

The Smithfield Town Council met in regular session on Tuesday, March 3, 2020 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  
David Stevens, District 2  
Travis Scott, District 3  
Dr. David Barbour, District 4  
Stephen Rabil, At-Large  
Roger A. Wood, At-Large

Councilmen Absent

Administrative Staff Present

Michael Scott, Town Manager  
John Blanton, Fire Chief  
Lenny Branch, Public Works Director  
Ted Credle, Public Utilities Director  
Gary Johnson, Parks & Rec Director  
Tim Kerigan, Human Resources/PIO  
Shannan Parrish, Town Clerk  
R. Keith Powell, Chief of Police  
Greg Siler, Finance Director  
Stephen Wensman, Planning Director

Present:

Bob Spence, Town Attorney  
Bill Dreitzler, Town Engineer

Administrative Staff Absent

## CALL TO ORDER

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

## INVOCATION

The invocation was given by Councilman Scott followed by the Pledge of Allegiance led by Adam Smith of Boy Scout Troop 57

## APPROVAL OF AGENDA:

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

Add to the Consent Agenda:

11. Consideration and request for approval to allow Centenary United Methodist Church to close Market Street from Front Street to Second Street for an Easter reenactment. Approval was also needed to amend Ordinance #504 (Contained in Item #4 of the Consent agenda).
12. Consideration and request for approval to adopt Resolution # 656 (05-2020) adopting several policies required for the CDBG Housing Revitalization Grant. Approval was also needed to adopt the Budget Ordinance associated with the project.

Add to Close Session: NCGS 143-318.11(a) (4)

Add to the Business Items

5. Discussion concerning the Naming of Booker Dairy Road Extension

Unanimously approved.

## PRESENTATIONS:

### 1. Smithfield Police Department's 2019 Officer of the Year

Police Captain James Grady addressed the Council on the Smithfield Police Department's 2019 Officer of the Year, Master Police Officer Sean Cook. Members of the department nominate officers for this award.

Once nominated, the Team Commanders vote based on the nominations on who will receive this award and it is presented to the Chief for final approval. Officer Cook has been with the Smithfield Police Department for 7 years. He has worked in the Patrol Division, has served as a Field Training Officer and is currently assigned to the Neuse Charter School as the School Resource Officer. Over the summer, Officer Cook assisted the Narcotics Division. Officer Cook is always willing to go above and beyond in the performance of his duties. He is an asset to the Department and the Town. He also won this award in 2014.

## **PUBLIC HEARINGS:**

1. **Rezoning Request – True Line Surveying (RZ-20-02):** The applicant is requesting to rezone a 1.81-acre tract of land from the R-10 (Residential) zoning district to the R-6 (Residential) zoning district. The property considered for rezoning is located on north side of the intersection of South Second Street and East Holding Street and further identified as Johnston County Tax ID# 15058003F.

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

Planning Director Stephen Wensman addressed the Council on a zoning map amendment request by True Line Surveying to change the zoning district designation of property located on Second Street between E. Hood and E. Holding Streets, across from Civitan Field. Mr. Wensman explained the subject land was an undeveloped parcel currently in the R-10 zoning district, located to the west of Civitan Field. The applicant was requesting the rezoning to R-6 to facilitate the development of the lots. The property is guided for medium density residential in the comprehensive growth management plan, and the R-10, R-8 and R-6 are all considered medium density by today's standards. The max single-family density in the R-10 district is 4.356 units/acre. The max single-family density in the R-6 district is 7.26 units per acre. The County's GIS shows the property as a single 1.8 acres lot of record, however upon research and consultation with the Town Attorney, there exists 8 lots of record platted in 1963 as part of the E. J. Wellons Plat. The 8 lots are legal non-conforming in R-10 Zoning District. The lots do not conform to the 75-foot lot width or 10,000 sq. ft. lot area requirements of the R-10 District. The lots are currently buildable meeting the R-10 setback requirements. In the R-10 District, the lot frontage requirements are 75 feet & 10,000 sq. feet making the 8 lots legal non-conforming. The 8 lots are buildable as long as they meet setback requirements. The 8 lots mostly conform to the R-6 District with minimum lot frontage requirement of 60 feet. Each of the 8 lots were platted with approximately 59 feet of frontage. The 8 lots exceed the R-6 lot area requirements. Staff believes this rezoning is an unusual circumstance, given the lot dimensions and size are more consistent with the R-6 zoning than the R-10, and the lots were never developed. Furthermore, the zoning will serve as a transition from the O/I zoned parkland and the R-10 zoned residential beyond.

