

The Smithfield Town Council met in regular session on Tuesday, April 4, 2023 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  
Marlon Lee, District 1  
Sloan Stevens, District 2  
Travis Scott, District 3  
Dr. David Barbour, District 4  
Stephen Rabil, At-Large

Councilmen Absent

Roger Wood, At-Large

Administrative Staff Present

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

Also Present

Robert Spences, Jr., Town Attorney

Administrative Staff Absent

**CALL TO ORDER**

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

**INVOCATION**

The invocation was given by Councilman Scott 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 12: Consideration and request for approval to promote a Firefighter I to the rank of Firefighter II.

Item 13: Consideration and request for approval to award a bid in the amount of \$6,684.48 (annual amount) to heat Transfer Solutions for HVAC Services and authorize the Town Manager to execute the contract.

Item 14: Consideration and request for approval to award a bid in the amount of \$3,600.00 (annual amount) to Clegg's Pest Control for pest control services and authorize the Town Manager to execute the contract.

Add to the Business Item:

Item 3: Special Event – Third Street Farmers Market: The business owners of Oak City Collections and Twisted Willow are requesting to hold a Farmers Market the second and fourth Saturdays from now until October 14th from 9am until 2:00pm. This request includes amplified sound and the closure of 100 block of South Third Street.

Unanimously approved

**PRESENTATION:**

**1. Administering Oath of Office to New Police Officer – Lance Wheeler**

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

**2. Proclamation: Designating April 18, 2023 as Electrical Lineman Appreciation Day in the Town of Smithfield**

Mayor Moore presented the following proclamation to Electric Lineman Xavier Sotelo and thanked him for his service to the Town.

PROCLAMATION  
RECOGNIZING APRIL 18, 2023 AS  
ELECTRICAL LINEMEN APPRECIATION DAY  
IN THE TOWN OF SMITHFIELD, NORTH CAROLINA

Whereas, the Town of Smithfield honors the profession of linemen, as this profession is a selfless service, 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 annual 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, 2023 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.

### **3. Proclamation: Recognizing May 13, 2023 as Next Generation Entrepreneur Day in the Town of Smithfield**

Mayor Moore presented the following proclamation to Kaylee Stavlas, 2023 Miss Smithfield Teen

PROCLAMATION  
RECOGNIZING MAY 13, 2023  
AS NEXT GENERATION ENTREPRENEUR DAY  
IN THE TOWN OF SMITHFIELD, NORTH CAROLINA

Whereas, In the US, Entrepreneurs make up only 16% of the adult workforce, with less than 19% being minority and women-owned. The town of Smithfield has approximately 13,000 residents, of which 23% are youth under the age of 18 years; and

Whereas, The Mayor's Office offers to support the youth programs for Smithfield residents in a manner that is consistent with the Youth Council's and Chamber of Commerce's vision for growing and enhancing life skills for entrepreneur businesses for our town youth; and

Whereas, the Town of Smithfield is one of the fastest-growing towns in the State of North Carolina. The town of Smithfield is committed to supporting its youth to become leaders of change in their homes, schools, neighborhoods, and community by way of inspiring and encouraging small business entrepreneurship through engagement in relevant, hands-on sustainable learning models; and

Whereas, in 2023, the Town of Smithfield, Chamber of Commerce, and local businesses will provide an opportunity for young people to volunteer and participate in local government and business fairs to learn skills of leadership and responsibility; and

Whereas, the Mayor's Office and the Town of Smithfield supports Next Generation Entrepreneur Day on May 13, 2023; and

Whereas, the Town of Smithfield recognizes that its youth of today are tomorrow's future and wants to encourage and invest in opportunities for its residents to grow and thrive within the Town of Smithfield as well as Johnston County.

Now, therefore, I, M. Andy Moore, Mayor of the Town of Smithfield do hereby proclaim May 13, 2023 as Next Generation Entrepreneur Day in Smithfield, North Carolina, I urge all citizens to take time to inspire, encourage, mentor and support our youth as they engage in the joy of servant leadership, creating diverse student-led businesses for profit and social impact.

