

The Smithfield Town Council met in regular session on Tuesday, January 3, 2023 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 (arrived at 7:06 pm)  
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  
Michael Brown, Fire Chief  
Ted Credle, Public Utilities Director  
Lawrence Davis, Public Works Director Dr.  
James Grady, Police Captain  
Gary Johnson, Parks & Rec Director  
Tim Kerigan, Human Resources/PIO  
Eric McDowell, IT Director  
Shannan Parrish, Town Clerk  
Greg Siler, Finance Director  
Stephen Wensman, Planning Director

Also Present

Michael Carter, Attorney

Administrative Staff Absent

**CALL TO ORDER**

Mayor Moore called the meeting to order at 7:01 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 amendment:

Add to the Business Item:

Item 2. Consideration to support an application for CMAQ/CRP grants to support construction of an 8-foot-wide trail from the Neuse River to Wilson's Mills Road

Unanimously approved

**PRESENTATIONS:**

**1. Administrating Oath of Office to new Police Officer Joseph Robert Young**

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

**2. Administrating Oath of Office to new Police Officer Lorenzo Babore**

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

**3. FY 2021-2022 Audit Presentation**

Finance Director Greg Siler introduced Alan Thompson from the auditing firm of Thompson, Price, Scott and Adams, PA.

Mr. Thompson informed the Council there were no significant audit findings, no difficulties were encountered, no uncorrected misstatements and no disagreements with management. Management did provide a representation letter dated December 13, 2022 and his firm was unaware that management was consulting without accountants or auditors. Mr. Thompson explained there was one audit finding that would require a letter to the LGC regarding staff not accumulating and accounting for an additional month of sales tax. The finding explained staff had not included June receipts that were received during the month of September in the prior year fiscal period. Staff has traditionally ended audit postings at the end of August, now September postings must be included as well. Mr. Thompson stated the Town was financially healthy in the general fund, the water/sewer fund and the electric fund.

**PUBLIC HEARING:**

- 1. Comprehensive Land Use Plan – Town of Smithfield (CA-22-02):** The applicant was requesting an amendment to the comprehensive land use plan that considers removing the proposed third I-95 crossing from its current proposed location.

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

Planning Director Stephen Wensman explained staff was requesting an amendment to the Town's

Transportation Plan and Comprehensive Growth Management Plan, collectively called the Town Plan. The Town approved the current Town Plan (Transportation Plan and Comprehensive Growth Management plan) on February 4, 2020. Comprehensive Plans are typically long-range planning documents and were typically renewed every ten years. Smithfield has been experiencing unprecedented growth that has rendered portions of the plan in need of an update.

Mr. Wensman stated the future extension of Peedin Road from Outlet Center Drive to the east side of I-95 was first suggested as part of the Southeast Area Study completed in 2017. A portion of this proposed route, the extension of Peedin Road over I-95 became part of the Town Plan when it was adopted on February 4, 2020.

This proposed future street alignment came into question recently when the Smithfield Business Park proposed selling the wooded southwest corner of their property for commercial development. The requirement for this segment would adversely affect the sale of the property and likely drive the proposed development away. As a result, staff reconsidered this route. Staff believed there was a need for additional crossings of I-95, but the proposed route was originally part of a greater planned corridor that is no longer viable.

Staff has looked at an alternative that would extend M. Durwood Stephenson Parkway over the railroad and over I-95, however this route was problematic because of the cost and space constraints of constructing a bridge over the railroad and the proximity to the future I-95/I-42 interchange. Staff also considered moving the I-95 crossing to align with Peedin Road, however this would likely result in the future closing of the Carolina Premium Outlet's driveways onto Peedin Road to accommodate a future bridge structure. Staff also does not know what NCDOT will do with the future I-95/I-42 road.

