to the \$25 million investment, this project has the ability to create over 25 new jobs in the near future with an average salary of over \$50,000 annually. The economic development incentive comes at no risk to the taxpayers as these incentives are only given as a result of the company's commitment to follow through and invest in Smithfield. The incentive comes from a percentage of taxes Neyer or its client pays. If the required benchmarks set forth in the agreement are not met, no incentive will be given. Mr. Fleming explained that in order to offer the economic development incentive, it must meet four statutory requirements. It must meet the job creation requirement, which this does with the proposed 25 jobs. It must meet the investment threshold, which it does with the \$25 million investment. It doesn't compete with any other location. And it must meet the job diversification requirement, which it does. Mr. Fleming introduced Daniel Gutter with Neyer.

Mr. Gutter expressed his appreciation to Town Staff for their work on the project thus far. He explained that projects like this do not come to fruition without the economic development grants awarded by the Town and County. He expressed his appreciation to the Town Council for considering the grant.

Mayor Moore asked if there were any questions from Council.

Councilman Stevens questioned if this was a spec build. Mr. Gutter responded it would be a 264,000 square foot industrial building. Neyer will build the shell, but are flexible enough that any proposed use for the building could be accommodated.

Councilman Stevens further questioned if the economic development incentive would remain with Neyer if the building was sold.

Town Manager Michael Scott responded the economic development incentive would follow whoever was responsible for paying the property taxes. The grant is merely a reimbursement of a percentage of property taxes paid by the owner of the property.

Councilman Barbour questioned if the Town Attorney agreed that the Town was in compliance with the legal requirements of the incentive grant. Mr. Spence replied the Town was refunding 50% of the collected taxes over a five-year period.

Councilman Barbour further questioned if the grant amount was based on an estimated current value. Mr. Spence responded the grant amount was an estimate. Town Manager Michael Scott responded that the grant amount was 50% of the total taxes collected over a five-year period.

Mayor Moore asked if there was anyone in attendance who wished to speak on the matter. There was no one in attendance that wished to speak on this matter.

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

Councilman Barbour made a motion, seconded by Councilman Wood, to adopt Resolution No. 706 (15-2022) and the economic development incentive. Unanimously approved.

**TOWN OF SMITHFIELD  
RESOLUTION NO. 706 (15-2022)**

**AUTHORIZING INCENTIVES FOR ECONOMIC DEVELOPMENT**

**WHEREAS**, the Town of Smithfield seeks to promote economic growth and development within its jurisdiction and the social and economic improvement of its citizens, and desires to accelerate the quality and quantity of economic growth and employment opportunities in its jurisdiction by encouraging business enterprises satisfying the aforementioned public purposes and thereby reduce physical, economic and social distress resulting from unemployment and under employments existing in its jurisdiction;

**WHEREAS**, while the Town of Smithfield offers many advantages as a business destination, it suffers from a shortage of ready-to-go industrial, assembly, and manufacturing space and desires to promote economic growth and development opportunities in the Town;

**WHEREAS**, the Town of Smithfield is in discussions with Brogden Industrial I, LLC (the "Company") to induce the Company to locate a new Building (the "Building") which will provide Class A speculative building space for industrial, assembly, and manufacturing purposes on a Project Site in the Town of Smithfield;

**WHEREAS**, the Company proposes to develop and build a 264,000+/- square foot, single-story, cross-docked, concrete tilt-up, Class A speculative industrial facility, with flexible design and accommodating auto parking, truck docks, and trailer storage,

capable of accommodating industrial requirements, worth approximately twenty million and 00/100<sup>th</sup> dollars (\$20,000,000.00);

**WHEREAS**, North Carolina General Statute 158-7.1(a) authorizes the Town to make appropriations for economic development purposes which will increase the population, taxable property, employment, industrial output or business prospects of the Town;

**WHEREAS**, the Town Council has determined that granting incentives (the "Incentives") to the Company in exchange for the commitment of the Company to locate, develop and build out the Building with expandable Class A speculative industrial space on the Project Site in the Town of Smithfield would be beneficial to the Town's efforts to increase economic opportunities for its residents, its population, *ad valorem* tax revenues and sales tax revenues, and enhance and improve business prospects in general, including the creation of a substantial number of jobs;

**WHEREAS**, the Town Council has received and reviewed a proposed Economic Development Incentive Agreement between the Town and the Company (the "Agreement") providing for the Town's granting the Incentives to the Company in consideration of the Company's commitments set forth in the Agreement; and

**WHEREAS**, the Town Council has, pursuant to the notice and hearing requirements of North Carolina General Statute 158-7.1, held a public hearing to consider whether to grant the Incentives in exchange for the commitment of the Company to locate and operate the industrial logistics facility in the Town of Smithfield.