### **PUBLIC HEARINGS:**

- 1. Public Hearing: To permanently close the east/west alley located at mid-block between East Massey Street and East Johnston Street bound on the west by South Sixth Street and to the east by South Seventh Street and adoption of Resolution No. 722 (05-2023).**

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

Planning Director Stephen Wensman explained this was a request by Olivia Holding to permanently close an alley in the block bordered by Massey, East Johnson South, Sixth and Seventh Streets. The alley was adjacent to several parcels of land owned by Twin States Farming. The alley is within the block bordered by Massey, East Johnson South, Sixth and Seventh Streets. The alley borders properties owned by the applicant, Homemaster Properties, LLC., Loretta N. Wall, Myra Lynn Atkinson and Lafayette Atkinson. The purpose of the right-of-way closure was to facilitate the development of the adjacent vacant properties.

Once permanently closed, the alley right-of-way will be divided down the centerline and each half will revert to the adjacent landowners. On March 7, 2023, the Town Council adopted Resolution No. 721 (04-2023) declaring its intent to close the alley. The Town Clerk sent the Resolution of Intent to all abutting property owners via certified mail and published the Resolution of Intent in the Johnstonian News for 4 consecutive weeks. The Public Hearing notice was advertised on March 22, 2023.

Mayor Moore asked if there were any questions from Council.

Councilman Scott questioned if there were any utility easements. Mr. Wensman responded there were not utilities in the alley. Town Attorney Bob Spence explained it was never constructed as an alley.

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

John Keely questioned if the land would revert back to the property owners once the alley was closed. Mr. Spence explained that the property owners would all receive equal portions of the land.

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

Councilman Barbour made a motion, seconded by Councilman Scott, to adopt Resolution No. 722 (05-2023) permanently closing the east/west alley located at mid-block between East Massey Street and East Johnston Street bound on the west by South Sixth Street and to the east by South Seventh Street

**TOWN OF SMITHFIELD  
RESOLUTION NO. 722 (05-2023)  
STREET CLOSING ORDER**

A RESOLUTION ORDERING THE PERMANENT CLOSURE OF THE EAST/WEST ALLEY LOCATED MID-BLOCK BETWEEN EAST MASSEY STREET AND EAST JOHNSTON STREET BOUND ON THE WEST BY SOUTH SIXTH STREET AND TO THE EAST BY SOUTH SEVENTH STREET.

WHEREAS, on the 7<sup>th</sup> day of March 2023, the Town Council of the Town of Smithfield directed the Town Clerk to publish the Resolution of Intent of the Town Council to consider closing the east/west alley located at mid-block between East Massey Street and East Johnston Street bound on the west by South Sixth Street and to the east by South Seventh Street, in the Johnstonian News once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in Council Chambers at the Town Hall located at 350 East Market Street, Smithfield, NC 27577 on April 4, 2023 at 7:00 pm; and

WHEREAS, the Town Council on the 7<sup>th</sup> day of March 2023, ordered the Town Clerk to notify all persons owning property abutting the east/west alley located at mid-block between East Massey Street and East Johnston Street bound on the west by South Sixth Street and to the east by South Seventh Street, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the Town Clerk has advised the Town Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to closing the east/west alley located at mid-block between East Massey Street and East Johnston Street bound on the west by South Sixth Street and to the east by South Seventh Street would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the Town Clerk has advised the Town Council that adequate notices were posted on the applicable streets as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on April 4, 2023; and

WHEREAS, it now appears to the satisfaction of the Town Council that the closing of said alley is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his or her property;

NOW, THEREFORE, the east/west alley located at mid-block between East Massey Street and East Johnston Street bound on the west by South Sixth Street and to the east by South Seventh Street is hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

The Mayor and the Town Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed alleys.

The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Johnston County a certified copy of this resolution and order.

