

The Smithfield Town Council met in regular session on Tuesday, March 7, 2023 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor Pro-Tem John A. Dunn, presided.

Councilmen Present:

Marlon Lee, District 1  
Sloan Stevens, District 2  
Travis Scott, District 3  
Dr. David Barbour, District 4  
Stephen Rabil, At-Large

Councilmen Absent

M. Andy Moore, Mayor  
Roger Wood, At-Large

Administrative Staff Present

Michael Scott, Town Manager  
Michael Brown, Fire Chief  
Ted Credle, Public Utilities Director  
Lawrence Davis, Public Works Director Dr.  
James Grady, Interim Police Chief  
Gary Johnson, Parks & Rec Director  
Tim Kerigan, Human Resources/PIO  
Eric McDowell, IT Director  
Shannan Parrish, Town Clerk  
Greg Siler, Finance Director  
Stephen Wensman, Planning Director

Also Present

Michael Carter, Attorney

Administrative Staff Absent

**CALL TO ORDER**

Mayor Pro-Tem Dunn called the meeting to order at 7:01 pm.

**INVOCATION**

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

**APPROVAL OF AGENDA:**

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

Add to the Consent Agenda:

Item 10: Special Event: Day of Awesomeness – The Innovation Academy is requesting approval to hold an event on March 24, 2023 from 12:00 pm until 2:30 pm at Smith-Collins Park

Item 11: Consideration and request for approval to appoint Sharon Lynch to serve a first term on the Appearance Commission and Historic Properties Commission and to appoint Thomas Bell to the Board of Adjustment

Move Consent Agenda Item 6: *Consideration and request for approval to assist Smithfield Selma High School with repairs to its scoreboard* to the Business Items

Unanimously approved

**PRESENTATION:**

**1. Administering Oath of Office to New Police Officer - Amara Miller**

Mayor Pro-Tem Dunn administered the Oath of Office to new Police Officer Amara Miller and welcomed her to the Town of Smithfield.

Kaylee Stavlas, 2023 Miss Smithfield Teen, introduced herself to the Council and explained she was the first Miss Smithfield Teen and that she would be competing for the Miss North Carolina Teen in June. She explained she started her own nonprofit agency called NEX GEN CEO whereby she empowers the next generation of entrepreneurs. She will be hosting a business event at the Aquatic Center on May 13<sup>th</sup> and invited everyone to attend.

**PUBLIC HEARINGS:**

**1. Municipal Service District Public Hearing and Contract Approval**

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

Town Manager Michael Scott explained this item was on the agenda because the contract between the Downtown Smithfield Development Corporation (DSDC) and the Town of Smithfield had expired. In order to renew the contract, the Town had to solicit input from the property owners, use a bid process to select a private entity and finally hold a public hearing. In the request for proposals, only one was received from the Downtown Smithfield Development Corporation. A copy of the proposed contract was provided to the

Council for review. The Town Manager also stated the term of this contract was three years and three months to align with the Town's fiscal year.

Mayor Pro-Tem Dunn asked if there were any questions from Council.

Councilman Scott stated he appreciated the efforts of the DSDC, but some of the comments from the business owners was concerning. He asked how the Town can challenge the DSDC to make improvements.

The Town Manager responded he believed it was the intent of the DSDC board to meet with some Council members and listen to the issues and create an action plan on how best to deal with them.

Councilman Scott questioned if a three-year contract was standard procedure.

The Town Manager responded that statute allows for a contract not to exceed five years. Based on comments and concerns, it was more prudent to enter into a lesser contract time. This would give the DSDC ample time to address the concerns and make improvements.

Councilman Barbour questioned if the Town Manager was currently serving on the DSDC board. The Town Manager responded that he was serving on the board.

Mayor Pro-Tem Dunn asked if there was anyone in attendance who wished to speak on the matter.

Sarah Edwards, Executive Director of the DSDC, explained to the Council that the DSDC was willing to meet with members of the Council to discuss their concerns and to ensure that the DSDC and the Town Council understood the DSDC responsibilities within the downtown.

Councilman Scott questioned if the DSDC was comfortable with the three year contract. Ms. Edwards responded that for stability purposes, a five-year contract would be better. She explained the DSDC had signed a letter of engagement with a firm to complete a downtown master plan which would be a long process.

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

Councilman Scott asked the Town Manager what other options were explored for the municipal service district.

The Town Manager responded there were only two options. The Town could contract with an outside nonprofit organization to administer the property tax for the municipal service district or the Town could assume responsibility. The DSDC has had a long-standing partnership with the Town and we'd like to give them the opportunity to improve. The Town is prepared to do whatever the Council so chooses.

Councilman Barbour stated the three-year contract was a reasonable amount of time for the DSDC to show improvements and he felt more comfortable with the Town Manager serving on the DSDC board.