**NOW THEREFORE**, the Smithfield Town Council:

1. Determines and concludes (a) that granting the Incentives in exchange for the commitment of the Company to proceed with the development and buildout of the 264,000+/- square foot expandable Building on the Project Site would be beneficial to the Town's efforts to increase overall economic opportunities for, and improve the general welfare of, its residents and increase its population, *ad valorem* tax revenues, sales tax revenues and business prospects in general and result in the creation of a number of new well-paying jobs in the Town, and (b) that the benefits described above accruing to the Town will outweigh the cost of the Incentives granted hereunder, creating a net public benefit; and
2. In consideration for the commitment by the Company to proceed with the development and buildout of the Building on the Project Site in accordance with the terms set forth in the conceptual plans, Agreement, authorizes the Mayor and, alternatively, the Town Manager, subject to compliance with any pre-audit requirements under the Local Government Budget and Fiscal Control Act, to enter into and execute the Agreement, and any other necessary documents, on behalf of the Town for the Town to grant Incentives on terms not materially inconsistent with the Agreement as set forth on Exhibit A attached hereto and incorporated herein by reference.
3. The Agreement shall be construed as a continuing contract in accordance with North Carolina General Statutes § 160A-17

- 2. Conditional Zoning Request – Blueline Aviation (CZ-22-03)** The applicant was requesting rezoning of a 14.43-acre tract of land from anR-20A (Residential) zoning district to a PUD (Conditional Zoning) district. The property considered for approval is located on the west side of Swift Creek Road approximately 650 feet north of its intersection with Airport Industrial Drive and further identified as Johnston County Tax ID# 15J08015B.

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

Planning Director Stephen Wensman clarified there was an error in the staff report. The Planning Board recommended denial of the request based on parking, fire access and not meeting the comprehensive growth plan.

Mr. Wensman explained the conditional zoning request was for a planned development consisting of a mix of uses: residential dormitory, classroom, office space, hotel and flex industrial or office space. The property was recently cleared of trees. The front ½ acre to 1 acre had been graded and a gravel parking lot was installed in violation of the code. In the center of the site is the remnants of a former gravel storage yard. There have been no permits for any development on the site and none of the paving/impervious was approved. Mr. Wensman further explained the issues with this proposed development was a mixed use planned unit development (PUD) in an area that was never envisioned as a mixed-use PUD. The area was guided for industrial uses. With approval of this application, the Council would be amending the Comprehensive Growth Management Plan (Comp Plan). Whatever decision made by the Council, for or against, should reference the Comp Plan. If the Council chose to deny the application, they could do so based on the fact that it does not meet the Comp Plan. In the past, the Council has approved projects that did not meet the Comp Plan because the vision of the developer was a good vision that the Town wanted to adopt. The developer has requested to voluntarily annex this property into the Town of Smithfield which was the next item on the agenda.

The project was proposed to be developed into phases. Phase 1 and future phases, with a total of three potential phases. Phase 1 included a parking lot for the Blue Line facility on the airport property and a 28-room dormitory/classroom structure (expandable for additional 24 rooms) and with +/- 127 parking spaces. Staff recommended phase 1 include the office/classroom building and the lateral access. Staff felt the phase line should be further into the site just passed the first lateral access. This was because the first building was the residential dormitory for Blue Line. The second building was a future building of office and classroom space with shared parking. The developer agreed that the phase line proposed by staff was a better option. Mr. Wensman provided a detailed description of the first phase. By Swift Creek Road, there would be a larger parking lot that would primarily serve the Blue Line Aviation facility across the street. Given the dangerous conditions existing on Swift Creek Road, staff was recommending flashing lights or other safety equipment be installed as permitted by NCDOT to ensure public safety was achieved. There was a condition of approval related to DOT improvements for safety.

Mr. Wensman explained the issue of parking was a point of contention during the Planning Board meeting. The applicant resolved those issues by modifying the layout of the buildings. The access to the development will be off Swift Creek Road. NCDOT has indicated it will require left turn lane into the development and an ADA accessible crosswalk tying the development into the airport property. A TIA will be required with the preliminary plat. Given the dangerous conditions that include hills, curves and poor visibility, staff recommends flashing lights or other safety equipment be installed, as permitted by NCDOT, to ensure public safety is achieved. NCDOT required turn lanes are not shown on the master plan.

Within the development, the developer was proposing 27' wide back-to-back streets within a 50' right-of-way. The Town's standard right-of-way width is 60' wide but a 50' wide right-of-way can be approved by the Town Council. The 50' public right-of-way may be appropriate given the narrowness of the development site. Wider right-of-way may restrict the ability to develop the site. 27' wide b/b is narrow for a commercial street, although there a variety of commercial street widths in town. For comparison purposes, Towne Centre Place is 34' wide b/b and Equity Drive is 24' wide b/b with no parking. Lateral connections to the adjacent vacant parcel are appropriate and meet the UDO requirements. With a revised phase 1, there will be a lateral connection in the first phase and in a future phase. Sidewalks were shown on the north side of the proposed street. A five-foot sidewalk was required along Swift Creek Road.

Also discussed at the Planning Board, was the issue of Fire Department access. Mr. Wensman explained the master plan had been modified and was now compliant with Fire Code. The changes to the plans permit fire apparatus to obtain access to the buildings as needed. The master plan included a Fire Apparatus Plan.

