

The Smithfield Town Council met in regular session on Tuesday, June 1, 2021 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Marlon Lee, District 1
Travis Scott, District 3
Dr. David Barbour, District 4
Stephen Rabil, At-Large

Councilmen Absent

John Dunn, Mayor Pro-Tem
David Stevens, District 2
Roger Wood, At-Large

Administrative Staff Present

Michael Scott, Town Manager
Ted Credle, Public Utilities Director
Jeremey Daughtry, Assistant Fire Chief
Lawrence Davis, Public Works 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

Also Present

Bob Spence, 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 Scott followed by the Pledge of Allegiance led by Will Johnston of Boy Scout Troop 124

APPROVAL OF AGENDA:

Councilman Barbour made a motion, seconded by Councilman Rabil, to approve the agenda with the following amendment:

Move Business Item 1: Consideration and request for approval to promote the Public Works Superintendent to Public Works Director to Consent Agenda Item 9.

Unanimously approved.

PRESENTATIONS:

1. Recognition of Boy Scout Troop 124 for their assistance during the recent shred event

Mayor Moor recognized members of Boy Scout Troop 124 and their leaders for assistance during the recent shred event sponsored by the Town of Smithfield, the Local Government Federal Credit Union, and Johnston County Register of Deeds Craig Olive. Mayor Moore stated this event was a tremendous success which would have not been possible without the participation of Boy Scout Troop 124.

2. Utility Customer Smart Portal

Public Utilities Director Ted Credle informed the Council that beginning July 6th, the Public Utilities Department will launch the Customer Smart Portal. He explained this was a free service that will allow utility customers to track their electric and water usage. In the beginning, only electric usage will be available with water usage being added later. Customers will also be able to set alerts for thresholds on usage limits, billing limits and consumption limits. The customer portal will empower the customer enabling them to make clear decisions about their utility usage.

Councilman Scott requested that staff create a video to assist customers with navigation of the customer portal.

Councilman Barbour questioned the cost. Mr. Credle responded he believed it was approximately \$5,000. Councilman Barbour further questioned if the cost was passed on to the customer. Mr. Credle responded that the cost was not passed on to the customer.

PUBLIC HEARINGS:

Town Clerk Shannan Parrish administered affirmations to those that wished to offer testimony during the Public Hearing.

- Special Use Permit Request: Saint Ann Catholic Church (SUP-21-04):** The applicant is seeking a special use permit to allow for an outdoor columbaria on a 15.2 acre tract of land located within the B-3 (Highway Entrance Business) and R-20A (Residential-Agricultural) zoning districts. The property considered for approval is located on the west side US Highway 70 Business West approximately 2,100 feet north of its intersection with Cloverdale Drive and further identified as Johnston County Tax ID# 17Q99003.

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

Planning Director Stephen Wensman testified TerraEden was the applicant making the special use permit request on behalf of Saint Ann's Catholic Church. The request for special use permit was to allow construction of a 4,000 niche columbaria located on the church property (4057 US Highway 70). Columbaria in the B-3 zoning district require a special use permit if more than 200 are to be constructed. Mr. Wensman explained the first phase of the project would be constructed between the church and the parking lot. The second phase of the project would be constructed between the church and the chapel addition.

Mr. Wensman testified the Town recently adopted regulations for columbaria and had been aware of St. Ann's planned columbaria project. After their adoption, the regulations were amended to improve the regulations and included some accommodations for this application. Mr. Wensman explained the first phase would be comprised of 1460 niches located between the parking lot and the church. The site is organized with the columbaria arranged in a cross shaped wall, surrounded by 4 ornamental trees and more columbaria in a circle arrangement around the cross with paving and benches. The columbaria are identified as being 5'-6" tall on the plans. The approach to the columbaria is a walkway passing through an 8'-6" tall memorial plaque wall and scripture wall with a statue and fountain. Phase two would be comprised of 2,540 niches located between the church and the chapel addition, visible from US 70 Business West. The site is organized with single sided columbaria walls that form the edge of the columbaria site and create a wall or barrier from US 70 Business West. Within the walls are three linear columbaria walls within a plaza with trees and benches. The columbaria are identified as being 5'-6" tall on the plans, consistent with Phase 1.

