

The Smithfield Town Council met in regular session on Tuesday, April 2, 2024 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Roger Wood, Mayor Pro-Tem
Marlon Lee, District 1
Travis Scott, District 3
Dr. David Barbour, District 4
John Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Sloan Stevens, District 2

Administrative Staff Present

Michael Scott, Town Manager
Ted Credle, Public Utilities Director
Lawrence Davis, Public Works Director
Andrew Harris, Assistant Finance Director
Pete Hedrick, Chief of Police
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources
Shannan Parrish, Town Clerk
Stephen Wensman, Planning Director

Also Present

Robert Spence, Jr., Town Attorney

Administrative Staff Absent

Eric McDowell, IT Director
Greg Siler, Finance Director

CALL TO ORDER

Mayor Moore 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 Mayor Pro-Tem Wood, to approve the agenda with the following amendments. Unanimously approved.

Add to the Consent Agenda:

- 11. Consideration and request for approval to award a bid in the amount of \$50,194.63 to Performance Automotive for the purchase of a 2023 RAM 2500 Truck for the Water Plant.

Remove from the Consent Agenda and add to the Presentations:

- 6. Consideration and request for approval to name the new walking trail (adjacent to the Eva Ennis Splash Park) the Jackie Bryant Walking Trail (Became Presentation 3)

Add to the Business Items:

- 8. Special Event: Grand Opening – Smile Solutions is requesting to hold on event at 927 North Brightleaf Blvd. on Thursday, April 4, 2024 from 4:30 pm until 7:30 pm. This request includes amplified sound. Food and beer will also be served.

Remove from the Closed Session: Section (a) (5)

PRESENTATIONS:

- 1. Proclamation: Declaring April 18, 2024 as Electric Lineman Day in the Town of Smithfield**
Mayor Moore presented the following proclamation to Electric Superintendent Rodney Johnson

PROCLAMATION
RECOGNIZING APRIL 18, 2024
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, 2024 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.

2. Proclamation: Declaring April 28, 2024 as KS Bank Day in the Town of Smithfield

Mayor Moore read the following proclamation into the record.

PROCLAMATION
Recognizing KS Bank's 100
Years of Service in the Town of Smithfield

WHEREAS, KS Bank was established in 1924 and will be celebrating its centennial on April 28, 2024; and

WHEREAS, in 1924, KS Bank was known as Kenly Building & Loan Association, primarily providing home loans to individuals in Kenly, NC, and Johnston County; and

WHEREAS, in 2003, KS Bank moved its corporate headquarters to the Town of Smithfield and has evolved into a full-service, state-of-the-art community bank; and

WHEREAS, KS Bank is a financial institution that has demonstrated unwavering commitment to providing exceptional financial services to the residents and businesses of Smithfield; and

WHEREAS, for the past century, KS Bank has supported and invested in all types of businesses in the town which has made a positive impact on the economic growth and development of the Town of Smithfield; and

WHEREAS, KS Bank has been an integral part of the Town of Smithfield and the surrounding communities; and

WHEREAS, The Town of Smithfield appreciates the contributions KS Bank has made to the community.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield, do hereby proclaim April 28, 2024 as KS BANK DAY in the Town of Smithfield. We are delighted to celebrate the 100th anniversary of KS Bank's services to the Town of Smithfield. This milestone is a testament to the bank's commitment to the community and its ability to adapt and thrive over the years.

3. Consideration and request for approval to name the new walking trail (adjacent to the Eva Ennis Splash Park) the Jackie Ray Bryant Walking Trail

Parks and Recreation Director Gary Johnson addressed the Council on a request to name the new walking trail in honor/memory of Jackie Ray Bryant. He explained that Mr. Bryant had been a longtime member of the Parks and Recreation family. He worked for the department and served for many years on the Recreation Advisory Commission. He was very instrumental in parks and recreation programs in the East Smithfield community. Councilman Lee and other members of the East Smithfield community requested that the new walking trail be named in honor of Jackie Ray Bryant and the Recreation Advisory Commission conquered with the request.

Mayor Pro-Tem Wood made a motion, seconded by Councilman Lee, to approve the naming of the new walking trail "The Jackie Ray Bryant Walking Trail". Unanimously approved.