The Site Data Table on the master plan indicates building setbacks for front, side and rear. Depending on the future lot configuration, the indicated setbacks may not be accurate. With the conditional zoning, the setbacks are those shown on the master plan. In Phase 1, the future 24-unit dorm is setback +/- 16' from the future street right-of-way and 25' from the adjacent property to the north. The future 2-story classroom/school administration building is setback +/- 14' from the future street right-of-way and 20' from the lateral street right-of-way. The future hotel is approximately 28' from the adjacent property to the north. The setback from Swift Creek Road is 50'.

The Master Plan showed trees in the street yard and parking islands and identified the street and buffer yards. There are no details on shrub plantings. The developer is proposing a 50' building setback and has shown a 50' wide buffer with a Type A buffer planting between the flex industrial and the residential area to the west. The buffer yard for the flex industrial/office should have a Type C planting, not a Type A. The existing vegetation was to remain undisturbed in this area. Foundation plantings and interior parking lot island shrubs were not shown but are required. The developer was proposing an enhanced streetyard and side bufferyard with 3 canopy trees and 15 shrubs per 100' (2 trees and 12 shrubs/100' required). The rear loading area of the flex industrial/office should be screened from the residentially zoned property to the north with an opaque fence, wall or solid vegetated buffer.

The developer has shown 2 conceptual stormwater ponds located on the southern property line and adjacent to the Airport Industrial Park. The master plan shows locations for trash and recycling enclosures as required. The PUD Masterplan shows locations for ground mounted identification signs in phase 1, but none in future phases. An POA will be required to own and maintain the stormwater facilities and any property held in common. The POA declarations need to be submitted for review by the Town Attorney prior to final plat. No architectural standards are proposed. An illustration of the proposed phase 1 dormitory facility has been provided showing a prefabricated modular structure with façade details added at the entrances and elsewhere to provide visual interest. There were no details on the structures or palate of materials to be used on the future buildings.

**PUD Conditional zoning:**

The UDO lacks specific PUD standards except for PUD Streets found in UDO Section 10.110.19. This section addresses pedestrian and vehicular connectivity only. In the absence of specific standards, staff has evaluated the mixed-use development based on the overall mix of uses and the dimensional regulations typically associated with those uses. For instance, institutional uses found in the O/I district have setbacks that different than those found in commercial uses found in the B-3 zoning district. Industrial standards are again slightly different.

**Deviations from UDO.** Because there are no specific PUD standards, there are no specific deviations requested from the UDO, however there are clearly several standards shown that should be considered:

Standard	UDO Typical	Proposed
Front Yard Setbacks	O/I = 25' B-3 = 35' LI = 50'	15' for hotel and dormitory
Architectural Standards	None required, but typically provided with Conditional Zoning	None provided
Right-of-way/Street	Transportation Plan Street Typology recommends a 34' b/b in 60' right-of-way.	27' b/b street in 50' right-of-way.
Sidewalk	5' sidewalk on Swift Creek Road	None provided.

#### Proposed Standards Exceeding UDO Requirements.

The round-a-bout will exceed the minimum turn radius specified in the Standard Details and Specifications Manual.  
Enhanced Streetyard and Side bufferyard plantings with 3 canopy trees and 15 shrubs per 100 lineal feet.  
Parking island spacing reduced from 15 spaces to 14 spaces resulting in more interior parking planting.  
The minimum parking island area increased from 100 sq. ft. to 160 sq. ft.  
7% open space.

#### Consistency Statement (Staff's Opinion)

With the approval of the rezoning, the Town Council is required to adopt a statement describing whether the action is consistent with the adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest. Planning Staff considers the action to be consistent and reasonable:

Consistency with the Comprehensive Growth Management Plan – the development is not consistent with the comprehensive plan. If approved, the Council should acknowledge that the comprehensive plan is hereby amended guiding the property for Mixed Use development.

Consistency with the Unified Development Code – the property will be developed in conformance with the UDO conditional zoning provisions that allows a good faith negotiation of development standards.

Compatibility with Surrounding Land Uses - The property considered for rezoning will be compatible with the surrounding land uses.

#### STAFF RECOMMENDATION:

Planning Staff recommends approval of CZ-22-03 with the following 9 conditions:

1. That the parking lot entrances be constructed in accordance with the town's standard driveway apron detail – drawing 0315 and that the detail be provided on future construction drawings.
2. That the landscape plan be provided meeting the minimum requirements of the UDO Part III and with enhanced street yard and side bufferyard consisting of 3 canopy trees and 15 shrubs per 100 lineal feet.
3. A 5' wide public sidewalk shall be provided along the Swift Creek right-of-way.
4. The POA declarations need to be submitted for review by the Town Attorney prior to final plat.
5. That architectural standards be drafted and included in the POA declarations.
6. That an POA be responsible for the ownership and maintenance of all common amenities.
7. That flashing lights or other safety equipment be installed, as permitted by NCDOT, to ensure public safety is achieved at the crosswalk on Swift Creek Road along with all other NCDOT required improvements.
8. That phase 1 include the future 2-story simulator classrooms/school administration building and lateral access road.
9. All Parking areas shall be paved with bituminous or concrete with standard curb and gutter.