Councilman Barbour made a motion, seconded by Councilman Stevens, to approve the three-year and three-month contract with the Downtown Smithfield Development Corporation for management of the Municipal Service District. Unanimously approved.

**2. Unified Development Ordinance Text Amendment – Town of Smithfield (ZA-22-04):** The applicant was requesting an amendment to Unified Development Ordinances, Article 10, Part VI, Stormwater Management that incorporates revisions mandated by the North Carolina Department of Environmental Quality.

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

Planning Director Stephen Wensman explained this was a technical ordinance amendment mandated by the North Carolina Department of Environmental Quality (NCDEQ). He explained the NCDEQ updates its Local Program requirements for stormwater management from time to time. This year the Town was required to resubmit its Local Program to the NCDEQ for review. The local program consists of the following:

- New development plan review and approval
- Stormwater control measure (SCM) maintenance
- Rule enforcement procedures
- Public education
- Storm sewer system mapping
- Illegal discharge removal

As part of the Local Program review, the Town is required to update its stormwater management ordinance. NCDEQ has approved the draft ordinance and the Town has 6-months to adopt the new ordinance (May 1, 2023).

Mr. Wensman explained the amendments to the ordinance. He further explained the draft ordinance included new strengthened language for stormwater operations and maintenance and special requirements for Homeowners Associations (HOAs). HOAs will be required to establish escrow accounts to ensure there are adequate funds for long term maintenance.

**Consistency Statement (Staff Opinion):**

Staff finds the zoning text amendment as proposed 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.

**Recommendation:**

Planning Staff and the Planning Board recommend the Town Council recommend approval of the zoning text amendment ZA-22-04 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the March 7, 2023 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions from Council.  
Councilman Rabil questioned if this applied only to new construction. Mr. Wensman responded this would only apply to new construction.

Councilman Barbour questioned the one-acre exemption and if that applied only to new construction. Mr. Wensman responded that it only applied to new construction.

Mayor Pro-Tem Dunn questioned the escrow for the Homeowner's Association. Mr. Wensman responded it would probably be based on their management plan.

Councilman Scott stated the Town has suffered from large rain events in the past and the Town needed to be more proactive in managing stormwater. He was thankful that the ordinance was being updated to address stormwater in the Town.

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

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve zoning text amendment, ZA-22-04, 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.

Due to the Size of the Ordinance

{Attached hereto and made a part of these official minutes is the adopted Zoning Text Amendment ZA-2204 which is on file in the Office of the Town Clerk}

3. **Unified Development Ordinance Text Amendment – Town of Smithfield (ZA-2301):** The applicant is requesting an amendment to the Unified Development Ordinances, Article 8, Section 8.11 to change the maximum building height from 40 to 80 feet within the Heavy Industrial zoning district.

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

Planning Director Stephen Wensman explained this was a simple ordinance amendment to increase the maximum building height from 40 to 80 feet in the Heavy Industrial District. In December 2022, the Town rezoned a parcel on Citation Lane from Light Industrial to Heavy Industrial. As with Light Industrial standards, a greater building height standard is needed.

**Consistency Statement (Staff Opinion):**

Staff finds the zoning text amendment as proposed 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.

**Recommendation:**

Planning Staff and the Planning Board recommend the Town Council recommend approval of the zoning text amendment ZA-23-01 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the March 7, 2023 agenda packet.

Mayor Pro-Tem Dunn asked if there were any questions from Council.

Councilman Scott questioned if staff was working on an airport overlay district and if this change in building height would have any impact on potential Heavy Industrial Zoning projects in the airport area.

Mr. Wensman responded the Town would review any Heavy Industrial Zoning projects in the vicinity of the airport. The airport would also have the opportunity to review any plans.

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

Councilman Barbour made a motion, seconded by Councilman Scott, to approve zoning text amendment, ZA-23-01, amending Article 8, Section 8.11 to change the maximum building height to 80 feet in the Heavy Industrial District finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest. Unanimously approved

## CITIZEN'S COMMENTS: None

## CONSENT AGENDA:

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

1. The following minutes were approved:
  - February 7, 2023 – Regular Meeting
  - February 7, 2023 – Closed Session
2. Special Event – Discover Construction Day: Approval was granted to the Johnston County Building Industry Association to hold an event on March 16, 2023 from 8:00 am until 3:00 pm in the 300 block of Bridge Street. Closure of the street was also granted.
3. Special Event – SkyFest 2023: Approval was granted to the Johnston Regional Airport to hold an event on March 25, 2023 from 9:00 am until 3:00 pm at the Airport. Amplified sound and food trucks were also permitted.
4. Approval was granted to temporarily promote a Police Sergeant to the rank of Police Lieutenant
5. Approval was granted to promote a Police Officer II to the rank of Master Police Officer (MPO)
6. Contract was awarded to Maurer Architecture in the amount of \$43,647.00 for the design and administrative services for the Hastings House renovations.
7. Contract was awarded to Dun-Right Services in the amount of \$32,385.00 to rehabilitate sanitary sewer manholes
8. New Hire Report
 

