

The Smithfield Town Council met on Tuesday, April 7, 2026 at 7:00 pm in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Council Members Present:

Mayor Pro Tem Sloan Stevens
Dr. Gettys Cohen, Jr., District 1
Doris L. Wallace, District 4
Stephen Rabil, At-Large
John Dunn, At-Large
Travis Scott, District 3
Roger Wood, At-Large

Council Members Absent:

Administrative Staff Present

Kimberly Pickett, Interim Town Mgr.
Elaine Andrews, Town Clerk
Tracy Stubblefield
Jeremey Daughtry, Fire Chief
Pete Hedrick, Chief of Police
Gary Johnson, Parks & Rec Director
Shannan Parrish, HR Director
Planning Director, Brent Reck
Planner I, Micah Woodard
Ted Credle, Public Utilities Director
Lawrence Davis, Public Works Director

Also Present:

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 Travis Scott followed by the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mayor Andy Moore noted there was one known change for staff to remove Item Number 14 from the Consent Agenda. He asked if there were any other requested changes to the agenda. Councilman Travis Scott asked that Business Item No. 2 be removed, and after Presentations that the Council add a brief closed session, noting the statute for attorney/client privilege. Scott also requested to reserve the option to possibly add a Business Item No. 3 in relation to the baseball stadium. Councilwoman Doris Wallace asked for consideration to add that the Planning Board meetings be video recorded as Business Item No. 4. Mayor Andy Moore stated he wanted to remove Business Item No. 1, noting that he received a call prior to the meeting from another company who saw the agenda, and wished to have the opportunity to show the Town what they could offer prior to any decision being made. The mayor recapped the changes, and the following vote was made:

Councilwoman Doris Wallace made a motion, seconded by Councilman John Dunn to approve the agenda, amended as follows. Unanimously approved.

Remove Consent Agenda Item No. 14:

- *The Consideration and approval to enter into a Grounds Maintenance Contract with Lion Group Services for the amount of \$59,592.*

Remove Business Agenda Item No. 2:

- *Consideration and request for approval authorizing the demolition of property located at 1500 Buffalo Road*

After Presentations Add:

- *Add Closed Session pursuant to NC G.S. 143-318.11 (a)(3) – To Consult with the Town Attorney regarding a potential legal claim*

After Closed Session Add Business Item:

- *Consideration to reserve the ability to add as a Business item Baseball Stadium discussion*

Add Business Items No 4

- *The Consideration for Planning Board Meetings to be Video Taped*

Remove Business Agenda Item No. 1:

- *Consideration and Request for approval to enter into an agreement with Red Speed School Zone Speed Cameras*

PRESENTATIONS:

1. Proclamation – Electrical Lineman Appreciation Day

Mayor Andy Moore read the Proclamation, proclaiming April 13, 2026 as Electrical Lineman Appreciation Day in the Town of Smithfield. Town of Smithfield Electric Line Technician; Sean M. Kovacs was present to receive the Proclamation on behalf of the Town's electric linemen.

Councilman Travis Scott also gave thanks to our Electric Linemen for their service in keeping the power on. He stated he was very proud of Town staff, who's safety is number one, and the Board for their diligence, which helps keep the Town's rates low.

**PROCLAMATION
ELECTRICAL LINEMEN APPRECIATION DAY
APRIL 13, 2026**

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, be it Proclaimed, that I, M. Andy Moore, Mayor of the Town of Smithfield, along with members of the Town Council, do hereby proclaim April 13, 2026 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.

Proclaimed this the 7th day of April 2026.

2. Introduction of Miss Smithfield and Miss Smithfield Teen

Mayor Andy Moore introduced Ms. Cora Godwin who presented Miss Smithfield and Miss Smithfield Teen. Ms. Godwin stated that the local program held its pageant in January to select current titleholders. There are six titles in Johnston County: Miss Johnston County, Miss Johnston County's Teen, Miss Cleveland, Miss Cleveland's Teen, Miss Smithfield, and Miss Smithfield's Teen. All six titleholders were represented at the county commission meeting the previous night, giving the county six representatives, which they are proud of. The program has had three consecutive state-level winners, which is a record for them. The titleholders are working hard to prepare for their upcoming pageants. She introduced Hannah Wheelless, Miss Smithfield, and Riley Dial, Miss Smithfield Teen who each spoke regarding their initiatives.

Miss Smithfield, Hannah Wheelless, a doctoral student in occupational therapy, described her community service initiative, "All Kinds of Minds." She explained that her work focuses on recognizing different learning styles as strengths rather than setbacks and on helping students, educators, and caregivers understand and support diverse learning needs. Drawing from her own experience discovering she is a verbal and kinesthetic learner, she emphasized how understanding learning styles can transform confidence and academic success. She shared an example of helping a student with a simple visual support that improved his performance and confidence, and she outlined her ongoing efforts, professional development for educators, school visits, and community events, to make learning more accessible. Her goal is to partner with local schools and communities like Smithfield so that every child can succeed in a way that works best for them and, in turn, strengthen families, classrooms, and the broader community.

Miss Smithfield Teen, Riley Dial, spoke about her initiative "Beyond the Shadows: Promoting Self-Advocacy and Safety," which is rooted in her personal experience with functional neurological disorder. She described how her condition led to missed school, loss of activities and friendships, and frequent feelings of being misunderstood by medical providers and school staff. Her platform focuses on teaching teens and young people to advocate for themselves in healthcare setting, preparing questions, speaking up when something feels wrong, understanding their rights as patients, and seeking clear explanations. Riley shared how learning to use her own voice changed

her experience and inspired her to help others move from silence and fear to confidence and empowerment. She also noted that the Miss America opportunity has allowed her to expand this work through school talks, social media education, and serving as a brand ambassador for a chronic illness foundation, and she expressed her long-term goal of becoming a neurologist who listens carefully and truly sees her patients.

Mayor Andy Moore thanked them for their presentations, adding he was confident that they will represent Smithfield well.