The Planning Board, at its July 14, 2022, meeting unanimously voted to recommend denial of CZ-22-03, Blue Line Aviation. Since that time, the master plan has been amended addressing fire code issues, parking issues and with enhanced landscaping. The Planning Board has not reviewed the amended master plan.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the October 4, 2022 agenda packet.

Mayor Moore asked if there were any questions from Council.

Councilman Wood questioned if the applicant was currently in violation of the code and had not paid the accrued fines. Mr. Wensman responded there was a code enforcement action against the applicant and he was not aware if any fines had been collected.

Mayor Pro-Tem Dunn questioned who set the standards for safety equipment to be installed on Swift Creek Road. Mr. Wensman responded NCDOT sets the standard, but staff is encouraging a more robust safety device.

Councilman Barbour asked if the Comprehensive Plan was just a guestimation of what the Town believed could be developed in certain area. Mr. Wensman responded it was used as a guide for development, but it could be amended by the Council.

Councilman Stevens questioned the maintenance of the streets inside the development. Mr. Wensman responded they would become Town maintained streets if the annexation was approved.

Mayor Moore asked if there was anyone in attendance who wished to speak on the matter.

Patrick Byker with Morningstar Law Group made a brief presentation to the Council. He explained this was a fairly tough site to develop because of the shape of the parcel. While it contained 14.4 acres, it was only 275 feet wide, and it's over 2000 feet deep. He expressed his appreciation to Planning Staff and Fire Staff for their guidance which allowed the applicant to achieve the final version. He stated the applicant agreed with all the conditions outlined by Mr. Wensman. He further stated they recognized that there have been zoning issues on this site and they wish to move forward and resolve the fine issue in the near future. The plan before the Council was reviewed and amended due to staff and the Planning Board's input.

Mr. Byker explained that the first phase reflected what Blueline needed to expand its enrollment and better serve its students. The first phase of the rezoning would not increase traffic materially over what is on Swift Creek Road today. They will work with NCDOT on all the required traffic and safety improvements. Beside the dormitory, an instructional building will be built primarily to house to flight simulators. In future phases, a relatively small hotel will be built consistent with airports around the Country. Mr. Byker outlined the list of ways the plan exceeded the Town's standards.

Emily Rubio, a flight instructor for Blueline, spoke to the Council about the need for this rezoning and how the school could increase the number of students.

Adam Walters, President of Blueline, spoke to the Council about its expanded capacity and how the business would like to continue its growth in Smithfield.

Mayor Pro-Tem Dunn questioned the current student capacity. Mr. Walters responded there were 75 students which was maximum capacity currently for the school. Mayor Pro-Tem Dunn further questioned the length of time for the school. Mr. Walters responded it was a 5 ½ to 6-month program.

Councilman Barbour questioned where the current students were housed. Mr. Walters responded they were housed across the County in shared apartments.

Councilman Barbour stated he would like to add an additional condition of approval that all outstanding zoning violation issues be resolved

Mayor Moore asked if there was anyone in attendance who wished to speak on the matter.

Mark Lane, Chairman of the Planning Board, stated the Planning Board denied this request because of inadequate parking. He stated he did not feel the new plan addressed the parking concerns. Mr. Wensman responded that the plan had been reconfigured to address any parking issues.

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

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Dunn , to approve the zoning map amendment, CZ-22-03, with the 10 conditions of approval, finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan as hereby amended and other adopted plans, and that the amendment is reasonable and in the public interest. Unanimously approved.

Approved Conditions:

1. That the parking lot entrances be constructed in accordance with the town's standard driveway apron detail – drawing 0315 and that the detail be provided on future construction drawings.
2. That the landscape plan be provided meeting the minimum requirements of the UDO Part III and with enhanced street yard and side bufferyard consisting of 3 canopy trees and 15 shrubs per 100 lineal feet.
3. A 5' wide public sidewalk shall be provided along the Swift Creek right-of-way.
4. The POA declarations need to be submitted for review by the Town Attorney prior to final plat.
5. That architectural standards be drafted and included in the POA declarations.
6. That an POA be responsible for the ownership and maintenance of all common amenities.
7. That flashing lights or other safety equipment be installed, as permitted by NCDOT, to ensure public safety is achieved at the crosswalk on Swift Creek Road along with all other NCDOT required improvements.
8. That phase 1 include the future 2-story simulator classrooms/school administration building and lateral access road.
9. All Parking areas shall be paved with bituminous or concrete with standard curb and



gutter.  
10. All outstanding zoning violation issues be resolved

**3. Annexation Request – Blueline Aviation (ANX-22-02)** - The applicant has submitted a petition for a voluntarily noncontiguous annexation of 14.43 acres into the Town of Smithfield and adoption of Ordinance No. 511.

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

Planning Director Stephen Wensman explained this was the third step in the annexation process. He further explained this was a satellite annexation and due to special legislation, the Town was not limited to the amount of property that could be annexed. He explained the Clerk certified the sufficiency of the petition at a previous meeting. Mr. Wensman stated staff was recommending approval of the annexation request by Blueline Aviation.

Mayor Moore asked if there were any questions from Council.

