

The Smithfield Town Council met in regular session on Tuesday, April 3, 2018 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

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

Councilmen Absent

Administrative Staff Present

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

Present:

Bob Spence, Town Attorney  
Bill Dreitzler, Town Engineer

Administrative Staff Absent

**CALL TO ORDER**

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

**INVOCATION**

The invocation was given by Mayor Pro-Tem Scott followed by the Pledge of Allegiance

**APPROVAL OF AGENDA:**

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

1. Remove Business Item #7: ***Discussion concerning the Water Plant Expansion Time Line*** until the Budget Sessions
2. Remove Business Item #8: ***Consideration and approval to adopt Resolution #616 (03-2018) to begin the process of closing North 2nd Street from the intersection of North Street and 2nd Street in a northeast direction until the roadway intersects with Hospital Road***

Unanimously approved.

**PRESENTATIONS:**

**1. Proclamation – Recognizing April 18, 2018 as Electrical Lineman Day**

Mayor Moore presented the following Proclamation to Electrical Lineman Jeff Stewart and Public Utilities Director Ted Credle.

**Town of Smithfield  
Proclamation  
Electrical Lineman Appreciation Day  
April 18, 2018**

**Whereas**, the Town of Smithfield honors the profession of linemen, as this profession is steeped in personal, family and professional tradition; and

**Whereas**, electrical linemen are often first responders during storms and other

catastrophic events, working to repair broken lines to make the scene safe for the citizens of the Town of Smithfield; as well as, other public safety workers; and

**Whereas**, electrical linemen work on the Town of Smithfield power lines 24 hours a day, 365 days a year, to keep the electricity flowing; and

**Whereas**, due to the danger of their work with thousands of volts of electricity high atop power lines, these linemen put their lives at risk every day for the citizens of the Town of Smithfield with little recognition from the community regarding the danger of their work; and

**Whereas**, the U.S. Senate in April of 2013 first recognized the efforts of electrical linemen in keeping the power on and protecting public safety, and has designated by resolution the celebration of a National Linemen Appreciation Day.

**NOW, THEREFORE, I, M. Andy Moore**, Mayor of the Town of Smithfield along with the members of the Town Council, do hereby proclaim **April 18, 2018** as **“Electrical Linemen Appreciation Day”**; and we call upon the citizens of the Town of Smithfield to recognize and appreciate the hard work, innovation and dedication that these public servants make every day to our health, safety, comfort, and quality of life.

## **2. Parks and Recreation Updates on the Miracle League Field, Inclusion Park and Grand Opening of the Sarah Yard Community Center**

Parks and Recreation Director Gary Johnson provided an update to the Council on various Parks and Recreation Projects. Mr. Johnson explained the Sarah Yard Community Center opened on March 26<sup>th</sup>. A lot of citizens have volunteered to provide scholarships for children who would like to attend the center. Another project nearing completion was the Partnership to Build a Miracle Inclusion Playground and Baseball Field. These parks are all handicapped accessible; a first of its kind in Johnston County. A grand opening ceremony is scheduled for April 14<sup>th</sup>. Mr. Johnson also informed the Council of the ribbon cutting ceremony at the newly refinished boat ramp on July 14<sup>th</sup>. The Parks and Recreation Department will be holding its first annual River Rat Regatta boat race on the Neuse.

New Executive Director of the Greater Smithfield Selma Area Chamber of Commerce, Mike Mancuso, introduced himself to the Council.

## **PUBLIC HEARINGS:**

- 1. Rezoning Request by Adams and Hodge Engineering, PC (RZ-18-04):** The applicant was requesting to rezoning approximately 67.88 acres of land from the R-8 (Residential) zoning district to the PUD Special District (Planned Unit Development) with a PUD master plan for a 288 to 315 unit residential development. The property consider for rezoning was located on the east and west side of Buffalo Road approximately 570 feet north of its intersection with Booker Dairy Road. The property is further identified as Johnston County Tax ID# 14075013.

Councilman Dunn made a motion, seconded by Councilman Rabil, to open the Public Hearing. Unanimously approved.

Planning Director Stephen Wensman addressed the Council on a request by Adams and Hodge Engineering, PC. Mr. Wensman explained on January 8, 2008, the Town Council approved a rezoning to R8 Single, Two and Multi-Family Residential District and a special use permit, SUP-07-19 for a residential Planned Unit Development (PUD). At that time, PUDs were allowed in the R-8 zoning district by Special Use Permit. No conditional district or PUD rezoning was required. Also, allowed uses within the PUD were required to be the same as those in the R20-A, R8 and R10 Districts. That SUP expired after 5 five years with no subsequent development and the property remains zoned R-8. On October 3, 2017, the Town of Smithfield approved a new Unified Development Ordinance (UDO). The new UDO allows PUDs, but as a Special District rezoning. The

new UDO also only allows PUDs if they are mixed use. Adams and Hodge Engineering, PC submitted application for Rezoning to PUD for a 298-315-unit single-family and townhouse residential development on 67.88 acres, 54.62 acres on the west side of Buffalo Road and 13.27 acres on the east side of Buffalo Road. Prior to the March 6th Council meeting, the applicant requested the item be postponed until the April 3rd meeting. The agenda item has been re-notified for the public hearing. In the meantime, staff confirmed that in the Town's UDO, PUDs are considered Special District rezonings rather than Special Use District rezonings – under NC Statutes, these rezonings are considered a legislative proceeding and there is no separate special use permit required.

With the new UDO a PUD rezoning is essentially a Conditional District rezoning by another name, requiring an approved master site plan showing how the site will be developed with a mixture of land uses, residential and nonresidential. A PUD is a negotiated approach to a legislative decision allowing flexibility to tailor regulations to a particular site and project. It can offer a developer greater flexibility in dimensional standards (such as lot sizes and setbacks) with the approval of the master plan rather than following strict typical rigid separation of different land uses. Allowed uses are limited to those identified on the master plan. With the approval of the masterplan the site specific standards, zoning regulations and (mutually agreed to) conditions for the development are approved. The Town, in the negotiation, needs to ensure the development meets or exceeds the standards in the UDO as is appropriate. Through this PUD master plan, the developer was seeking flexibility to allow: 1) to determine the type of unit and location with each phase, not to exceed the overall lot/unit count. This is not a dimensional flexibility allowed by a PUD. 2) Reduced setbacks. 3) A smaller lot area requirement. 4) Lesser lot frontage requirement and 5) lesser building separation requirement.