Mr. Wensman testified to the following: there would be adequate access for maintenance, the columbaria would be accessible for the parking lot, Saint Ann's would create a perpetual care and maintenance trust fund in the amount of 15% of the sales price, the church has a clear title to the land, the proposed columbaria are shown as 5'-6" tall, less than the maximum allowed, setbacks will be adhered to the columbaria will be made on stone that complement the church, commemorative plaques will conform to the standards, and approval of the special use permit will allow the greater number of niches.

The Planning Department recommends approval of the SUP-21-04 based on the findings of fact for special use permits.

Mr. Wensman reviewed staff's opinion of the findings. They are as follows:

STAFF'S OPINION ON THE FINDINGS OF FACT

1. The proposed columbaria will not be detrimental to or endanger the public health, safety, or general welfare. The columbaria is well designed and integrated with the church campus.
2. The columbaria will have no impact on the surrounding area. The columbaria is complementary to the church.
3. All necessary facilities are present.
4. It will not.
5. There is adequate access for pedestrians and for future maintenance.
6. The columbaria is well integrated into the church campus and will have no impact on adjoining property.
7. The plan will be in harmony with the church.
8. The use will conform to applicable regulations.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the June 1, 2021 agenda packet.

Mayor Moore asked if there were any questions from Council.

Councilman Barbour asked for clarification on what the Council previously approved with the UDO amendment. Mr. Wensman responded that any columbaria with more than 200 niches required a Special Use Permit.

Councilman Barbour stated he believed there was some confusion on the number of niches St. Ann's church was originally requesting. Mr. Wensman responded that when the UDO was amended, St. Ann's had not finalized the overall design. That design included 1460 niches but plans or the entire project have been completed. Mr. Wensman stated this was a good location for the proposed columbaria project.

Mayor Moore asked the applicant if he agreed with the testimony provided by Mr. Wensman and if he had additional testimony to offer. Dena Penny of 1013 Quail Trail, Clayton, North Carolina a representative of the church and chair of the finance committee testified that he agreed with the testimony offered by Mr. Wensman.

Mr. Penny testified when the UDO was amended, the church did not know how large phase two of the project would be. The two phases would be over 4,000 niches, but in a parish of 7,000, it was needed. Also, there are no Catholic burial options in Johnston County. The church felt that the columbaria would be the most feasible and environmentally prudent option for the church. The columbaria are internal to the church's property. Also, by bringing the burial option on site, it will have

a positive impact on traffic during funeral processions.

Mr. Wensman clarified that the UDO stated that 50% of the price of a niche would be placed in a trust fund for perpetual care. The UDO now read that it can be reduced to 15% which is what is being purposed by the church. Mr. Penny explained that at the completion of the project, \$2.4 million would be in the endowment fund for perpetual care. 15% of the sale price is consistent with the church in the Catholic Diocese of Raleigh is using throughout Eastern North Carolina.

Mayor Moore asked what type of assurance the Town would have that the endowment would be created for the perpetual care. Mr. Penny responded there was a foundation that supports the Catholic Diocese of Raleigh. That foundation invests the endowment funds for the Catholic Diocese. There is an agreement that outlines the rules and regulations of the endowment fund. The fund is restricted to be used no more than 4% of the balance in any given year and it is to be used strictly for maintenance, upkeep, and perpetual care for the columbaria. Mayor Moore asked that the Town be provided an annual statement of the endowment fund.

Councilman Scott questioned if the church decided to relocate, could the columbaria be moved. Mr. Penny responded that they could be moved if needed.

Mayor Moore asked if there was anyone in attendance who wished to speak on the matter. There was no one in attendance that wished to speak on the matter.

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

THE WRITTEN FINDING OF FACT

Councilman Scott made a motion, seconded by Councilman Lee, to approve the 8 findings of fact as stated below. Unanimously approved.

The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that:

4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.

4.9.4.5.2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided.

4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property.

4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.

4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.

RECORD OF DECISION

Councilman Rabil made a motion, seconded by Councilman Lee, that Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to approve Special Use Permit Application # SUP-21-04 with the following condition:

1. That an annual statement of the trust account be provided to the Town of Smithfield.

Unanimously approved.

2. FY 2021-2022 Budget: In accordance with NCGS 159 -12 (b), before adopting the budget

ordinance, the Town Council shall hold a public hearing at which time any persons who wish to be heard on the budget may appear before the board.

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

Town Manager Michael Scott presented the 2021-2022 Budget to the Council.