Councilman Stevens questioned if the Town was only allowed a certain amount of land it could annex into the Town via satellite annexation. Mr. Wensman responded the Town has a special issued legislation by the NC General Assembly that states there was no limit to the amount of land that could be annexed that was noncontiguous to the corporate limits.

Mayor Moore asked if there was anyone in attendance who wished to speak on the matter.

Patrick Byker with Morningstar Law Group respectfully asked the Council to approve the annexation petition.

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

Councilman Barbour made a motion, seconded by Councilman Wood, to adopt Ordinance No. 511 approving the noncontiguous annexation petition and extending the corporate limits of the Town of Smithfield. Unanimously approved.

**ORDINANCE No. 511 TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SMITHFIELD, NORTH CAROLINA**

WHEREAS, the Town Council has been petitioned under G.S. 160A-58.1 to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Council Chambers of the Smithfield Town Hall at 7:00 pm on October 4, 2022 after due notice by publication in the Johnstonian News on September 21, 2022; and

WHEREAS, the Town Council finds that the area described therein meets the standards of G.S. 160A-58.1 (b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c. The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. By virtue of an act of the General Assembly, The Town of Smithfield is exempt from exceeding ten percent (10%) of the area within the primary corporate limits of the Town, and

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of the real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Smithfield, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Smithfield, as of January 4, 2022

3149B SWIFT CREEK ROAD DESCRIPTION

A PARCEL OF LAND NOW OR PREVIOUSLY OWNED BY BLUE LINE AVIATION, LLC (DB 6090 PG 571) LOCATED IN THE TOWN OF SMITHFIELD, JOHNSTON COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIPE ON THE WESTERLY LINE OF SWIFT CREEK ROAD (SR #1501; 60 FOOT PUBLIC RIGHT OF WAY); SAID POINT BEING THE SOUTHERN MOST CORNER OF SAID LANDS OWNED BY BLUE LINE AVIATION, LLC;

THENCE N 49-13-59 W A DISTANCE OF 100.89 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY RONNIE STEPHENS (DB 5194 PG 694);

THENCE N 48-51-54 W ON THE NORTHEASTERLY LINE OF SAID STEPHENS LANDS, A DISTANCE OF 226.82 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY CMC REAL ESTATE (DB 5778 PG 880);

THENCE N 48-53-11 W ON THE NORTHEASTERLY LINE OF SAID CMC REAL ESTATE, A DISTANCE OF 338.42 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY MESSENGILL RENTAL (DB 6072 PG 711);

THENCE N 48-50-31 W ON THE NORTHEASTLY LINE OF SAID MASSENGILL RENTAL, A DISTANCE OF 96.51 FEET TO AN IRON BAR;

THENCE N 63-19-20 W ON THE NORTHERLY LINE OF SAID MASSENGILL RENTAL, AND DCB BLDG, LLC (DB 5894 PG 278) A DISTANCE OF 602.90 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY EMG PROPERTIES, LLC (DB 4542 PG 471);

THENCE N 63-18-15 W ON THE NORTHERLY LINE OF SAID EMG PROPERTIES LLC, A DISTANCE OF 695.95 FEET TO AN IRON PIPE ON THE EAST LINE OF SUNSET POINTE SUBDIVISION;

THENCE N 0-17-51 W ON THE EAST LINE OF SUNSET POINTE SUBDIVISION A DISTANCE OF 325.01 FEET TO AN IRON BAR AT THE INTERSECTION WITH THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OWNED BY BYRDS WHOLESAL INC (DB 1185 PG 278);

THENCE S 63-42-56 E A ON THE SOUTHERLY LINE OF SAID BYRDS WHOLESAL INC, A DISTANCE OF 1446.13 FEET TO AN IRON BAR;

THENCE S 50-21-23 E CONTINUING ON THE SOUTHERLY LINE OF SAID BYRDS WHOLESAL INC, A DISTANCE OF 740.40 FEET TO THE WEST LINE OF SWIFT CREEK ROAD;

THENCE ON THE WEST LINE OF SWIFT CREEK ROAD THE FOLLOWING 4 CALLS:

- (1) S 32-34-33 W A DISTANCE OF 40.76 FEET TO AN IRON BAR;
- (2) S 28-33-01 W A DISTANCE OF 66.55 FEET TO AN IRON BAR;
- (3) S 24-04-37 W A DISTANCE OF 61.71 FEET TO AN IRON BAR;
- (4) S 18-59-20 W A DISTANCE OF 156.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 628,567 SQUARE FEET, OR 14.43 ACRES MORE OR LESS.

Section 2. Upon and after October 4, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Smithfield and shall be entitled to the same privileges and benefits as other parts of the Town of Smithfield. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Smithfield shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy this ordinance. Such a map shall also be delivered to the Town Board of Elections, as required by G.S. 163-288.1.

4. Amendments to the Town's Code of Ordinances 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

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

Town Attorney Bob Spence addressed the Council on amendments to the Town's Code of Ordinances. He explained the amendments were to comply with the new NC General Statutes 160D. Included in the Ordinances was an unsafe building code which allows Towns to specify the conditions they think are necessary for safe and usable commercial buildings. Also included in the Ordinances was basically a maintenance ordinance for yard maintenance. Mr. Spence further stated that the Council reviewed these Ordinance amendments during a recent special meeting and no changes were made since that meeting.