Mayor Moore thanked the members of the Bryant family for being in attendance.

Councilman Lee expressed gratitude to the family of Mr. Bryant, acknowledging his significant impact on the community. Councilman Lee highlighted Mr. Bryant's dedication to community service, including his involvement in the Johnson Center alumni Food Bank and efforts to support youth through initiatives like the motto "every child a chance." He expressed a desire to continue Mr. Bryant's legacy, mentioning plans for a ribbon-cutting ceremony to celebrate the naming of a walkway in his honor.

Mayor Pro-Tem Wood stated Mr. Bryant always strived for excellence, not just for himself but for everyone around him. It's heartwarming to see so many gathered here today to honor his life. He hoped to further celebrate his impact through meaningful events like a ribbon-cutting ceremony. Thank you all for being here.

PUBLIC HEARINGS: None

CITIZEN'S COMMENTS:

- Stephanie Avery addressed the Council on a request to have a portion of Dogwood Street to be changed to Oak Street. She explained a portion Dogwood Street had once been named Oak Street. The renaming of Dogwood Street has caused property deed issues for a member of her family.
- Emma Gemmel expressed her concerns about the agenda item dealing with proactive zoning. She stated if the Council moved forward with proactive zoning, they were not protecting the rights of property

owners.

- John Bilott expressed his concerns about a recent Facebook post concerning a downtown business's creative way of advertising on a recent Sunday. He stated the Planning Director commented on the post about that type of advertising not being permitted in the Town. Mr. Bilott asked the Council to consider amending the ordinances that deal with advertising and signage.
- Jud Patterson reiterated Mr. Bilott's comments. He questioned if the advertising and sign ordinances could be updated and modernized to assist the growth of downtown businesses.
- Pam Lampe expressed her opposition to proactive zoning. She explained she was not in favor of it because she felt it was more Town initiated instead of property owner initiated. In her opinion proactive zoning diminished the private property ownership rights and gave more power to Town officials.

CONSENT AGENDA:

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

1. Minutes
 - a. February 20, 2024 – Regular Meeting
 - b. February 20, 2024 – Closed Session
 - c. March 5, 2024 – Regular Meeting
 - d. March 5, 2024 – Closed Session
 - e. March 11, 2024 – Special Session
 - f. March 11, 2024 – Closed Session
2. Special Event: Bike Night – Approval was granted to allow the Bulldog's Harley - Davidson to hold an event at 1043 Outlet Center Drive on Thursday, April 11, 2024 from 5:00pm until 8:00 pm. Also approved was amplified sound, a food truck, merchandise for sale and free beer.
3. Special Event: 2nd Anniversary – Approval was granted to allow the Bulldog's Harley - Davidson to hold an event at 1043 Outlet Center Drive on Saturday, April 13, 2024 from 12:00pm until 5:00 pm. Also approved was amplified sound, a food truck, merchandise for sale and free beer.
4. Special Event: Juneteenth Celebration – Approval was granted to allow the Downtown Smithfield Development Corporation to hold an event at the Neuse River Amphitheater on Saturday, June 15, 2024 from 12:00 pm until 6:00 pm. Also approved was the closure of South Front Street, amplified sound and food sales.
5. Special Event: Evening Markets - Approval was granted to allow the Downtown Smithfield Development Corporation to hold events in the 100 block of South Third Street on the following Fridays: July 13th, July 27th, August 10th and August 24th from 5:00pm until 9:00 pm. Also approved the closure of South Third Street, amplified sound, food/good sales, beer sales and a dessert food truck.
6. Approval was granted to adopt Resolution No. 744 (05-2024) directing the Town Clerk to investigate the sufficiency the of Annexation petition (ANX-24-01) submitted by SST Properties (SAMET) to annex 15.26 acres into the Town of Smithfield
7. Bid was awarded to Corbett Contracting in the amount of \$222,330 for the replacement of aged sanitary sewer infrastructure along Wilson Street. Grant Funds awarded in NC Session Law 2023-134 for this project
8. Board Reappointments: The following reappointments were approved by the Town Council
 - a. Earl Marrett was reappointed to a seventh term on the Recreation Advisory Commission
 - b. Tim Johnson was reappointed to a third term on the Recreation Advisory Commission
9. New Hire Report

Recently Hired	Department	Budget Line	Rate of Pay
Part-Time Pool Instructor	P&R – Aquatics	10-60-6220-5100-0230	\$15.00/hr.
Part-Time Pool Staff	P&R – Aquatics	10-60-6220-5100-0230	\$12.00/hr.
Part-Time SRAC General Staff	P&R – Aquatics	10-60-6220-5100-0210	\$12.00/hr.