With approval of the rezoning, the Town Council is required to adopt a statement describing whether the action is consistent with adopted comprehensive plan and other applicable adopted plans and theta the action is reasonable and in the public interest. Planning Staff considers the action to be consistent and reasonable:

- **Consistency with the Comprehensive Growth Management Plan** - *The draft Future Land Use Map guides these properties for medium density residential land uses. The R-6 zoning district is considered medium residential district with a max single-family density of 7.26 units per acre.*
- **Consistency with the Unified Development Code** - *The development of the lots will require compliance with the R-6 District regulations which are a better fit with the min. lot dimensional requirements than the R-10 District.*
- **Compatibility with Surrounding Land Uses** - *The property considered for a rezoning is compatible because the proposed development will be developed at medium densities and the development will serve as a transition from the O/I district (Civitan Field) to the R-10 zoning beyond.*

Staff and the Planning Board recommend approval of RZ-20-02 with a consistency statement

declaring the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Mayor Moore asked if there were any questions from Council.

Councilman Scott questioned why the proposed rezoning was a better transition from the residential to industrial. Mr. Wensman responded the R-6 district because of its density serves as a buffer between the R-10 and O&I zoning districts.

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

Kirk Lane of True Line Surveying stated he was in attendance to answer any questions from the Council.

Frank Deans of 1211 South First Street stated the proposed property was currently a wooded lot that acted as a buffer for the residents on First Street. Those residents would like for it to remain a wooded lot.

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

Councilman Scott made a motion, seconded by Councilman Barbour, to approve the rezoning request in accordance with NCGS 160A-383 stating the petition is consistent with the Comprehensive Growth Management Plan and other applicable adopted Town plans and that it is reasonable and in the public interest based on staff's findings outlined on page 6 of the agenda packet. Unanimously approved.

**CITIZEN'S COMMENTS:** There were none

**CONSENT AGENDA:**

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

1. The following minutes were approved
  - January 15, 2020 – Recessed Meeting
  - February 4, 2020 – Regular Meeting
2. Special Event: Taking Strides Against Family Violence 5K – Approval was granted to allow the Johnston County Alumnae Chapter to conduct a 5k Walk/ Run on Saturday, May 2, 2020 from 7:00 and until 11:00 am of the Buffalo Creek Greenway. Amplified sound was also approved for this event.
3. Special Event: Carnival – Approval was granted to allow Powers & Thomas Midway Entertainment to hold a carnival at Carolina Premium Outlets located at 1025 Outlet Center Drive. Set up would be held April 6th-April 9th, the carnival would operate April 9th-19th and removal would be April 20th
4. Special Event & Adoption of Ordinance #504: Sudan Shriners Parade – Approval was granted to allow the Sudan Shriners to hold a parade on Saturday, May 16<sup>th</sup> from 12:00 pm until 12:30 pm. The request included the closure of Market Street from Sixth Street to Second Street and the use of amplified sound. Ordinance #504 was adopted as a requirement of NCDOT. {Amended at the meeting, Council authorized the closure of Market Street for Centenary United Methodist Church which was included in Ordinance # 504}

**ORDINANCE # 504  
AN ORDINANCE DECLARING ROAD CLOSURES FOR THE**

**2020 SUDAN SHRINER'S PARADE AND FOR THE CENTENARY UNITED  
METHODIST CHURCH'S EASTER REENACTMENT**

WHEREAS, the Town Council of the Town of Smithfield acknowledges a long tradition of allowing parades and other events for the pleasure of its citizens; and

WHEREAS, the Town Council of the Town of Smithfield has been petitioned by the Sudan Shriners Organization to hold a parade on May 16, 2020; and

WHEREAS, the Town Council of the Town of Smithfield has been petitioned by Centenary United Methodist Church to hold an Easter reenactment on April 5, 2020; and

WHEREAS, the Town Council of the Town of Smithfield acknowledges its citizens realize a financial benefit from holding these events; and

