

The Smithfield Town Council met in regular session on Tuesday, September 5, 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
Dr. David Barbour, District 4
Roger Wood, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Travis Scott, District 3

Administrative Staff Present

Michael Scott, Town Manager
Ted Credle, Public Utilities Director
Lawrence Davis, Public Works Director
Pete Hedrick, Chief of Police
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

Michael Carter, Attorney
Robert Spence, Jr., Town Attorney

Administrative Staff Absent

CALL TO ORDER

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

INVOCATION

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

APPROVAL OF AGENDA:

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

Remove from the Consent Agenda:

7. Consideration and request for approval to allocate funds to the Downtown Smithfield Development Corporation for additional planters

Remove from the Consent Agenda and add to Business Items:

5. Consideration and request for approval to restructure the Police Department by adding a Deputy Chief position and eliminating the vacant Captain position.

Add to the Consent Agenda:

10. Consideration and request for approval to adopt Resolution No. 738 (21-2023) Accepting the NCDEQ LASII ARPA Stormwater Grant Funding
11. Special Event: Ava Gardner Festival: The Ava Gardner Museum is requesting approval to hold an event (movie) at the Neuse River Amphitheater on October, 6, 2023 from 6:30 pm until 9:30 pm. This request includes the use of amplified sound and food trucks. Staff is requesting that the Ava Gardner Festival be approved as an annual event.
12. Special Event: SSS Homecoming Parade: Smithfield Selma High school is requesting to hold a homecoming parade on October 6, 2023 from 4:30 pm until 5:30 pm. The Police Department will work with SSS to evaluate road closures on Kelly Drive and M. Durwood Stephenson Parkway.

Add Section (3) to the Closed Session Statute

Unanimously approved

PRESENTATIONS:

1. **Proclamation: Declaring September 17-23,2023 as Constitution Week in the Town of Smithfield**

Mayor Moore presented the following Proclamation to the Smith-Bryan Chapter of the Daughters of the American Revolution.

Proclamation
Constitution Week
September 17 – 23, 2023
In the Town of Smithfield, North Carolina

Whereas, September 17, 2023 marks the two hundred and thirty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

Whereas, Public Law 915 guarantees the issuing of a Proclamation each year by the President of the United States of America designating September 17th through 23rd as Constitution Week.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield do hereby proclaim September 17th through the 23rd, 2023 to be

CONSTITUTION WEEK

in the Town of Smithfield and ask our citizens to reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

2. Appearance Commissions Annual Report

Chairperson Kaitlyn Tarley presented the Appearance Commission's Annual Report to the Town Council.

PUBLIC HEARINGS: None

CITIZEN'S COMMENTS:

- Ed Barfield addressed the Council about drainage issues and flooding on North 4th Street near Caswell Street. He stated the residents do not want their houses or their cars flooded. He asked the Council to correct this issue. Mr. Barfield also provided a petition from members of the First Missionary Baptist Church who were aware of the flooding in the area near the church.

- Christopher White stated he was in agreement with Mr. Barfield. He further stated the problem was because there were only storm drains on one side of the street. He asked for this issue to be corrected.

Mayor Moore asked Town Manager Michael Scott to have the Town Engineer investigate the matter

- Elizabeth Temple provided some historical information to concerning the Town of Smithfield. She asked the Council to consider doing an archeological excavation and preservation of some Indian burial grounds in South Smithfield.
- Pam Lampe expressed her concerns to the Council about the proposed social district in downtown Smithfield.
- Emma Gemmel requested a list of complete and incomplete items as it related to the water plant expansion project. She expressed her concerns about the Comprehensive Growth Plan stating she felt the decision to adopt the plan was hurried. She also expressed her concerns about the proposed social district in downtown Smithfield.