The Town Manager explained the budget was balanced in all funds

\$15,198,658	General Fund
\$16,735,000	Electric Fund
\$ 9,390,930	Water/Sewer Fund

The Town Manager explained the tax rate would remain at \$.057. Some electric fees and charges were adjusted to meet the cost of service. Water fees and sewer fees remain unchanged; however, the Johnston County Board of Commissioners may approve a request to increase sewer fees. If the County approves those increases, staff will make a recommendation to the Council to increase the Town's fees in a similar amount. Some sanitation fees have been increased in this proposed budget. These increases will not pay for all of the operational costs of the department, but it will aid in getting it closer to being a self-funded service.

The Town Manager explained the budget included necessary capital expenditures in all three funds. Total capital expenditures are as follows:

\$ 1,358,000	General Fund
\$ 655,000	Electric Fund
\$ 1,765,000	Water Sewer Fund

The Town Manager explained the Town maintained employee medical benefits This budget provides for a salary adjustment equal to a 2.5% increase.

The Town Manager reviewed major capital expenditures from all three funds. He also reviewed personnel increases.

The Town Manager explained some future potential issues. He explained that COVID-19 appears to be getting under control. However, uncertainty remains as to how the pandemic will continue to influence employment and government revenues in the next fiscal year. Also, residential and economic growth has come to Smithfield. This will impact how government operates and the services being provided. We will continue to endeavor to maintain our hometown feel and our neighborly service levels.

Mayor Moore asked if there were any questions from Council.

Councilman Scott questioned if Johnston County Schools would be contributing to the capital outlay items for the SRAC. The Town Manager responded that the school system did contribute half the cost for some of the capital outlay items.

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

Emma Gemmel of Hancock Street asked if the Town had some type of "rainy day" fund for water and/or sewer increases implemented by Johnston County so that all the cost would not be passed on to the customer. She stated that the Simple Twist parking lot and the Town Hall parking lot needed to be repaved and repaired.

Pam Lampe of North Second Street suggested that the Council consider separating the water and sewer distribution expenses for better accountability. She questioned that \$74,000 for amphitheater repairs. The Town Manager responded those was for repairs to the stage area and for drainage in the area.

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

Councilman Barbour made a motion, seconded by Councilman Rabil, to adopt the FY 2021-2022 Budget and Fee Schedule. Unanimously approved.

{Attached hereto by reference and made a part of these official minutes is the FY 2021-2022 Budget and Fee Schedule which is on file in the Office of the Town Clerk}

CITIZEN'S COMMENTS:

- Rodney Taylor of South First Street expressed his concerns about the Town's decision to stop trash pickup in the alleyway behind his house. He explained that it had always been the practice and he was unsure why the Town was no longer offering that service.
- Emma Gemmel of Hancock Street stated there has been repeated issues in her neighborhood with the removal of yard debris. She informed the Council that several times she has had to replace the grass where the knuckle boom removed part of it to remove the yard debris.

CONSENT AGENDA:

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

1. The following minutes were approved:
 - April 22, 2021 – Budget Session
 - April 26, 2021 – Budget Session
 - April 27, 2021 – Budget Session
 - May 4, 2021 – Regular Meeting
 - May 4, 2021 – Closed Session
 - May 10, 2021 – Special Session
2. Special Event: Concert – Compass Community Church gained approval to conduct concert at the Town Commons on Saturday, June 26, 2021 from 12:00 pm until 2:00 pm. Amplified sound was also approved with this request.
3. Promotion: Approval was granted to promote a Police Officer II to the rank of Master Police Officer.
4. The following Budget Amendments were approved:

<u>GENERAL FUND</u>	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
1. Expenditures			
10-60-6200-5700-7400 Parks and Rec. - Capital Outlay	196,570	30,000	226,570
10-00-9990-5300-0000 General Fund Contingency	<u>289,718</u>	<u>(30,000)</u>	<u>259,718</u>
	<u>\$</u>	<u>\$</u>	<u>\$</u>
	<u>486,288</u>	<u>=</u>	<u>486,288</u>

To fund second riverbank refurbishment along greenway as approved at the May 6, 2021 Council Meeting

2. Revenue			
10-10-3300-3307-0020 Grant - JC Visitors Bureau	<u>\$</u>	<u>\$</u>	<u>\$</u>
	<u>=</u>	<u>15,000</u>	<u>15,000</u>
Expenditures			
10-60-5500-5300-3440 General Services - Appearance Commission	<u>\$</u>	<u>\$</u>	<u>\$</u>
	<u>23,625</u>	<u>15,000</u>	<u>38,625</u>