WHEREAS, the Town Council of the Town of Smithfield acknowledges these events require approximately two hours to install signing and traffic control to be provided by the Smithfield Police Department, and also requires approximately two hours for removing signs, traffic control and litter.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Smithfield pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure on May 16, 2020 from 11:30 am until 1:00 pm for the Sudan Shriners' Parade and a temporary road closure on April 5, 2020 from 4:00 pm until 6:00 pm for the Centenary United Methodist Church's Easter reenactment described portion of a State Highway System route are as follows:

Shriner's Parade Route Description:

Market Street (US70) from South 6th Street to South 2nd Street

Centenary United Methodist Church Easter Reenactment Route Description:

Market Street (US70) from Front Street to Second Street

5. Approval Resolution #655 (04-2020) and the low bid from BB&T (now Truist) for the Hook Lift Truck loan in the amount of \$199,345. Bid interest rates received were as follows:
- Civic FCU 2.95%
  - KS Bank 2.69%
  - United Community 2.37%
  - First Citizens Bank 2.27%
  - BB&T (Truist) 2.15%
  - PNC No bid submitted

Resolution # 655 (04-2020) Approving Financing Terms

WHEREAS: The Town of Smithfield, NC ("Borrower") has previously determined to undertake a project for the financing of a hook lift truck (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

- 1.The Borrower hereby determines to finance the Project through Truist Bank ("Lender") in accordance with the proposal dated February 6, 2020. The amount financed shall not exceed \$199,345.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.15%, and the financing term shall not exceed five (5) years from closing.
- 2.All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may

consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
  4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
  5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.
  6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.
6. Bid was awarded to Garris, Grading and Paving in the amount of \$234,119.60 for the 2019-2020 Resurfacing Project. Bids received were as follows:
- |                           |              |
|---------------------------|--------------|
| • Garris Grading & Paving | \$234,119.60 |
| • Daniels Inc.            | \$273,071.68 |
| • ST Wooten               | \$294,710.84 |
| • Turner Asphalt          | \$296,129.68 |
| • Barnhill                | \$299,994.34 |
| • Tripp Bro's Inc.        | \$305,159.82 |
| • Selco                   | \$314,917.65 |
| • Fred Smith Co.          | \$352,118.42 |
| • RDU Paving              | \$362,712.04 |
7. Approval was granted to enter into an agreement with Ward and Smith, PA for legal services.
  8. Approval was granted to allow the Fire Department to submit an Assistance to Firefighters Grant (AFG) to install an exhaust removal system for Station #2 and to replace the aging Air compressor
  9. The following advisory board appointment was approved:
    - Keith Dimsdale was appointed to serve a first term on the Board of Adjustment
    - James E. Foy was appointed to serve a second term on the Parks and Recreation Advisory Commission
    - Crystal Roberts was appointed to serve a second term on the Public Library Board of

Trustees

10. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Pool Staff	P&R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T Pool Staff	P&R – Aquatics	10-60-6220-5100-0220	\$7.50/hr.
P/T Recreation Staff	P&R – Recreation	10-60-6200-5100-0210	\$8.00/hr.
P/T SRAC Staff	P&R – Aquatics	10-60-6220-5100-0210	\$9.00/hr.
P/T SRAC Staff	P&R – Aquatics	10-60-6220-5100-0210	\$9.00/hr.
Police Officer II	Police	10-20-5100-5100-0200	\$18.59/hr. (\$41,567.24/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Assistant Finance Director	Finance	10-10-4200-5100-0200
Facility Maintenance Specialist	P&R – Recreation	10-60-6200-5100-0200
Police Officer I (6 positions)	Police	10-20-5100-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

11. Approval was granted to allow Centenary United Methodist Church to amend it's approved Temporary Use Permit to include the closing of Market Street from Front Street to Second Street for its Easter Reenactment

12. Approval was granted to adopt Resolution # 656 (05-2020) adopting several policies required for the CDBG Housing Revitalization Grant. Approval was also granted to adopt the Budget Ordinance associated with the Project

**RESOLUTION # 656 (05-2020) TO ADOPT  
POLICIES AND GUIDELINES FOR  
THE TOWN OF SMITHFIELD  
SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS**

**Whereas**, the Town of Smithfield has received a Small Cities Community Development Block Grant (CDBG) administered by the North Carolina Department of Commerce, and

**Whereas**, the use of these funds requires that specific policies and guidelines be used.

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

1. The Town of Smithfield adopts the following attached policies and guidelines for Town of Smithfield CDBG Programs.

- Section 3 Plan
- Property Acquisition Policy
- Labor Standards Officer
- Language Access Plan