CONSENT AGENDA:

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

1. The following minutes were approved:
 - August 8, 2023 – Regular Meeting
 - August 8, 2023 – Closed Session
2. Special Event – Help Thy Neighbor Poker Run: Approval was granted to allow Angela Roberts of Help Thy Neighbor Johnston County to hold an event at 1043 Outlet Center Drive on September 16, 2023 from 9:00 am until 5:00 pm. Amplified sound, good sales and alcohol sales were also approved.
3. Special Event – Family Days Super Carnival: Approval was granted to allow the Inners Shows, Inc. to hold a carnival at Carolina Premium Outlets October 18 – 29, 2023.
4. Special Event – JoCo Works Career Expo: Approval was granted to allow the Triangle East Economic Development Foundation to hold a career expo November 2-3, 2023 from 8:00 am until 3:00 pm at Johnston Community College. Amplified sound was also approved. This event was approved as an annual event.
5. Bid was awarded to JP Edwards, Inc. in the amount of \$21,138 to repair drainage issues at the Community

Park soccer field.

6. Board Appointments

- Tara Meyer was appointed to serve a first term on the Planning Board as an In-Town Alternate member.
- Allison Boyd was appointed to serve a first term on the Recreation Advisory Committee.
- Whitley Kate Moore was appointed to serve a two-year term on the Recreation Advisory Committee as a high school representative.
- John Arthur Gaskins was appointed to serve a two-year term on the Recreation Advisory Committee as a high school representative.

7. New Hire Report

| Recently Hired | Department | Budget Line | Rate of Pay |
|--------------------------|---------------------|----------------------|--------------------------------|
| Crew Leader | PW – Gen/Appearance | 10-60-5500-5100-0200 | \$20.97/hr. (\$43,617.60/yr.) |
| Police Chief | Police | 10-20-5100-5100-0200 | \$49.00/hr. (\$101,920.00/yr.) |
| Police Officer (BLET) | Police | 10-20-5100-5100-0200 | \$22.26/hr. (\$49,773.36/yr.) |
| P/T SRAC Staff - General | P&R – Aquatics | 10-60-6220-5100-0210 | \$12.00/hr. |
| P/T Athletic Staff | P&R – Recreation | 10-60-6200-5300-0210 | \$10.00/hr. |

| Current Vacancies | Department | Budget Line |
|---------------------------------|------------------|----------------------|
| Facility Maintenance Specialist | P&R – Recreation | 10-60-6200-5100-0200 |
| Fire Chief | Fire | 10-20-5300-5100-0200 |
| Police Officer | Police | 10-20-5100-5100-0200 |
| Sanitation Equipment Operator | PW – Sanitation | 10-40-5800-5100-0200 |
| Utility Line Mechanic | PU – Water/Sewer | 30-71-7220-5100-0200 |
| Utility Line Mechanic | PU – Water/Sewer | 30-71-7220-5100-0200 |

8. Adoption of Resolution No. 738 (21-2023) Accepting the NCDEQ LASII ARPA Stormwater Grant Funding

TOWN OF SMITHFIELD
RESOLUTION NO. 738 (21-2023)
BY GOVERNING BODY OF RECIPIENT

WHEREAS, the American Rescue Plan Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180 to assist eligible units of local government with meeting their drinking water and/or wastewater and/or stormwater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered LASII_ARPA funding in the amount of \$500,000 to perform the work detailed in the submitted application, 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 ARPA grant offer of \$500,000; and

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 Funding Offer and Acceptance (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and

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 this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

9. Special Event: Ava Gardner Festival: Approval was granted to allow the Ava Gardner Museum to hold an event (movie) at the Neuse River Amphitheater on October 6, 2023 from 6:30 pm until 9:30 pm. Amplified sound was also approved. The Ava Gardner Festival was approved as an annual event.

10. Special Event: SSS Homecoming Parade: Approval was granted to allow Smithfield Selma High School to hold a homecoming parade on October 6, 2023 from 4:30 pm until 5:30 pm. Approval to close area roads was also approved.

BUSINESS ITEMS:

1. **Consideration and request for approval to adopt Ordinance No. 518-2023 creating a Social District in the downtown area**
Downtown Smithfield Development Corporation (DSDC) Executive Director Sarah Edwards address the

Council on a request by the DSDC Board of Directors to create a Social District in the downtown area. She explained the following: the legislation that created social districts, the requirements enabling the social district, and the proposed downtown Smithfield social district.