Mr. Wensman explained there were several options for the Council to consider: 1) Do nothing. The route is still relevant to the Town's long range transportation plan. 2) Delete the route from the Comprehensive Land Use Plan Map as it is no longer relevant given the recent and planned development changes. 3) Realign the route with Peedin Road, understanding that access to the Carolina Premium Outlet driveways onto Peedin Road would likely be closed with a future bridge. 4) Potentially other unknown/undetermined options.

**Recommendation:**

Planning Staff and the Planning Board recommended the Town Council delete the route from the comprehensive plan.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the January 3, 2023 agenda packet.

Mayor Moore asked if there were any questions from Council.

Councilman Scott stated he did not think the Council should take any action on modifying the plan to delete this road.

Councilman Barbour questioned the location of the bridge. Mr. Wensman responded that the extension of Peedin road would intersect a woodland on the west side of the business park and through developable land between the outlet center and the business park. Someone was interested in purchasing the land for a commercial development, but if the road were constructed, the developer would not have enough land to construct the development.

Councilman Scott stated the Council would be open to changing the plan if a developer wanted to purchase and develop the land. It was his understanding that staff was requesting the removal of that road to avoid subdividing the property. Also, there wasn't a plan to build that road. Mr. Wensman responded that having that road on the Town Plan would mean that a developer would have to build the road. By removing it from the plan, a developer would not be obligated to build the road.

Mayor Pro-Tem Dunn questioned if there were any positive impacts to leaving the road on the plan. Mr. Wensman responded the only positive impact would be a potential crossing in that location, but you do not want to invite a lot of traffic to an area that just kind of ties into another road that's not really getting you anywhere.

Mayor Pro-Tem Dunn further questioned if it would benefit the downtown area. Mr. Wensman responded there would be no benefit to downtown because the original intent was no longer there.

Councilman Scott suggested this topic be discussed during a workshop.

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

Amy Crout, attorney at Smith Anderson Law Firm in Raleigh, NC, stated she was representing the Fortune 200 company currently in negotiations with the property owner to develop the piece of property being discussed by the Council. She further stated her client and the property owner were in support of the Planning staff and Planning Board's recommendation to delete this route from the comprehensive plan. If the Peedin Road extension was left in the plan, it would adversely affect the sale and development of the property. For her client, development would not be possible unless the Peedin Road Extension was deleted from the Comprehensive Plan. Her client respectfully requested the Town Council delete the Peedin Road Extension from the Comprehensive Plan as recommended by the staff and Planning Board.

Mayor Moore asked if Ms. Crout's client would be an individual company or a multi-use type project. Ms. Crout stated she believed the plan was for one retail user.

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

Councilman Barbour made a motion, seconded by Councilman Stevens approve the proposed amendments to the Transportation Plan and Comprehensive Growth Management Plan, CA-22-02. Unanimously approved.

Councilman Scott stated Council needed more time to review these types of matters. He stated this conversation started out as a hypothetical situation only to discover there was a potential development for the site. He stated the Council and the public deserved transparency.

**CITIZEN'S COMMENTS:**

- George Brewer informed the Council that he had been a volunteer coach for about 10 years. He explained he requested to borrow some football equipment/ uniforms for his team to participate in some tournaments, but was denied by the Town. He further stated the Parks and Rec football equipment was outdated and needed to be replaced. Mayor Moore questioned if Mr. Brewer's team and the tournaments were a Parks and recreation team and the tournaments were sanctioned by the Parks and Recreation Department. Mr. Brewer responded it was not a parks and recreation team or event.
- Albert Edwards informed the Council he was in attendance to support Coach Brewer. He asked the Council to support the coaching efforts of Mr. Brewer and the team.

**CONSENT AGENDA:**

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

1. The following minutes were approved:
  - December 6, 2022 – Regular Meeting
  - December 6, 2022 – Closed Session
2. Approval was granted to adopt various budget amendments.