3. DSDC Update

Director Heidi Gilmond reported that downtown Smithfield entered decline in the 1970s due to urban sprawl, shopping malls and a shift away from tobacco/agricultural industry downtown. In 1984 Smithfield formed the Downtown Smithfield Development Corporation (DSDC) and created a Municipal Service District to fund revitalization. Smithfield became a Main Street Community and achieved national accreditation in 1986. After leadership turnover and loss of structure, the program had lost accreditation and faced vacancies, weak identity, and downtown businesses began reliance on courthouse traffic, limiting weekend and evening businesses.

- **Rebuilding Efforts:** Since July 2024, DSDC has conducted board training, rebuilt its structure, expanded to a full 15-member board, and implemented the Main Street four-point approach (Organization, Promotion, Design, Economic Vitality) with a unified work plan to restore community trust and engagement.
- **Importance of Downtown Investment:** Gilmond emphasized that dense, mixed-use downtown development generates significantly higher tax revenue per acre than big-box development and serves as the community's cultural and social center.
- **Strategic Vision and Anchors:** DSDC adopted a five-year transformation strategy positioning downtown as a business-friendly hub and destination for food, art, entertainment, and outdoor recreation, built around anchors such as the courthouse, the planned Performing Arts Center, and the baseball stadium, with a focus on expanding restaurants, bars, and entertainment.
- **Year-One Focus & Business Mix:** The initial focus is on food and beverage to drive evening and weekend foot traffic, supported by recent restaurant transitions and the social district (sip-and-stroll). DSDC aims to shift prime storefronts away from predominantly professional services and build clusters of dining and retail.
- **Design, Marketing, and Partnerships:** DSDC is pursuing streetscape and beautification, parking and walkability improvements, activation of Library Park and the amphitheater, and enhanced marketing (new logo, new website, expanded social media). Gilmond stressed that downtown revitalization requires partnership among the town, county, visitors' bureau, businesses, and volunteers and committed to providing quarterly updates to the council.

Gilmond encouraged support for local businesses and invited council members and interested community members to participate in DSDC board and committee meetings and to join downtown walking tours with the leadership team to view needs and opportunities firsthand, provide input on priorities and branding (including the new logo), and noted she will return quarterly to provide updates on the downtown strategic plan.

Gilmond delivered her detailed presentation using a PowerPoint document, which was provided to staff and Council the evening of the meeting and entered into the official records by the Town Clerk.

Councilwoman Doris Wallace made a motion, seconded by Dr. Gettys Cohen, Jr. to go into closed session pursuant to NC G.S. 143-318.11 (a)(3) at approximately 7:39 pm. Unanimously approved.

Mayor Pro Tem Sloan Stevens made a motion, seconded by Councilman Roger Wood to reconvene in open session at approximately 9:09 pm. Unanimously approved.

Citing closed session discussions, Councilman Travis Scott made a motion, seconded by Councilman John Dunn to add a baseball venue discussion to the Business agenda. Unanimously approved.

PUBLIC HEARINGS:

- 1. Zoning Amendment Request (ZA-25-04):** The Town Council is respectfully requested to consider a zoning amendment request to allow clubs in the B-1 zoning district with supplementary standards.

Councilman Roger Wood made a motion, seconded by Mayor Pro Tem Sloan Stevens to open the public hearing. Unanimously approved.

Planner I, Micah Woodard stated the DSDC and the Planning Department are requesting the proposed zoning text amendment (ZA-25-04) to allow private clubs or bars within the B-1 zoning district by Special Use Permit, with associated supplementary regulations. Woodard further explained that as of now, Section 6.2 of the UDO includes a Table of Uses where different symbols indicate how uses are allowed. A "P" means a use is permitted by right, while "P(S)" indicates a use is permitted by right with a

supplemental standard and may be approved administratively by staff, subject to additional conditions. An "S" designates a special use permit that must be approved by the Town Council, and "S(S)" indicates a special use permit with a supplemental regulation.

The purpose of the amendment is to introduce an additional use within the district to attract visitors to the downtown area and enhance economic vitality. The proposed regulations would limit such establishments to a maximum size of 2,500 square feet, require location within the Town's Social District, establish a minimum 200-foot separation from places of worship, childcare facilities, and residential properties, and restrict the number of establishments to two per block. Planner I, Micah Woodard explained that these limitations are intended to encourage smaller, more upscale venues while mitigating potential impacts such as noise, parking, and congestion.

The presentation also included an overview of North Carolina ABC regulations, noting that the ABC Commission retains authority over permitting and considers factors such as proximity to churches and schools, existing establishments, traffic, and local government recommendations. Examples of how other municipalities regulate similar uses were provided, including spacing requirements, size limitations, and operational restrictions. The current map of the Town's Social District was displayed for reference.

Planner I, Micah Woodard reported that the Planning Board reviewed the amendment on August 7, 2025, and unanimously recommended approval, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and in the public interest, subject to the proposed conditions. Staff concurred with this assessment and recommended approval of the amendment.

Woodard provided a PowerPoint presentation in addition to his staff report. An additional handout by DSDC Director Heidi Gilmond *Supporting the Addition of Bars in the B1 Historic Downtown Business District* was added to the official record of the Town Clerk.

Councilman Travis Scott noted that the current presentation differed from a prior version and asked why the proposal was now limited to the B-1 district, and not O & I. Planner I, Micah Woodard responded that, after discussion, it made more sense to keep the change confined to B-1 because it is a smaller area with less overall impact. Scott then asked what would happen if an approved establishment later outgrew the 2,500-square-foot size limit. Woodard explained that, if the size cap is adopted in the ordinance, the Town could not administratively allow an expansion beyond that limit; the applicant would need to seek relief through an additional special use permit or possibly a variance, and staff would enforce the adopted size restriction.

Mayor Pro Tem Sloan Stevens noted that breweries and distilleries were already allowed in the B-1 district, Woodard concurred.

