

The Smithfield Town Council met in regular session on Tuesday, April 7, 2020 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

John A. Dunn, Mayor Pro-Tem  
David Stevens, District 2  
Travis Scott, District 3  
Dr. David Barbour, District 4

Councilmen Absent

Administrative Staff Present

Michael Scott, Town Manager  
Shannan Parrish, Town Clerk  
Stephen Wensman, Planning Director

Councilmen not in attendance due to Governor's Executive Order No. 121

Marlon Lee, District 1  
Stephen Rabil, At-Large  
Roger A. Wood, At-Large

Also Present:

Bob Spence, Town Attorney

**Recessed March 3<sup>rd</sup> Meeting (Meeting was to be held March 18<sup>th</sup>)**

Mayor Moore reconvened the March 3, 2020 meeting.

Mayor Pro- Tem Dunn made a motion, seconded by Councilman Barbour to adjourn the March 3, 2020 meeting. Unanimously approved

**CALL TO ORDER**

Mayor Moore called the meeting to order at 7:03 pm.

**INVOCATION**

The invocation was given by Mayor Pro-Tem Dunn followed by the Pledge of Allegiance led by Councilman Scott.

**APPROVAL OF AGENDA:**

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

Move from the Consent Agenda to the Presentations:

- Item #3 - Proclamation – Proclaiming April 18, 2020 as Electric Lineman Appreciation Day in the Town of Smithfield

Removed from the Consent Agenda and tabled until a later date

- Item #6 – Consideration and request for approval to enter into negotiations with Carolina Recreation and Design for the design build of the Splash Pad at Smith Collins Park

Unanimously approved.

## PRESENTATIONS:

1. Proclamation – Proclaiming April 18, 2020 as Electric Lineman Appreciation Day in the Town of Smithfield.

**Town of Smithfield  
Proclamation  
Electrical Lineman Appreciation Day  
April 18, 2020**

**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, 2020 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.

## PUBLIC HEARINGS: None

## CITIZEN’S COMMENTS:

(To comply with Executive Order no. 121, all comments were submitted to the Clerk prior to the meeting electronically)

The following comment was read by Councilman Scott on behalf of Pam Lampe and Emma Gemmel

To send appreciation and gratitude for so many overcoming the obstacles that have occurred from the result of this Corona Virus Pandemic for our Town, County, State, Country and the World. With a calm but knowledgeable presents this type of energy is passed on to personal and the community. We just wanted to express our feelings of Gratitude and Appreciation to everyone.

1. For the Town Departments that have kept our Town safe (Police), clean (Sanitation), Fire Department and other Departments working behind the scenes diligently.
2. For the direction of our Mayor and Town Manager for following guidelines keeping our community from spreading this Corona Virus, therefore keeping us safe.
3. For our restaurants, grocery stores, banks and other essential businesses staying open in safe ways but supporting the community needs.

4. For the people of our Town and Communities coming together to follow the guidelines and helping others by physical distancing with social interaction kept to our devices, for support and connection.

5. The communities as a whole are shedding their clutter and cleaning yards and homes. So a double thanks you to Sanitation pickup for hauling this away since we are sheltered in place. Thank you so much!

6. To the Town Council for its leadership in a time of uncertainty for so many. Knowing the Town Council is there for us all, in so many ways we are unaware. Another Thanks!

Knowing that we will come out on the other side of this Pandemic better than before because we have a better understanding and awareness. It has made us more thoughtful and aware of how fragile but yet resilient Humanity is when we work as a team. Which is what the World is doing! It makes us proud.

## **CONSENT AGENDA:**

Mayor Pro-Tem Dunn made a motion, seconded by Councilman Stevens, to approve the following items as listed on the Consent Agenda:

1. The following minutes were approved
  - March 3, 2020 – Regular Meeting
  - March 3, 2020 – Closed Session
2. Approval to adopt a remote meeting policy for the Smithfield Town Council  
*{Attached by reference is the Smithfield Town Council Remote Meeting Policy which is on file in the Office of the Town Clerk}*
3. Approval was granted to amend the Nextgrid Hosting Services Agreement between the Town and Electricities
4. Approval was granted to enter into an agreement with CSX to allow the Town to work within the railroad's right-of-way.
5. Approval of Resolution #657 (06-2020) accepting the public improvements in in Bella Square Subdivision for maintenance.

**Resolution # 657 (06-2020)  
Accepting the Dedication  
Of Public Improvements for  
Bella Square**

**Whereas**, Gencom/Genesis Living Inc., (Developer) has constructed the Bella Square residential subdivision including streets, walks, storm drainage, water and sewer; and

**Whereas**, the Developer has recorded a final plat of the subdivision with the Johnston County Register of Deeds on 3/29/2018; and

**Whereas**, the Town of Smithfield (Town) did not accepted the dedication of the street, walks, storm drainage water and sewer at the time of recording because certain elements of construction were constructed; and

**Whereas**, the Developer has now completed construction of the public improvements to Town standards and has provided the appropriate certifications indicating the public improvements were constructed to Town standards; and

**Whereas**, the Town Engineer, Public Works Director and Planning Director have reviewed the information/documentation submitted by the Engineer and finds that the construction meets the minimum standards for acceptance of dedication of the subdivision improvements associated with the street, walks, storm drainage, water and sewer; and

**Whereas**, the Developer has requested the Town to accept the dedication of the street, walks, storm drainage, water and sewer; and

**Whereas**, the Developer and Owner’s Association agree to operate and maintain the storm water management facilities for perpetuity; and

**Whereas**, the Town staff requests the Town Council to take under consideration the acceptance of the dedication of the street, walks, storm drainage, water and sewer from the developer.