In the UDO, there are certain requirements that PUDs are expected to meet: 1) Have a mix of land uses. The development is a mix of detached single-family and attached single-family triplex, and town house development, all single-family residential uses. Last month, the Town Council approved an ordinance amendment which will encourage mixed use, but not make it mandatory. This ordinance was necessary for this application to proceed. . 2) PUDs should have a dense network of narrow interconnected streets designed to minimize through traffic by the design of the street and the location of land uses. (UDO Section 10.108.19.1). The proposed development does not meet this requirement. 3) PUDs should have a high proportion of sidewalks, and paths (UDO Section 10.108.19.2). The proposed development has sidewalks on both sides of streets and a robust trail network, although sidewalks are also required along both sides of the Buffalo Road Right-of-Way.

Much of the proposed PUD development is within the WS IV-PA Overlay District. This overlay district provides an extra layer of regulation intended to protect the water supply watershed from pollution caused primarily from stormwater runoff. Within the WS IV-PA lot sizes are limited to ½ acre lots, unless cluster subdivision standards are followed (UDO Section 7.34). Impervious surfaces are limited to 24% unless the High Density Option is utilized (UDO Section 10.92.6.2.3). With the High Density Option, higher level of stormwater management controls is required. The proposed development is proposing lots smaller than ½ acre in size and will be utilizing the cluster subdivision standards, although modified through the PUD. The applicants were seeking PUD flexibility with the Following Requirements: 1) Lot width min 40' wide; 2) Side yard setback 6'; and 3) Building separation 12'

UDO Section 5.7 stipulates all the required submittals for an application. The application was lacking many of the required submittals such as utility plans, grading and erosion control plans, tree preservation plans, landscaping plans, lighting plans, stormwater plan and a traffic impact study among other items. Without all the required plans, Town staff is limited in its ability to evaluate the proposed master plan for the PUD. For example, it is uncertain whether the stormwater management plan or utility plans will function correctly or will be sized accordingly to meet requirements. There will likely be a lift station, requiring easements and other provisions that are not shown on the plans. It is not clear whether the tree preservation or landscaping requirements can be met with the current design layout. If approved, the subsequent subdivision development will need to comply with the master plan. Any material change to the plan such as moving roads and lots deemed a material changes as result of the subdivision process will require an amended PUD rezoning with an amended master plan. This should be made a condition of approval.

Mr. Wensman explained the following issues with the proposed plan: 1) No specificity on unit type and location. 2) Does not appear to meet all key clustering provisions for watershed protection. 3) Stormwater management is critical and no details. 4) PUD Street requirements not met. 5) NCDOT R/W not shown with sidewalks, turn lanes, etc. (TIS needed). 6) Block lengths too long (+1,000 ft). 7) Public parks and trails not articulated. 8) Public utility design not detailed. 9) Tree preservation impacts unknown. 10) Landscaping not fully developed into a plan. 11) Annexation is not addressed, but Town utilities are assumed. 12) No lateral street connections to future adjacent development.

#### PLANNING BOARD REVIEW AND RECOMMENDATIONS:

The Planning Board reviewed the applications on February 1st, and recommended approval of the rezoning as recommended by staff but with one exception. The Board did not recommend condition number 5. There was a discussion whether the lateral connections made sense and whether they were already required by the UDO.

At the meeting, the applicant rejected conditions 4, 5, 6 and 8.

In response, Staff offers the following:

- Conditions 5 and 6 are requirements of the UDO and could be clearly be eliminated.
- Condition 4 has been recommended because staff interprets the PUD requirements as requiring a higher level of street connectivity than would otherwise be required.
- Condition 8 has been recommended because staff believes the location of the townhouse units and the overall density is critical to the master plan. More units triggers the requirement for more open space and the location of townhomes on small lots will impact the street network.

#### PLANNING DEPARTMENT RECOMMENDATIONS:

The Planning Department recommends approval of the Rezoning, RZ-18-04, from R8 to PUD based on consistency with the Town's plans and policies with the following conditions:

- 1) That a Traffic Impact Study be conducted and the PUD Master Plan be updated to reflect any recommended internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic signal installation and operation including signal timing, and transit service improvements.
- 2) That the applicant submit a request for voluntary annexation prior to subdivision application if connection to Town water and sewer are to be requested with the subdivision.
- 3) That the developer obtains a NCDOT Right-of-Way Permit for the street accesses onto Buffalo Road.
- 4) That an additional east-west street be incorporated into the site plan on the west side of the development consistent with the PUD requirements of the UDO.
- 5) That lateral connections to adjacent developable parcels be incorporated into the PUD masterplan.
- 6) That public sidewalks along Buffalo Road be incorporated into the PUD Master Plan.
- 7) That any area to be dedicated for public parks or trails be identified on the PUD master plan.
- 8) That the PUD master plan be updated to identify the type and placement of each unit type on a lot.
- 9) That all changes resulting from Town review of the required subdivision and construction plan review process, including, but not limited to utility, tree preservation, landscaping, lighting, stormwater management, grading and erosion control plans will be incorporated into the PUD master plan and resubmitted for final approval by Town staff.
- 10) Any material change to the plan such as moving roads and lots deemed a material changes as result of the subdivision process will require a new PUD rezoning with an amended master plan.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the April 3, 2018 agenda packet.

Mayor Moore asked if there were any questions from the Council

Councilman Ashley questioned if this property was in the corridor with the Mountains to the Sea Trail. Mr. Wensman responded in the affirmative. Mr. Ashley questioned if this had been addressed. Mr. Wensman responded there were a number of options for the trail, but it had not been fully addressed. Mr. Ashley stated that it appeared the Council was being asked to approve a plan that is

incomplete. Mr. Wensman responded the Council was being asked to approve a master plan with a lot of additional details to be provided and staff approved. Town Manager Michael Scott explained there have been several meetings with the developer. The developer doesn't want to invest a lot of money obtaining plans and studies if the Town is not going to approve the rezoning. The plan does lack details, but staff believes by conditioning it, they can invest their money in the necessary plans to move forward with the project. Mr. Wensman informed the Council if there were significant changes to the plan, it would be brought back to Council for review.

Councilman Ashley questioned the two entry ways proposed on Buffalo road. Mr. Wensman responded the plan had not been sent to NCDOT for comment and review, but staff would require those on the master plan before they went to preliminary plat.

Councilman Barbour questioned the developer's response to the ten conditions. Mr. Wensman responded that they are objecting to conditions 4 & 5

Mayor Moore asked the applicant if he would like to address the Council. Mr. Reid Smith of One21 Homes stated that his team consists of himself, Donnie Adams with Adams and Hodge Engineering and James Lipscom with Hometown Realty. Mr. Smith explained he knew this market very well and this was not the first time he has taken these products through the PUD system. Mr. Smith explained this development was modeled after a development in Clayton called Parkview. When this tract of land became available, he thought it was a great idea to build a similar development in Smithfield. In his opinion, the master plan was a guiding document. In order to get to the first for sale sign, \$3 million would have to be invested. Mr. Smith further explained a lot of the plan would have to be completed, but they did not want to complete them until they knew the project would be approved by the Council. Each phase of the development will have to be reviewed by the Planning Staff.