Councilman John Dunn clarified with staff that the current proposal is to require special use permits for private clubs and bars in B-1, consistent with the original amendment, and that the reference to "permitted with supplemental standards" came from planning board comments but that the amendment as presented includes a special use permit requirement. Dunn confirmed with Woodard that applicants would need to come back before the Council for a permit.

There was some discussion among the Board regarding the differentiation from bars versus private clubs, with Woodard noting he would defer to the UDO definitions.

Councilwoman Doris Wallace expressed concern for crime with regard to a cluster of bars and clubs concentrated in one area. She stated, she was not saying this would happen here, but in her experience, it is a problem.

Mayor Pro Tem Sloan Stevens noted that the proposed supplemental regulation and special use permit (SUP) process would require each establishment to come before the Council, giving the Council the ability to reassess and deny future requests if problems develop.

Councilman Travis Scott asked Planning Staff what kinds of conditions could be imposed when deciding an SUP. Staff explained that SUP conditions are generally tied to the required findings of fact and that conditions can typically be applied to aspects of the use, potentially including hours of operation, though at some point it can become a legal stretch.

Town Attorney Bob Spence added that special use permits are designed to prevent adverse effects on the community, so any conditions, such as limiting the number of establishments or restricting hours, must be justified by evidence of potential adverse impact, and the Council must be prepared to prove those impacts if enforcement or revocation is later challenged.

Councilman Stevens further commented that downtown Smithfield will not fully thrive on retail alone and that many successful downtowns are built around restaurants and bars; he stated his belief that, with adequate regulations, enforcement, and police presence, "the good would outweigh the potential negative."

Mayor Andy Moore clarified that bars and private clubs are currently not allowed in B-1, with Woodard noting that they are allowed in B-2 and B-3 with a special use permit, and that if Council wished to reconsider or further refine the proposal, staff would be willing to take it back to the drawing board. Mayor Moore acknowledged citizen concerns but expressed support for exploring this option with proper

limitations, noting positive experiences in other communities where patrons can safely walk to nightlife establishments and enjoy additional after-hours options without significant issues. Mayor Moore acknowledged that adopting the amendment would involve some risk regarding the types of establishments that might locate downtown but stated that, if the Town wants to revitalize downtown and provide more after-hours options, this proposal is an important opportunity. Mayor Pro Tem Sloan Stevens agreed, adding that particularly since parking after hours is not a significant issue.

Councilman John Dunn confirmed with staff that a special use permit (SUP) is a quasi-judicial process, and that if an applicant meets all required findings of fact, Council generally must approve the request and cannot deny it solely because members feel there are already "too many" such businesses downtown. Planner I Micah Woodard explained that the benefit of the proposed supplemental standard is that it effectively caps the use by: (1) limiting it to a very specific geographic area and (2) restricting it to no more than two establishments per block. Under this framework, if a caller inquires about opening a bar at a particular address and the block already has two approved establishments, staff could advise that the block has reached capacity and cannot accommodate another bar unless one closes. Staff emphasized that this built-in cap provides a clear framework that prevents the Town from having to approve every qualifying application.

Upon questioning, staff also confirmed that the regulation would only apply to properties that are both in the B-1 zoning district and within the existing social district, which is a relatively small area, and clarified that within the social district, patrons may carry alcohol in approved containers.

Councilman John Dunn asked if the social district expands, would this also expand the potential for more bars in the B-1, with Woodard stating this was correct, but that to expanding the district would require Board approval.

Billy Massengill of 210 N 2nd St., Smithfield spoke in opposition to any zoning change that would allow bars or nightclubs in the B-1 district or extend the social district north of Market Street toward his neighborhood. He cited prior late-night noise problems from an event venue at 135 N. Third Street as an example of the disturbance such uses can cause to nearby homes. He expressed concern about noise, property values, and family life, stating that bars and nightclubs are not compatible with adjacent residential areas. He emphasized he is not against bars or nightclubs generally, but believes they should remain in the existing social district, and warned that expansion toward North Smithfield would harm the historic residential character of the neighborhood.

Pam Lampe of Second Street spoke against allowing private clubs and bars in the B-1 district. She said B-1 should remain focused on retail, services, churches, library, and civic uses, and that using bars to boost economic vitality feels desperate. She noted that bars and private clubs are already allowed in other zoning districts and could be handled by site-specific rezonings rather than a blanket UDO change, which would also impact the historic overlay district. She urged Council to deny the amendment, citing the community's investment in the UDO and raising procedural concerns about the application, including the lack of a clearly identified petitioner and property owner on the paperwork.

Christopher Lopez of 315 N. Third Street supported the amendment and agreed with prior pro-amendment comments. Drawing on his 10+ years in the food and beverage industry, he said the proposed limits (2,500 sq. ft. and restricted hours) would help responsibly manage bar uses. He emphasized the need for a community "third place" downtown so residents can meet friends and socialize without driving to other towns, improving both safety and sense of community. Lopez added that drinking culture has shifted toward more moderate and non-alcoholic options, and argued that additional, well-regulated establishments on South Third Street would significantly benefit downtown Smithfield.

DSDC Director Heidi Gilmond explained that the amendment request has been under discussion for months, not sudden. She said there is a vacant South Third Street property that has attracted serious interest from two experienced bar owners who want a bar/speakeasy in the historic downtown, but they need zoning clarity before committing. Gilmond emphasized that food and beverage uses drive foot traffic and help nearby retail, and noted research indicating well-run establishments do not inherently increase crime, especially when existing noise, outdoor seating, and social district rules are enforced. She confirmed she signed the application. Interim Town Manager Kim Pickett further confirmed that the proposal was reviewed multiple times by the DSDC board and the Planning Board before reaching Council.

Janice Wagstaff of 405 South Fourth Street stated that she supports approval of the zoning text amendment. She explained that her family enjoys walking downtown but finds there is very little to do after 5:00 p.m. She believes that, with the right conditions and environment in place, allowing these establishments would be very positive and successful for Smithfield, would draw visitors from other communities, and would make local residents happier. She noted that the Town already has noise ordinances and other restrictions, and expressed confidence that the proposal would work well under those rules.