To fund the reimbursement of boat ramp shelter with Johnston County Visitors Bureau Grant

3. Revenue			
10-00-3990-3900-0000 Fund Balance Appropriation	<u>\$</u>	<u>\$</u>	<u>\$</u>
	<u>1,798,008</u>	<u>40,536</u>	<u>1,838,544</u>
Expenditures			
10-60-6240-5700-7400 SYCC - Capital Outlay	\$	\$	\$
	29,000	15,869	44,869
10-60-6200-5700-7400 Parks and Rec. - Capital Outlay	<u>\$</u>	<u>\$</u>	<u>\$</u>
	<u>226,570</u>	<u>24,667</u>	<u>251,237</u>
	<u>255,570</u>	<u>40,536</u>	<u>296,106</u>

To fund SYCC and Slash Pad paved parking as approved at the April 6, 2021 Council Meeting

4. Revenue			
10-10-3300-3307-0020 Grant - JC Visitors Bureau	<u>\$</u>	<u>\$</u>	<u>\$</u>
	<u>15,000</u>	<u>7,500</u>	<u>22,500</u>
Expenditures			
10-60-6200-5700-7400 Parks and Rec. - Capital Outlay	<u>\$</u>	<u>\$</u>	<u>\$</u>
	<u>251,237</u>	<u>7,500</u>	<u>258,737</u>

To fund Gertrude B. Johnson Memorial Park fence with Johnston County Visitors Bureau Grant

General Fund Capital Projects Fund

5. Revenue

46-10-3410-4900-4115 Visitors Bureau Wayfinding	<u>\$</u>	<u>\$</u>	<u>\$</u>
	133,919	37,765	171,684

Expenditures

46-10-4900-5700-7400 Wayfinding	<u>\$</u>	<u>\$</u>	<u>\$</u>
	262,550	37,765	300,315

To fund Phase III of Wayfinding Project as approved at the April 6, 2021 Council Meeting

5. Approval was granted to renew an agreement with the Smithfield Disable American Veterans Chapter 44 for the use of the Parks and Recreation building located at 1500 Buffalo Road {Attached hereto and made a part of these official minutes is the DAV Agreement Which is on file in the office of the Town Clerk}
6. The 2021-2023 Interlocal Agreement with Johnston County for Fire Service was approved. {Attached hereto and made a part of these official minutes is the Interlocal Agreement Which is on file in the office of the Town Clerk}
7. The following advisory board appointment was approved:
 - Peggy Scott was reappointed to serve a third term on the Appearance Commission

8. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Facility Maintenance Specialist	IIP&R – Recreation	10-60-6200-5100-0200	\$14.45/hr. (\$30,056.00/yr.)
Firefighter I (2)	Fire	10-20-5300-5100-0200	\$16.76/hr. (\$36,603.84/yr.)
P/T General Staff	P&R – Aquatics	10-60-6220-5100-0210	\$9.00/hr.
P/T Pool Staff/Lifeguard (4)	P&R – Aquatics	10-60-6220-5100-0220	\$8.00/hr.
P/T Zoning/Compliance Asst.	Planning	10-10-4900-5100-0200	\$12.00/hr.

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Assistant Finance Director	Finance	10-10-4200-5100-0200
Camp Counselors (Part-time)	P&R – Recreation	10-60-6200-5100-0210
Firefighter I (2 positions)	Fire	10-20-5300-5100-0200
Fire Chief	Fire	10-20-5300-5100-0200
Fire Inspector (Part-time)	Fire	10-20-5300-5100-0210
Public Works Director	Public Works	10-60-5500-5100-0200
Police Officer I (4 positions)	Police	10-20-5100-5100-0200
Sanitation Equipment Operator (2 Positions)	Public Works	10-40-5800-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

9. Approval was granted to promote the Public Works Superintendent to the position of Public Works Director

Business Items:

1. ANX-12-01: Annexation Request

Planning Director Stephen Wensman explained the Town of Smithfield received a petition from ASP Smithfield LLC/SST Properties (Samet Properties) to annex 193.027 acres to the west of the Westview Subdivision, beginning approximately 315 ft west of North Rogers Drive. The annexation properties include the 169.674-acre Amazon site and an adjacent 23.353-acre site that will likely be developed into warehouse facilities and future West Smithfield Business Park Road to provide access to the industrial properties. He explained this was the first step in the annexation process.

Councilman Scott questioned how this would impact the Town’s current ETJ. The Town Manager responded he would like to research the impact and provide that information to Council at a later date.