A social district was a defined area in which a person could purchase alcohol from a permitted business permitted by the North Carolina ABC commission, and they are permitted to carry that alcohol within that district. It could include both indoor and outdoor areas of businesses within or contiguous to the different area of the social district during the days and hours set by the local government. A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments as well as public streets, crosswalks, or parking areas whether the streets or parking areas are closed to vehicle traffic.

The legislation enabling social districts was first introduced in September 2021, as a response to the COVID 19 pandemic. There was clarification in July of 2022 based questioned by a number of communities that enacted or were considering enacting a social district. Under the legislation, a city/town can adopt an ordinance to designate an area within the municipal limits as a social district. The local government can also eliminate that social district by ordinance after it's created.

More than 30 communities have established social districts. They have reported positive impacts for economic development, reasonable and responsible action by participants and increased foot traffic in their downtowns.

The social district requirements are clearly spelled out in the legislation. Requirements include: signage must be placed within the district that identifies its geographical location, days and hours in which alcohol can be consumed in the social district, the telephone number for the ALE Division and local law enforcement, and a clear statement that an alcoholic beverage purchased for consumption in a social district shall: only be consumed within the social district and be disposed of before the person possessing the alcoholic beverage exits the social district unless the person is reentering the licensed ABC premises where the alcoholic beverage was purchased.

Social districts are only allowed to operate during hours defined under G.S. 18B- 1004: from 7:00 am until 2:00 am Monday - Saturday; and From Noon until 2:00 am on Sunday. If the local government has allowed for earlier Sunday sales, a social district may operate beginning at 10:00 am on Sunday. The local government can set the hours of the social district according to their community's needs. The local government may establish guidelines in their social district allowing for suspension of regular days and hours of alcohol consumption in all or part of a social district during events require special events ABC permits.

A local government creating a social district is required to establish management and maintenance plans for the social district and post these plans, along with a drawing of the boundaries and the applicable days and hours of the social district, on the local government's website. A social district must be maintained in a manner that protects the health and safety of the general public. A local government can delegate the management and maintenance of the social district to a private entity, such as a downtown development organization.

A local government was required to develop or approve uniform signs indicating that a non-permittee business is included in the social district and allows alcoholic beverages on its premises when the social district is active and distribute the signs to non-permittee businesses that are included in the social district. A non-permittee participating in the social district and allowing alcohol on their premises is required to always display the uniform sign during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the uniform sign. The DSDC can create the signs for participating and non-participating businesses.

A local government may adopt an ordinance that allows consumers to bring an alcoholic beverage purchased at one ABC permittee onto the premises of another ABC permittee. But the DSDC was not requesting to allow consumers to bring alcoholic beverage purchased at one ABC permittee onto the premises of another ABC permittee. After the Council adopts an ordinance creating the social district, it must submit to the North Carolina Alcoholic Beverage Control (ABC) Commission a detailed map of the social district with the boundaries clearly marked and the days and hours during which alcoholic beverages can be consumed. Any business in the social district that holds any type of ABC permit, can sell alcohol to be consumed in the social district.

Alcoholic beverages sold to be consumed in a social district must be sold in a container that meets all the following requirements: The container clearly identifies the ABC permittee from which the alcoholic beverage was purchased, the container clearly displays a logo or mark that is unique to the social district in which it will be consumed, the container is not made of glass, the container displays, in no less than 12- point font, the statement "Drink Responsibly - Be 21", and the container cannot hold more than sixteen fluid ounces. In speaking with Captain Grady, he felt that printed cups instead of stickers was better and more enforceable.

A person can only possess and consume alcoholic beverages purchased from an ABC permittee located in, or contiguous to, the social district. A person cannot bring their own personal beer or wine into the social district for consumption. A person, including a customer who is in possession of an open container of an alcoholic beverage, may possess alcoholic beverages in closed containers in a social district to the extent allowed by law. Any alcoholic beverages consumed in the social district must be consumed from the required container as previously described, and cannot be poured into another container. Alcoholic beverages shall only be possessed and consumed in the social district during the days and hours set by the town. Alcoholic beverages may only be taken into businesses that have signage indicating that alcoholic beverages are allowed in their business.