Mr. Smith stated that for the neighborhood and the product type, they felt they were seeking the appropriate density. In Parkview, they started with the single family home, but proposed the triplex in case there was a need. At this point, there has been no need to build triplexes. He would work with the Town's Planning Staff to ensure that town homes or triplexes are developed in the right area. All homes are price point driven. Homes do not back to other homes and this will be a maintenance free neighborhood. Mr. Smith and his staff do plan to participate in the Mountains to Sea Trail. Mr. Smith and his team does believe this development will be a benefit to the Town as it will provide \$40 - \$50 million in tax base once fully built out.

As for the conditions, Mr. Smith explained that they did object to #4 siting that developers want to create a sense of neighborhood. Less roads mean more open space. He felt they had met the requirement and staff's interpretation was a little grey. Mr. Smith also explained they objected to #5 siting safety. They believe crime is reduced in a neighborhood when there is one way in and one way out. They also objected to #6 siting that it should state sidewalks or trails.

Mayor Pro-Tem Scott questioned if the utilities would be underground. Mr. Smith responded that they had not gotten that far into the plan.

Mayor Pro-Tem Scott questioned in which phases the townhomes and triplexes would be built. Mr. Smith responded the appropriate phases would be phases 3 and 4 where there would be cul-de-sacs and runs of types of homes.

Mayor Pro-Tem Scott questioned if the development would have curb and gutter. Mr. Smith responded there would be curb and gutter as well as sidewalks on both sides of the street.

Councilman Barbour questioned if Mr. Smith experienced catastrophic fires in any of its subdivisions due to the high density. Mr. Smith responded that they have never experienced any of those types of incidents.

Mayor Moore questioned if there were any objections to voluntary annexation. Mr. Smith responded that he did not object to voluntary annexations and he would put a condition to limit triplexes and townhomes to away from the entrances and none would be built in phases 1 or 3

Councilman Ashley asked if there was an objection to adding electricity to condition #2. Mr. Smith responded that he had no objections to adding electricity.

Mayor Moore asked if there was anyone present that wished to speak on this matter.

John Twisdale Jr. stated that his family owned property at 2117 and 1755 Buffalo Road. He asked if the Council had considered the impact that the additional 300 residents would have on the turning and through movements of the intersection of Buffalo and Booker Dairy road which were already at capacity especially while school was in session. Mr. Twisdale inquired if the Council had considered requesting a traffic study. He asked if the Council had put any thought into the additional capacity that would be needed for the sewer line that was installed in 1982 stating he thought the purpose of that line was to transfer sewage from Selma to Smithfield for treatment. He believed this would cause an unfair financial hardship on all remaining undeveloped property should those properties be developed in the future. He further questioned if the Council had confirmed if the developer had achieved verification of all jurisdictional wetlands and streams from the Corps of Engineers. Mr., Twisdale also inquired if the developer had evaluated pre versus post constructions conditions of all propose storm drainage outlets returning to pre-development conditions. While Mr. Twisdale agreed that growth was important, he questioned if this type of high density development was what the Town really needed. He asked that the Council consider making the lot sizes much larger than proposed.

Councilman Ashley responded that a traffic impact study was condition number one.

Tucker Twisdale of 1755 Buffalo Road addressed the Council on her concerns about the proposed development. In reviewing all the agenda material, she was disturbed about the lack of detail on the plan stating that the requested flexibility does not lead to accountability. Mrs. Twisdale questioned where would cars be parked if three hundred homes only had one garage since most families have two cars. She stated that the water and sewer issues would need to be addressed. She further questioned the buffer that would be required between the development and her property.

Mayor Pro-Tem Scott questioned if there would be a buffer. Mr. Wensmen responded the developer had referenced a 50 foot Class A buffer. The UDO defines the plantings of the buffer.

Reid Smith stated that his development team was not afraid of accountability. They simply did not want to waste money doing studies if they were not going to be able to obtain the proper zoning for the project.

Councilman Barbour questioned if street parking would be permissible. Mr. Smith responded that there will be instances when street parking will be allowed, but the UDO takes in account the width needed in the event an emergency services vehicle would need to safely pass on the streets.

Councilman Barbour also questioned if the sewer issue had been addressed. Public Utilities Director Ted Credle responded that he has not seem any utility plan therefore he could not comment. Mr. Credle stated that the line is owned by Johnston County even though the customers are serviced by the Town. The Town and the County would have to work together.

Councilman Ashley made a motion, seconded by Councilman Barbour to close the Public Hearing. Unanimously approved.

Mayor Pro-Tem Scott made a motion, seconded by, Councilman Rabil, approving the Rezoning, RZ-18-04, from R8 to PUD based on consistency with the Town's plans and policies with the following conditions:

1. That a Traffic Impact Study be conducted and the PUD Master Plan be updated to reflect any recommended internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic signal installation and operation including signal timing, and transit service improvements.

2. That the applicant submit a request for voluntary annexation prior to subdivision application if connection to Town water, sewer and electricity are to be requested with the subdivision.
3. That the developer obtains a NCDOT Right-of-Way Permit for the street accesses onto Buffalo Road.
4. That any area to be dedicated for public parks or trails be identified on the PUD master plan.
5. That all changes resulting from Town review of the required subdivision and construction plan review process, including, but not limited to utility, tree preservation, landscaping, lighting, stormwater management, grading and erosion control plans will be incorporated into the PUD master plan and resubmitted for final approval by Town staff.
6. Any material change to the plan such as moving roads and lots deemed a material changes as result of the subdivision process will require a new PUD rezoning with an amended master plan.
7. No triplexes or townhomes can be built in the first or second phase and not close to the entrances of the subdivision.

Unanimously approved.

Mr. Wensman explained that since lateral connections to adjacent developable parcels be incorporated into the PUD masterplan was defined in the UDO and the Council had waived that condition, it would be best if the Council made a separate motion to that fact

Councilman Barbour made a motion seconded by Mayor Pro-Tem Scott, to waive condition #5 *That lateral connections to adjacent developable parcels be incorporated into the PUD masterplan.* Unanimously approved.

2. **Text Amendment Request by the Town of Smithfield (ZA-18-021):** The Smithfield Planning Department was requesting to adopt the Flood Risk Insurance Study for Johnston County and to amend the Town of Smithfield Unified Development Ordinance, Article 10, Part VII, Flood Damage Prevention, Non-Coastal Regular Phase as required by the study.

Councilman Dunn made a motion, seconded by Councilman Barbour, to open the Public Hearing. Unanimously approved.

