

The Smithfield Town Council met in regular session on Tuesday, March 2, 2021 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
David Stevens, District 2
Travis Scott, District 3
Dr. David Barbour, District 4
Stephen Rabil, At-Large
Roger Wood, At-Large

Councilmen Absent

Administrative Staff Present

Michael Scott, Town Manager
John Blanton, Fire Chief
Ted Credle, Public Utilities Director
Lawrence Davis, Public Works Superintendent
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

(Note: All Town Department Heads were present, but due to Social Distancing and Mass gathering restrictions related to Covid19, they were not present in the meeting room unless an item from their Department was discussed)

Also Present

Bob Spence, Town Attorney

Administrative Staff Absent

CALL TO ORDER

Mayor Moore called the meeting to order at 7:03 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 Stevens, to approve the agenda with the following amendment:

Move Consent Agenda Item #4: *Consideration and request for approval to amend the reimbursement agreement with Buffalo Road, LLC to Business Item #4.*
Unanimously approved.

PRESENTATION:

1. Proclamation: Declaring March 22-26, 2021 as Smithfield Alumni Chapter of Kappa Alpha Psi Fraternity, Inc – “Kappa Week” – Celebrating 55 Years

Mayor Moore presented Members of the Smithfield Alumni Chapter of Kappa Alpha Psi Fraternity, Inc: William Powell, Derek Mobley, Marlon Lee, Eric Edwards, Stevie Robertson, Marquis Poteat, and Tony Nixon with a proclamation honoring their 55th year anniversary.

PROCLAMATION

**Smithfield Alumni Chapter of Kappa Alpha Psi Fraternity Inc.
“Kappa Week” Celebrating 55 Years
March 22 – 26, 2021
In the Town of Smithfield**

WHEREAS, on January 5, 1911, Kappa Alpha Nu (later to be renamed Kappa Alpha Psi) was founded on the Indiana University campus by Elder Watson Diggs and Byron K. Armstrong; and

WHEREAS, Elder Watson Diggs and Byron Armstrong were joined by John M. Lee, Henry T. Asher, Marcus P. Blakemore, Guy L. Grant, Paul W. Caine, George W. Edmonds, Ezra D. Alexander and Edward G. Irvin as founding members of the fraternity; and

WHEREAS, on May 15, 1911, Kappa Alpha Nu became the first incorporated Black Fraternity in the United States; and

WHEREAS, on April 15, 1915, Kappa Alpha Nu was officially renamed to Kappa Alpha Psi; and

WHEREAS, the Smithfield Alumni Chapter of Kappa Alpha Psi Fraternity Inc. was chartered on March 26, 1966 by Reginald Ennis, John Windley, Romie Grantham, Matthew Sanders, Elias Sanders, Norvell Lee, James Barbour and Vernon Nixon; and

WHEREAS, these founding members of the Smithfield Alumni Chapter of Kappa Alpha Psi Fraternity Inc. along with the more than 60 new initiates over the past 55 years have served as

elected officials, educators, attorneys, business men and professionals who have shown leadership and service to the Town of Smithfield and Johnston County; and

WHEREAS, the Smithfield Alumni Chapter of Kappa Alpha Psi Fraternity Inc.'s fundamental purpose is Achievement in Every Field of Human Endeavor. These Men of Distinction offer programs, initiatives, and scholarships to promote the educational welfare of the children of the Town of Smithfield and Johnston County; and

WHEREAS, Smithfield Alumni Chapter of Kappa Alpha Psi Fraternity Inc. also provides opportunities for men to engage in the social and civil activities for the betterment of the entire community.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield, do hereby proclaim March 22 – March 26, 2021 as

**“Kappa Week” Celebrating 55 Years of
the Smithfield Alumni Chapter of Kappa Alpha Psi Fraternity Inc.**

in Smithfield, North Carolina and urge all our citizens to celebrate this important milestone.

2. Administration of the Oath of Office to new Police Officer Jonathan Boyce

Mayor Moore administered the Oath of Office to new Police Officer Jonathan Boyce and welcomed him to the Town of Smithfield.