The sale and delivery in a social district are subject to the same limitations for sales and deliveries of alcohol in North Carolina: No more than two malt beverages or wine drinks at one time to a single patron and no more than one mixed beverage or spiritous liquor drink at one time to a single patron. A person is required to dispose

of any alcoholic beverage in the person's possession prior to exiting the social district.

A social district does not create a right for people to break laws. It doesn't encourage people to be drunk in public or overconsume. It does not encourage underage drinking. It doesn't allow people to bring their own alcohol to the social district.

A social district is an economic development tool that encourages people to extend their stay in our downtown. Additional foot traffic downtown improves safety and has a positive economic impact on our small businesses. A social district is another amenity to encourage people to visit our downtown.

The recommendations from the DSDC Board of Directors are as follows:

- Social District Hours would be 10:00am until 10:00pm Monday-Sunday,
- Boundaries would include the downtown core: Market Street between the Neuse River and Fourth Streets, 100 blocks of N. and S. Third Street, and the Neuse River Amphitheater
- Businesses would have the opportunity to opt into participating in the social district, and allowing people to bring alcohol purchased from a permitted business into their non-permitted business.

For the management of the social district, the DSDC will: work with the downtown business community and Town staff to implement the social district, design & provide signage for the Downtown Smithfield Social District, purchase signage for the Downtown Smithfield Social District Design signage for businesses selling alcoholic beverages within the social district, businesses allowing customers to bring in alcoholic beverages purchased within the social district and businesses not allowing customers to bring in alcoholic beverages purchased within the social district.

The DSDC will also provide facilitate the design of containers that meet the requirements of North Carolina law, and sell social district containers to entities holding a winery, malt beverage, and spirituous liquor special event permits and mixed beverages catering permit who want to conduct sales within the social district during special events.

The DSDC will further maintain a Social District page on the DSDC website that can be linked to the Town's website, work with Town staff to respond to needs that arise from the social district, work with Town staff and downtown businesses to evaluate the social district and any changes that are needed, and provide a report six months after district creation regarding the impacts of the social district, as well as any identified issues.

As for liability, the businesses that hold ABC permits are ultimately responsible for the people they are serving. If they choose to overserve a customer, their ABC permit could be in jeopardy.

Mayor Pro-Tem Dunn questioned if he purchased a beverage from one business could he not enter another business within the social district that also sold alcoholic beverages. Ms. Edwards responded that was correct.

Mayor Pro-Tem Dunn stated that several areas in the proposed social district encompassed parking lots. He questioned what measures would be put into place to ensure that customers weren't refilling their approved social district cups with their own beverages. Ms. Edwards responded that was a question better answered by Police personnel. She further stated she believed the Police Department would investigate the matter.

Councilman Lee expressed his concerns about the potential issue raised by Mayor Pro-Tem Dunn.

Councilman Wood questioned if there would be a dedicated Police Officer assigned to the social district in the event any issues arise. Ms. Edwards responded the proposal did not include a dedicated officer. Councilman Wood further expressed his concerns because he felt a dedicated officer should be assigned to the social district.

Mayor Moore stated that while he understood Councilman Wood's concerns, a Police Officer was not required to be in every establishment that sold alcohol.

DSDC Chairperson Troy Bridle stated he did not believe by establishing a social district it would cause people to start drinking from 10 am until 10 pm every day. The purpose of those hours was to make it consistent with the current hours businesses with ABC permits were able to sell alcohol. As a business owner, they were ultimately responsible for their consumers. If someone takes an approved social district cup and refills it in a parking lot, then the business assumes the risk not the Town.

Mayor Pro-Tem Dunn questioned if the hours of the social district could be modified. Ms. Edwards responded that the goal was to have consistent hours to make it easier to manage, but the Council could modify the hours.