Current Vacancies	Department	Budget Line
Athletics Programs Supervisor	P&R – Recreation	10-60-6200-5100-0200
Aquatic Center Supervisor	P&R - Aquatics	10-60-6220-5100-0200
Firefighter	Fire	10-20-5300-5100-0200
Police Officer (7)	Police	10-20-5100-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200
10. Bid was awarded to Performance Automotive n the amount of \$50,194.63 for the purchase of a 2023 RAM 2500 Truck for the Water Plant.

BUSINESS ITEMS:

1. Consideration and request for approval to enter into an agreement with Johnston County Public Schools for school resource officers in Smithfield Schools

Chief of Police Pete Hedrick addressed the Council on request to enter into an agreement with Johnston County Public Schools for school resource officers in Smithfield Schools. He explained staff was approached by the Board of Education to ascertain if the Town was interested in providing School Resource Officers (SRO) for the Town's area schools. Staff developed a plan and the school board provided an agreement for the Town to consider. Chief Hedrick fully supported the SRO program.

Councilman Barbour questions if all Johnston County School would have an SRO. Chief Hedrick responded that with these five officers, all Johnston County Schools would have an SRO.

Councilman Lee questioned if West Smithfield Elementary School would have a Smithfield Police Officer since most of the children in the East Smithfield Community attended West Smithfield Elementary.

Councilman Barbour asked that West Smithfield Elementary School be included in the agreement.

Councilman Dunn stated that with this agreement, the Town would have to hire the officers and current officers would not be used as SROs. Chief Hedrick responded in the affirmative. He further stated that the number of SROs would be contingent one hiring new officers. If they could not hire all of the SROs needed, the Sheriff's Department would provide staff for the schools.

Mayor Moore stated that within the agreement the County would be funding not only the salaries and benefits, but a majority of the vehicles and equipment needed. Chief Hedrick responded that the County would be funding 82% of the program annually.

Mayor Pro-Tem Wood questioned the effect on the current year budget, if the SROs were hired prior to the new fiscal year. Town Manager Michael Scott responded if the contract was approved, he would like for the Council to allow staff to hire the six new officers before the first of July. The Town would have to pay for those officers for a few months outside of the budget. However, if this program was to be in place in August at the beginning of the new school year, then staff needed to move as quickly as possible.

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve the agreement between the Town of Smithfield and Johnston County Schools for School Resource Officers. Unanimously approved.

2. Buffalo Road Rezoning Request (CZ-23-01)

Town Manager Michael Scott reminded the Council that at last month's meeting, the Council chose to table a decision on this matter following the public hearing. The applicant requested this item to be tabled until the May 7, 2024 Town Council Meeting.

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood, to table the Buffalo Road Rezoning Request (CZ-23-01) until the May 7, 2024 Town Council meeting. Unanimously approved.

3. Discussion concerning the Comprehensive Growth Management Plan near West Smithfield Elementary School

Planning Director Stephen Wensman explained the Town Council requested a review of the comprehensive land use plan designation for the area around the West Smithfield Elementary School. Mr. Wensman explained The Comprehensive Plan had envisioned a walkable satellite development area centered on the West Smithfield Elementary School and was guided for Office/Institutional. At the time the comprehensive plan was prepared, staff and consultants had an incomplete understanding of the utility infrastructure in this area. The Elk Creek Development had annexed into the town, and it was understood that additional sewer capacity was available. The reality was that the exiting sewer in the area was sized and developed primarily for the County's Agricultural Center. Adjacent to the Agricultural Center is a pump station on the Swift Creek which is connected to a forced main. The County has no plans to upgrade the force main or the pump station in that area. According to the Public Utilities Director, it could cost millions to upgrade the force main and the pump station. In terms of rezoning, the Comprehensive Plan would be hard to follow without sewer. For that reason, staff recommended allowing it remain residential and developed as such.