There was some discussion among the Board for adding a chronic crime violations condition consistent with other towns as presented in staff's report. Town Attorney Bob Spence cautioned that if Council tries to regulate or revoke a bar's approval based on chronic violations or crime, the Town must be prepared to prove a factual connection between the violations and that specific establishment. He noted that every additional condition of approval becomes a separate issue of fact that must be supported by evidence if later enforced in court (for example, proving that particular crimes downtown are attributable to a given

bar). He advised that, if Council wants to move in this direction, it should consider carefully how such standards and enforcement mechanisms are written into the ordinance. He noted these things must be able to be proven if it comes down to attempting to close someone's business.

Councilman John Dunn also raised the question of whether Council wishes to impose tighter hours of operation what are the guidelines set by. It was discussed that the Town would follow state law, noting that many bars operate until around 1:00-2:00 a.m. and that there is currently no specific closing-time limitation in the UDO.

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

Mayor Pro Tem Sloan Stevens made a motion, seconded by Councilman Roger Wood to recommend approval of Zoning Text Amendment ZA-25-04, including the agreed-upon supplemental regulation, with a statement declaring that the request is consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest. The motion carried with a vote of six to one, with Councilman Travis Scott voting against the zoning text amendment.

CITIZENS' COMMENTS:

- Stephanie Avery of Smithfield referenced prior discussion about the athletic stadium and asked for clarification on the former town manager Scott's funding request to the County Commissioners. The citizen stated they had been unable to determine whether the request was approved or denied, and, if approved, why no county funding appeared in the most recent budget presentation. Interim Town Manager Kim Pickett stated that the County is expected to provide \$1 million this year and \$1 million next year toward the project. Staff explained they have been in communication with the County Manager regarding the timing of the funding, and that the County is preparing a memorandum of understanding (MOU). Once the MOU is received and finalized, the County is expected to release the first \$1 million, with the second \$1 million to follow in the next fiscal year, consistent with the original agreement between the County and former Town Manager Scott.

CONSENT AGENDA ITEMS:

Councilman Roger Wood made a motion, seconded by Councilman John Dunn to approve the consent agenda as amended. Unanimously approved.

1. Approval of Minutes:

- February 24, 2026 – Recessed Budget Session
- March 3, 2026 – Regular Session

2. Consideration and request for approval to Unseal Closed Session Minutes

3. Amendment 1 of Declarations Covenants, Conditions of Easements and Restrictions - West Smithfield Business Park: Town staff respectfully presents for Council consideration a First Amendment to the Declaration of Covenants for the West Smithfield Business Park, submitted by SST Properties, LLC, the declarant. The amendment would accommodate a future connector road to enhance access, circulation and ongoing development within the business park.

4. Special Event: Harbor Silent Walk - Temporary Use Permit Request: Harbor, Inc. is requesting approval to conduct a silent awareness walk on April 22, 2026.

5. Special Event: RV Boat Show – Temporary Use Permit Request: The Council is being asked to allow an RV Show at Carolina Premium Outlets from April 3 - 12, 2026.

6. Special Event: Bulldog Harley-Davidson Tacos and Test Rides – Temporary Use Permit Request: The Town Council is being asked to allow Bulldog Harley-Davidson to hold a Tacos and Test Rides event on April 11, 2026.

7. Special Event: Bulldog Harley-Davidson Third Anniversary Celebration – Temporary Use Permit: The Council is being asked to allow Bulldog Harley-Davidson to hold their 3rd Anniversary Celebration on April 18, 2026.

- 8. Special Event: Bulldog Harley-Davidson Throttle and Tunes – Temporary Use Permit Request:** The Town Council is being asked to allow Bulldog Harley-Davidson to hold a Throttle & Tunes event on April 25, 2026.
- 9. Special Event: Bulldog Harley-Davidson Bike Night – Temporary Use Permit Request:** Council is being asked to allow Bulldog Harley-Davidson to hold Bike night on April 30, 2026.
- 10. Consideration and Request for approval of the Career Ladder Promotion for a Water Plant Employee:** The Public Utilities Department respectfully requests approval to promote one employee from Water Plant Operator II to Water Plant Operator III.
- 11. Consideration and Request for approval of the Career Ladder Promotion for a Water Plant Employee:** The Public Utilities Department respectfully request approval to promote another employee from Water Plant Operator II to Water Plant Operator III.
- 12. Consideration and Request for approval to adopt Resolution 803:** The Council is being asked to adopt a Resolution ratifying the negotiation for and the acquisition of real property located at 1408 Buffalo Road (and two adjacent lots) in Smithfield, NC 27577.

RESOLUTION NO. 803 (10-2026)
A RESOLUTION OF THE TOWN OF SMITHFIELD TOWN COUNCIL RATIFYING
THE NEGOTIATION FOR AND THE ACQUISITION OF REAL PROPERTY
LOCATED AT
1408 BUFFALO ROAD (and two adjacent lots), IN SMITHFIELD, NC 27577

WHEREAS, the Town Council of the Town of Smithfield possesses the legal authority to acquire real property for municipal purposes; and

WHEREAS, on **January 6, 2026**, the Town Council met in closed session pursuant to N.C.G.S. § 143-318.11(a)(5) to instruct then-Town Manager Michael Scott to initiate contact with a realtor regarding the potential acquisition of the property identified as **1408 Buffalo Road, Smithfield, NC 27577 and the adjacent lots on Buffalo Road on either side**; and

WHEREAS, on **January 20, 2026**, the Town Council again met in closed session pursuant to N.C.G.S. § 143-318.11(a)(5) and directed then-Town Manager Michael Scott to negotiate a formal purchase contract for said property in the amount of **\$350,000.00**, including an earnest money deposit of **\$10,000.00**; and

WHEREAS, on **February 3, 2026**, the Town Council met in closed session pursuant to N.C.G.S. § 143-318.11(a)(5), during which Interim Town Manager Kim Pickett informed the Council that the acquisition was proceeding as part of a multiple lot expansion of the town park that including recent acquisitions of property adjacent to the park from the Lampe family and that furthermore, the Town Attorney now had the necessary legal documentation for a final closing date for the expansion of the park into these three lots; and

WHEREAS, finalizing any negotiations on the three lots on Buffalo Road, the town officially closed on the purchase of all three on **March 6, 2026 as recorded in Book 1418, page 1408**; and

WHEREAS, in accordance with the requirements of the North Carolina Open Meetings Law, the Town Council desires to officially report this acquisition in open session and ratify all prior actions taken by Town staff though the purchase has been of public record since the end of negotiations and the closing.