Councilman Wood clarified his original question about security in the social district. He questioned if a dedicated officer would be required in the social district for events. Ms. Edwards responded that for any event whereby alcohol was served, security was required.

Councilman Wood stated he would not like for alcohol to be served during the Ham and Yam Festival since it was a family event. Ms. Edwards responded that for the Ham and Yam Festival, they could consider doing a beer/wine garden that was cordoned off from the other attraction and monitored by security.

Mayor Moore questioned how many establishments within the social district currently had ABC permits. Ms. Edwards responded there were six businesses within the social district that had ABC permits.

Councilman Barbour provided data from the UNC Injury Prevention Research Center concerning social districts. He read the following excerpt

“Over time these alcohol social districts may also indirectly impact other alcohol environment dynamics, including: increasing outlet density, expanding hours of sale, more alcohol promotions, and increasing exposure of youth and adults to advertising and cultural normalization of alcohol use. Why should we care? Changes to alcohol policy can have real, measurable public health impacts. Seemingly “small” changes - like increasing hours of sale, advertising, or adding a few more alcohol selling businesses in an area – have been measured as negatively impacting alcohol-related car crashes, chronic diseases, violent crime, and deaths, largely through the pathway of enabling easier excessive alcohol consumption of adults and youth. These health impacts also have huge social costs. Alcohol costs North Carolina over \$7 billion dollars at the last estimate in lost productivity, healthcare costs, criminal justice expenses, and motor vehicle crash costs. Although considered a motivation for alcohol social district development, increased business revenue and downtown foot traffic may not offset the enforcement and public health costs of expanding access to alcohol. The Center for Disease Control and Prevention Community Guide 1 summarizes the researched impacts of alcohol laws and policies on health. There is little known (yet) on the impact of social alcohol districts by name. However, breaking social alcohol districts down into their direct and indirect impacts, here’s what we know: Increased alcohol outlet density negatively impacts health. Social districts may promote new alcohol-centered businesses, increasing outlet density. Increased hours of sale (such as adding happy hours) negatively impact health. This includes independent efforts to expand happy hours, and any downstream impacts to promote alcohol sales by expanding hours in social districts. Price discounts and promotions negatively impact health. These make it easier to purchase larger quantities of alcohol at the same time. Youth are sensitive to alcohol advertising, normalizing, and exposure. Proximity of social districts to schools and teen social areas can negatively impact youth drinking behaviors. Increasing excessive alcohol consumption has a high social cost. While proponents of social alcohol districts may claim it will increase local business or tax revenue, that is yet to be shown. However, it is known that alcohol-related harms cost local NC communities over 10 billion each year. People in recovery can be particularly sensitive to increased promotion and normalization of drinking. Alcohol related harms and policies often disproportionately impact Black, Indigenous, and People of Color (BIPOC) communities.”

Councilman Barbour explained that while everyone was speaking about the positives of establishing a social district, no one was speaking about the negatives.

Councilman Lee questioned why the Town of Clayton who currently has a vibrant downtown has not established a social district. He further questioned how establishing a social district would increase the economic development of the downtown. He further expressed his concerns about traffic on Market Street and the potential hazard of those partaking in the social district. He questioned who would be policing those people that didn’t adhere to the rules and regulations of the social district. Ms. Edwards responded that it was the responsibility of the business owner to make sure they are not overserving or serving someone who was intoxicated. She further responded that the Town of Clayton was considering establishing a social district. The DSDC will follow the examples of many successful cities to ensure that the social district was not detrimental to the downtown area.

Mayor Pro-Tem Dunn questioned if the DSDC had received any feedback from the businesses that do not currently sell alcohol. Ms. Edwards responded that she spoke with all the businesses on Market Street and did not receive any negative feedback.

Mayor Pro-Tem Dunn further questioned how difficult it would be to expand the social district or amend the days and/or hours of the social district. Ms. Edwards responded there were not any plans to expand the district because once you pass Fourth Street, it did not make sense for the social district to go any farther.