Planning Director Stephen Wensman explained the Town of Smithfield was required to adopt the Federal Emergency Management Agency (FEMA) revised Flood Insurance Study (FIS) for Johnston County which includes both the revised Digital Flood Insurance Rate Map (DFIRM) and North Carolina Model Flood Damage Prevention Ordinance as developed by the North Carolina Department of Public Safety. Adoption of the FIS and mandatory revisions to the Town of Smithfield's existing Flood Damage Prevention Ordinance must occur no later than June 20, 2018. Failure to adopt the FIS and make the mandatory revisions to the Town of Smithfield Unified Development Ordinance (UDO) within the time allotted will result in the Town of Smithfield being suspended from the Nation Flood Insurance Program (NFIP) and all flood insurance policies within the Town of Smithfield's planning and zoning jurisdiction will be canceled.

The Planning Department was requesting adoption of revised Flood Insurance Study (FIS) for Johnston County and amendments to the Town of Smithfield Flood Damage Prevention Ordinance for continued participation and compliance with the National Flood Insurance Program.

Mr. Wensman explained many of the changes to the Town of Smithfield's existing Flood Damage Prevention Ordinance are mandatory, while others are recommended changes not necessarily

required to participate in National Flood Insurance Program. For usability and enforcement purposes, the proposed ordinance amendment generally mirrors proposed changes that will be adopted by Johnston County. Modifications to the existing ordinance are represented by double underline for new text, strikethrough for deleted text. In addition, blue text represents text that is changed from the existing ordinance, green text represents new text and, red text represents items to be deleted.

Over 1,200 properties within the Town of Smithfield Planning and Zoning Jurisdiction are affected by Special Flood Hazard Areas. Sandy Run and surrounding area will have approximately 86 properties and 66 structures removed from the 100 year floodplain. FIS now includes a detailed study area of Buffalo Creek from North Brightleaf Boulevard to US 70 Bypass. Spring Branch 100 year floodplain and floodway appears to be smaller in area. Neuse River floodway appears to have increased in area in most places. The majority of other changes appear to be from the natural meandering of the creeks and streams and can be seen through the subtle shifting of its floodway and floodplain from one side to the other. Mr. Wensman further explained

Summary of Mandatory Changes: 1) Required determination by UDO Administrator of market value, repair value and make a determination as to whether substantial damages or substantial improvement thresholds are met and to notify the applicant of the findings; 2) Required time period for use in establishing substantial damages and substantial improvements; 3) Failure to comply with UDO Administrator orders for correction of violation will be classified as a Class 1 misdemeanor pursuant to NC G.S 143-215.58; 4) Penalties for violations are increasing from \$50 to \$100 per day; 5) All electrical, heating, air conditioning and ventilation for new construction will be required to be 2 feet above base flood elevations or be water tight; 6) Alteration and repairs are no longer classified as new construction; 7) Non-residential structures with basements shall be no lower than 2 feet above base flood elevation or be constructed of robust material and flood proofed; 8) All above ground fuel tanks must be elevated two (2) feet above base flood elevation or be strapped down; 9) Use of NAVD 1988 vertical datum will replace the use of mean sea level tidal datum; 10) Minor text changes design to clarify existing regulations and 11) Additional definitions of commonly used terms.

Summary of Voluntary Changes: 1) Prohibit fill within a special food hazard area which is currently allowed. Staff recommends no change; 2) Increase in freeboard which is currently set at two (2) feet. Staff recommends no change; 3) Fully enclosed area of new construction or substantially improved structure which is below the lowest floor shall not be temperature controlled. (staff recommended); 4) A statement is placed on the permit stating that all material below the base flood elevation must be made from flood resistant material. (staff recommended); 5) Property owner requirement to execute and record a non-conversion agreement for spaces below the lowest floor and agree to annual inspections by Town staff. (staff does not recommend); 6) Required time period for establishing substantial damages and substantial improvements. Time period language required but period can vary based on community needs. Staff recommends 1 year for substantial improvements and 10 years for substantial damages. The substantial damage threshold is more stringent to avoid repetitive loss penalties to property owners that include ineligibility for Increased Cost of Compliance (ICC) benefits that are often needed for required elevating of flood damaged structures.

Planning staff finds the Flood Insurance Study (FIS) for Johnston County and ordinance amendment is consistent with the Comprehensive Land Use Plan which identifies and recommends areas within the floodway as Conservation Districts. Planning staff finds the Flood Insurance Study (FIS) for Johnston County and proposed ordinance amendment is reasonable and in the public interest because they reduce the loss of life and property damage caused by flooding.

The Planning Department recommends adoption of the Flood Insurance Study (FIS) for Johnston County and approval of proposed ordinance amendment to the Town of Smithfield Unified Development Ordinance, Article 10, Part VII, Flood Damage Prevention Ordinance, Non-Coastal Regular Phase and Appendix A. Definitions.

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the April 3, 2018 agenda packet.

Mayor Moore asked if there were any questions from the Council



Councilman Lee stated suddenly many parts of East Smithfield were being removed from the flood plain. In speaking with some residents, they have to build their houses ten feet above ground and are unable to obtain loans because they are in a flood area. The timing of these changes were ironic.

Councilman Ashley questioned if the impact of these changes has been conveyed to the citizenry and could this be harmful to the citizens. Mr. Wensman responded there were winners and losers with these amendments. Those that are being removed will no longer have to worry about floodplain requirements. They will be able to build like anyone else. Other properties that will be added to the floodplain will have more stringent building requirements. Mr. Wensman stated that if the Town does not adopt the maps and the ordinance, no one in Town will be able to obtain FEMA flood insurance.

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

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Scott, to close the Public Hearing. Unanimously approved.

Councilman Barbour made a motion, seconded by Councilman Dunn, to approve the Text Amendment Request ZA-18-02 as submitted and declared it to be consistent with the Town of Smithfield's Comprehensive Growth Management Plan and it was reasonable and in the public interest. Councilman Barbour, Councilman Dunn, Mayor Pro-Tem Scott, Councilman Ashley, Councilman Rabil and Councilman Stevens voted in favor of the motion. Councilman Lee voted against the motion. Motion passed 6 to 1.

*{A copy of the Text Amendment (ZA-18-021) is on file in the Office of the Town Clerk}*

- 3. Text Amendment Request by the Town of Smithfield (ZA-17-06):** The Planning Department was requesting an ordinance amendment to Appendix A, Article 7 and Article 10 of the Town of Smithfield Unified Development Ordinance to clarify minimum lot width standards and the maximum length of cul-de-sacs.

Councilman Rabil made a motion, seconded by Councilman Barbour, to open the Public Hearing. Unanimously approved.