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

1. **RATIFICATION:** The Town Council hereby ratifies and confirms the purchase of the lots located at or adjacent to 1408 Buffalo Road, Smithfield, NC for the sum of \$350,000.00.
2. **AUTHORIZATION:** All actions taken by the former Town Manager, Interim Town Manager, and Town Attorney to execute the purchase contract and close the transaction are hereby approved.
3. **PUBLIC RECORD:** This resolution shall serve as the official public notice of the acquisition, to be presented during the public meeting held on **April 7, 2026**, and shall be recorded in the official minutes of the Town.

Adopted this 7th day of April, 2026.

13. Consideration and Request for approval to enter into a contract with Heat Transfer Solutions for HVAC services for the amount of \$7,128.

Removed:

~~**14. Consideration and request for approval to enter into a Grounds Maintenance Contract with Lion Group Services for the amount of \$59,592.**~~

15. Consideration and request for approval to enter into a Soil Boring agreement with S&ME for the amount of \$15,200.

16. New Hire Report

Business Items:

Removed:

~~**1. Consideration and Request for approval to enter into an agreement with Red Speed School Zone Speed Cameras:** The Smithfield Police Department is requesting that the Town Council approve the installation of automated school zone speed enforcement cameras to improve roadway safety in designated school zones. The agreement is structured to ensure safety benefit to the community without impacting the Town's budget.~~

Removed:

~~**2. Consideration and request for approval authorizing the demolition of property located at 1500 Buffalo Road:** Town staff respectfully requests the review and consideration of funds to be used for demolition as outlined in staff's report at a total cost of \$15,950.~~

Added:

At the Mayor's discretion, and with the consensus of the Board, item for videotaping Planning Board meetings was discussed before the baseball venue item.

3. Consideration to have the Planning Board Meetings Video Taped

Councilwoman Doris Wallace made a motion to have Planning Board meetings videotaped.

Councilwoman Doris Wallace stated this was the second time this issue has come before the Council. The mayor clarified with Wallace that her request is to have Planning Board meetings filmed. Wallace agreed and also stated the Planning Board has requested numerous times to meet with the Town Council, and no commitment has been made to do so. Wallace stated that in fairness, the Council should at least meet with them. Mayor Moore asked Interim Town Manager, Kim Pickett what would be required of staff to address videotaping the Planning Board meetings.

During discussion on recording Planning Board meetings, the Interim Town Manager explained that video recording requires staff to be present after hours to operate cameras and then spend additional time the next day uploading the files, similar to Council meetings. She noted the Planning Board is an advisory board without quasi-judicial or formal public hearings and questioned whether the Town intends to video record all advisory boards if it does so for the Planning Board. She emphasized that this request is not a high priority compared to budget work, but staff will follow whatever direction Council gives.

Councilwoman Wallace responded that questions often arise about whether Planning Board minutes are accurate, and stated that having meetings videotaped would eliminate such disputes; Pickett stated if there is concern about how minutes are taken, that can also be addressed separately. Councilwoman Doris Wallace reiterated that it was her personal opinion that Planning Board meetings should be recorded, noting that the Town spends money on many other things and that there needs to be clarity of record for applicants who come seeking permissions and approvals. In light of recent difficult topics and after-the-fact confusion, Councilman Travis Scott added that it is not unreasonable to record these meetings, pointing out that the County broadcasts its meetings professionally; he suggested starting the practice and revisiting it later if needed. Staff clarified that audio-only recording is already feasible, and that the key policy decision for Council is whether it wants video recorded and published (e.g., on YouTube) or simply audio recorded and retained.

In continued discussion on recording Planning Board meetings, the Town Manager clarified that she had not refused the request but had not yet prepared a staff report because it was not at the top of her priority list. Councilwoman Wallace iterated that staff should offer something, and not state the issue is

not priority. Pickett re-stated that it was not that she would not address the issue, only that it was not at the top of her list. It was confirmed that meetings are currently audio recorded. It was further specified that the Planning Board's request is specifically for video, and that such video should be available to the Board, citizens, or Council members upon request.

Councilman Travis Scott made a motion, seconded by Councilman Gettys Cohen, Jr. to begin videotaping the Planning Board Sessions.

There was discussion on Councilman Scott's motion interjected by Mayor Pro Tem, Sloan Stevens—who requested clarity about staffing and cost, noting that Planning Board meets on Thursday nights and asking whether there are sufficient budget or overtime funds and whether specific staff (e.g., existing AV personnel) are available. Pickett also wanted clarity for whether the Town would upload the videos to YouTube or simply record and retain them. Councilman Travis Scott stated his motion did not reference YouTube, but was meant to record and archive meetings.

Councilman Scott further added in response to staffing that he did not expect a significant budget impact, suggesting that employees who would press the "record" button likely are not overtime-eligible and that basic recording could be done without major cost.

Mayor Andy Moore expressed no objection in principle to recording but stressed the need to ensure there is adequate staff capacity and that recording involves more than just "pushing a button," especially on evenings when some staff have already been working since early morning, although some have signed on to do so.

Councilwoman Doris Wallace reiterated that prior disputes over what the Planning Board "said" or "did not say" could have been avoided if meetings had been video recorded, and maintained that video would provide clearer documentation than audio alone, where it can be difficult to discern who is speaking at all times, citing a specific prior issue. There was some discussion with the Planning Board Chairman, who was in attendance and confirmed that sometimes what is said cannot be heard at certain times in the voice recordings.