<u>Recently Hired</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Diesel Equipment Mechanic	PW – Garage	10-60-6200-5100-0200	\$28.85/hr. (\$60,008.00/yr.)
Electric Line Technician	PU – Electric	31-72-7230-5100-0200	\$27.55/hr. (\$57,304.00/yr.)
Police Officer I (Bi-lingual)	Police	10-20-5100-5100-0200	\$22.90/hr. (\$51,204.40/yr.)
P/T SRAC Instructor	P&R – Aquatics	10-60-6220-5100-0230	\$15.00/hr.
Water Plant Operator Trainee(2)	PU – Water Plant	30-71-7200-5100-0200	\$16.87/hr. (\$35,089.60/yr.)
<u>Current Vacancies</u>	<u>Department</u>	<u>Budget Line</u>	
Electric Line Technician	PU – Electric	31-72-7230-5100-0200	
Licensed Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200	
Police Chief	Police	10-20-5100-5100-0200	
Police Officer	Police	10-20-5100-5100-0200	
P/T Collections Assistant	PU – Electric/Customer Service	31-72-7230-5100-0200	
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200	
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	
9. Special Event – Day of Awesomeness: The Innovation Academy was granted approval to hold an event on March, 24, 2023 from 12:00 pm until 2:30 pm at Smith Collins Park
10. Board Appointment
  - Sharon Lynch was appointed to serve a first term on the Appearance Commission and Historic Properties Commission
  - Thomas Bell was appointed to serve a first term on the Board of Adjustment

**BUSINESS ITEMS:****1. Consideration and request for approval to adopt Resolution No. 721 (04-2023) to begin the process of closing an alley in the block bordered by Massey, East Johnston, Sixth and Seventh Streets**

Planning Director Stephen Wensman addressed the Council on a request from Olivia Holding to permanently close an alley within the block bordered Massey, East Johnson South, Sixth and Seventh Streets. The purpose of the right-of-way closure is to facilitate the sale of the adjacent Twin States Farming, Inc. properties for future development. Once permanently closed, the alley right-of-way will be divided down the centerline and each half will revert to the adjacent land owners.

Mr. Wensman further explained that two year ago, the Town Council approved the Spring Branch Commons residential development. This is phase two of the project and one of the conditions of approval was that the alley be closed. Without this closure, the development cannot proceed.

The Council was being asked to adopt a Resolution of Intent to close the public right of way and set the date for the public hearing.

Councilman Scott questioned if all the affected property owners would be notified. Mr. Wensman responded all would be notified.

Mayor Pro-Tem Dunn stated it appeared this was not a physical alleyway. Mr. Wensman responded the alleyway was never built.

Councilman Barbour made a motion, seconded by Councilman Scott, to adopt the Resolution of Intent No. 721 (04-2023) to begin the process of closing the public right of way and to schedule the public hearing on this matter for April 4, 2023. Unanimously approved.

**TOWN OF SMITHFIELD  
RESOLUTION NO. 721 (04-2023)  
DECLARING THE INTENT OF THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD TO CONSIDER  
CLOSING OF AN ALLEY IN THE BLOCK BORDERED BY MASSEY, EAST JOHNSTON, SOUTH  
SIXTH AND SOUTH SEVENTH STREETS**

WHEREAS, G.S. 160A-299 authorizes the Town of Smithfield to close streets and public alleys; and WHEREAS, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of an alley in the block bordered by Massey, East Johnson, South Sixth and South Seventh Streets; and

NOW, THEREFORE, BE IT RESOLVED by the Town of Smithfield that:

- (1) A meeting will be held at 7:00 pm on the 4<sup>th</sup> day of April, 2023, in the Town Hall Council Chambers located at 350 East Market Street, Smithfield, NC to consider a resolution to close the alley in the block bordered by Massey, East Johnson, South Sixth and South Seventh Streets; and
- (2) The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Johnstonian News.
- (3) The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
- (4) The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Upon motion duly made by Councilmember Barbour, and duly seconded by Councilmember Scott, the above resolution was duly adopted by the Town Council at the meeting held on the 7<sup>th</sup> day of March, 2023, in the Town Hall.