Upon motion duly made by Councilmember Barbour and duly seconded by Councilmember Scott, the above resolution was duly adopted by the Town Council at a meeting held on the 4<sup>th</sup> day of April, 2023, in the Town Hall located at 350 East Market Street, Smithfield, North Carolina

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

and the following Councilmembers voted in the negative: None

2. **Unified Development Ordinance Text Amendment – Town of Smithfield (ZA-22-04):** The applicant was requesting an amendment to Unified Development Ordinances, Article 7, Section 7.3, Accessory Uses or Structures to allow two accessory structures per residential lot

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

Planning Director Stephen Wensman explained Staff and the Planning Board are recommending the Town Council adopt an ordinance amendment to allow two accessory structures per residential lot. In 2001, the Town Council approved allowing 2 accessory structures on lots greater than ½ acre in the R-20A district in conjunction with updates to 160D. Recently, the Council requested staff to consider another amendment for accessory structures to extend the allowance to all residential lots. The opinion of the Council was that many residential properties already have 2 accessory structures and those following the rules were only limited to one. Also, many homes in Smithfield lack a garage leaving homeowners limited storage space. The existing exemption for pool houses not exceeding 150 sq. ft. and granny pods not exceeding 300 sq. ft. will remain. An accessory Dwelling Unit (ADUs) in the R-20A zoning district will be considered one of the two allowed accessory structures if it is a free-standing structure and not included within another.

The number of accessory structures on a lot may be limited because of impervious surface limits on some platted lots, septic system conflicts, or setbacks. All accessory structures will still require a zoning permit from the Town and those over 200 sq. ft. will require a building permit from Johnston County Inspections.

**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-23-02 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 April 4, 2023 agenda packet.

Mayor Moore asked if there were any questions from Council.

Mayor Pro-Tem Dunn questioned if Granny Pods and Pool houses are exempt. Mr. Wensman responded these two structures are not counted as accessory structures.

Councilman Scott questioned if greenhouses counted as accessory structures. Mr. Wensman responded it was dependent on the construction of the greenhouse.

Councilman Scott questioned the setback requirements. Mr. Wensman responded an accessory structure has a 10' setback from the side and rear of the property. From the rear of the main structure, he believed it was 6' unless there was a firewall.

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

Councilman Barbour made a motion, seconded by Councilman Stevens, to approve zoning text amendment, ZA-23-02, amending Section 7.3 of the UDO to allow 2 accessory structures per residential lot 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.

**ORDINANCE # ZA-23-02  
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE**

**ARTICLE 7, SECTION 7.3 ACCESSORY USES AND STRUCTURES TO ALLOW TWO  
ACCESSORY STRUCTURES PER RESIDENTIAL LOT.**

**WHEREAS**, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 7, Section 7.3 Accessory Uses and Structures to allow two accessory structures per residential lot.

**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:

[Revise Article 7, Section 7.3 to allow two accessory structures per residential lot and reorder moving fence regulations after accessory building regulations and before satellite dish antennas regulations.]

**PART 1**

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

**SECTION 7.3 ACCESSORY USES OR STRUCTURES.**

**7.3.1.** Structures such as storage sheds, garden sheds, and similar structures shall be considered accessory buildings, even though they may be capable of being lifted or disassembled and removed from the property.

**7.3.2.** No tent, mobile home, camper, travel trailer, nor any other temporary, portable, or removable trailer, container, vehicle or structure of any kind may be considered an accessory building, whether or not the wheels, axles, and/or tongue have or has been removed and whether or not the container, structure, or vehicle as described herein has been placed on a foundation, except as hereinafter described.

**7.3.3.** Accessory buildings may occupy 10% of the gross lot area, must be built a minimum of ten (10) feet from any lot line, and except for attached garages, must be built to the rear of the principal building in accordance with Section 8.13.2.

**7.3.5.** Accessory buildings shall not be erected within ten (10) feet of any other accessory building.

**7.3.6.** No accessory building or use may be erected or installed on any lot where a principal building does not exist.

**7.3.7.** No lot shall have in excess of one two accessory building buildings, except that granny pods not exceeding three hundred (300) square feet and pool houses not exceeding one hundred fifty (150) square feet are permitted. Accessory building numbers limitation on property are exempt if the property is identified as having farm tax identification number. Properties greater than 1/2 acre in size in the R20-A zoning district may have up to two (2) accessory structures with a valid zoning permit. The side and rear setbacks for farm property shall be the same as other accessory buildings.