<u>GENERAL FUND</u>	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
1.			
<b>Expenditures</b>			
10-60-6200-5700-7400 Parks & Rec - Capital			
Outlay	\$ 211,536	\$ 9,697	\$ 221,233
10-00-9990-5300-0000 General Fund			
Contingency	<u>265,300</u>	<u>(9,697)</u>	<u>255,603</u>
	<u>476,836</u>	<u>-</u>	<u>476,836</u>

To fund the additional cost to purchase two F250 Crew Cab 4x2 trucks (Note: \$65K encumbered from last year plus 15k reallocated from bridge replacement at Community Park)

2.			
<b>Expenditures</b>			
10-60-6240-5700-7400 - SYCC - Capital			
Outlay	\$ 3,500	\$ 21,500	\$ 25,000
10-00-9990-5300-0000 General Fund			
Contingency	<u>255,603</u>	<u>(21,500)</u>	<u>234,103</u>
	<u>259,103</u>	<u>-</u>	<u>259,103</u>

To fund the emergency replacement of two 5 ton heat/air condition systems at the Sarah Yard Community Center

3 Revenue			
10-10-3800-3800-0000 GF Miscellaneous	<u>\$ 15,000</u>	<u>\$ 43,396</u>	<u>\$ 58,396</u>
<b>Expenditures</b>			
10-40-5800-5700-7400 Sanitation - Capital			
Outlay	<u>\$ 23,000</u>	<u>\$ 43,396</u>	<u>\$ 66,396</u>

To fund purchase of replacement recycling truck from insurance settlement on total loss on existing recycling truck

4.			
<b>Expenditures</b>			
10-60-6200-5700-7400 Parks & Rec - Capital			
Outlay	\$ 221,233	\$ 5,500	\$ 226,733
10-00-9990-5300-0000 General Fund			
Contingency	<u>234,103</u>	<u>(5,500)</u>	<u>228,603</u>
	<u>455,336</u>	<u>-</u>	<u>455,336</u>

To fund the additional cost over budget for Community Park Concessions roof and window replacement as approved at the December 6, 2022 Council meeting

<b>5. Revenue</b>			
10-00-3900-3900-0000 General Fund- Fund Balance Appropriation	<u>\$ 1,022,163</u>	<u>\$ 25,000</u>	<u>\$ 1,047,163</u>

<b>Expenditures</b>			
10-60-6200-5700-7400 Parks & Rec - Capital Outlay	<u>\$ 226,733</u>	<u>\$ 25,000</u>	<u>\$ 251,733</u>

To fund a renovation study for the American Legion Hut (Funds donated by Holdings Family)

**ARPA FUND**

<b>6. Expenditures</b>			
20-76-0000-5970-9100 ARPA Fund - Transfer to other projects	\$ 2,684,834	\$ (609,000)	\$ 2,075,834
20-20-5100-5700-7401 ARPA Fund - Police Building Expansion	<u>-</u>	<u>609,000</u>	<u>609,000</u>
	<u>\$ 2,684,834</u>	<u>\$ -</u>	<u>\$ 2,684,834</u>

To fund the police building expansion cost increase as approved at the February 24, 2022 special council meeting (note: council approved up to \$690,000)

<b>7. Expenditures</b>			
20-76-0000-5970-9100 ARPA Fund - Transfer to other projects	\$ 2,075,834	\$ (10,987)	\$ 2,064,847
20-40-5800-5700-7400 ARPA Fund - Sanitation Truck	<u>217,000</u>	<u>10,987</u>	<u>227,987</u>
	<u>\$ 2,292,834</u>	<u>\$ -</u>	<u>\$ 2,292,834</u>

To fund increased cost to purchase garbage truck as approved at the August 2, 2022 council meeting

**WATER/SEWER FUND**

<b>8. Expenditures</b>			
30-71-7220-5300-4501 Water/Sewer Dist. - Service Contracts	\$ 206,000	\$ (38,000)	\$ 168,000
30-76-7220-5970-9101 Transfer to W/S Cap Proj Fund	<u>1,963,130</u>	<u>38,000</u>	<u>2,001,130</u>
	<u>\$ 2,169,130</u>	<u>\$ -</u>	<u>\$ 2,169,130</u>