3. Administration of the Oath of Office to new Police Officer Derek Leagan

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

PUBLIC HEARINGS:

1. **UDO Text Amendment Request: Saint Ann Catholic Church (ZA-21-01)**: The applicant was requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 7, Supplemental Regulations as it pertains to columbaria with over 200 niches and other refinements to the existing regulations concerning columbaria.

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

Planning Director Stephen Wensman explained that St. Anne's Church was requesting an amendment to the UDO Article 7, Section 7.46 as it pertains to columbaria. The requested changes include the following:

- Allow columbaria visible from the public right-of-way to be 1-foot taller than the allowed maximum 6-foot height limit
- Amend the trust fund requirement for columbaria over 200 niches with a special use permit and add reporting requirements
- Increase the allowed number of columbaria beyond 200 niches with a special use permit
- Refine access requirements in 7.35.1.1
- Using the term niches for an urn place
- Requiring clear title on land used for columbaria
- And other minor clarifications

Mr. Wensman explained that the St. Anne's is planning for 2000 niches in their columbaria. They were also requesting changes to the trust fund requirement. The diocese currently charges \$4000 a niche and requires 15% of the sales prices be placed in an endowment for future maintenance. With a planned 2000 niches, St. Ann's will have an endowment for perpetual care of \$1,200,000 when the columbaria is built out. St. Ann's is proposing that with a special use permit, the Town Council could set an alternative percentage of the sales priced be retained for perpetual care, not less than 15% of the sales price. The proposed change to the endowment would only affect columbaria that are greater than 200 niches, leaving the 50% funding requirement for columbaria that are smaller than 200 niches.

Planning Staff and the Planning Board (unanimously) recommend approval of the zoning text amendment, ZA-21-01, with a statement declaring 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 the Council in written form in the March 2, 2021 agenda packet.

Mayor Moore asked if there were any questions from Council.

Councilman Scott questioned if the columbaria were commercially constructed. Paul Emblar of 11 Kentwood Drive, Smithfield, NC responded that they are modular constructed units with the exterior made primarily of granite. Mr. Emblar explained that the need for the columbaria is due to the increase in parishioners and the need for a Catholic cemetery in Johnston County.

Dean Penny of 1013 Quail Rail, Clayton, NC explained the photo renderings of the project and its

location at the church.

Councilman Barbour stated he opposed amending the UDO and questioned if the request by St. Anne's could go through the special use permit process instead of a UDO text amendment. Mr. Wensman responded that when the original UDO amendment was drafted concerning columbaria, he and Town Attorney Bob Spence sensed there was going to be a need to amend it in the future. Staff and Mr. Spence were comfortable with the proposed changes. Mr. Wensman reiterated that with this proposed amendment, any columbaria with more than 200 niches would have to go through the special use process. During that process, the Council could place any reasonable conditions on the permit.

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

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

Councilman Scott made a motion, seconded by Councilman Wood, to approve zoning text amendment, ZA-21-01, amending the supplementary standards for columbaria, and approve of a consistency statement finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest. Councilman Scott, Councilman Wood, Mayor Pro-Tem Dunn, Councilman Lee, Councilman Stevens and Councilman Rabil voted in favor of the motion. Councilman Barbour voted against the motion. Motion to approve the requested passed six to one.

**ORDINANCE # ZA-21-01
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 7 SUPPLEMENTAL REGULATIONS**

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 as it pertains to columbaria and urn plots as an accessory use to churches and places of worship; and

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; and

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:

[Revise Article 7 supplemental regulations for columbaria.

PART 1

SECTION 7.35 COLUMBARIUM.