**7.3.8.** The accessory structures shall be in accordance with Article 10, Part VI Stormwater Management.

**7.3.9.** A zoning permit shall be obtained prior to placement or construction of any accessory structures on any lot.

**7.3.10. Fences**

Fences and walls that meet these requirements are permitted as accessory uses and shall comply with the following:

**7.3.10.1.** For the purposes of this Section of this ordinance, a fence is a barrier composed of wire, wood, metal, plastic, or a similar material and a wall is a barrier composed of brick, stone, rock, concrete block, or a similar masonry material. Electric fences and fences constructed with razor or barbed wire are prohibited except when used to enclose livestock on bona fide farm, for public or quasi-public institutions for public safety or security purposes, or for industrial uses in the Light or

Heavy Industrial Zoning District for security purposes.

**7.3.10.2.** No fence or wall more than 48 inches in height, which is more than seventy-five percent (75%) solid, may be placed in the front of a principal structure.

**7.3.10.3.** Fences shall be installed such that exposed framing faces the interior yard and not toward adjacent properties or public rights-of-way.

**7.3.10.4.** Fences and walls may not exceed seven (7) feet in height, except that in commercial and industrial districts, a fence may not exceed ten (10) feet in height. Fences greater than seven (7) feet in height shall be of an open type similar to woven wire or wrought iron. Fences and walls may exceed the height requirements of this Section if required or specifically authorized in another Section of this ordinance or with a special use permit.

**7.3.10.5.** Fences and walls are exempt from the setback requirements of this ordinance.

**7.3.10.6.** No fence or wall shall impede vision as regulated in Section 2.21 of this ordinance.

**7.3.10.7.** Fences and walls approved with a special use permit shall not adversely impede light or airflow to adjoining properties.

**7.3.10.8.** Fences, if replaced, shall meet the requirements of this Section.

**7.3.10.9.** Fences and walls seven (7) feet or less in height meeting the requirements of this ordinance shall not require a zoning permit.

~~**7.3.4.** Accessory buildings may occupy 10% of the gross lot area, must be built a minimum of ten (10) feet from any lot line, and except for attached garages, must be built to the rear of the principal building in accordance with Section 8.13.2.~~

~~**7.3.5.** Accessory buildings shall not be erected within ten (10) feet of any other accessory building.~~

~~**7.3.6.** No accessory building or use may be erected or installed on any lot where a principal building does not exist.~~

~~**7.3.7.** No lot shall have in excess of one accessory building, except that granny pods not exceeding three hundred (300) square feet and pool houses not exceeding one hundred fifty (150) square feet are permitted. Accessory building numbers limitation on property are exempt if the property is identified as having farm tax identification number. Properties greater than 1/2 acre in size in the R20-A zoning district may have up to two (2) accessory structures with a valid zoning permit. The side and rear setbacks for farm property shall be the same as other accessory buildings.~~

## **PART 2**

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

- 3. Comprehensive Pedestrian Plan – Town of Smithfield (CA-23-03): The applicant is requesting an amendment to the Smithfield Town Plan that adopts a new volume titled Comprehensive Pedestrian Plan**

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

Planning Director Stephen Wensman explained the Town Plan, adopted in 2020, included a recommendation that the Town pursue a Pedestrian Plan through the NCDOT Pedestrian Planning Grant Program. The Town Council adopted a Resolution of Support for a grant application on 07/09/2019. NCDOT awarded the Town a grant and assigned AECOM to prepare the plan. The draft plan is the culmination of a planning process to improve pedestrian safety, connectivity, health and wellbeing through recommended infrastructure projects and community policies and programs. This effort was led by the North Carolina Department of Transportation's (NCDOT) Integrated Mobility Division (IMD), AECOM as the project consultant, and the locally appointed Steering Committee. With the adoption of the Pedestrian Plan, the Town will be well positioned to pursue funding opportunities with NCDOT for pedestrian projects. The Plan would also help the Town prioritize its spending on pedestrian facility projects.

### **Recommendation:**

Planning Staff and the Planning Board recommend the adoption of the Pedestrian Plan as an addendum to the Town Plan.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the April 4, 2023 agenda packet.

Mayor Moore asked if there were any questions from Council.

Councilman Barbour stated this plan did not address the needs of West Smithfield and connecting it to the amenities in other areas of the Town. Mr. Wensman responded the Council could make additional recommendations to be included in the plan.

Mayor Pro-Tem Dunn questioned if this plan now expanded mandates for sidewalks or trails in the ETJ. Mr. Wensman responded that those are already required in the ETJ, this plan just guides where trails and sidewalks should be in the event of development.