**Town of Smithfield  
Community Development Block Grant Program  
Local Jobs Initiative  
Section 3 Plan  
Local Economic Benefit for Low- and Very Low-Income Persons  
March 3, 2020 – March 2, 2023**

## **I. APPLICATION AND COVERAGE OF POLICY**

The Town of Smithfield is committed to the policy that, to the greatest extent possible, opportunities for training and employment be given to lower income residents of the community development project area and contracts for work in connection with federally assisted community development project be awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, the Town of Smithfield has developed and hereby adopts the following Plan:

The Town will comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended (24 CFR Part 135), all regulations issued pursuant thereto by the Secretary of Housing and Urban Development, and all applicable rules and orders of the Department issued thereunder

This Section 3 covered project area for the purposes of this grant program shall include Johnston County.

The Town will be responsible for implementation and administration of the Section 3 plan. In order to implement the Town policy of encouraging local residents and businesses participation in undertaking community development activities, the Town will follow this Section 3 plan which describes the steps to be taken to provide increased opportunities for local residents and businesses

This Section 3 Plan shall apply to services needed in connection with the CDBG grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

When in need of a service, the Town will identify certified Section 3 business suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the North Carolina Department of Administration Interactive Procurement System (IPS)'s "Search for Registered Vendors" link.

The Town will include the Section 3 clause and this plan in all contracts executed under this Community Development Block Grant (CDBG) Program. Where necessary, listings from any agency noted above deemed shall be included as well as sources of subcontractors and suppliers. The Section 3 Plan shall be mentioned in the pre bid meetings and preconstruction meetings.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Johnston County Employment Security Commission shall be notified and referred to the contractor.

Each contract under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in our project, prior to any contracting, major purchases or hiring, we will develop a listing of jobs, supplies and contracts likely to be utilized during the project. We will then advertise the pertinent information regarding the project including all Section 3 required information.

## **II. AFFIRMATIVE ACTIONS FOR RESIDENT AND BUSINESS PARTICIPATION**

The Town will take the following steps to assure that low income residents and businesses within the community development project area and within Johnston County are used whenever possible:  
(Describe below)

1. The Town will directly solicit Section 3 businesses using IPS certified Section 3 business listings.
2. Assure that potential construction bidders make a “best faith” effort to use certified Section 3 businesses using IPS data bases.

Please check the methods to be used for the Section 3 program in your community:

- The Town will place a display advertisement in the local newspaper containing the following information:
  - i. A brief description of the project
  - ii. A listing of jobs, contracts and supplies likely to be utilized in carrying out the project.
  - iii. An acknowledgement that under Section 3 of Housing and Community Development Act, local residents and businesses will be utilized for jobs, contract and supplies in carrying out the project to the greatest extent feasible.
- Residents and businesses will be encouraged to participate in applicable state, federal, and/or community action agencies job training programs that may be offered in the area.
- Low income residents and businesses will be informed and educated regarding employment and procurement opportunities in the following ways:
  - i. Advertisement in the local newspaper
  - ii. Posting of Section 3 Plan at the Town Municipal Building
  - iii. Town of Smithfield, Town Council meeting when project activities and schedules are discussed

The Town will, to the greatest extent feasible, utilize lower income area residents as trainees and employees:

1. Encourage rehabilitation contractors to hire local area residents
2. Encourage public works contractors to hire local area residents

The Town will, to the greatest extent feasible, utilize businesses located in or owned in substantial part by persons residing in the area

1. Contract with local contractors to perform demolition activities, and housing rehabilitation activities.
2. Encourage public improvement contractors to hire local residents for site clearance work, hauling materials, and performing other site improvements.
3. Encourage all contractors to purchase supplies and materials from the local hardware and supply stores

### **III. RECORDS AND REPORTS**

The Town will maintain such records and accounts and furnish such information and reports as are required under the Section 3 regulations, and permit authorized representatives of NC Department of Commerce, and federal agencies access to books, records, and premises for purposes of investigation in connection with a grievance or to ascertain compliance with this Section 3 Plan.

The Town shall report annually the Section 3 numbers using the form HUD 60002 to the North Carolina Department of Commerce at the end of the calendar year as part of the Annual Performance Report (APR).