Mayor Moore asked if there were any questions from Council.

Councilman Barbour questioned if the Council needed separate motions for each of the amendments. Mr. Spence responded that only one motion was needed if the Council wished to approve all of the ordinances. Town Manager Michael Scott reminded the Council that they would need a super majority to adopt any ordinance on the first reading

Mayor Moore asked if there was anyone in attendance who wished to speak on the matter. There was no one in attendance that wished to speak on this matter.

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

Councilman Barbour made a motion, seconded by Councilman Wood, to adopt Ordinance No. 512, Ordinance No. 513 and Ordinance No. 514. Unanimously approved.

{Attached hereto and made an official part of these minutes are Ordinance Numbers 512, 513 and 514 which is on file in the Office of the Town Clerk}

5. Unified Development Ordinance Text Amendment Request – Town of Smithfield (ZA-22-02): The applicant is requesting an amendment to Unified Development Ordinances, Section 3.4.2.2, Composition and Vacancies to reduce the Board of Adjustment size from 7 regular members to 5 regular members and to amend Sections 3.3.3.2, 3.4.2.3. and 3.5.4. to allow no more than 3 absences per calendar year for the Planning Board, Board of Adjustment and Historic Preservation Commission members

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

Planning Director Stephen Wensman explained that staff was requesting the Town Council review the UDO amendment referring to the number of Board of Adjustment members and attendance regulations for all Town Boards. He explained that over the past couple of years, there have been numerous vacancies and absences on Town boards making it difficult to conduct the business of the Town. The amendment addressed the issue by reducing the number of Board of Adjustment members. The Board of Adjustment meets on an as needed basis. Currently, it is a seven-member board, but reducing it to a five-member board allows the board to maintain a quorum. The other amendment creates consistency in attendance and common requirements for the Planning Board, Board of Adjustment and Historic Properties Commission. Instead of being three consecutive meetings be missed for a reason for termination, staff is proposing three meetings in a calendar year.

Consistency Statement (Staff Opinion):

Staff finds the zoning text amendment as proposed consistency with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Recommendation:

Planning Staff and the Planning Board recommend approval of the zoning text amendment, ZA-22-2, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the October 4, 2022 agenda packet.

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

Mayor Moore asked if there was anyone in attendance who wished to speak on the matter.

Mark Lane, Chairman of the Planning Board, stated the Planning Board wanted to make sure that there was a difference between being sick and missing a meeting and just simply missing a meeting. Mr. Wensman replied that the Ordinance was further reviewed by the Town Attorney after the Planning Board meeting. The proposed text amendment was in compliance with the statute.

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Dunn, to close the public hearing. Unanimously approved

Councilman Wood made a motion, seconded by Councilman Rabil, to approve of zoning text amendment, ZA-22-02, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest. Unanimously approved.

**DRAFT ORDINANCE # ZA-22-02  
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
ARTICLE 3 PERTAINING TO THE BOARD OF ADJUSTMENT MEMBERSHIP AND  
ATTENDANCE REQUIREMENTS FOR ALL TOWN BOARDS**

**WHEREAS**, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to the Town of Smithfield Unified Development Ordinance to reduce the number of Board of Adjustment membership by 1 in-Town and 1-ETJ member and to provide reasonable and consistent board attendance regulations for all Town boards.

**WHEREAS**, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

**NOW, THEREFORE**, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

**PART 1**

[Revise Article 3, Section 3.3.3.1. COMPOSITION AND VACANCIES, amending the section and creating a new subsection 3.3.3.2 ATTENDANCE AT MEETINGS with 3 absences per year as the reasonable number of absences for the Planning Board]

**3.3.3.1. Composition and Vacancies.** The Planning Board....

~~Faithful attendance of the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Planning Board. Failure to attend three (3) consecutive meetings shall be deemed adequate reason for termination of membership on the Planning Board by the Town Council.~~

**3.3.3.2. Attendance at Meetings.** Faithful attendance at the meetings of the Planning Board is important for the functioning of the board. If a member is absent from three meetings within any 365-day period without permission of the board and the member does not resign, then the Town Manager may hold an informal hearing with the Member as to whether his or her absence is excusable or whether it so damages the Board as to constitute cause for removal. After the hearing the Manager may excuse the absences or may refer the issue to the Town Council for a hearing on whether there is cause for removal. The Manager shall give the Member 10 days' notice of the time and place of the hearing and the Member may present evidence as to why he or she should not be removed.

**PART 2**

[Revise Article 3, Section 3.4.2.2 MEMBERSHIP AND VACANCIES. To reduce the number of in-town and ETJ members by 1 each in order to better keep a full membership of the board. Also, create a new subsection 3.4.2.3 ATTENDANCE AT MEETINGS with 3 absences per year as the reasonable number of absences for the Board of Adjustment]

**3.4.2.2. Membership and Vacancies.** The Board of Adjustment shall consist of ~~five (5)~~ seven (7) regular members and two (2) alternate members. ~~Five (5)~~ Four (4) members and one (1) alternate member shall be citizens and residents of the town and shall be appointed by the Smithfield Town Council. One (1) member ~~Two (2) members~~ and one (1) alternate member shall be citizens and residents of the extraterritorial jurisdiction surrounding the Town of Smithfield, as described pursuant to NCGS 160D-307 and shall be appointed by the Board of County Commissioners of Johnston County...."