Media Manager Brian Eaves addressed the Council regarding the concerns about prior Planning Board recordings, explaining that one meeting a couple of months ago was affected by a power outage in the building, which caused some microphones to fail. As a result, during that meeting (and possibly one Planning Board session), only about half of the microphones were working. He emphasized that this was a very irregular event; in his seven-and-a-half years with the Town, it is the only time he recalls such a problem. Eaves further clarified that the Town does audio-record every Planning Board meeting, and that the microphone failure was an exception, not a recurring issue.

The Mayor and Council agreed that video recording Planning Board meetings can be done permitting staff available on a trial basis to see how it goes for a couple of months to see how it works.

It was discussed that there were two motions on the floor. Councilman Travis Scott stated he would retract his motion. Councilman Roger Wood asked for clarity from Wallace for the motion on the floor. Councilwoman Doris Wallace stated that she wanted to include in her motion to add in her request that the Town Council schedule a meeting with the Planning Board. Councilman Travis Scott asked the Clerk to restate the motion. Town Clerk, Elaine Andrews stated the motion she just heard for clarity, which was:

Doris Wallace made a motion have the Planning Board meetings recorded by video and to arrange a meeting with the Town Council for the Planning Board. The motion was seconded by Councilman Gettys Cohen, Jr. and unanimously approved by the Board.

Added:

4. Consideration for Baseball Venue Discussions

Councilman Travis Scott stated that he appreciated Council's consideration of the baseball venue matter discussed in closed session. He requested that the clerk enter into the record the document presented to Council—a *Letter of Intent for Legion Field*, concerning the original preferred site for the baseball stadium. He said he believed this option could resolve many issues and potentially bring all parties to a more favorable position, particularly in light of the economic impacts discussed in the original plan, while acknowledging there were still unanswered questions with that proposal. He also expressed ongoing concern about issues raised regarding the north side of town and emphasized the need for transparency.

Councilman Scott then made the following motion:

Councilman Travis Scott made a motion, seconded by Councilwoman Doris Wallace to pause all activity on the baseball stadium project at Community Park; to direct staff to validate the signed letters of intent; and to begin the process of entering into a contract with the American Legion for the original preferred stadium site, thereby preserving Community Park in its current condition for citizens to continue enjoying.

Councilman Scott added further discussion. He stated that there are still many unanswered questions about the baseball stadium project, including the overall concept, the costs associated with replacing Community Park’s facilities (Grandstand/fields), and other pitfalls he does not believe were fully presented to the current Council, particularly given recent staff changes. He stated that all of these factors need to be considered to ensure the project moves in the right direction. Councilman Scott emphasized that, as the representative for District 3 and North Smithfield, he has heard his constituents’ concerns “loud and clear” and is committed to advocating for them and seeking solutions. He thanked fellow councilmembers who have reached out and supported this effort.

Scott then asked that the letter of intent regarding the alternative stadium site be entered into the record, noting they are not legally binding, and sought the mayor’s guidance on whether it would be appropriate to have them read aloud that evening in the interest of transparency. He reiterated that his goal—and the Council’s—is to be transparent with the public about the discussions and negotiations surrounding the project. The mayor then agreed to read the document into the record.

Attorney Bob Spence Read the following:

1

TOWN OF SMITHFIELD
350 East Market Street | Smithfield, North Carolina 27577
LETTER OF INTENT FOR LEGION FIELD
Lease of Baseball Stadium Facility, Ball Fields, and Adjacent Parking
Johnston County Tax Parcel ID No. 15007014
Smithfield, Johnston County, North Carolina

Date: April 7, 2026

FROM: Town of Smithfield, North Carolina (“Town”)

350 East Market Street, Smithfield, NC 27577

TO: Pou Parrish American Legion Post 132, Smithfield, North Carolina (“Legion”)

Smithfield, NC 27577

The Town and the Legion enter this Letter of Intent (“LOI”) to set forth their mutual understanding and the principal terms under which the Parties intend to negotiate a formal Long-Term Lease Agreement for the property described below. This generally Non-Binding Letter of Intent is nevertheless an effort to define substantive terms and conditions based upon which the American Legion negotiate a final contract to locate the TOBS Baseball Stadium on the ballfield, hereinafter referenced as “Legion Field”, being a portion of the Johnston Community College Foundation land leased by the American Legion as part of Johnston County Tax Parcel 15007014.

Except as stated in Section 8, this LOI is non-binding and does not constitute a lease, option, or enforceable commitment. No binding lease obligation arises until a formal Long-Term Lease Agreement is authorized by the Town Council and duly executed by all Parties.

1. Property.

The property is Johnston County Tax Parcel ID No. 15007014, as recorded in the Johnston County Register of Deeds (“Property”). If Pitchi Street were extended south to the railroad, the leased area would include all of the Property within the Street extension as well as that portion of the Property to the west of the Street Extension including all ball fields and adjacent parking areas on the Property, as shall be more particularly described in the Long-Term Lease Agreement and set out in more specificity in a Site Plan, hereinafter referenced. The property at the southern end of Pitchi Street on Johnston GIS and between Smithfield Housing Units off Dail Street on the east, the railroad on the south, and New Vision Partners off Edgerton Street on the west, and four parcels fronting the south side of US Highway 301 on the north. See Source Deed of owner in Book 6528, page 855.

Encumbrances. The Property is owned by the Johnston County Community foundation whose consent is required for any lease. The Legion has a long-term lease for the next 81 years as referenced below in the lease term.

Exclusion: The American Legion post building and the immediate parking area directly serving the Legion building are expressly excluded from this LOI and the proposed lease. The Legion always retains full use and control of the Legion building and its immediate parking.