To fund administrative cost on the EDA/Sewer Outfall Pipe Construction Grant as approved at the August 2, 2022 council meeting

**ELECTRIC FUND**

<b>9. Revenue</b>			
31-72-3550-3520-0000 Electric Miscellaneous	<u>\$ 4,000</u>	<u>\$ 5,630</u>	<u>\$ 9,630</u>
<b>Expenditures</b>			
31-72-7230-5700-7401 Electric - East River Electric Infrastructure	<u>\$ 200,000</u>	<u>\$ 5,630</u>	<u>\$ 205,630</u>

To fund Phases 6 & 7 of East River Subdivision Street Lights Upgrade - Upgrade paid by developer

**Water/Sewer Capital Projects Fund**

<b>10. Revenue</b>			
45-71-3800-3800-0002 ARP Grant (Through State)	<u>\$ -</u>	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>
<b>Expenditure</b>			
45-71-7220-5700-7430 PS #1 Upgrade	\$ -	\$ 1,500,000	\$ 1,500,000
45-71-7220-5700-7431 D Stephenson Force Main (Cancelled)	-	-	-

45-71-7220-5700-7432 PS #11 and Outfall	-	1,500,000	1,500,000
	<u>\$ -</u>	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>

To establish and fund State ARP Grant for Pump Station Upgrades and Durwood Stephenson Force Main

11.

**Expenditure**

45-71-7220-5700-7411 East Smithfield Water System Improvements	\$ 650,000	\$ (320,000)	\$ 330,000
45-71-7220-5700-7432 PS #11 and Outfall	1,500,000	320,000	1,820,000
45-71-7220-5700-7423 NC Hwy 210 Force Main	600,000	(504,000)	96,000
45-71-7220-5700-7430 PS #1 Upgrade	<u>1,500,000</u>	<u>504,000</u>	2,004,000
	<u>\$ 4,250,000</u>	<u>\$ -</u>	<u>\$ 4,250,000</u>

To fund projects expenses greater than 3M State ARP Grant

12.

**Expenditure**

45-71-7220-5700-7427 EDA Sewer Outfall Pipe Construction	<u>\$ 3,795,880</u>	<u>\$ (38,000)</u>	<u>\$ 3,757,880</u>
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**Expenditure**

45-71-7220-5700-7429 EDA/Sewer outfall Administration	<u>\$ -</u>	<u>\$ 38,000</u>	<u>\$ 38,000</u>
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To fund administrative cost on the EDA/Sewer Outfall Pipe Construction Grant as approved at the August 2, 2022 council meeting

13.

**Revenue**

46-20-3980-5100-0000 Loan Proceeds/Police Bldg Expansion	<u>\$ 800,000</u>	<u>\$ (15,428)</u>	<u>\$ 784,572</u>
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**Expenditure**

46-20-5100-5700-7400 Police Bldg Expansion	<u>\$ 800,000</u>	<u>\$ (15,428)</u>	<u>\$ 784,572</u>
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To correct budget to equal loan proceeds based on first quote to construct

3. Board Appointments

- Jan Shipman was reappointed to serve a second term on the Library Board of Trustees.

4. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Electric Line Technician	PU – Electric	31-72-7230-5100-0200	\$22.96/hr. (\$47,756.80/yr.)
P/T SRAC Staff (2)	P&R – Aquatics	10-60-6220-5100-0210	\$10.00/hr.
P/T Instructor	P&R – Aquatics	10-61-6220-5100-0210	\$15.00/hr.
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200	\$17.46/hr. (\$36,316.80/yr.)
Water Plant Operator I	PU – Water Plant	30-71-7200-5100-0200	\$18.70/hr. (\$38,896.00/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Electric Line Technician	PU – Electric	31-72-7230-5100-0200
Equipment Mechanic	PW – Garage	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 update the Public Utility Capital Improvement Plan**

Public Utilities Director Ted Credle addressed the Council on a request to approve the proposed update for the capital improvement plan for public utilities. Although this plan was not required by law, it enabled the Town to be in a more advantageous position for grants and loans. The most recent update was approved by Council in January 2021. The plan combines all three budgeted departments: electric, water plant and water /sewer. Mr. Credle highlighted completed and ongoing projects in all three departments.