Mayor Pro-Tem Dunn questioned why North Third Street was included in the proposed district. Ms. Edwards responded that area was included because of the potential for businesses in that area. He further questioned if the parking lot behind the library was included in the social district. Ms. Edwards responded it would not be included.

Councilman Stevens stated the point of the social district was to get more people downtown and get them to stay downtown. The businesses needed the support of foot traffic in downtown.

Mayor Pro-Tem Dunn suggested amending the days and/or hours of the social district. It was suggested that the hours could be 12 pm until 10 pm instead of 10 am until 10 pm. He further suggested a more conservative plan as a trial period.

Mayor Moore explained to the Council that since this was considered the first reading of the ordinance, the motion to approve would have to pass by a 2/3 majority of the Council; therefore, five votes in the affirmative would be needed to adopt the ordinance.

Councilman Stevens questioned if the ordinance was not adopted at this meeting, would it not be brought back for consideration. Mayor Moore responded that it could be brought back for consideration and would only need a simple majority to adopt the ordinance.

Councilman Stevens made a motion, seconded by Councilman Wood, to adopt Ordinance No. 518-2023 creating a social district with the amended hours of 12 pm until 10 pm. Councilman Stevens, Councilman Wood, Mayor Pro-Tem Dunn and Councilman Rabil voted in favor of the motion. Councilman Lee and Councilman Barbour voted against the motion. Motion failed.

Since this was the first reading of the ordinance a 2/3 majority of the Council was needed which equated to five members voting in the affirmative. Motion failed due to only four members voting in the affirmative.

2. Discussion concerning trash services for the downtown area

Town Manager Michael Scott addressed the Council on the issue of trash in the downtown area. He explained that at some point in history, it has been reported there were discussions between the downtown businesses and government leaders permitting businesses in the 100 block of South Third Street and the 200 and 300 blocks of Market Street to set their trash products on the sidewalk or inside the pedestrian cans for no charge pick-up. This may have occurred during the last street scape project when the power lines were buried in the downtown area. History has clouded this issue and the Town has no council meeting minutes it can locate regarding this matter.

The trash has become out of control and was creating a nuisance in this area of downtown and the matter requires formal changes. Staff was recommending that businesses in this area be permitted to become sanitation customers at a cost, and within the requirements of, what is approved in the fee schedule each year. Back door pick-up however would not be available at these locations. Participating businesses would be required to bring their trash cans to the curb the morning or prior evening of their trash day and return their cans to behind their businesses following morning pick-up. All materials must be in a designated receptacle. All other materials, such as construction debris, plastic, appliances, furniture, yard debris, hazardous materials, grease, or electronic equipment must be disposed of by other means and was the responsibility of the business owner. Participating businesses would not be charged the yard waste fee.

Leaving business trash, such as bags and boxes outside a designated trash receptacle would become unlawful and would be considered littering.

Businesses would not be required to use Town services and would be permitted to have a dumpster from a private sanitation company or receptacle pick-up from a private sanitation company, as long as trash receptacles are not left on the street or sidewalk during normal business hours or on the weekends from 8:00 am to 5:00 pm. New customers would be required to sign-up for this service and would be invoiced as part of their monthly utility billing.

The Town Manager stated staff believed they could manage these new sanitation customers. Some of the pedestrian trash can could be removed from the middle of the blocks making it less likely for the businesses to use the cans or new cans could be purchased with secured lids.

Mayor Pro-Tem Dunn stated that if only two businesses were using the sidewalk trash cans then they should be informed that practice was no longer permitted. The Town Manager responded the businesses using the sidewalk cans believe they are allowed to use them for their business.

Councilman Stevens questioned if there was adequate storage for the trash can behind the businesses. The Town Manager responded that he and Public Works Director Lawrence Davis walked the area to determine if there was adequate storage and there was.

Mayor Moore questioned if the trash would be collected once a week. The Town Manager responded it would be collected once a week. The businesses would have the option to have more than one trash can, but they would be charged for each can.