No action was taken following discussion by the Council.

4. S-24-01 Jubilee Creek Subdivision: CMH Homes Inc. is requesting approval of the preliminary plat of a 4.83-acre parcel (Johnston County Tax ID# 15I09034M), located southwest of the Galilee Road and Hwy 210 Intersection, adjacent to and north of the West Smithfield Elementary School into a 7-lot single-family residential subdivision.

Planning Director Stephen Wensman stated this item was tabled from the March 19, 2024 meeting. There was some discussion about requiring a fence and a landscape buffer adjacent to the West Smithfield Elementary School and staff was recommending five-foot sidewalk along the NCDOT road frontage. The major issue was the proposed use was inconsistent with the Comprehensive Plan. The Council could approve the request with an amendment to the Comprehensive Plan.

Councilman Barbour made a motion, seconded by Councilman Dunn, to deny S-24-01 based on the finding of fact that it is inconsistent with the adopted Comprehensive Growth Management Plan. Unanimously approved.

5. Discussion concerning Proactive Rezoning in the Town of Smithfield

Planning Director Stephen Wensman explained this issue came to light because a manufactured home was built on Buffalo Road and many questioned if that was permitted. Mr. Wensman explained it was permitted because the property was zoned R-20A and manufactured homes are allowed in the R-20A zoning district. Mr. Wensman further stated there were many properties zoned R20-A in the Town corporate limits that are guided for medium density residential in the Comprehensive Plan. The question becomes should the Town proactively rezone areas in accordance with the Comprehensive Plan.

Councilman Dunn asked if the Town chose to rezone a particular piece of property, would the property owner have no say in the decision. Mr. Wensman responded the owner would have the opportunity to speak during the public hearing, but since rezoning was a legislative decision, the Council would make the final determination.

Councilman Barbour questioned if the Council had approved a proactive zoning on Barbour Road. Mr. Wensman responded in the affirmative.

Councilman Scott stated that rezoning should be on a case-by-case basis. Mr. Wensman clarified that individuals possessing property within the R20-A zoning district, along with the requisite zoning permit and site plan, hold entitlements within that zoning area to build according to their preferences, and he lacks the authority to refuse the permits.

Councilman Dunn stated he was not in favor of property owners not having any input as to how the land they own can be used. Councilman Barbour responded that property owners do not have total land rights within the Town because of the Town's zoning rules.

Mayor Moore stated the Town was growing and as elected officials they were tasked with determining the future of the Town and its appearance.

No action was taken by the Council following discussion.

6. Consideration and request for approval to purchase property at 107 South Front Street

Town Manager Michael Scott explained staff was proposing the purchase of a property at 107 South Front Street in Smithfield. Positioned opposite the amphitheater, this property was deemed crucial for the town's growth. Emphasizing the importance of smart growth, they envision enhancing the amphitheater's utility by expanding its adjacent property. Negotiations have led to a settled price of \$310,000 for the property, which includes a residential rental unit. Plans involve assisting the current tenant in finding alternative housing within a reasonable timeframe. The request was to proceed with the purchase and have the Town Attorney finalize the transaction by April 15th.

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood to approve the purchase of property located at 107 South Front Street. Unanimously approved.

7. FY 2024-2025 Budget Discussion

Town Manager Michael Scott explained staff would like the Council to decide when it would like to hear to non-profit requests. The Council will hear the non-profit funding requests on April 11, 2024 at 6:30 pm.

8. Special Event: Grand Opening – Smile Solutions is requesting to hold on event at 927 North Brightleaf Blvd. on Thursday, April 4, 2024 from 4:30 pm until 7:30 pm. This request includes amplified sound. Food and beer will also be served.

Town Manager Michael Scott explained the request to add this item to the agenda comes from a new business in town, a dentist office, which approached us today. They're seeking approval for an event scheduled in two days, which necessitates its consideration tonight. The event, slated for Thursday evening from 4:30 to 7:30, entails hosting a beach band performance. Given the nature of the area and timing, we anticipate no disruptions.