Councilman Scott made a motion, seconded by Councilman Rabil, to adopt Resolution No. 680 (08-2021) Unanimously approved.

TOWN OF SMITHFIELD
 RESOLUTION NO. 680 (08-2021)
 DIRECTING THE CLERK TO INVESTIGATE A PETITION
 RECEIVED UNDER G.S. 160A-58.1

WHEREAS, a petition requesting annexation of an area described in said petition was received on June 1, 2021 by the Smithfield Town Council; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Smithfield deems it advisable to proceed in response to this request for annexation:

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

The Town Clerk is hereby directed to investigate the sufficiency of the attached petition and to certify as soon as possible to the Town Council the result of her investigation.

2. Bid Award in the amount of \$240,626.80 to Garris Grading & Paving for the 2021 Street Resurfacing Project

Public Works Director Lawrence Davis addressed the Council on a request to award the 2021 Street Resurfacing Project to Garris Grading and Paving. Mr. Davis explained that this year's resurfacing project consisted of 14 streets that will receive a 1" ½ overlay. Three (3) of the streets will require to be milled down a 1" ½ below line before paving can be done. Approximately .88 mile of city streets will be paved. Fourteen (14) BID packets for the project were sent out to area contractors. Proposals received from Six (6) companies and are as follows:

- Garris Grading & Paving \$240,626.80
- Daniels Inc Garner \$267,928.01
- Tripp Bro \$313,988.98
- Barnhill Contracting \$340,460.78
- ST Wooten Corp \$383,592.47
- Fred Smith Company \$441,855.06

The contract allows us the right to increase or decrease the various amounts of work up to 25% with no increase in unit pricing should the project come in under budget or should additional streets be added to the project.

Councilman Lee questioned how the streets that are being resurfaced are chosen. Mr. Davis responded that the Town had a road condition study done and all the streets were ranked from worst to best. Staff follows the recommendations from that study. Councilman Lee stated there were many streets in East Smithfield that he felt were in worse condition and needed to be repaired.

Councilman Scott made a motion, seconded by Councilman Barbour, to award the contract to Garris Grading and Paving for the 2021 Street Resurfacing Project in the amount of \$240,626.80. Councilman Scott, Councilman Barbour, and Councilman Rabil voted in favor of the motion. Councilman Lee voted against the motion. Motion passed 3 to 1.

3. Consideration and request for approval of FY 2020-2021 Year End Budget Amendments

Town Manager Michael Scott stated this item was placed on the agenda to enable the Council to recess this meeting until June 24, 2021 at 7:00 pm via conference call.

Councilmembers Comments:

- Mayor Moore explained he had received positive feedback from citizens during the recent power outage event that affected residents in South Smithfield. He asked Public Utilities Director Ted Credle to convey his appreciation to the Electric Department employees.
- Councilman Scott congratulated the 2021 graduates. Councilman Scott questioned the hiring status of a new Fire Chief. Town Manager Michael Scott responded that Assistant Chief Jeremy Daughtry is serving as acting Chief. Staff is working with Triangle J Council of Governments on the hiring process.
- Councilman Lee publicly apologized to Parks and Recreation Director Gary Johnson for criticizing the size of the splash pad. The children are enjoying the splash pad and it is bringing the community together. Councilman Lee invited everyone to attend the Juneteenth Celebration.
- Councilman Barbour expressed his admiration for Councilman Lee for all he does for his district. Councilman Barbour stated that they were still working on a drone park at the Gertrude B Johnson Park in West Smithfield. He stated he would like for West Smithfield to have more pedestrian access to other parts of the Town. He would like for the children of West Smithfield to have pedestrian access to all Town parks.

Town Manager's Report:

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

- Equity Drive Status: Paving was complete, and the Town has received positive comments on the road by adjoining business owners. Minor punch list items involving some curbing and sidewalk repairs, as well as seeding of ditches and stop sign replacement remain.
- Water Plant: The water plant remains fully operational. One of the damaged raw pumps have been repaired and is on-line. The second pump is expected to be operational by mid-month. By-pass pumps will be removed at that time.

Recess

Councilman Barbour made a motion, seconded by Councilman Scott, to recess the meeting until Thursday, June 24, 2021 at 7:00 pm via Conference Call. Unanimously approved. The meeting recessed at approximately 9:00 pm.

ATTEST:


Shannan L. Parrish, Town Clerk




M. Andy Moore, Mayor