~~A columbarium, an An~~ indoor or outdoor columbaria and/or urn plots ~~columbarium, an outdoor columbarium, or an urn plot~~, shall be permitted as accessory uses to churches and places of worship accordance with Section 6.5 and subject to the following standards:

7.35.1. Any ~~church or place of worship~~ place of worship may establish an indoor columbarium, ~~and/or an~~ outdoor columbarium, ~~and/or~~ or an urn plot as an accessory structure as an accessory to its permitted use provided the following are submitted to the Planning Department and approved:

7.35.1.1. A site plan of the proposed area approved by the Planning Department where the columbarium or urn plots are to be located showing the location of each niche or urn, the dimensions of the space, and a 20-foot access area for maintenance ~~and visitation~~ that has relatively flat and firm topography such that maintenance equipment could access the burial area. The 20-foot access area shall be adjacent to the columbarium or urn plot and shall be accessed from a public right-of-way, private drive, or parking lot. Vehicular access internal to the columbarium or urn plot is not allowed. Internal access shall be limited to handicapped pedestrian access only. In addition to the site plan, construction drawings prepared by a licensed architect, engineer, or landscape architect. Construction drawings shall show dimensions, materials, and details.

7.35.1.2. A special use permit is required for columbaria with greater than 200 niches.

7.35.1.3. A plan of perpetual care and maintenance trust fund is required for a columbarium or urn plot. Funding of the trust fund must occur as niches or urn plots

~~are sold. The church or place of worship shall submit an annual report to the Town of Smithfield Planning Department showing sales, receipts, and expenditures. The reporting period is January 1st to December 31st. Annual reports are due on April 1st for columbaria or urn plots. Fifty (50) percent of the sales price of a niche or urn plot must be deposited in the trust fund for columbaria with 200 niches or urn plots or less. With a special use permit for columbaria with greater than 200 niches, the Town Council shall establish the percentage of the sales price to be retained. In no case shall the percentage be less than fifteen (15) percent of the sales price. The church or place of worship may spend up to three (3) percent of the trust fund for maintenance of the columbarium or urn plot on an annual basis. to be available if the Institution closes or no longer operates the columbarium or urn plot which is segregated for just the columbarium or urn plot with funds retained from half the price of each urn. The place of worship may spend annually from the fund 3% of the trust fund.~~

7.35.2. All Indoor Columbaria within the building of a church or place of worship must comply with the following physical requirements:

7.35.2.1. **Alternate Plan.** The church or place of worship must present a plan with a dedicated outside area with clear title and able to comply with Section 7.35.1.1 for interment of the urns in the event the church or place of worship ceases to operate or manage the columbarium.

7.35.2.2. Shall meet the NC Building Code and be constructed of masonry, natural stone or concrete.

7.35.3. All Outdoor Columbaria must comply with the following physical requirements:

7.35.3.1. **Location.** A columbarium must be located outside a building on land owned and occupied by a church or place of worship as defined by the Unified Development Ordinance, Appendix A. Land shall have a clear title and meet the requirements of Section 7.35.1.1.

7.35.3.2. **Height.** Outdoor columbaria must be no higher than ~~six (6)~~ seven (7) feet as measured from the average grade elevation where a columbarium meets the grade. An outdoor columbarium that is not visible from off-property public is not subject to the ~~six (6)~~ seven (7) feet requirement and may be higher.

7.35.3.3. **Setback.** Columbarium structures shall meet the setback and yard requirements of the underlying zoning district.

7.35.3.4. **Appearance.** A columbarium shall be complementary to the primary structure and consistent of natural stone, concrete or masonry construction. design with the primary structure.

7.35.3.5. **Signage.** Signage shall be limited to inscriptions on the face of a columbarium niche and commemorative plaque on the columbarium structure. Commemorative plaques may be no larger than 12 inches by 12 inches.

7.35.3.6. **Number.** The columbaria must have spaces for no more than 200 urns, except when a greater number is approved by the Town Council with a special use permit.

7.35.4. All Outdoor Urn Plots must comply with the following physical requirements:

7.35.4.1. **Location.** An outdoor urn plot must be located outside a building owned and occupied by a church or place of worship as defined by the Unified Development Ordinance, Appendix A. Land shall have a clear title and shall comply with Section 7.35.1.1.

7.35.4.2. **Setback.** Outdoor urn plot structures shall meet the setback and yard requirements of the underlying zoning district.

7.35.4.3. **Appearance.** Urn plot shall be complementary or consistent in ~~material and~~ design with the primary structure.