LETTER OF INTENT FOR LEGION FIELD: Initials ESK 7 _____

2. Purpose.

The Town intends to develop and operate the leased area as a baseball stadium and public event facility for public sporting events, community events, regional tournaments, and related public programming. The specific scope, design, and phasing shall be established in the Long-Term Lease Agreement.

3. Principal Lease Terms.

Subject to negotiation and execution of the Long-Term Lease Agreement and all required Town Council approvals, the Parties anticipate the following principal terms:

Lease Term: Eighty-one (81) years, commencing May 1, 2026.

Annual Base Rent: \$24,000.00 per year (\$2,000.00 per month), payable by the Town to the Legion on the first of each month.

CPI Adjustment: Annual Base Rent shall adjust annually based on the CPI-U (All Urban Consumers, U.S. City Average, All Items). No single annual increase shall exceed 5% of the then-current rent. No adjustment shall decrease rent below the prior year's rate. Methodology shall be specified in the Long-Term Lease Agreement.

Existing Lease Buyout Payment: One Hundred Forty Thousand Dollars (\$140,000.00) ("Buyout Payment"), payable by the Town to the Legion upon execution of the Long-Term Lease Agreement. The Buyout Payment is consideration for the termination of all existing leases, licenses, or use agreements affecting the ball fields and adjacent parking areas on the Property, so that the Town receives exclusive access and possession free and clear of all third-party use rights. Upon receipt of the Buyout Payment, the Legion shall promptly terminate all such existing agreements and shall be solely responsible for any refunds, credits, or other amounts owed to any displaced lessees, licensees, or users. The Town shall have no obligation to any such third parties.

Exclusive Use: Upon payment of the Buyout Payment and commencement of the lease term, the Town shall have exclusive rights to use, possess, develop, manage, and operate the ball fields and adjacent parking for the full lease term.

Permitted Use: Baseball stadium, public event facility, parking, concessions, community events, and all uses reasonably ancillary thereto, subject to all applicable Town ordinances, zoning, UDO, building codes, and law.

4. Parking.

The adjacent parking areas serving the ball fields are included in the leased premises. The Legion building and its immediate parking are excluded. During events at the stadium facility, any available parking on the Property outside the leased area and outside the Legion's reserved immediate parking shall be available to event attendees on a first-come, first-served basis, subject to any reasonable rules the Parties establish in the Long-Term Lease Agreement.

Site Plan. To Clarify the location of the parking the fields and the other site characteristics the parties agree to engage _____ to prepare a site plan for the stadium, the access, and the parking with both parties cooperating in full with the preparation of the site plan.

LETTER OF INTENT FOR LEGION FIELD: Initials EPK / _____

Inspection. The Town understands that games are scheduled on weekends through April 12, 2026 but after then the Town may enter the property at will to inspect, survey and evaluate the suitability of the property but shall not substantially damage the grounds.

5. Exclusivity.

From the date both Parties sign this LOI, the Legion shall not negotiate or enter any lease, license, or agreement with any third party concerning the ball fields or adjacent parking that would be inconsistent with the Town's rights under this LOI.

6. Timeline.

The Parties shall work in good faith to execute the Long-Term Lease Agreement within forty-five (45) days of the date both Parties sign this LOI. If no agreement is executed and no written extension is agreed, either Party may withdraw without liability, subject to the return of any Buyout Payment previously paid.

7. Preservation of Town Authority.

Nothing in this LOI limits the Town's police power, zoning authority, code enforcement, permitting authority, or any other governmental authority. All development is subject to applicable ordinances, codes, and law. This LOI does not constitute a zoning decision, development approval, or permit. No vested rights arise from this LOI.

8. Binding and Non-Binding Provisions.

This LOI is non-binding except for: (a) the exclusivity provision of Section 5; and (b) each Party's obligation to bear its own costs. All other provisions are statements of mutual intent only. Because the Town is subject to the North Carolina Public Records Act (N.C.G.S. Chapter 132), no confidentiality obligation is imposed on the Town.

9. General Conditions.

Execution of the Long-Term Lease Agreement is subject to: (a) satisfactory title search and survey; (b) confirmation the Legion holds sufficient authority to lease the Property for the proposed term; (c) Town Attorney review and approval; (d) Town Council authorization; (e) compliance with N.C.G.S. Chapter 159 (Local Government Fiscal Control Act); and (f) any other requirements of applicable law.

10. Governing Law & Forum Selection.

This LOI is governed by North Carolina law. Any dispute shall be subject to the jurisdiction of the General Court of Justice, Superior Court Division, Johnston County, North Carolina.

Executed this the 7th day of April, 2027

Pou Parrish American Legion Post 132 SMITHFIELD, NORTH CAROLINA



Ernest R. Allsbrook, Jr. : Post Commander

LETTER OF INTENT FOR LEGION FIELD: Initials ERK / _____

This the ____ day of _____, 2026

TOWN OF SMITHFIELD, a North Carolina Municipal Corporation

Andy Moore, Mayor

Date: _____

ATTEST:

Name / Title: Town Clerk

Date: _____

(TOWN SEAL)

LETTER OF INTENT FOR LEGION FIELD: Initials  _____

Attorney Spence noted that the Town has not executed the document.

Councilman Travis Scott asked the Clerk to re-read his motion, which the clerk re-stated. Scott added that he wanted to amend his original motion to include giving the mayor the authority to sign the letter of intent.

Mayor Andy Moore stated that he had a couple of questions regarding the document, since it was the first time the Board has seen it, and he was not party to the meetings for its origination. Mayor Moore questioned the \$140,000 payment, asking when would it be due. He referenced paragraph six, which contained information regarding withdrawal and subject to the return of any buyout payment—questioning the expectation of such payment before an agreement is reached.

Town Attorney Bob Spence explained that he first reviewed the proposed agreement earlier that afternoon and met with the parties around noon to discuss it. At that time, they discussed how the \$140,000 payment would be structured—whether it would be paid monthly (effectively \$140,000 per year), paid annually on July 1, or paid upfront once a binding contract is executed. He noted there was some indication the Town might prefer an upfront payment, and possibly upfront payment of annual rent as well. Attorney Spence clarified that the \$140,000 is intended as a buyout provision to purchase and terminate any existing rights to use the ballpark, including those held by the current concessions' operator and the individual who presently controls use of the field under contract.