**3.4.2.3. Attendance at Meetings.** Faithful attendance at the meetings of the Board of Adjustment is important for the functioning of the board. If a member is absent from three meetings within any 365-day period without permission of the board and the member does not resign, then the Town Manager may hold an informal hearing with the Member as to whether his or her absence is excusable or whether it so damages the Board as to constitute cause for

removal. After the hearing the Manager may excuse the absences or may refer the issue to the Town Council for a hearing on whether there is cause for removal. The Manager shall give the Member 10 days' notice of the time and place of the hearing and the Member may present evidence as to why he or she should not be removed.

### PART 3

[Revise Article 3, Section 3.5.4 Attendance at Meetings. with 3 absences per year as the reasonable number of absences for the Historic Preservation Commission]

**3.5.4. Attendance at Meetings.** Faithful attendance at the meetings of the Historic Preservation Commission is important for the functioning of the board. If a member is absent from three meetings within any 365-day period without permission of the board and the member does not resign, then the Town Manager may hold an informal hearing with the Member as to whether his or her absence is excusable or whether it so damages the Board as to constitute cause for removal. After the hearing the Manager may excuse the absences or may refer the issue to the Town Council for a hearing on whether there is cause for removal. The Manager shall give the Member 10 days' notice of the time and place of the hearing and the Member may present evidence as to why he or she should not be removed.

~~Any member of the commission who misses more than three (3) consecutive regular meetings or more than four (4) meetings in a calendar year shall lose his or her status as a member and shall be replaced or reappointed by the Town Council. The council shall act within sixty (60) days to fill vacancies on the commission. Absence due to sickness, death in the family or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the commission, except that in the event of a long illness or any other such cause for prolonged absence, the member shall be replaced.~~

### PART 4

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

### PART 5

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

#### CITIZEN'S COMMENTS:

- Elizabeth Temple shared with the Council information concerning Ava Gardner and the upcoming Ava Gardner Festival.

#### CONSENT AGENDA:

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

1. The following minutes were approved:
  - August 30, 2022 – Special Meeting
  - August 30, 2022 – Closed Session
  - September 6, 2022 – Regular Meeting
  - September 6, 2022 – Closed Session
2. Special Event: Faith and Blue – The Smithfield Police Department was granted approval to hold an event on October 8, 2022 from 10:00 am until 2:00 pm at Smith Collins Park. The use of amplified sound was also approved.
3. Special Event: Ava Gardner Festival – The Ava Gardner Museum was granted approval to hold its festival on October 8, 2022 from 9:00 am until 5:00 pm at 358 East Market Street. The use of amplified sound was also approved.
4. Special Event: Down Home NC Super Saturday Event – Down Home NC was granted approval to hold an event on October 29, 2022 from 10:00 am until 4:00 pm at Smith- Collins Park. The use of amplified sound was also approved.
5. Special Event: Homeless Outreach Community Event – Greater Vision Worship Center Church of Gd of prophecy was granted approval to hold a community outreach event on November 19, 2022 from 9:00 am until 4:00 pm in the parking lot of 350 East Market Street. The use of amplified sound was also approved.

- 6. Career Ladder Promotion: Approval was granted to promote a Police Officer II to the rank of Master Police Officer
- 7. Adoption of Resolution No. 710 (19-2022) allowing retiring Police Lieutenant Nathan Memmelaar to purchase his service badge and weapon

TOWN OF SMITHFIELD  
 RESOLUTION NO. 710 (19-2022)  
 AWARDING BADGE AND SERVICE WEAPON TO  
 RETIRING POLICE LIEUTENANT NATHAN MEMMELAAR

WHEREAS, NCGS § 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

WHEREAS, NCGS § 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service weapon of such retiring member; and

WHEREAS, Lieutenant Nathan Memmelaar has served as a sworn law enforcement officer in North Carolina for 30 years with 20 of those years as a member of the Smithfield Police Department. Lieutenant Memmelaar will be retiring from the Smithfield Police Department on November 1, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council do hereby declare the service firearm (Glock 45, Serial Number BSTD914) and badge used by Lieutenant Memmelaar during his service with the Town of Smithfield as surplus property and be awarded to him at a cost of \$1.00 on his retirement.

- 8. Adoption of Resolution No. 711 (20-2022) allowing Retiring Master Police Officer Rickey Parker, Jr. to purchase his service badge and weapon

TOWN OF SMITHFIELD  
 RESOLUTION NO. 711 (20-2022)  
 AWARDING BADGE AND SERVICE WEAPON TO  
 RETIRING MASTER POLICE OFFICER RICKEY PARKER, Jr.