Upon call for a vote the following Councilmembers voted in the affirmative:  
Councilman Barbour, Councilman Scott, Mayor Pro-Tem Dunn, Councilman Lee, Councilman Stevens and Councilman Rabil

The following Councilmembers voted in the negative: No one

**2. Consideration and request for approval of additional funds for the replacement of boilers at the Smithfield Recreational and Aquatics Center**

Parks and Recreation Director Gary Johnson explained that during last year's budget sessions, staff worked with Johnston County Public Schools (JCPS) to replace the boilers at the Aquatics Center. One is completely inoperable and the other is nearing its useful life. JCPS was the lead on tis project and were initially given a projected cost of \$140,000 which meant the Town would be responsible for 50% of the cost via the joint use agreement. JCPS received bids for the project and the lowest bid was \$290,804 which was approximately \$75,000 more than was budgeted. Staff was requesting the additional funds needed for the project be used from general fund contingency funds.

Councilman Scott questioned when the boilers were last replaced. Mr. Johnson responded they were original to the building.

Councilman Barbour stated there was little choice in the matter since they had to be replaced.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve the additional funds of \$75,152 for replacement of the boilers at the Aquatic Center. General Fund contingency funds would be used for the budgeted shortfall. Unanimously approved.

### 3. Consideration and request for approval to assist Smithfield Selma High School with repairs to its scoreboard.

Town Manager Michael Scott informed the Council the Town was recently approached by High School administration concerning assistance with their new scoreboard. He explained that last fall during a wind event, the scoreboard was twisted. The cost to upgrade the scoreboard and repairing it to engineering standards was \$6,200. They asked if the Town could assist them with half the cost. The Town Manager further explained there was an additional \$1,000 in the non-departmental budget for school use. This was to be allocated to the ALA Charter School, but since they were unable to annex into the Town, those funds were not disbursed to the Charter School. An extra \$2,100 would be needed if the Council chose to fund half of the project.

Councilman Barbour questioned if the school's insurance would not cover the damage. The Town Manager had asked the same thing of the school's administration and was informed that insurance would not cover the damages.

Councilman Scott stated that he fully supported the school, but questioned if Selma was going to contribute to this project. The Town Manager was unsure if Selma was contributing to this project, but stated the reason he was suggesting funding half the project was so the school could find funding for the other half. Councilman Lee stated he had some concerns with this request because if the Town assisted the high school then other area schools could come to the Town asking for additional assistance for their needs.

Mayor Pro-Tem Dunn stated this was a county facility and questioned if the County should bear the responsibility for the repairs and not the Town.

Councilman Scott made a motion, seconded by Councilman Barbour, to provide the \$1,000 in the non-departmental school use line for repairs to the Smithfield Selma High School scoreboard. The High School administration should seek additional funding from other sources. Councilman Scott, Councilman Barbour, Mayor Pro-Tem Dunn, Councilman Stevens, Councilman Rabil voted in favor of the motion. Councilman Lee voted against the motion. Motion passed 5 to 1.

### 4. FY 2023-2024 Budget Discussions

Town Manager Michael Scott informed the Council they had received a copy of the draft budget. He explained this was a starting point for budget discussions. He stated the Council could recess this meeting to a date time certain to hold the first budget workshop or the Council could adjourn this meeting and schedule a special meeting.

Councilman Barbour suggested creating polls for the Council's availability for the next several months.

### Councilmembers Comments:

- Councilman Scott questioned if staff was looking at preventative maintenance for the Town's streets. Public Works Director Lawrence Davis responded that staff was trying to be proactive with streets and sidewalks.
- Councilman Lee questioned if the CDGB Housing Revitalization program was still ongoing. Town Manager Michael Scott responded two houses had to be completely rebuilt. Construction on those houses should be completed within 90 days. He anticipated that the grant would be closed out sometime in the summer.

Councilman Lee questioned if the Town could hold a ribbon cutting ceremony for the trail since a lot of people are already using the trail. He also stated that he's seen a lot of people walking the trail with their dogs and they are not on leashes. The Town Manager responded that once the pond area was cleaned up that would be a good time to do a ribbon cutting ceremony.

Councilman Lee informed the public that there would be an Easter Egg Hunt at Smith-Collins Park on April 8<sup>th</sup> from 10:00 am until 2:00 pm.

### Town Manager's Report:

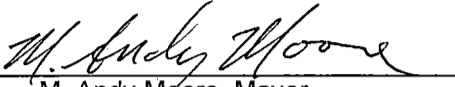
Town Manager Michael Scott gave a brief update to the Council on the following items:

- Annual Litter Sweep is scheduled for April 22nd.
- Mother Son Dance is scheduled for April 29th
- As the water plant expansion project near closure, staff is preparing for an open house at the facility once everything is complete and totally operational.

- As the water plant expansion project near closure, staff is preparing for an open house at the facility once everything is complete and totally operational.

**Adjourn**

Having no further business, Councilman Barbour made a motion, seconded by Councilman Scott to adjourn the meeting. The meeting adjourned at approximately 8:13pm.

  
M. Andy Moore, Mayor



ATTEST:

  
Shannan L. Parrish, Town Clerk