7.35.4.4. **Number.** The church or place of worship ~~shall not provide shall have no more than 100~~ urn plot spaces ~~for more than 100 spaces.~~

7.35.4.5. **Signage.** Signage shall be limited to one inscribed stone per urn plot ~~inscriptions on the face of a urns in the ground with one sign~~ not exceeding 2 sq. ft.

PART 2

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

PART 3

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

CITIZEN'S COMMENTS: None**CONSENT AGENDA:**

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

1. The following minutes were approved:
 - February 2, 2021 – Regular Meeting
 - February 2, 2021 – Closed Session Meeting
2. Promotion: Approval was granted to promote an employee to the Public Works Crew Leader position.
3. Approval was granted to allow employees to donate sick leave to an employee in the Public Utilities Water/Sewer Department.
4. Approval was granted to enter into a contract with Thompson, Price, Scott, Adams and Company, PA to conduct the annual audit.
5. The following advisory appointments were approved:
 - Steve Upton was reappointed to serve a 4th term on the Board of Adjustment.
 - Earl Marett was reappointed to serve a 6th term on the Parks and Recreation Advisory Committee.
 - Tim Johnson was reappointed to serve a 3rd term on the Parks and Recreation Advisory Committee.

6. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T SRAC Lifeguard	P&R – Aquatics	10-60-6220-5100-0220	\$8/hr.
P/T SRAC Staff	P&R – Aquatics	10-60-6240-5100-0210	\$9.00/hr.
Firefighter I (2 Positions)	Fire	10-20-5300-5100-0200	\$16.76/hr. (\$36,603.84/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Assistant Finance Director	Finance	10-10-4200-5100-0200
Firefighter I	Fire	10-20-5300-5100-0200
Fire Inspector (Part-time)	Fire	10-20-5300-5100-0210
Police Officer I (3 positions)	Police	10-20-5100-5100-0200

Business Items:**1. Consideration and request for to appoint one person to serve on the Planning Board as an In-Town Member**

Town Clerk Shannan Parrish addressed the Council on a request to appoint one person to the Planning Board serving as an in-town member. Before the Council was two applications for consideration and one vacancy. Teresa Daughtry was seeking reappointment and Michael Stevens was seeking new appointment to the Planning Board. Ballots were provided to the Council they were read into the record as follows:

Councilman Scott voted for Teresa Daughtry. Councilman Stevens voted for Michael Stevens. Councilman Lee voted for Michael Stevens. Councilman Rabil voted for Michael Stevens. Councilman Barbour voted for Michael Stevens. Councilman Wood voted for Michael Stevens. Mayor Pro-Tem Dunn voted for Teresa Daughtry.

Councilman Barbour made a motion, seconded by Councilman Stevens, to appoint Michael Stevens to serve on the Planning Board as an in-town member. Unanimously approved

2. Consideration and request for approval to appoint one person to serve on the Library Board of Trustees.

Town Clerk Shannan Parrish addressed the Council on a request to appoint one person to serve on the Library Board of Trustees representing the Town. Before the Council was three applications and one vacancy. Connie Barbour, Angelique Leggette and Stephanie Norris submitted applications for consideration. Ballots were provided to the Council they were read into the record as follows:

Councilman Barbour voted for Connie Barbour. Councilman Lee voted for Angelique Leggette. Councilman Stevens voted for Connie Barbour; Councilman Rabil voted for Connie Barbour. Councilman Wood voted for Connie Barbour. Councilman Scott voted for Stephanie Norris. Mayor Pro-Tem Dunn voted for Connie Barbour.

Councilman Wood made a motion, seconded by Councilman Rabil, to appoint Connie Barbour to serve on the Library Board of Trustees. Unanimously approved.

3. Consideration and request for approval to allow the Fire Department to apply for an Assistance to Firefighters Grant for Staffing for Adequate Fire and Emergency Response (AFG SAFER)

Fire Chief John Blanton requested Council approval to apply for a FEMA SAFER grant to hire six firefighters. Due to not funding the program last year, FEMA is providing this opportunity to fully fund the positions for three years. The Town would not be obligated to retain these firefighters after the fourth year.