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

Councilman Scott made a motion, seconded by Councilman Stevens, to adopt the Pedestrian Plan as an addendum to the Town Plan Unanimously approved

#### **CITIZEN'S COMMENTS:**

- None

#### **CONSENT AGENDA:**

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

1. The following minutes were approved:
  - March 7, 2023 – Regular Meeting
2. Special Event – Partnership for Children's Stage Grand Opening: Approval was granted to the Partnership for Children to hold an event on April 15, 2023 from 10:00 am until 1:00 at the Community Park. Amplified sound and a food truck were also permitted.
3. Special Event – First Anniversary Party: Approval was granted to Bulldog Harley-Davidson to hold an event on April 15, 2023 from 10:00am until 4:00 pm at 1043 Outlet Center Drive. Amplified sound and food trucks were also permitted.
4. Special Event – Healthy Families Fair: Approval was granted to the Johnston County Department of Social Services to hold an event on April 20, 2023 from 4:30 pm until 6:30 pm at Smith-Collins Park. Amplified sound was also permitted.
5. Special Event – Tent Sale: Approval was granted to Direct Tool Factory Outlet to hold a tent sale April 21, 2023 until April 23, 2023 from 9:00 am until 7:00 pm at 1025 Outlet Center Drive
6. Special Event – Father's Day Cookout: Approval was granted to Omar McKnight to hold an event on June 18, 2023 from 11:00 am until 9:00 pm at Smith Collins Park. Amplified Sound was also permitted.
7. Special Event – Shriner's Parade: Approval was granted to the Sudan Shriners to hold a parade on May 18, 2024 from 11:00 am until 1:00 pm on Market Street in Downtown. The closure of Market Street and amplified sound were also permitted.
8. Approval of Resolution No. 723 (06-2023) Accepting North Carolina Environmental Quality Water Asset and Inventory Assessment Grant in the amount of \$150,000

TOWN OF SMITHFIELD  
RESOLUTION NO. 723 (06-2023)  
BY GOVERNING BODY OF RECIPIENT  
ACCEPTING THE NCDEQ ASSET AND INVENTORY AND ASSESSMENT GRANT

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$150,000 to perform asset inventory and assessment work, and

WHEREAS, the Town of Smithfield intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD:

That the Town of Smithfield does hereby accept the State Reserve Grant offer of \$150,000.

That the Town of Smithfield does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Michael L. Scott, Town Manager and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

9. Approval of Resolution No. 724 (07-2023) declaring certain property as surplus property and authorizing the disposition of that property and authorizing the auctioning of that property by the electronic services of GovDeals.com

Town of Smithfield  
Resolution No. 724 (07-2023)  
Authorizing the Sale of Certain  
Personal Property at Public Auction

**WHEREAS**, the Town Council of the Town of Smithfield desires to dispose of certain surplus property of the Town in accordance with NC GS 160A-270; and

**WHEREAS**, the Town Council of the Town of Smithfield desires to utilize the auction services of a public electronic auction service.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council that:

1. The following described property is hereby declared to be surplus to the needs of the Town:

Dept.	Vin/Ser.#	Description
IT Dept	Various	23 Computers
IT Dept	Various	17 Switches
IT Dept	Various	21 Laptops
IT Dept	Various	7 Printers
IT Dept	Various	2 Scanners
IT Dept	Various	9 Camera Supplies
IT Dept	3DW91700292	INFOCUS Model LP 425Z Projector
IT Dept	Various	4 Monitors
IT Dept	Various	5 USB Docking Stations
IT Dept		Wall and Pole Mount
IT Dept		Box of A/C Cables
IT Dept		2 Boxes of Keyboards
IT Dept		Box of Video Cables
IT Dept		Box of Telephone Cables
IT Dept		SPECO TECH
IT Dept		Dell Power Edge
IT Dept		FORTRESS1420
Fire	1FMRU1W51LB34415	2001 Ford Expedition
Fire	3FTZF17251MA54427	2001 Ford F150
Fire	1FMEU73E67UA67646	2007 Ford Explorer
PW – Appearance	1FTCR10U3SUB63720	1995 Ford Ranger
PW – Appearance	1FDWF36S03EB91246	2003 Ford Flatbed Truck
PW – Sanitation	1GBGC24U7YZ327554	2000 Chevrolet Truck
PW – Drainage	1FDF37H1SNA35095	1995 Ford Truck
Parks & Recreation	1FTNX20L72EA94696	2002 Ford F250 XL Super Duty Crew Cab
Parks & Recreation	1FTSW20516EC60563	2006 Ford F250 XL Super Duty Crew Cab
SRAC	KM1027	2009 Skutt KM 1027 Kiln
SRAC		2009 Brent ie Pottery Wheel
SRAC		2009 Brent ie Pottery Wheel
PU – Water Plant	1FTYR10D04TA19363	2004 Ford Ranger