Mayor Pro-Tem Dunn asked if the Town Manager envisioned this would be an issue for other commercial businesses in the downtown area since the same service was not being offered to all commercial businesses. The Town Manager responded staff was only trying to deal with the businesses that felt they were awarded some type of benefit from a previous counsel. If you weren't one of those businesses, the Town was not going to offer trash services to other commercial businesses. Staff was trying to solve a problem in the downtown area.

Mayor Moore stated he was forwarded some photos of the trash cans and the area was becoming unsightly.

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Dunn, to permit sanitation services to businesses downtown that face the 200 and 300 blocks of Market Street and the 100 block of South Third Street rather than leave their trash product on the sidewalk or in the pedestrian cans. Unanimously approved.

3. Consideration and request for approval to adopt Ordinance No. 517-2023 repealing and enacting speed limits on NC 210 in Smithfield

Planning Director Stephen Wensman addressed the Council on a request to adopt Ordinance No. 517-2023 for speed limits in the Town. Mr. Wensman explained at the August Town Council meeting, the Council asked Staff to request a speed limit change on West Market Street between the Neuse River Bridge and NC Highway 210 from 45 miles per hour to 35 miles per hour. The NCDOT reviewed the issue and agreed to the change.

The ordinance repeals the 45 MPH speed limit between the Neuse River Bridge and M. Durwood Stephenson Parkway and replaces it with a 45 MPH speed limit from the NC Highway 210 to M. Durwood Stephenson Parkway, the remainder of West Market Street between NC Highway 210 and the Neuse River Bridge therefore defaults to the local speed limit of 35 MPH.

The Council needed to adopt the attached ordinances to make the reduced speed limit changes effective.

Mayor Moore questioned if the speed limit would be reduced from 45 mph to 35 mph from Marin Woods subdivision on NC 210 to the Neuse River Bridge. Mr. Wensman stated that was correct.

Councilman Barbour made a motion, seconded by Councilman Wood, to adopt Ordinance No.

517-2023. Unanimously approved.

TOWN OF SMITHFIELD
ORDINANCE NO. 517-2023

AN ORDINANCE CONCURRING WITH THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION FOR SPEED LIMIT REVISIONS INSIDE THE CORPORATE LIMITS OF
SMITHFIELD, NORTH CAROLINA

WHEREAS, the Town of Smithfield requested from the North Carolina Department of Transportation for the approval of certification ordinance implementing speed limit modifications on certain state roads within the Corporate Limits; and

WHEREAS, the Town and the State must concur in this action to modify the speed limits on any state highway located within the limits of the town; and

WHEREAS, the Town Council desires to cooperate with the Department of Transportation in the designation of speed limit modifications as requested.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD, NORTH CAROLINA:

Section 1. Based upon the authority granted by GS 20-141(f), the speed zone modifications proposed by the Department of Transportation (DOT) are hereby approved as follows:

DECLARE THE FOLLOWING SPEED LIMITS ON NC 210

| Speed Limit | Route | Description |
|-------------|--------|--|
| 35 MPH | NC 210 | Between 0.18 mile east of SR 1010 and US 70. |

RESCIND THE FOLLOWING SPEED LIMITS ON NC 210

| Speed Limit | Route | Description |
|-------------|--------|---|
| 45 MPH | NC 210 | NC 210 from a point 0.18 mile east of SR 1010, eastward for 1.12 mile in Smithfield |

Section 2.

DECLARE THE FOLLOWING SPEED LIMITS ON US 70 Business

| Speed Limit | Route | Description |
|-------------|------------|--|
| 45 MPH | US 70 BUS. | Between 0.28 mile east of SR 1969 and NC 210 |

RESCIND THE FOLLOWING SPEED LIMITS ON US 70 Business

| Speed Limit | Route | Description |
|-------------|------------|---|
| 45 MPH | US 70 BUS. | From a point 0.28 mile east of SR 1969, eastward to a point 0.50 mile east of NC210 |

Section 3. The Town Clerk is hereby authorized and directed to cause this Ordinance, and the attached DOT ordinance certifications as ATTACHMENTS A - D, to be certified and forwarded to the Department of Transportation for its use and files for purposes effectuating the stated speed zone modifications.