Planning Director Stephen Wensman addressed the Council on a request by staff to make amendments to Appendix A, Article 7 and Article 10 of the Town of Smithfield Unified Development Ordinance (UDO) that removes inconsistencies within the text and clarifies development standards as they pertain to flag lots and cul-de-sac streets.

The proposed zoning ordinance amendment would clarify development standards by: 1) Creating a more descriptive definition of a flag lot; 2) Eliminating inconsistent standards concerning flag lots; 3) Establishing a flag lot width that can accommodate a standard public right-of-way and that will not hinder future planning and development efforts and 4) Revising maximum cul-de-sac lengths within manufactured home parks

Mr. Wensman explained flag lots are so named because of the long, slender strips of land resembling flag poles that extend from the typically rectangular main sections of these lots — or the “flags” — out to the street. Each “flag pole” typically provides just enough street frontage for vehicle access and is often shared by several neighbors. Flag lots can also be thought of as permitted lots with reduced street frontage that allow access to otherwise landlocked parcel acreage. Use of flag lots recognizes the environmental and economic advantages in substituting private drive lengths to tap land that would require additional street length and potentially greater disturbance and infrastructure costs. The negative attributes of flag lots include potential burden on property owners to maintain longer driveways or private streets lengths, potential access constraints for emergency vehicles, and possible house-to-house relationships as flag lot dwellings may be perceived to be in the rear yards of the adjacent residences. In most cases however, the biggest drawback from creating flag lots is that no further land divisions or intensive land uses can occur when the property

does not and cannot ever front on a public street due to inadequate land reserves needed for the construction of a public street from the existing public street to the flag portion of the lot to be divided. However, judicious use of flag lot arrangements can provide distinct benefits in residential design when its use, resulting lot size, dwelling orientation and access considerations are based on sound planning and community design criteria. With these considerations in mind, the Town of Smithfield Unified Development Ordinance has retained language allowing for newly created flag lots. The proposed amendment clarifies the existing flag lot provisions by creating a better definition of a flag lot. It will require flag lot dimensions to meet or exceed the underlying zoning district dimensional standards and sets the flag pole portion of the lot to a minimum width of 60' measured at the public right-of-way and were the pole portion of the lot intersects the flag portion of the lot.

Mr. Wensman also explained cul-de-sac lots street frontage requirements will remain at 25'. The proposed ordinance amendment will clarify conflicting cul-de-sac length standards by increasing the maximum cul-de-sac length within planned manufactured home parks to 750 linear feet making them identical to traditional subdivisions standards. In the future, Staff intends to work with the Town Engineer to update the Engineering Standard Detail and Specifications Manual to also reflect this change along with other changes to be adopted by the Town Council.

The Planning Department and Planning Board recommend approval of the proposed amendments to Appendix A, Article 7 and Article 10 of the UDO and recommends that the Town Council approve a statement declaring that the request is 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 Council in written form in the April 3, 2018 agenda packet.

Mayor Moore asked if there were any questions from the Council

Councilman Ashley questioned if this amendment resulted in an issue or simply from Mr. Wensman's review of the UDO. Mr. Wensman responded that in reviewing the UDO, there were a lot of inconsistencies with this section.

Councilman Barbour stated that since mobile home parks were not allowed in Town, then shouldn't the language be removed as it pertained to this amendment. Mayor Moore responded that manufacture homes are allowable while mobile homes were not.

Councilman Ashley stated flag lots have been widely used in the County and while the amendment does not affect those in Town, it does affect those in the ETJ.

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

Councilman Barbour made a motion, seconded by Councilman Stevens to close the Public Hearing. Unanimously approved.

Councilman Stevens made a motion, seconded by Councilman Barbour, to approve the Text Amendment Request ZA17-06 as submitted and declared it to be consistent with the Town of Smithfield's Comprehensive Growth Management Plan and it was reasonable and in the public interest. Councilman Stevens, Councilman Barbour, Mayor Pro-Tem Scott, Councilman Lee, Councilman Dunn and Councilman Rabil voted in favor of the motion. Councilman Ashley abstained from voting. Motion passed six to zero.

ORDINANCE # ZA-17-06

AN ORDINANCE TO AMEND

APPENDIX A, ARTICLE 7 AND ARTICLE 10

OF THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT ORDINANCE TO CLARIFY MINIMUM LOT WIDTH AND MAXIMUM LENGTH OF A CUL-DE-SAC.

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 set unified standard for flag lots and maximum cul-de-sac lengths.

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 APPENDIX A. DEFINITIONS content as it pertains to flag lots and lot width]

APPENDIX A. DEFINITIONS

[Definitions not listed remain unchanged]

Lot, Flag

Lots or parcels with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.

A lot with two distinct parts:

- The flag, which typically contains building site; and is located behind another lot; and
- The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than or equal to the minimum lot width for the zone.

And

Lot Width

The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect the right-of-way line, or for lots having an access strip extending from the front of the main portion of the lot, at the place where the access strip joins the main portion of the lot) shall not be less than 60 feet eighty percent (80%) of the required lot width, except in the case of the turning circle of cul-de-sacs where the eighty percent (80%) requirement shall not apply.

And

Section 10.108 Streets

[Revises Article 10 by referring to Article 8 for required minimum lot widths]

10.108.1.4.2. Lot Width and Depth. All lots shall have a minimum width and

street frontage at the building line of 70 feet as required in Article 8, except in the case of the turning circle of cul-de-sacs and a where a minimum width at the street right-of-way line of 25 feet is permissible. Corner lots shall have an extra width of 10 feet to permit adequate setback from side streets. The minimum lot depth of single tier lots (when approved) shall be 125 feet. All other lots shall be 110 feet in depth. Additional lot width and depth shall be required when:

10.108.1.4.2.1. A lot is served by either public water or sewer, but not both: Lot width - 100 feet; Lot depth - 200 feet.

10.108.1.4.2.2. A lot is not served by either public water or sewer: Lot width - 125 feet; Lot depth - 200 feet.

And

#### Section 10.108 Streets

[Revise Article 10 to refer to Article 8 for required minimum lots width]

10.108.1.4.4. Every lot shall maintain required street frontage as required in Article 8 abut at least 25 feet on one of the following:

10.108.1.4.4.1. A public street dedicated to and maintained by the Town of Smithfield or the North Carolina Department of Transportation.

10.108.1.4.4.2. A street constructed to the standards of the Town or Smithfield or the North Carolina Department of Transportation, with a written agreement concerning the future maintenance of the street.

And

#### Section 10.108 Streets

[Revises Article 10 and sets minimum flag lot street frontage at 60 feet]

10.108.1.4.7. Flag-shaped lots shall only be permitted in cases where the minimum area, lot width, lot depth, and street frontage requirements of this Ordinance are complied with and the lot has a minimum street frontage of at least 60 feet in width. If the standards of the zoning district in which the property is located are more stringent, the stricter requirement shall govern.