**NOW, THEREFORE, BE IT RESOLVED by the TOWN OF SMITHFIELD TOWN COUNCIL** on this the 7<sup>th</sup> day of April, 2020, the Town of Smithfield accepts the dedication of the streets, walks, storm drainage, water and sewer for Bella Square as constructed and as shown Final Plat recorded at the Johnston County Register of Deeds.

6. Approval was granted to enter into an easement agreement with Allen Wellons for a G-1 Wayfinding gateway sign to be located at 3195 Buffalo Road.
7. Approval was granted to authorize the Police Department to purchase five Dodge Durando vehicles from Performance Automotive
8. Approval was granted to proceed with the production of the Town’s welcome and informational booklet.

9. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Staff	P&R – Aquatics	10-60-6220-5100-0230	\$7.50/hr.
P/T Pool Staff	P&R – Aquatics	10-60-6220-5100-0230	\$7.50/hr.
P/T SRAC Instructor	P&R – Aquatics	10-60-6220-5100-0230	\$9.00/hr.
P/T SRAC Instructor	P&R – Aquatics	10-60-6220-5100-0230	\$9.00/hr.
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	\$14.88/hr. (\$30,950.40/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Assistant Finance Director	Finance	10-10-4200-5100-0200
Police Officer I (6 positions)	Police	10-20-5100-5100-0200
Utility Line Mechanic (3 pos.)	PU – Water/Sewer	30-71-7220-5100-0200

**Business Items:**

**1. East River Planned Unit Development (PUD) and Preliminary Plat Reapproval – S-18-01**

Donnie Adams and Reid Smith were invited to the meeting and chose to attend via conference call.

Planning Director Stephen Wensman addressed the Council on a preliminary plat reapproval for the East River Planned Unit Development. Mr. Wensman explained the Town Council approved the East River PUD/Preliminary Plat on December 4, 2018 and Phase I construction is nearly complete. The developer submitted Phase II showing a significant change to how stormwater management is being addressed, which is a significant change from the approved PUD/preliminary plat, requiring reapproval. Originally, an existing pond near the Neuse River was going to be used for stormwater

purposes, but NCDEQ determined that the pond can only be used for stormwater attenuation and not to treat stormwater for quality. As a result, a significant portion of the planned passive open space is now proposed to be used as for constructed stormwater wetlands. A Final Plat is supposed to substantially agree with the approved PUD Master Plan/Preliminary Plat (Section 5.8.2.2). Given the significant change to the planned open space, approval of the changes are required. The changes that have occurred since the original approval or were conditions of approval to be addressed are as follows:

1. The original development narrative describes pocket parks within the common open space. These pocket parks, shown as long green strips between rows of homes, were to include paved pedestrian trails, attractive landscaping that may be used for soccer, football, cornhole, horseshoes, fire pits and cook outs. Portions of this open space is now proposed for constructed wetlands – a significant change from the approved preliminary plat.
2. The proposed HOA trail in the HOA open space was originally proposed to run down the center of the open space. With the revised preliminary plat, the trail will be located on the rear property line of some lots to make room for the Constructed Wetlands.
3. The original preliminary plat approval was conditioned requiring the public trail in the Shore Court cul-de-sac be modified such that it is independent of the sanitary sewer pump station access way and that the greenway trail shall go around the cul-de-sac rather than through it.
4. With the approval of the original preliminary plat, the Council added a condition that requires the developer to work with staff to incorporate overflow parking areas into each phase of the development. Phase I had no overflow parking. Proposed Phase II shows no overflow parking. Additionally, the developer has incorporated into the HOA declarations a prohibition on street parking.
5. The HOA declarations include a prohibition on parking on the public street.

The Planning Department recommends approval of the East River PUD Master Plan/Preliminary Plat subdivision with the following conditions:

1. That the developer obtains a NCDOT Right-of-Way Permit for the street access onto Buffalo Road prior to construction approval.
2. That Homeowners Association deed restrictions and covenants will be submitted for Town Attorney review to address among other items, a statement of compliance with state local and federal regulations, and operation and maintenance of shared open space, amenities and stormwater management facilities. These documents will require Town Attorney approval prior to recordation.
3. That there be no attached single-family residential units within phases 1 or 2 as identified on the approved master plan phasing plan.
4. That a park dedication fee in lieu of parkland be paid prior to recording the final plat approval of each phase of the development consistent with Article 10, Section 10.112.8.
5. That the public trail be constructed and easements be dedicated for trails adjacent to each phase with the final plat of that phase consistent with the preliminary plat.
6. The utilities shall be designed such that that extension can be made conveniently and without undue burden or expense to serve future adjacent development.