### **IV. MONITORING COMPLIANCE**

The Town may require each applicable contractor to provide a copy of the Section 3 Plan and will monitor compliance during the performance of the contract. Copies of all advertisements, notice, and published information will be kept to document the implementation of the plan.



## V. COMPLAINTS CONTACT

Please provide the main contact in case that any complaint is received from the general public on Section 3 compliance (including name, phone number, address, and email):

Michael Scott, Manager  
Town of Smithfield  
305 East Market Street/P.O. Box 761  
Smithfield, North Carolina 27577  
Phone: 919-934-2116  
E-mail: [michael.scott@smithfield-nc.com](mailto:michael.scott@smithfield-nc.com)

### Town of Smithfield Community Development Block Grant Program Property Acquisition Policy

**Whereas**, the Town of Smithfield has received a Small Cities Community Development Block Grant (CDBG) administered by the North Carolina Department of Commerce, and

**WHEREAS**, the acquisition of real property, easements, and rights of way are eligible activities under the rules and regulations regarding the Community Development Block Grant Program administered by the State of North Carolina.

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

1. The Town of Smithfield will follow the procedures outlined in Section .0301 of the North Carolina Community Development Block Grant Program Regulations (15 NCAC 13L) to acquire property using Community Development Block Grant funds.

### Town of Smithfield Community Development Block Grant Program Labor Standards Officer

**Whereas**, the Town of Smithfield has received a Small Cities Community Development Block Grant (CDBG) administered by the North Carolina Department of Commerce, and

**Whereas**, the use of these funds requires that Federal Davis Bacon requirements be met on applicable construction activities financed all or in part using CDBG funds.

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

1. Skip Green, Skip Green and Associates, Inc. is designated as the Town of Smithfield's Labor Standards Officer to review and check for Federal labor compliance as required by CDBG regulations.

**Providing Meaningful Communication with Persons with Limited English Proficiency  
Town of Smithfield  
March 3, 2020 through March 2, 2023**

***The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.***

#### **POLICY:**

In order to avoid discrimination on the grounds of national origin the Town of Smithfield will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in benefits and services for which such persons qualify. This Policy defines the responsibilities the Town has to ensure LEP individuals can communicate effectively.

#### **DEFINITIONS:**

***Limited English Proficient (LEP) individual*** – Any prospective, potential, or actual recipient of benefits or services from the Town who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with Town staff.

***Title VI Compliance Officer.*** The person or persons responsible for administering compliance with the Title VI LEP policies.

***Substantial number of LEP:*** 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the Town and speak a primary language other than English and have limited English proficiency.

#### **PROCEDURES:**

##### **1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE**

The Town of Smithfield will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or “I speak cards,” provided by Community Investment and Assistance (CI)) and LEP posters to determine the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.

##### **2. OBTAINING A QUALIFIED INTERPRETER**

List the current name, office telephone number, office address and email address of the Title VI compliance officer:

**Michael Scott, Manager**  
**Town of Smithfield**  
350 East Market Street/P.O. Box 761  
Smithfield, North Carolina 27577  
Phone: 919-934-2116  
Fax: 919-934-1134  
E-mail: [michael.scott@smithfield-nc.com](mailto:michael.scott@smithfield-nc.com)

***(Note: The Town must notify the CI Compliance Office immediately of changes in name or contact information for the Title VI compliance officer.)***

**Check all methods that will be used:**

- Maintaining an accurate and current list showing the language, phone number and hours of availability of bilingual staff (***provide the list***):
- Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

Language Line Solutions

Have agreed to provide qualified interpreter services. The agency's telephone number is **1-800-752-6069**, and the hours of availability are 24 hours a day.

- Other (***describe***):

**All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.**

**3. PROVIDING WRITTEN TRANSLATIONS**

- i. When translation of vital documents is needed, the Town of Smithfield will submit documents for translation into frequently-encountered languages.
- ii. Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, for LEP individuals.

**4. PROVIDING NOTICE TO LEP PERSONS**

The Town of Smithfield will inform LEP persons of the availability of language assistance, by providing written notice in languages LEP persons will understand. Example: The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE TOWN FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

All interpreters and translators needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry at the Town of Smithfield Municipal Building.

Notification will also be provided by an annual notification in a local newspaper.

**5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION**

**I. Compliance Procedures, Reporting and Monitoring**

**A. Reporting**

The Town will complete an annual compliance report and send this report to CI. (Format will be supplied by CI)

**B. Monitoring**

The Town will complete a self-monitoring report on a quarterly basis, using

a standardized reporting system (attached). These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the CI upon request.