Section 4. The Town Manager or his designees are hereby authorized to execute the applicable documents associated with this ordinance.

Section 5. This ordinance shall become effective upon its adoption and approval both by Town and Department of Transportation.

4. Consideration and request for approval to restructure the Police Department by adding a Deputy Chief position and eliminating the vacant Captain Position

Mayor Moore stated this item was removed from the consent agenda at the request of Councilman Lee.

Councilman Lee questioned if the Police Department ever had a Deputy Chief position. Town Manager Michael Scott responded the department has never had this position.

Councilman Lee further questioned if the Chief had someone in mind for the newly created position. Chief of Police Pete Hendrick responded that in his short time with the Police Department he has been encouraged. He stated that while they were down a significant amount of manpower, there were good men and women that remained with the agency. He stated he was going to concentrate on hiring quality people quickly. Having a Deputy Chief with experience enabled him to be able to concentrate on hiring qualified candidates. He further stated this was a common practice.

Councilman Barbour made a motion, seconded by Councilman Lee, to approve the restructuring of the Police Department by adding a Deputy Chief position and eliminating the vacant Captain position. Unanimously approve.

Councilmembers Comments:

- Councilman Barbour informed the Council that the Third Annual Drone Fly In event would be held in October. He encouraged everyone to attend.
- Councilman Lee expressed his appreciation to the Town Manager and the Planning Department for adding Smithfield Selma High School's request for a Homecoming Parade to the agenda. He encouraged all alumni to participate or help in any way. Councilman Lee stated he was informed by a resident who participated in the CDBG Housing rehabilitation program that she was treated unprofessionally by members of Town staff. He requested that Skip Green attend the October meeting to provide an update on the project.
- Mayor Pro-Tem Dunn welcomed the Chief of Police to Smithfield and looked forward to working with him. Mayor Pro-Tem Dunn stated the area on Buffalo Road near the soccer park was unsightly. He questioned in NCDOT was responsible for maintaining the grass in the area. Mayor Pro-Tem Dunn further stated that there was empty space on the back sides of the pedestal Wayfinding signs. He questioned if something could be done to enhance that side of the sign. The Town Manager responded that he could take this suggestion to the Wayfinding sign committee.

Town Manager's Report:

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

- With the anticipated increase in temperatures this week, we are leaving the splash pad open until such time as the temperatures cool. The splash pad was scheduled to close for the season on Labor Day.
- The lights included in this year's budget for the dog park have been constructed and are operational. The remaining items in the budget for the dog park will be constructed this fall.
- Smithfield Selma Highschool will be holding their 9-11 memorial service event this year on September 11th. The time is uncertain, however traditionally the time has been 7:30 am.
- All fall Parks and Rec sports are scheduled to begin this week. The Fall swim program also begins this week.

Closed Session: Pursuant to NCGS 143-318.11 (a) (3) & (6)

Councilman Barbour made a motion, seconded by Councilman Stevens, to go into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 9:14 pm.

Reconvene in Open Session


Councilman Barbour made a motion, seconded by Councilman Wood, to reconvene the meeting in Open Session. Unanimously approved at approximately 10:20 pm

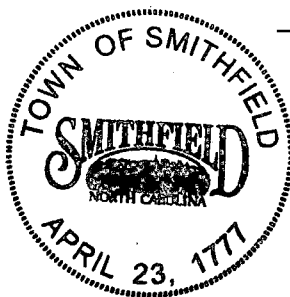
No action taken following the Closed Session.

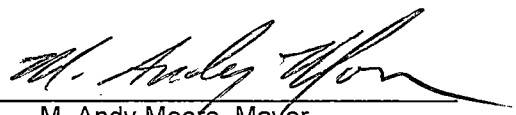
Adjourn

Councilman Barbour made a motion, seconded by Councilman Wood, to adjourn the meeting. The meeting adjourned at approximately 10:21 pm.

ATTEST:


Shannan L. Parrish, Town Clerk




M. Andy Moore, Mayor