And

#### Section 7.34 Residential Cluster Developments

[Revises Article 7 and sets minimum lot frontage to 40 feet for lots within a cluster subdivision]

7.34.4.2. Lot Width. 40 feet. On a case-by-case basis, flag lots may be allowed with a minimum street frontage of 10 feet.

And

#### Section 7.18 Manufactured Home Parks. [Revises maximum cul-de-sac lengths within Manufactured Home Parks]

7.18.14.1. Cul-De-Sacs. Any interior drive designed to be closed shall have a turnaround at the closed end with a minimum right-of-way diameter of 100 feet. The entire right-of-way of such turnaround shall be graded and usable for the turning of motor vehicles. Cul-de-sacs shall not exceed 600 750 feet in length.

## PART 2

That the Unified Development Ordinance shall be page number as necessary to accommodate these changes.

## PART 3

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

### **CITIZENS' COMMENTS:**

1. Matthew Clancy of 520 Dogwood Street addressed the Council on a request to have the white vinyl fencing on Outlet Center Drive that was installed by the Town be extended approximately 100 – 120 feet. Mr. Clancy explained the fencing ends at his next door neighbor's yard. Two problems he and his wife encounter was light and noise coming into his property from the roadway and people walking through his yard to get to the Outlets. He explained that he spoke with the Town Manager concerning this issues and it was suggested Mr. Clancy install a fence around his property. Mr. Clancy informed the Council that there was a lot of standing water in his backyard and it was not feasible to install a fence.

### **CONSENT AGENDA:**

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

1. Approved the following Minutes:
  - March 6, 2018 – Regular Meeting
  - March 6, 2018 – Close Session
2. Approved Unsealing the following Closed Session Minutes
  - February 10, 2014
  - September 16, 2014
  - December 16, 2014
  - January 6, 2015
  - May 27, 2015
  - June 22, 2015
  - August 10, 2015
  - November 10, 2015
  - January 26, 2016
  - August 2, 2016
  - November 1, 2016
3. Special Event – 5k/10k Run/Walk: Approval was granted to allow the Johnston Health Foundation to add a 10k run/walk to its annual 5k event. The event will take place on April 14th from 8:00 am until 12:00 pm. The 10k Run/Walk was approved as an annual event
4. Special Event – Cinco De Mayo: Approval was granted to allow Mucho Mexico to have appropriate Latin karaoke on its patio area on May 5th from 2:00 pm until 8:00 pm to celebrate Cinco de Mayo. Also approved as an annual event.
5. Special Event – Gospel Concert: Approval was granted to allow the Smithfield Church of God to hold a Gospel Concert at the Smithfield Town Commons stage on April 27th between the hours of 7:00 – 9:00 pm
6. Special Event – Rhythm & Brews Concert Series: Approval was granted to allow the Downtown Smithfield Development Corporation to conduct its summer concert series on June 15<sup>th</sup>, August

17<sup>th</sup> and September 21<sup>st</sup>. These events will require amplified sound and street closure of the 100 block of South Third Street from 4:00 pm until 11:00 pm. The concert series were also approved as annual events.

7. Approved a bid award to W. E. Blackmon Construction in the amount of \$60,000.00 for the 2018 Storm Debris Removal Project Bids received are as follows:
  - W. E. Blackmon Construction \$60,000
  - Marlin Construction \$245,323
8. Approved the submittal of a grant for the Wayfinding Project and adopted Resolution # 615 (02-2018).
9. The following Advisory Board Appointments were approved:
  - Oliver Johnson was appointed to serve a first term on the Historic Properties Commission
10. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Apprentice Electric Line Tech	PU – Electric	31-72-7230-5100-0200	\$13.10/hr. (\$27,248.00/yr.)
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.

  

<u>Current Vacancies</u>			
<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	
P/T Lifeguard	P & R – Aquatics	10-60-6220-5100-0220	
Utility Line Mechanic	PU – Water / Sewer	30-71-7220-5100-0200	
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200	

Unanimously approved.

**BUSINESS ITEMS:**

**1. Consideration and approval of Ordinance # 494 to amend Chapter 6: Cemeteries to allow Columbarium in Riverside Extension Cemetery**

Public Works Director Lenny Branch addressed the Council on a request to amend the Town of Smithfield’s Code of Ordinances. Mr. Branch explained the Public Works department received a request to have a Columbarium placed on a private family lot in Riverside Extension Cemetery. Mr. Branch further explained the Town of Smithfield Cemetery Ordinance (No. 379, 6-5-01 Sec 6-19) defines Mausoleum; as a structure or building used for the entombment of human remains. In Sec. 6-50 the ordinance states; No private mausoleums shall be constructed or installed in any cemetery. The verbiage in the ordinance (entombment of human remains) can very easily be interpreted as cremation remains when not further clarified. The request was denied based on the Town of Smithfield’s current ordinance. The Town has since been approached by the family (and the current owners of Riverside Extension) requesting for a revision of the cemetery ordinance; and allow columbarium’s as an approved burial option. The Public Works department has seen an increase in cremation burials in the past couple of years and agrees that revisions to the ordinance may be in order.

Councilman Barbour questioned the security of the columbarium. Mr. Branch responded that they are completely secure.

Councilman Stevens explained that at the recent passing of his mother, it was possible to spend as much as a person wanted on funeral services. While meeting with the funeral director, he questioned the cost of cremations and approximately how many the funeral home had done annually. He was informed that cremations are increasing as the cost is relatively inexpensive compared to traditional funeral services.

Councilman Dunn made a motion, seconded by Councilman Rabil, to approve the Ordinance # 494 to amend the Town of Smithfield Code of Ordinance, Chapter 6, Cemeteries. Unanimously approved.

**TOWN OF SMITHFIELD**  
**North Carolina**  
**ORDINANCE # 494**

**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD CODE OF ORDINANCES,  
CHAPTER 6, CEMETERIES**

**WHEREAS**, Chapter 6 of the Town of Smithfield's Code of Ordinances outlines the regulations concerning cemeteries within the Town; and

**WHEREAS**, The Public Works Department is requesting that the Ordinance be amended to include the addition of columbarium to Riverside Extension Cemetery.

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Smithfield that Chapter 6, Cemeteries is rewritten as follows:

Sec. 6-17. - Definitions.

Columbarium. A freestanding structure containing niches for the inurnment of cremated remains

Inurnment. The permanent placement of cremated remains which are contained in an urn in a columbarium or by burial in the earth.

Niche. The recessed compartment in a columbarium designed to hold urns

Sec. 6-38. - Speculation in grave, lot and columbarium niche sales prohibited

(b) No person shall sell or exchange any grave, lot or columbarium niche for a profit or gain.