Councilman Barbour made a motion, seconded by Councilman Scott, to approve the event but no alcohol could be served. Councilman Barbour, Councilman Scott and Councilman Lee voted in favor of the motion. Mayor Pro-Tem Wood, Councilman Dunn and Councilman Rabil voted against the motion. Due to the tie vote, Mayor Moore cast his vote against the motion. Motion failed four to three.

Councilman Dunn made a motion, seconded by Mayor Pro-Tem Wood, to approve the event as submitted. Mayor Pro-Tem Wood, Councilman Dunn and Councilman Rabil voted in favor of the motion. Councilman Barbour, Councilman Scott and Councilman Lee voted against the motion. Due to the tie vote, Mayor Moore cast his vote in favor of the motion. Motion passed four to three.

Councilmembers Comments:

- Councilman Scott expressed concerns about street maintenance, particularly preventive measures like crack sealing to prevent road damage. He highlighted the poor condition of Bay Hill Drive and requested staff to inspect it. Additionally, he raised concerns about speeding and loud vehicles on Durwood Stephenson Parkway, suggesting proactive measures such as signage or speed monitoring. He urged

the police chief to address these issues, emphasizing the importance of resident safety.

- Mayor Pro-Tem Wood shared his experience attending the Veterans Day Memorial Service, expressing gratitude for the camaraderie and sacrifice displayed by veterans, particularly those of the Vietnam War era. Reflecting on the hardships faced by veterans, Mayor Pro-Tem Wood emphasized the importance of thanking veterans for their service, especially considering the challenges many faced upon returning home. They also remembered Tony Braswell, a dedicated public servant who recently passed away, and encouraged appreciation for veterans' contributions.
- Councilman Barbour provided updates on two important matters. Firstly, he highlighted the new federal law regarding drone flying, emphasizing the need for drones to be radio ID capable after March 16 to avoid hefty fines. He mentioned that Smithfield has designated Gertrude Johnson Park as a free area for drone flying, allowing residents to fly drones there without radio ID. However, flying drones elsewhere could result in fines. Secondly, Councilman Barbour discussed the upcoming SkillsUSA event, where over 135 high school students from across the state will compete in various contests, including firefighter competitions.
- Mayor Moore expressed appreciation to the Chief of Police and the police department for their assistance with the recent reenactment ceremony at Centenary United Methodist Church. With over 200 attendees, the event was deemed a success, featuring interactive scenes and requiring significant preparation. Mayor Moore thanked the police department for their professionalism and support, emphasizing that the event wouldn't have been possible without their assistance.

Town Manager's Report:

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

- "Chasin Aldean" concert at Amphitheater April 19th
- The pickle ball court conversion at Community Park is underway and expected to be completed April 15th with a tentative tournament and ribbon cutting scheduled for May 18th.
- The recent annual "burn out" of bacteria in the Town's water lines are complete. Any excess chlorine smell resulting from the initiative should dissipate by the end of the week.
- The fire department is scheduling "Smoke Alarm Saturday" for June 1st. The fire department will be canvassing areas of Town where they have not previously canvassed to offer the installation of smoke detectors and review fire safety with homeowners. The program is no cost to our residents.
- A meeting is scheduled for April 30th from 4:30 to 6:30 pm in the Town Hall Council Chambers to discuss the Spring Branch Watershed and how the flood waters and resiliency might be addressed. Public Input is encouraged at the meeting.

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

Councilman Dunn made a motion, seconded by Councilman Scott, to go into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 9:11 pm.


Reconvene in Open Session

Councilman Barbour made a motion, seconded by Councilman Dunn, to reconvene the meeting in Open Session. Unanimously approved at approximately 9:25 pm

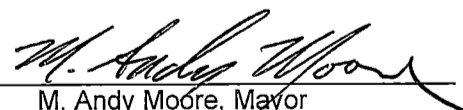
Adjourn/Recess

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood to recess the meeting until Thursday, April 11, 2024 at 6:30 pm in the Town Hall Council Chambers. The meeting adjourned at approximately 9:26 pm.

ATTEST:


Shannan L. Parrish, Town Clerk




M. Andy Moore, Mayor