Councilman Scott questioned the loss of greenspace acreage lost due to the need for constructed wetlands. Reid Smith responded the UDO requires 15% of open space and this development still has 45% of open space.

Councilman Scott questioned if by rerouting the trails was there any linear feet of trails lost. Mr.

Smith responded there were no loss of trails.

Councilman Scott questioned if there were any safety concerns with these constructed wetlands or the need for fencing to protect the public safety. Donnie Adams responded the shallow ponding areas did not pose a risk. Mr. Smith responded this was a common technique to deal with stormwater.

Councilman Barbour questioned if there were landscaping plans for the wetlands. Mr. Smith responded he would provide a landscaping plan to Mr. Wensman for approval.

Councilman Scott expressed his concerns about the HOA maintaining the wetlands. Mr. Smith responded there would be additional language in the HOA agreement stating the HOA was responsible for maintaining the wetlands.

Councilman Barbour questioned who would inspect the stormwater pond and wetlands. Mr. Wensman responded a certified engineer would inspect them annually and submit a report to the Town.

Mayor Pro-Tem Dunn questioned the fate of the stormwater pond in the event the HOA does not remain active. Mr. Smith responded there would be additional language in the HOA agreement stating the HOA was responsible for maintaining the wetlands.

Councilman Scott questioned if the developer would agree to adding language in the HOA agreement specifically designated for the wetlands. Mr. Smith responded he struggled with this because it was not originally part of the agreement.

Mayor Moore stated that since the wetlands are becoming more prominent in the development would it be possible to have provision in the HOA agreement to allocate funds to the maintenance of the wetlands. Mr. Wensman responded the maintenance agreement would become an attachment to the HOA agreement.

Councilman Barbour questioned if the plan followed the guideline of the UDO. Mr. Wensman responded the developers have followed the guidelines.

Town Attorney Bob Spence stated a repair fund could be established for the wetlands and the pond. Mr. Smith stated that was an acceptable solution and he was willing to contribute \$5,000 to start the fund. Additional funding could be charged to the homeowner at \$ 1 to \$2 per month per house, but he asked the Town to allow him flexibility to work with staff on the amount needed.

Councilman Scott made a motion, seconded by Councilman Barbour approval of the East River PUD Master Plan/Preliminary Plat subdivision with the following conditions:

1. That the developer obtains a NCDOT Right-of-Way Permit for the street access onto Buffalo Road prior to construction approval.
2. That Homeowners Association deed restrictions and covenants will be submitted for Town Attorney review to address among other items, a statement of compliance with state local and federal regulations, and operation and maintenance of shared open space, amenities and stormwater management facilities. These documents will require Town Attorney approval prior to recordation.
3. That there be no attached single-family residential units within phases 1 or 2 as identified on the approved master plan phasing plan.
4. That a park dedication fee in lieu of parkland be paid prior to recording the final plat approval of each phase of the development consistent with Article 10, Section 10.112.8.
5. That the public trail be constructed and easements be dedicated for trails adjacent to each phase with the final plat of that phase consistent with the preliminary plat.

6. The utilities shall be designed such that that extension can be made conveniently and without undue burden or expense to serve future adjacent development.
7. The developer will establish a repair fund for the wetlands/stormwater initially contributing \$5,000. Town Staff has the flexibility to work with the developer to determine an appropriate amount of not less than \$1 per month for each home (to be outlined in the HOA covenant) for wetland/stormwater repair fund.

Unanimously approved.

**Councilmembers Comments:**

- Councilman Scott expressed his appreciation to the citizens for their patience as the Town moves through the COVID-19 pandemic. He asked that moving forward, Town staff be conservative during the budget process.
- Councilman Barbour expressed his appreciation to the Council, Town staff and business owners for all their efforts during the COVID-19 pandemic.
- Mayor Pro-Tem Dunn expressed his appreciation to the citizens for following the recommended guideline. He reminded people to look out for the people around them and to protect yourself and those around you.
- Councilman Stevens stated the citizens of Smithfield were doing a good job and to keep doing what they were doing. He suggested using this time to enjoy your family.
- Mayor Moore expressed his appreciation to the Town Council for agreeing on this meeting format. He explained that due to the COVID-19 pandemic, the Town was operating differently, but it was still operating. After closing Town Hall to the public, the Town Manager had a video camera installed in the vestibule to allow citizens to still come in and pay their utility bill with a credit card. He commended the Town Manager for his out of the box thinking. Mayor Moore expressed his appreciation to Town staff for all the teamwork that has been displayed. He explained teamwork was something that made the Town of Smithfield great and made him proud to be the Mayor of Smithfield. He explained to the citizens that they were in good hands.

**Town Manager's Report:**

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

- Managers throughout all of Johnston County are working together on a daily basis to ensure that all Town are doing their very best for all the citizens of Johnston County.

**Adjourn**

Being no further business, Councilman Barbour made a motion, seconded by Mayor Pro-Tem Dunn, to adjourn the meeting. The meeting adjourned at approximately 8:16 pm

ATTEST:

---

M. Andy Moore, Mayor

---

Shannan L. Parrish, Town Clerk