Councilman Barbour questioned if this request would add additional firefighters to the department. Chief Blanton responded it would add additional personnel.

Mayor Moore questioned if the Town received personnel from this type of grant. Chief Blanton responded the Town received this type of grant in 2017 which allowed the Town to hire 3 firefighters. The grant partially covered equipment, salaries and benefits from 2017 until 2020. Mayor Moore questioned if these three firefighters were still employed with the Town. Chief Blanton responded they were still employed and this would be the first full year the Town was responsible for salaries and benefits for the three firefighters.

Mayor Moore stated that while this was a good idea, the Council needed to plan for the eventuality that the Town would be responsible for the salaries and benefits of the additional six firefighters. Should the Town continued to grow, the property tax revenue could possibly support the additional personnel, but if it did not grow, the property tax rate would have to increase to \$.61 to fund these positions.

Councilman Barbour stated this request was to apply for the grant. After the grant was satisfied, the Town was under no obligation to continue the employment of the additional personnel.

Councilman Scott suggested that the Council consider employing an outside firm to understand the personnel needs of the Town.

Councilman Scott made a motion, seconded by Councilman Barbour, to authorize staff to apply for the Assistance to Firefighters Grant for Staffing for Adequate Fire and Emergency Response Grant. Unanimously approved.

4. Consideration and request for approval to amend the reimbursement agreement with Buffalo Road, LLC

Town Manager Michael Scott explained that during a previous Council meeting, the Council approved a change in plans for the Buffalo Road subdivision. The plan changed the phasing from nine phases to seven. During that discussion, staff advised the Council that the current reimbursement agreement would have to be amended. The major difference is the reimbursement schedule. The reimbursement schedule reimburses the same amount of money for the same amount of property, phased differently. Previously, the Town was reimbursing at a rate of 1 ½ phases a year. Now it would reimburse at a rate of 1 phase per year. Reimbursements are based on certificates of occupancy.

Councilman Barbour made a motion, seconded by Councilman Wood, to approve the amended reimbursement agreement. Unanimously approved.

Councilmembers Comments:

- Councilman Scott expressed his appreciation to Teresa Daughtry for serving on the Planning Board and for her service to the Town.
- Councilman Lee asked for an update on the CDBG Housing Revitalization Grant. Town Manager Michael Scott responded that 90% of the title work was complete and the construction phase will move forward once all contract are executed. Councilman Lee asked for an update on the RV Park. The Town Manager responded staff has received construction drawings, but the developer has not requested any type of permit. Councilman Lee stated that during a march the Town Manager made a comment that resonated with him. The Manager said, it was good to be marching, but what are we going to do. The Smithfield Progressive Men's Club was founded out of Councilman Lee's fraternity and during the pandemic, they have stepped up to serve the community. They have been providing a location for COVID testing and partnered with Rachael Ayers to provide a food pantry. He and his fraternity were trying to be beacons of light in the community and they would continue to serve the community.
- Mayor Moore introduced the Welcome to Smithfield informational guide. Mayor Moore announced the retirement of Fire Chief John Blanton. Mayor Moore commended Chief Blanton for his dedication and professionalism during his 30 years of service to the Town of Smithfield.

Town Manager's Report:

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

- The new fire engine has been delivered to North Carolina and is undergoing final inspections prior to delivery. Delivery should take place as early as Friday, the 5th.
- The SRAC was opened back up to non-members on February 15th. Following this an increase in public use has occurred. Baseball begins this week.

- A public hearing is scheduled for Thursday, March 11th at 6:30. The hearing is required by the Local Government Commission regarding the financing of the police department expansion project. Staff has a meeting scheduled with LGC to approve the financing on April 13th.

Adjourn

Being no further business, Councilman Barbour made a motion, seconded by Councilman Scott to adjourn the meeting. Unanimously approved. The meeting adjourned at approximately 8:44 pm

ATTEST:


Shannah L. Parrish, Town Clerk





M. Andy Moore, Mayor