PU – Water/Sewer	1FDYR82E9SVA34147	1995 Ford Vac Truck
PU – Water/Sewer	FTBF2A65BEA91665	2011 Ford F250
PU – Electric		Pallet of Miscellaneous Chain Saws and Parts

2. The Town Manager or his designee is authorized to receive, on behalf of the Town Council, bids via public electronic auction for the purchase of the described property.
  3. The public electronic auction will be held beginning no earlier than April 17, 2023.
  4. The Town Council further authorizes the disposal of Town surplus property by use of a public electronic auction system provided by GovDeals Inc. The property for sale can be viewed at [www.govdeals.com](http://www.govdeals.com). Citizens wanting to bid on property may do so at [www.govdeals.com](http://www.govdeals.com). The terms of the sale shall be: All items are sold as is, where is, with no express or implied warranties; All items will be sold for cash or certified check only; Payment must be received for all items sold before they may be removed from the premises; All items sold must be paid for and removed from the site of the sale within 5 business days of the sale, or they will be subject to resale.
  5. The Town Clerk shall cause a notice of the public auction for surplus property to be noticed by electronic means in accordance with G.S. 160A-270(c), available on the Town of Smithfield website [www.smithfield-nc.com](http://www.smithfield-nc.com)
  6. The highest bid, if it complies with the terms of the sale, may be accepted by the Finance Director or his designee and the sale consummated.
10. Approval was granted to amend the Downtown Smithfield Development Corporation's bylaws.

#### 11. New Hire Report

Recently Hired	Department	Budget Line	Rate of Pay
Electric Line Technician	PU – Electric	31-72-7230-5100-0200	\$22.96/hr. (\$47,756.80/yr.)
Firefighter I	Fire	10-20-5300-5100-0200	\$16.87/hr. (\$35,089.60/yr.)
Police Officer II	Police	10-20-5100-5100-0200	\$22.90/hr. (\$51,204.40/yr.)
P/T Athletic Staff	P&R – Recreation	10-60-6200-5300-0210	\$10.00/yr.
P/T SRAC Instructor	P&R – Aquatics	10-60-6220-5100-0230	\$15.00/hr.
P/T SRAC Staff	P&R – Aquatics	10-60-6220-5100-0230	\$10.00/hr.

Current Vacancies	Department	Budget Line
Electric Line Technician	PU – Electric	31-72-7230-5100-0200
Facilities Maintenance Specialist	PW – General Services	10-20-5300-5100-0200
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 Firefighter	Fire	10-20-5300-5100-0210
P/T Zoning Compliance Ast.	Planning	10-10-4900-5100-0200
Records Clerk/Specialist	Police	10-20-5100-5100-0200
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200
Sanitation Worker	PW – Sanitation	10-40-5800-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

12. Approval was granted to promote a Firefighter I to the rank of Firefighter II.
13. Bid was awarded to Heat Transfer Solutions in the annual amount of \$6,684.48 for HVAC services.
14. Bid was awarded to Clegg's Pest Control in the annual amount of \$3,600.00 for pest control services.

#### BUSINESS ITEMS:

##### 1. Presentation on the Parks and Recreation Comprehensive Master Plan

Parks and Recreation Director Gary Johnson introduced Jennifer Beedle Munley from McAdams Company to present the findings for the Parks and Recreation Comprehensive Master Plan. She explained the process and the assessment of all the facilities in Smithfield. She offered some recommendations for parklands, amenities, programs and services.

No action was taken.