Councilman Barbour questioned if there were sufficient funds in this plan for fire hydrant valve insertion/replacement. Mayor Moore responded that funds for the various projects were discussed and approved

during the budget process. Mr. Credle responded the amounts included in the Capital Improvement Plan was a non-binding number and estimates of potential needed funds.

Councilman Scott stated he would like more emphasis on the load management program. This program would be discussed during the budget process.

Mayor Pro-Tem Dunn questioned if every department was required to do a 5-year or 10-year plan. Town Manager Michael Scott responded that each department was required to complete a 5-year plan every year during the budget process.

Councilman Scott made a motion, seconded by Councilman Rabil, to approve the update to the Public Utility Capital Improvement Plan. Unanimously approved.

{Attached hereto by reference and made a part of these official minutes is a copy of the Approve Public Utility Capital Improvement Plan which is on file in the office of the Town Clerk}

## **2. Consideration to support an application for CMAQ/CRP grants to support construction of an 8-foot-wide trail from the Neuse River to Wilson's Mills Road**

Planning Director Stephen Wensman addressed the Council on a request to apply for grants for the construction of a trail from the Neuse River to Wilson's Mills Road. He explained there had been interest by Council and citizens for pedestrian facilities in West Smithfield, especially along Wilson's Mills Road and West Market Street. In 2014, the Town Council approved a landscaping project for West Market Street that had envisioned sidewalks along both sides of the street, however only the landscaping was installed.

In early 2021, the Upper Coastal Plain Rural Planning Organization (UPCRPO) notified staff about sources of funding for trail projects, both the Congestion Mitigation and Air Quality Improvement (CMAQ)/Carbon Reduction Program (CRP). The UPCRPO has \$625,000 in CMAQ funding to award within its planning area. Additional funds are available from the CRP if needed for a qualifying project.

Staff has been preparing for an application and developed a cost estimate for the project. NCDOT also prepared a cost estimate that arrived at a very similar figure.

In 2021, the NCDOT adopted a complete streets policy that would require the NCDOT to construct pedestrian facilities if they are part of a comprehensive plan. The Town's comprehensive plan does call for sidewalks/trails and the nearly completed Pedestrian Plan also calls for such facilities. There are no plans for any NCDOT project on West Market Street, so it could be a long wait for a NCDOT funded project.

Staff has proposed an 8-foot-wide multi-purpose trail be constructed on the north side of West Market Street from the Neuse River bridge to Wilson's Mills Road with an estimated cost of: \$2,345,000 with a local match of (20%), +/- \$480,000. The project match would need to be budgeted in the 2023-2024 and/or future budget years. The scope of the project can be amended to lessen the town's match. The grant applications are due March 15<sup>th</sup> and subject to approval in January.

Mr. Wensman explained the cost was only an estimate. There was no commitment by the Town because the award would have to be made first. Acceptance of the grant and the grant agreement would come back to the Council for final approval.

Mayor Pro-Tem Dunn questioned if the trail would be on the property owner side of the current landscaping. Mr. Wensman replied the trail would be on the road side of the landscaping because there was additional right-of-way in that area for a trail. He further stated that there might be a need for easements especially along Wilson's Mills Road.

Councilman Scott questioned why one side of the road was chosen for the trail instead of the other side. Mr. Wensman replied that it was more difficult to put the path on the one side and that was why the other side was chosen.

Councilman Scott further questioned how the County's trail plan would impact the Town's proposed project. Mr. Wensman responded this project was not one of the corridors the County was proposing; however, this trail does strengthen the Greenway.