WHEREAS, NCGS § 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

WHEREAS, NCGS § 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service weapon of such retiring member; and

WHEREAS, Master Police Officer Rickey Parker has served as a sworn law enforcement officer in North Carolina for 20 years with 7 of those years as a member of the Smithfield Police Department. Officer Parker will be retiring from the Smithfield Police Department on November 1, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council do hereby declare the service firearm (Glock 45, Serial Number BSTD916) and badge used by Officer Parker during his service with the Town of Smithfield as surplus property and be awarded to him at a cost of \$1.00 on his retirement.

- 9. Approval was granted to install crosswalks on Fourth Street and Johnston Street near First Baptist Church.
- 10. Bid was awarded and contract approved with the Wooten Company for design services of the West Smithfield sanitary Sewer Improvements Project
- 11. Advisory Board Appointment
  - Emery Ashley, Jr. was appointed to serve a first term on the Appearance Commission and Historic Properties Commission

12. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Administrative Assistant	PW – Streets	10-30-5600-5100-0200	\$19.57/hr. (\$40,705.60/yr.)
Police Officer I	Police	10-20-5100-5100-0200	\$21.82/hr. (\$48,789.52/yr.)
P/T Firefighter (3)	Fire	10-20-5300-5100-0210	\$17.60/hr.
P/T SRAC Staff (4)	P&R – Aquatics	10-60-6220-5100-0210	\$10.00/hr.
P/T SRAC Staff	P&R – Aquatics	10-60-6220-5100-0220	\$10.00/hr.
P/T SRAC Staff	P&R – Aquatics	10-60-6220-5100-0230	\$10.00/hr.
Utility Line Mechanic (2)	PU – Water/Sewer	30-71-7220-5100-0200	\$17.03/hr. (\$35,422.40/yr.)

Water Plant Superintendent      PU – Water Plant      30-71-7200-5100-0200      \$29.12/hr. (\$60,569.60/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Electric Line Technician	PU – Electric	31-72-7230-5100-0200
Facility Maintenance Specialist	P&R – Recreation	10-60-6200-5100-0200
Police Officer	Police	10-20-5100-5100-0200
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

**BUSINESS ITEMS:**

**1. Consideration and request for approval to allow the Fire Department to hire and additional Firefighter position due to a pending retirement**

Fire Chief Michael Brown addressed the Council on a request to hire an additional firefighter due to a pending retirement in the Department. He explained he is currently in the process of hiring two firefighters due to vacancies and with a pending retirement, he would like to hire a third out of the current pool of candidates. Hiring the additional position, would also allow the three firefighters to be trained at the same time.

Mayor Moore questioned the impact to budget. Town Manager Michael Scott responded there may be some minor impact to the budget dependent on when the hiring takes place. Based on the timeline of the hiring and the retirement, he felt confident that the Fire Department’s budget would be fine.

Mayor Moore questioned if the employee chose not to retire then what would be the plan of action. The Town Manager responded that in this scenario, he would use funding from the part-time salary line to pay for the full-time employee until such time as the retirement occurs. The Town Manager further stated that the Council sets the number of positions that can be filled. The Council would need to approve the additional hire temporarily until we have a resignation/retirement to fill this through attrition.

Councilman Barbour made a motion, seconded by Councilman Wood, to approve the position until such time as the retirement takes place. Unanimously approved.

**Councilmembers Comments:**

- Councilman Barbour informed Council of the second annual Drone Fly In Day on Saturday, October 8th
- Mayor Moore reminded the Council of the Ava Gardner festival that would be held in Smithfield during the upcoming weekend.

**Town Manager’s Report:**

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

- October is Fire Prevention Month, as people begin to turn their furnaces, fireplaces and portable heaters back on for the colder weather. The Fire Department is scheduled to provide presentations on fire prevention in the local schools.
- Boo Bash is scheduled at the Sara Yard Community Center from 4:30 to 6:30 on October 28th.
- Trunk or Treat is scheduled at Community Park on October 29th from 10:30 am to 12:30 pm.
- Trick or Treat is scheduled for Monday, October 31st from 5:00 pm to 8:00 pm. Residents are asked to leave porch lights on to welcome children who are trick or treating the area.
- The annual Veterans Day Celebration will take place at Community Park on November 11th from 5:30 pm to 8:30 pm. There will be a live band, food trucks and a great fireworks display, as well as a time to thank and recognize all the Veterans in attendance.

Mayor Moore asked for an explanation of the Town’s revenues and expenditures where vastly different in comparison to last year. Finance Director Greg Siler explained that the Finance Department “settled up” prior year revenues and expenditures earlier this year that it had in years past. He explained this was simply an accounting and there were no financial issues.

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

Councilman Wood made a motion, seconded by Councilman Rabil to enter into Close Session pursuant to the aforementioned statute. Unanimously approved at 9:43 pm.

**Reconvene in Open Session**

Councilman Barbour made a motion, seconded by Councilman Rabil, to reconvene in open session. Unanimously approved at 10:40 pm.

No action taken following Closed Session

**Adjourn**

Having no further business, Councilman Barbour made a motion, seconded by Councilman Stevens, to adjourn

the meeting. The meeting adjourned at approximately 10:41 pm.

  
M. Andy Moore, Mayor

ATTEST:  
  
Shannan L. Parrish, Town Clerk