**ARTICLE IV. - MAUSOLEUMS, MONUMENTS, SURFACE AND CORNER MARKERS, COPING AND COLUMBARIUM**

Sec. 6-55. - Installation, repair and removal of monuments, columbarium, surface marker and corner markers and coping.

(a) No surface marker, monument or columbarium shall be constructed or installed on any grave or lot in any cemetery without prior authorization of the cemetery official.

(d) Should any surface marker, monument or columbarium in any cemetery, at any time, become unsafe, unsightly or in need of repair or resetting, the cemetery official or his/her designee shall notify the deed holder of such condition and request that appropriate action be taken to remedy said condition.

(e) Should any surface marker, monument or columbarium be constructed or installed on any grave or lot in any cemetery without prior authorization of the cemetery official or his/her designee, and said surface marker or monument does not comply with the requirements of this ordinance, the cemetery official or his/her designee shall notify the deed holder of such violation and request action be taken to remedy said condition.

(f) The town shall not be held responsible for damages to surface markers, monuments or columbarium which require repair or replacement of such markers or monuments caused by faulty or premature construction or installation, vandalism, or environmental conditions.

(g) No surface marker, monument or columbarium shall be removed from any grave or lot in any cemetery without prior authorization of the cemetery official or his/her designee.

#### Secs. 6-56. COLUMBARIUM

(a) Columbarium are permitted in Riverside Extension Cemetery only

(b) No portion of any Columbarium shall be constructed of any material other than cut stone; i.e. granite or marble

(c) All Columbarium will be grey with black niche panels

(d) Complete, detailed scale drawings for all proposed columbarium shall be submitted to the Town Manager or his designee for approval thirty (30) days prior to construction/ installation date.

(e) Approved designs for Columbarium shall not be altered in any way without the consent of the Town Manager or his designee.

(f) Columbarium shall only be constructed/installed on four-grave and six grave lots, provided that all grave spaces are owned by a single deed holder.

i. Four grave lots

1. Columbarium will be single sided, unless prior approval is received from the Town

2. A maximum of eight niches are permitted

3. Columbarium must be constructed/ installed in the center of the lot

4. All Columbarium must be installed on a 6 inch concrete base

5. One urn is permitted in a single columbarium niche.

ii. Six grave lots

1. Columbarium will be single sided, unless prior approval is received from the Town

2. A maximum of twelve niches are permitted

3. Columbarium must be constructed/ installed in the center of the lot

4. All Columbarium must be installed on a 6 inch concrete base

5. One urn is permitted in a single columbarium niche.

(g) Columbarium Inurnment.

i. The owner must notify the Town 24 hour prior to inurnment

ii. The owner must notify the Town of the cremated remains to be placed in each niche so that accurate records can be maintained by the Town

iii. A \$350 opening/closing fee will be assessed in the event that the owner chooses to hold a committal service.



iv. The Town is not responsible for the sealing of privately owned columbarium niches

(h) Cremated remains to be placed in a columbarium niche are recommended to be enclosed in a rigid, permanent, rustproof, waterproof, sealed container. Identification of the remains shall be within or on the urn following state law.

This ordinance shall be effective upon adoption

## **2. Consideration and approval to change Online Bill Pay Providers**

Finance Director Greg Siler addressed the Town Council on a request to change online bill pay providers. Mr. Siler explained the Town of Smithfield contracted with NCO Financial Systems, Inc., in August 2014, to provide Online Bill Pay at a rate of \$2.45 per transaction with a \$500 limit. NCO offered an alternative; less sophisticated option known as “blind” payments since system integration between our software (LOGICS) and NCO was not an option. Since customer data could not be viewed online using NCO, the customer would need their account number, service address, and amount due, to complete the electronic or on-line transaction. Shortly after contracting with the Town, the rules changed for NCO. NCO could no longer charge a convenience fee due to the nature of their business. As a result, NCO allowed customers to make online payments at no cost for the remainder of our two-year agreement. NCO lost money on our arrangement. In the last quarter of 2016, the Town contracted with Official Payments Corporation to provide Online Bill Pay. Charges were tied to the type of payment with a flat fee of \$4.50 for credit card transactions, \$3.00 for debit cards and \$.50 for electronic checks. No payment limits were imposed. Recently, Official Payments notified the Town of a fee change as they are losing money on our account. The new fees would be \$8.95 for credit cards, \$3.95 for debit cards, and \$1.95 for electronic checks, all with a \$500 limit.

With the recent installation of the new records management system, Tyler Technologies, now was the time to consider changing online bill pay providers. Tyler Tech, working with ETS Corporation, offers an agreement with no contract term, system integration (customer will have the ability to access their account online) and fees are tied to a percentage of charges. In addition, The Town gets to choose the percentage as we keep the fee and Tyler Tech bills the Town based on an agreed rate per transaction. The Finance Director has negotiated a discount rate of .10 plus interchange, a per item rate of .05 plus interchange, and \$1.25 per transaction to Tyler; and is suggesting Tyler Techs recommended 2.5 percent convenience fee (to be paid by the customer). The Town could gain, breakeven or lose money on this arrangement because there is no history on the types of visa/master cards used to make online payments. However, Tyler has indicated that the worst case scenario on a \$100 payment would cost the Town approximately \$2.37. Again, our cost would be offset by the customer’s convenience fee of \$2.50 in this particular example.

Councilman Ashley questioned if Mr. Siler thought this was a good arrangement. Mr. Siler responded that it was a fair arrangement and he would monitor the first three months to determine a total cost to the Town.

Councilman Ashley made a motion, seconded by Councilman Rabil, to approve changing online bill pay provider to ETS Corporation provided the Town cancel its current contract without penalty. Unanimously approved.

## **3. Discussion concerning two requests to refund taxes of more than \$100 from two property owners in the Downtown Municipal Service District**

Town Manager Michael Scott addressed the Council on a request by two business owners in the Downtown Municipal Service District (MSD) for refund of taxes. The Town Manager explained the Town Attorney received two requests from property owners in the MSD requesting their taxes

refunded siting they were illegal. Town Attorney Bob Spence explained Municipal Service Districts were authorized by the legislature thus allowing the Town the right to levy a tax on that district.

The Town Manager explained in 1985, the Town Council approved by resolution, the establishment of the special tax district in the Smithfield Downtown area. The service district was approved following the requirements of NC General Statute, Article 23, at the time. According to records from Johnston County Tax Administration, the disputed amount of taxes for each business is less than \$1,000. The Council was asked to review the information provided and make a determination if the tax imposed for the service district in downtown Smithfield is indeed a legal tax. The Town Manager further explained there were only three instances why this can be deemed an illegal tax. They are as follows: 1) Tax imposed by clerical error, 2) an illegal tax, or 3) tax imposed for an illegal purpose.