##### 2. Special Event – Third Street Farmers Market: The business owners of Oak City Collections and Twisted Willow are requesting to hold a Farmers Market the second and fourth Saturdays from now until October 14th from 9am until 2:00pm. This request includes amplified sound and the closure of 100 block of South Third Street.

Town Manager Michael Scott informed the Council that this request was to close the 100 block of South Third Street for local business owners to hold a Farmer's Market. Since this was a new event, the Town

Manager suggested allowing the applicants to hold the Farmer's Market several times before committing to a longer period of time.

Mayor Moore stated he frequented downtown on Saturday morning and he was concerned about closing the street because of the other businesses on South Third Street.

Terri Billot, owner of Twisted Willow, explained that she and the owners of Oak City Collection were trying to have a scheduled event to draw people downtown.

Jud Patterson, owner of Oak City Collection, stated that if the Council was uncomfortable with the length of time of the request, he would like the Council to consider allowing them to try it for three weekends.

Mrs. Billot explained that she had received a lot of interest and would appreciate the Council allowing them to at least try to put on this event. Vendors would be allowed to participate for free in order to generate some participation.

Councilman Barbour questioned if DSDC had an opinion about this event. Executive Director Sarah Edwards stated that her board had not had time to consider this request. Although she could not speak for her board, she felt they would support this endeavor. She expressed some concerns about closing the 100 block of South Third Street because it is closed frequently in the summer months for other DSDC sponsored events.

Councilman Barbour suggested allowing them to hold the Farmer's Market for three Saturdays. If the events proved to be successful and orderly, the applicants could apply for additional dates.

Councilman Barbour made a motion, seconded by Councilman Stevens, to approve this special event request for the following dates: April 29<sup>th</sup>, May 13<sup>th</sup> and May 27<sup>th</sup>. Unanimously approved.

### 3. FY 2023-2024 Budget Discussions

The Town Council determined they would meet on Tuesday, April 11, 2023 at 6:00 pm

#### Councilmembers Comments:

- Councilman Lee recognized Dr. Carolyn Ennis' 93<sup>rd</sup> Beth. He reminded everyone of the Easter Egg Hunt at Smith-Collins Park on April 8<sup>th</sup>. He informed everyone of a book signing by his uncle at the Johnston County Museum on April 15<sup>th</sup>. Councilman Lee stated the residents of East Smithfield were concerned about their safety due to some recent violent incidents in the community. He asked for the Police Department to be more proactive than reactive.

Interim Chief of Police James Grady informed the Council that in light of the recent events, more patrols have been done in the area. He stated the Police Department was promoting its anonymous tip lines. Staff was also developing programs where the Police Department could engage the community. He would like to get community leaders together with the Police Department to foster some lines of open communication and partnerships.

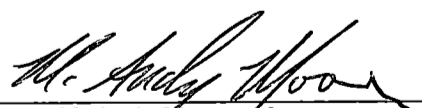
#### Town Manager's Report:

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

- Mother Son Dance is scheduled for April 15<sup>th</sup>, which is a date change from April 29<sup>th</sup>
- A ribbon cutting is scheduled for the new walking path beginning at
- Smith Collins Park. This is scheduled for Saturday, April 29<sup>th</sup> at 10:00
- April 20<sup>th</sup> is the projected date for the Amphitheater to be completed. A ribbon cutting is being planned for the evening of May 5<sup>th</sup>, accompanied by live music.
- Annual Litter Sweep is scheduled for April 22<sup>nd</sup>
- Captain Bentley Powell's retirement reception is scheduled at the Fire Department on Thursday, April 27<sup>th</sup> from 1:00 pm to 4:00 pm.
- DSDC is working to have the July 4<sup>th</sup> fireworks shot off behind the Dollar General Store on Sunday, July 2<sup>nd</sup>. Practice fireworks will be fired on Thursday, 4/6/23 at about 8:00 pm to determine the size of tubes needed to reach the optimum height for viewing

#### Recess

Councilman Barbour made a motion, seconded by Scott, to recess the meeting until April 11, 2023 at 6:00 pm to be held in Council Chambers at Town Hall. The meeting recessed at approximately 9:32 pm.

  
M. Andy Moore, Mayor

ATTEST:

  
Shannan L. Parrish, Town Clerk