The Town will cooperate, when requested, with special review by the CI.

## **II. Applicant/Recipient Complaints of Discriminatory Treatment**

### **A. Complaints**

The Town will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy. The form can be found at <http://www.nccommerce.com/cd/community-investment/forms-resources/compliance-plans-and-templates>.

The Town will maintain records of any complaints filed, the date of filing, actions taken and resolution.

The Town will notify the appropriate section within CI of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

### **B. Resolution of Matter**

If the matter cannot be resolved by informal means, the individual will be informed of his or her right to appeal further to CI. This notice will be provided in the primary language of the individual with Limited English Proficiency.

The CI Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.

If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.

If not resolved by CI, then complaint will be forwarded to Department of Justice (DOJ), Department of Housing and Urban Development (HUD) Field Office.

Unanimously approved

**Business Items:**

**1. Consideration and request for approval to allow the Police Department to submit a grant application to the Governors Highway Safety program to create a traffic safety team**

Chief of Police R. Keith Powell addressed the Council on a request to apply for the Governor's Highway Safety Grant. He explained the Police Department wished to submit the grant application to create a two-officer traffic team within the Police Department. The grant would not be awarded until October 2020, which would be in the new budget cycle. The grant is a three-year grant. The grant would cover all personnel expenses and equipment expenses for a two-officer traffic safety team. This includes vehicles, vehicle equipment, radios, video cameras, radar equipment, officer salaries and benefits, officer equipment, potential salary increases during the grant period, fuel for the patrol vehicles during the three-year period. Equipment purchases are all included in year one and not spread over the 3-year period. For the first year, the grant would cover \$242,492 of the cost. The Town's portion would be \$36,374.00. For the second year, the grant would cover \$122,008.00 of the costs. The Town's portion would be \$36,602.40. For the third year, the grant would cover \$122,008.00 with the Town's Portion being \$61,004.00.

Councilman Barbour questioned the current number of vacancies in the Police Department. Chief of Police R. Keith Powell explained there were six vacancies. This grant would add two additional officers to the Police Department.

Councilman Wood made a motion, seconded by Councilman Barbour to allow the Smithfield Police Department to apply for a grant from the Governors Highway Safety Program to create a two-man traffic team. Unanimously approved.

**2. Consideration and request for approval to accept the Spring Branch Stormwater Grant**

Planning Director Stephen Wensman addressed the Council on a request to accept a grant in the amount of \$100,000 for the Spring Branch Community Restoration Project. Mr. Wensman explained the total cost for the project was estimated at \$200,500 which left a shortfall of \$100,500. The project would be designed to restore approximately 500 linear feet of Spring Branch and create/restore approximately 0.75-acres of emergent wetland. The project will provide flood attenuation, decreasing flooding of residents downstream of the project site; improve water quality, decreasing nutrient laden suspended sediment into the Neuse River, contributing to the reduction of deadly algal blooms in the Pamlico Sound, and dramatically improve habitat for aquatic flora and fauna within Spring Branch. The project will create a focal point for the community of Smithfield by incorporating a greenway within the project site; allow for the expansion of the existing community garden on site; and provide educational opportunities for students from preschool to college. Town staff has made an inquiry to wetland mitigation bankers asking whether the project could qualify as wetland credits. Also, contingency funds could be used for the \$100,500 shortfall.

Councilman Stevens made a motion, seconded by Councilman Wood, to accept the grant in the amount of \$100,000. Unanimously approved.

**3. Consideration and request for approval to allow staff to move forward with the Downtown Wi-Fi Project**

Economic Development Liaison Tim Kerigan addressed the Council on a request to move forward with the Downtown Wi-Fi Project. Mr. Kerigan explained the Downtown Wi-Fi project would provide the public and visitors Wi-Fi in the Downtown area approximately from Neuse River to Fifth Street and Johnson Street to Bridge Street. This "mesh network" stays connected while the user is in the entire identified area – no need to continuously connect/reconnect to individual "hot spots" This would not be for local business to replace their own current internet for secured business transactions, but to provide their customers Wi-Fi to enhance their experience and to attract more potential customers to the Downtown area Each visitor that accesses the Downtown Wi-Fi, must first adhere to terms of use. This allows our third-party vendor to monitor and protect the Town and all its users by limiting access to non-safe sites and by choosing times of availability. We would be able to track the number of visitors that access the Wi-Fi, times of usage and other valuable information that the Downtown businesses could use for better insight in attracting and retaining customers. The benefits of Wi-Fi would be better internet access for the public and better opportunities for the Town and the DSDC to share good news about our Town and our upcoming events. In emergency situations, and when