Councilman Barbour questioned if the legislators give the Town the right to set that tax. The Town Manager responded in the affirmative.

Councilman Barbour made a motion, seconded by Councilman Stevens, stating the tax imposed in the Downtown Municipal Service District was and is a legal tax. Unanimously approved.

#### **4. Consideration and approval to eliminate the Two Hour Parking Limit on the 300 block of Johnston Street**

Town Manager Michael Scott explained that the Downtown Smithfield Development Corporation (DSDC) was requesting to have the two hour parking limit removed from the 300 block of Johnston Street. The Town Manager explained parking in the Downtown area has been an issue for discussion for the last decade. Currently in place, there is a two-hour parking restriction in the downtown area. DSDC is asking the 300 block of Johnston Street be removed from the parking schedule. Their reasoning revolves around opening open additional full-time parking for those businesses in the immediate area. While Town Staff does not object to the request, it does question the wisdom of the decision based on the reality that the open parking may likely be used by court house staff/employees on a fulltime basis. Staff is also requesting that the 200 and 300 blocks of West Market Street be removed from the schedule due to the new bridge and road widening/beautification project in these areas no longer allow for parking in these blocks.

Councilman Barbour questioned if input on this matter has been received from all business owners. DSDC Executive Director Sarah Edwards responded that back in September of 2017, a survey was distributed to all business owners seeking input on if the two-hour parking limit should be enforced. At that time, a majority of the business owners stated that it should be enforced. Councilman Barbour question if Ms. Edwards had sought input from the business owners about the proposed change. Ms. Edwards responded that only one business person would be affected by this change and he was amenable to the elimination of the two hour parking on Johnston Street. Ms. Edwards explained that there are nine parking lots close to the intersection of Johnston and Third Street. Those parking long term should utilize the parking lots which would free up spaces in front of businesses.

Mayor Pro-Tem Scott suggested that Ms. Edwards poll the businesses again before a decision is made.

Councilman Ashley made a motion, seconded by Councilman Barbour, to table the request until it can be discussed further. Unanimously approved.

#### **5. Consideration and approval to request the use of Occupancy Tax Funds for engineering services for a new design of the Neuse River Amphitheater**

Town Manager Michael Scott addressed the Council on a request to use occupancy tax funds for

the engineering services for the design of Neuse River Amphitheater. The Town Manager explained the Johnston County Visitor's Bureau had been working with Town Staff to develop recommendations for a new amphitheater to replace the existing stage and town commons area. The Johnston County Visitor's Bureau secured a bid from Withers and Ravenel to complete a conceptual design for the project. The cost of the design project is \$10,000. Money will be spent by The Johnston County Visitor's Bureau through funds received from occupancy tax dollars. No property tax dollars will be spent on this project and the Town's budget will be unaffected.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve the request as submitted. Unanimously approved.

## **6. Consideration and approval to update the Sanitary Sewer Standards**

Public Utilities Director Ted Credle addressed the Council on a request to update the Town's Sanitary Sewer Standards. Mr. Credle explained the Town's current construction details & standards were approved by Council in 2000. In the last 18 years, certain construction methods & materials have modernized. Such modern updates are not reflected in the Town's current standards. The Public Utilities Department has updated the sanitary sewer construction standards for the Town and is asking for these updated standards to be adopted. The proposed changes update the text to reflect modern methods and materials, deletes all references to NCDEHNR which is no longer in existence, complies with state law and standards are redrawn and updated.

Mayor Pro-Tem Scott questioned who the Town would make older developments comply with these changes. Mr. Credle responded these changes would only apply to new developments.

Mayor Pro-Tem Scott made a motion, seconded by Councilman Rabil, to approve the update to the Sanitary Sewer Standards as submitted. Unanimously approved.

## **Councilmembers Comments**

- Councilman Lee: Wished Happy Birthday to Jack Temple. Thanked Mr. Marvin Byrd for serving as the Athletic Director at Smithfield Selma High School. Expressed his appreciation to Parks and Recreation Director Gary Johnson for all he has done at the Sarah Yard Community Center. While at the Center, he noticed a kid that was not participating. It was discovered that the child had not eaten. Councilman Lee explained that although \$2.00 may not be a lot to us, it is a lot to a child that can't even afford food. The Town now has this nice building that we all know is not going to make money, but this could be a safe haven for some children in the community. It was his opinion that there should not be a fee for anyone that wishes to come to the Center. He asked the members of Council to consider that during the budget process. Councilman Lee stated that the fence that Mr. Clancy spoke about during citizens comments was a real problem. It should have been extended.
- Councilman Barbour informed the Council that he and Councilman Stevens attended the School of Government's class for elected officials. He explained that he attended the Main Street Conference which was very eye opening. The equipment at the Inclusion Park was safe for children of all abilities. He challenged everyone to attend the #SSS Strong day to show the Town's support for our local high school

## **Town Manager's Report:**

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

- Booker Dairy Road: Construction is beginning on the roadway portion of the project. Cable lines are still being moved by cable companies but all the Town's utilities have been moved as required.
- Fire Hydrants: Fire Department flow testing of hydrants will continue through the end of May. This is an annual part of hydrant and pressure maintenance, analyzed and maintained by the

fire department.

- PD CALEA: The Police Department was awarded its first reaccreditation designation with the Commission on Accreditation for Law Enforcement Agencies (CALEA). The police department continues to receive high marks and praise from assessors from CALEA and the CALEA Commission.
- Pay Checks: The Town is attempting to implement the emailing of pay check stubs to all employees. Employees are asked to provide an email address where the Town can email their by-weekly pay check stub to. This will save the Finance Department a considerable amount of time, resources and money over the course of the fiscal year.
- Utility Bills: The Town now has the ability to email utility bills to utility customers. This is an important step toward efficiency and cost savings. Please encourage residents within your districts to consider signing up for paperless billing of their utility bill

## **Department Reports**

A highlight of each department's monthly activities was given to the Council

Mayor Moore asked that the Council consider recessing the meeting to schedule the first budget session. Town Manager Michael Scott recommended scheduling a meeting on April 10<sup>th</sup>. The Town Manager explained that he had to provide the Council with a recommended budget by June 1 and it has to be finalized by June 30<sup>th</sup>. He will provide the Council with a balanced budget, but if the Council chooses to add or delete items, it takes time to redo the budget. It was suggested that staff send proposed budget meeting dates to the Council.

## **Recess**

Councilman Dunn made a motion, seconded by Mayor Pro-Tem Scott, to recess the meeting until April 24<sup>th</sup> at 6:00 pm in the Town Hall Council Chambers. The meeting recessed at approximately 10:02 pm.

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M. Andy Moore, Mayor

ATTEST:

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Shannan L. Parrish, Town Clerk