Mayor Andy Moore asked for clarification regarding existing agreements on the property, noting that the letter of intent references a buyout of existing leases. He asked whether there is currently an existing lease between the American Legion and the Johnston Community College Foundation, and whether that is the lease being referenced in the buyout language.

Town Attorney Bob Spence clarified that, although some had asked not to name individuals in the document, the American Legion currently has a private contract with a specific individual allowing that person to operate activities on the field, including adult soccer. He explained that this private operating contract—not a lease between the Legion and Johnston Community College—is what the \$140,000 buyout is intended to address. Mayor Moore clarified that he had initially assumed the buyout referred to a lease between the American Legion and the Johnston Community College Foundation. Spence commented that the letter of intent was put together quickly, which contributed to some of the confusion.

Councilman Travis Scott explained that under the proposed Legion Field arrangement, the American Legion would retain control of its building and immediate parking, including use by short-term event tenants, while general parking for stadium events would function largely first-come, first-served, with the Legion willing to help manage traffic. He emphasized that the Legion is flexible and cooperative.

Mayor Andy Moore reiterated that the current document is a non-binding letter of intent, and expressed a preference that all parties sign the letter for clarity. Scott stated his goal was to create a clear record of the terms, noting there had been extensive prior negotiations and that issues staff could not resolve earlier have now been worked out in the present proposal. Scott stated that he would be glad to sign the document, if preferred.

Mayor Andy Moore called for a vote on the motion and the second.

Motion re-stated:

Councilman Travis Scott made a motion, seconded by Councilwoman Doris Wallace to pause all activity on the baseball stadium project at Community Park; to direct staff to validate the signed letters of intent; and to begin the process of entering into a contract with the American Legion for the original preferred stadium site, thereby preserving Community Park in its current condition for citizens to continue enjoying.

The motion was unanimously approved.

Councilman Travis Scott thanked the Council for its consideration of concerns raised by north side/North Smithfield residents, noting there are many unresolved issues related to traffic, future development, schools, roads, and businesses that still need attention. He expressed appreciation to Mr. Allsbrook for his willingness to work on the alternative stadium arrangement and extended special thanks to Ms. Wallace for her active involvement in organizing meetings and helping move the discussion to its current point.

Ernie Allsbrook stated he felt compelled to address one thing regarding the LOI. He stated he wanted to clarify how the proposed Legion Field arrangement developed. He explained that, in earlier discussions, a major obstacle was the inability to find another location for the soccer league, which was a “deal-killer” at that time. Since then, he renegotiated his existing contract with the party using the field so that, in exchange for the agreed \$140,000 buyout, they would cancel their contract and vacate the field by May 1, allowing the Town to take over use of the property immediately.

Mr. Allsbrook stated that although the current document is a non-binding letter of intent, he is concerned that the Town might later decide not to proceed, even though the other party has already taken action. He noted that, in reliance on this agreement, they are terminating four employees next week. He asked that it be clearly stated on the record that, while the letter may not be legally binding, it should be treated as morally binding, because actions and commitments have already been made based on its terms and he does not believe the Town should “back off” from it.

Mayor Andy Moore responded to Mr. Allsbrook by thanking him for his efforts and negotiations but emphasizing that the letter of intent is not a legally binding contract and the Town is not yet under a binding obligation. He stated that, based on legal advice, he could not sign the document as if it were binding and wanted that to be clearly understood.

Mr. Allsbrook replied that, while he understood it is not legally binding, he believed the Town should be morally bound at least to the \$140,000 payment, since that amount was negotiated to buy out his existing user's contract. In response, the Mayor Moore asked for clarification on the current lease terms, and Mr. Allsbrook explained that he receives \$500 per month under a long-term contract running through the end of June next year, and that this was the basis for calculating the \$140,000 buyout. He added that the current user is relying on the Town's word and is vacating the field accordingly.

The discussion for this agenda item concluded and the Council moved on to other business.

COUNCILMEMBER COMMENTS:

- Councilwoman Doris Wallace thanked everyone who helped make their first annual Easter event a success, noting that volunteers helped hide approximately 1,000 eggs and expressing appreciation to all who assisted, including a donor Gary Johnson, Parks and Recreation Director.
- Councilman Roger Wood thanked fellow councilmembers, staff, and members of the public for their support regarding recent health issues. He announced an upcoming barbecue plate fundraiser to be held over the weekend, explained that tickets could be purchased through Friday at 5:00 p.m. or on the day of the event (with additional plates expected to be available), and noted that it would take place

in the Town Hall parking lot. The councilmember expressed deep gratitude for the outpouring of community support their family has received.

TOWN MANAGER’S REPORT:

Interim Town Manager **Pickett** reported that:

- The Town’s Easter event was very successful, with approximately 6,000 eggs hidden and found within about five minutes.
- She announced upcoming observances: Electric Lineman Day on April 13 and Administrative Professionals Day on April 22.
- She announced a Town-Wide Litter Sweep on April 25, from 8:00 a.m. to 12:00 p.m., focused on cleaning parks and areas around the Greenway prior to the Ham & Yam Festival, and invited volunteers to contact her.
- She noted the employee picnic will be held on May 22 at Community Park.
- She announced additional community events: a mother-son Dance on April 11 and the second River Jam concert on April 24, encouraging attendance and noting the band will be Cooper Green.

Pickett also noted that by Council needed to recess this meeting until April 16 at 6:30 to further budget discussions.

Recess:

Councilman Travis Scott made a motion, seconded by Councilman Roger Wood to recess the meeting for budget discussions on April 16, 2026 at 6:30 at approximately 10:45 p.m. Unanimously approved.


 M. Andy Moore, Mayor

ATTEST:


 Elaine Andrews, Town Clerk