phone lines are not working properly, public Wi-Fi may be the one thing that allows people to get in contact with others. Not everyone can afford, or wants to pay for, unlimited data on their personal devices or wireless plans. Providing free Wi-Fi helps to remove those obstacles. Public Wi-Fi will ensure a better-connected society and a more technologically advanced Town

#### Cost of Downtown Wi-Fi for 2 Years

##### Set Costs

Materials and Installation:	\$23,285.00
Maintenance and Monitoring:	\$ 6,312.00
Total :	\$29,597.00

##### Current Internet Cost Options per Download/Upload Speeds

200/10 Mbps:	\$ 1,539.75
400/20 Mbps:	\$ 2,739.75
940/35 Mbps:	\$ 6,198.76

##### How to Pay for Downtown Wi-Fi

##### 2-year plan with Download/Upload Speeds of 400/20 Mbps

Total Cost: \$32,336.75

Grant received by Town & DSDC:	\$25,000.00
Additional DSDC Commitment:	\$ 6,960.00
	\$31,960.00

Costs – Current Funding: \$ (376.75)

(Economic Development Initiative)

When Sarah Edwards and the Town Manager identified the \$25,000 grant that was available, both thought of it as a great opportunity for not only our Downtown area, but for other locations as well. Therefore, the DSDC and Town staff made efforts to proceed with minimal initial cost to the Town. We have already learned a great deal through staff research and local experts without great expenses paid to a consultant. Through implementation of this first phase, we expect to learn best practices on the potential expansion of the Wi-Fi project, which may include Town parks and other Town facilities, as well as other common locations and business districts.

Councilman Scott questioned who would be responsible for the aging equipment. Mr. Kerigan responded this was a two-year commitment. Should it continue after the two-years period, the Town would provide those funds or could possibly partner with the DSDC for funding. Councilman Scott questioned if PEG funds could be used for this project. Mr. Kerigan responded those funds could not be used for this project. Councilman Scott asked Public Utilities Director Ted Credle if this would interfere with the Nextgrid system. Mr. Credle responded it would not.

Councilman Barbour questioned how the Town would protect its infrastructure from cyber attacked. IT Specialist Eric McDowell responded this system would be a separate system from any of the Town's current infrastructure.

Mayor Moore stated based on today's numbers it would cost roughly \$6,300 every two years to maintain the downtown wi-fi. Mr. Kerigan responded it would be approximately \$8,000.

Councilman Scott questioned who would manage the system. Mr. Kerigan responded the company who will install the infrastructure will also monitor it, but staff will be allowed access to the overall system. Councilman Scott questioned if there was a data cap. Mr. Kerigan responded the more data used would slow down the overall system.

Councilman Rabil questioned if the network could be extended beyond Fifth Street to Brightleaf Boulevard. Mr. Kerigan responded this was the first phase of the project and staff would evaluate extending the network to other part of the Town.

Councilman Barbour questioned who would be responsible for the cyber security. Mr. Kerigan responded there would be firewalls in place. Councilman Barbour further questioned if there were other Towns using this same system and if they had reported any problems. Mr. Kerigan responded the Town of Benson was using this same system and they had not reported any problems.

Councilman Wood made a motion, seconded by Councilman Rabil, to authorize staff to move forward with the Downtown Wi-Fi project. Unanimously approved.

**4. Consideration and request for approval to enter into a contract with the Wooten Company in the amount of \$65,000 for Design Services for the Durwood Stephenson Water line – Phase II**

Public Utilities Director Ted Credle addressed the Council on a request to enter into a contract with the Wooten Company for design services for the phase II of the Durwood Stephenson water line. Mr. Credle explained at the February 2020 meeting, the Council approved staff to negotiate a price for services. Staff did enter negotiations and the Wooten Company provided a price proposal to perform the work for \$65,000. The contract was reviewed and approved by the Town Attorney. The proposed price is within the planned project budget.