Councilman Barbour stated this plan connected West Smithfield to the Greenway and downtown and he supported it.

Councilman Scott questioned how the Town was going to pay for the match amount should the Town be awarded these grants. Town Manager Michael Scott responded the Town would pay for the total amount of the project and then be reimbursed for 80% of the project. He further stated it could be funded through debt service, through the use of general fund fund balance, through American Rescue Plan Act Funds or through the restricted Bingham Park sale funds and park in lieu fees. Also, it would be possible to budget some of the funding.

Councilman Scott further questioned the Town's financial obligation if the Council chose to support submitting applications for these grants. The Town Manager responded there was no financial obligation at this point in the process. However, if the Town was awarded the grant and turned it down, it may be more difficult for the Town to receive future grant funding.

Councilman Barbour made a motion, Councilman Rabil, authoring staff to submit two grant applications offered by the Upper Coastal Plain Rural Planning Organization. Unanimously approved.

#### Councilmembers Comments:

- Councilman Barbour informed the Council there was a scheduled Drone Race at Johnson Park on January 28<sup>th</sup> at 10:00am. He stated the park was becoming a tourist attraction.
- Councilman Lee questioned if the street sweeper was operational. Public Works Director Lawrence Davis responded the street sweeper cannot operate in cold temperatures because the water system freezes. Councilman Lee informed the Council that the owners of Magic Tunnel Car Wash were retiring. He expressed his appreciation to the owners for having a successful family business for over 38 years in his district. Councilman Lee also informed the Council that Smithfield Selma High School Football Coach Deron Donald would be leaving SSS. He commended Coach Donald for his dedication and commitment to the SSS Football Program and wished him well in his future endeavors

#### Town Manager's Report:

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

- The Daddy/ Daughter Dance was scheduled for February 18<sup>th</sup>.
- The Police Chief search was continuing. A community meeting was schedule for January 10<sup>th</sup> from 6:00 pm until 7:30 pm
- DSDC Contract – The DSDC Contract with the Town has expired. Staff is working to receive public input during normal business hours, via email, phone call, or through personal contact from Wednesday, January 4, 2023 through Wednesday, January 11, 2023. Public notice has been posted in the Johnstonian News and on all our social media sites. We encourage the public and business owners to contact the Town and state their opinions on hiring a non-profit, like DSDC to manage the tax revenue generated from the Downtown special tax district.
- The Martin Luther King Jr Holiday is scheduled for January 16, 2023. Town buildings and services will be closed, with the exception of emergency services. Due to the current pandemic environment, Covid, Flu, RSV, the annual MLK parade on Market Street will not be held this year.


#### Recess Meeting Discussion

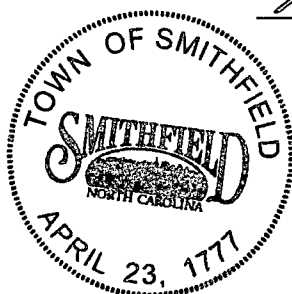
Mayor Moore asked the Council if they would like to recess this meeting until January 10<sup>th</sup> at 7:00 pm to be held in the Town Hall Conference Room to go into Closed Session pursuant to NCGS 143-318.11 (a) (6) to discuss the Manager's evaluation.

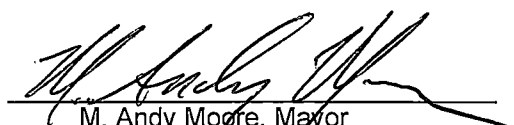
#### Recess

Having no further business, Councilman Scott made a motion, seconded by Councilman Barbour, to recess the meeting until January 10, 2023 at 7:00 pm to be held in the Town Hall Conference Room. The meeting recessed at approximately 8:51 pm.

ATTEST:

  
Shannan L. Parrish, Town Clerk



  
M. Andy Moore, Mayor