Councilman Barbour made a motion, seconded by Councilman Wood, to approve the contract with the Wooten Company in the amount of \$65,000 for design services for the Durwood Stephenson water line – phase I. Unanimously approved.

**5. Discussion concerning the “Booker Dairy Road” Extension name**

Councilman Barbour addressed the Council on consideration to revisit the Booker Dairy Road Extension name. Councilman Barbour explained several citizens had complained about the naming of the road. Also, emergency service personnel have expressed concerns about the potential for confusion of having multiple roads with similar names. Due to its historical nature, Booker Dairy Road should remain as is. As Smithfield continues to grow in that area, Booker Dairy Road would continue in a straight path to Buffalo Road.

Councilman Barbour made a motion, seconded by Councilman Wood, to rename Booker Dairy Road Extension to M. Durwood Stephenson Parkway.

Councilman Scott stated the community has asked for the Council to address this because several of the Councilman were not present when the decision was made. He stated he felt changing the name to M. Durwood Stephenson Parkway was in the best interest and safety of the community. Councilman Scott asked Councilman Barbour to amend his motion to include directing staff to contact NCDOT to determine if M. Durwood Stephenson Highway could be renamed to M. Durwood Stephenson Parkway.

Councilman Barbour amended his motion, seconded by Councilman Wood, to rename Booker Dairy Road Extension from US Highway 301 to Buffalo to M. Durwood Stephenson Parkway and direct staff to contact NCDOT to determine if M. Durwood Stephenson Highway could be renamed to M. Durwood Stephenson Parkway from Buffalo Road to US Highway 70 West.. Councilman Barbour, Councilman Wood, Mayor Pro-Tem Dunn, Councilman Lee, Councilman Scott, Councilman Stevens voted in favor of the motion. Councilman Rabil voted against the motion. Motion carried 6 to 1.

**Councilmembers Comments:**

- Councilman Scott provided the Council with an update on the Employee Benefits Committee. He explained some of the items discussed will have a huge impact on moral. One of the benefits the committee would like for the Council to consider is longevity pay. This benefit was eliminated when the Town was experiencing financial hardship. He asked the Council to consider this recommendation during budget discussions. He stated the employees are Smithfield. They are the ones that citizens see, and we need to figure out how we can support our employees and improve moral.

**Town Manager’s Report:**

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

- **Illegal Dumping:** We are experiencing an inordinate amount of illegal dumping both at areas around town and at the transfer station at the Public Works facility. Identifications are being checked at the transfer station to keep this at a minimum. Staff is asking for the community's help in identifying illegal dumping and asking that the police be contacted immediately should anyone witness these acts.
- **Triangle East Chamber of Commerce Distinguished Citizen:** The Town Manager explained former Councilman Emery Ashley would be honored at the Chamber's Annual Meeting. This is a recognition that is well earned.
- **Budget:** The FY 2021 budget process is continuing. Should the Council wish to have a budget workshop/retreat prior to a budget draft being completed, the time to do so is in March. The Manager is recommending that the March meeting be recessed should the council desire a budget workshop/retreat prior to a budget draft being presented. It was the consensus of the Town Council to recess the meeting until March 17<sup>th</sup>.

### **Close Session: Pursuant to NCGS 143-318 (a) (5) & (4)**

Councilman Wood made a motion, seconded by Councilman Barbour, to enter into close session. Unanimously approved. The Council entered close session at approximately 8:13 pm.

### **Reconvene in Open Session**

Councilman Scott made a motion, seconded by Councilman Barbour to reconvene in open session. Unanimously approved. The Council reconvened at approximately 8:49 pm.

### **Further Discussion on Consent Agenda Item 4 – Ordinance 504**

Mayor Moore stated he noticed the road closure time for the Centenary United Methodist Church's Easter Reenactment on the Ordinance and was unsure if that was the correct time. He asked the Council to allow the Manager to adjust the time of the street closure at his discretion.

Councilman Barbour made a motion, seconded by Councilman Scott, to allow the Manager to adjust the time of the street closure for Centenary United Methodist Church's Easter Reenactment at his discretion. Unanimously approved.

### **Recess**

Being no further business, Councilman Scott made a motion, seconded by Councilman Barbour, to recess the meeting until March 17, 2020 at 6:30 pm. The meeting recessed at approximately 8:49 pm

ATTEST:

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M. Andy Moore, Mayor

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Shannan L. Parrish, Town Clerk