

The Smithfield Town Council met in regular session on Tuesday, February 1, 2022 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
David Stevens, District 2
Travis Scott, District 3
Dr. David Barbour, District 4
Stephen Rabil, At-Large
Roger Wood, At-Large

Councilmen Absent

Marlon Lee, District 1

Administrative Staff Present

Michael Scott, Town Manager
Michael Brown, Fire Chief
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
Michael Sliger, Public Works Supervisor
Stephen Wensman, Planning Director

Also Present

Bob Spence, Town Attorney

Administrative Staff Absent

Lawrence Davis, Public Works Director

CALL TO ORDER

Mayor Moore called the meeting to order at 7:02 pm.

INVOCATION

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

APPROVAL OF AGENDA:

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

Add: Closed Session – Pursuant to NCGS 143-318.11 (a) (3) to consult with the Town Attorney.

Unanimously approved.

PRESENTATIONS:

1. Administering Oath of Office to New Police Officer Dante Scarboro

Mayor Moore administered the Oath of Office to new Police Officer Dante Scarboro and welcomed him to the Town of Smithfield.

2. Proclamation – Declaring February as All in Red Month

Mayor Moore read the following proclamation and stressed the importance of the All In Red Campaign.

PROCLAMATION
DESIGNATING FEBRUARY AS "ALL IN RED MONTH"
IN THE TOWN OF SMITHFIELD

Whereas, the well-being of our community is of paramount importance and maintaining excellent health among our citizens is a top priority, February marks the one month, county-wide heart health awareness campaign entitled "ALL IN RED", presented by Johnston Health and Aramark, and organized by the Johnston Health Foundation; and

Whereas, In the United States, North Carolina, and Johnston County heart disease is the leading cause of death among men and women;

Whereas, Heart Disease and Stroke ranks among the top five health priorities in Johnston County; per the 2019 Johnston County Community Health Needs Assessment Implementation Plan; and

Whereas, per the Center for Disease Control and Prevention (CDC), about 80% of deaths from premature heart disease and stroke could be prevented by changes in physical activity, diet, education and management of common medical conditions, and;

Whereas, ALL IN RED is an opportunity to increase heart health awareness, while addressing the growing needs of local heart patients; and

Whereas, the ALL IN RED campaign invites all Johnston County residents, business owners and

visitors to participate in this initiative by wearing RED on February 4, 2022, National Wear Red Day, and/or running a RED promo or fundraiser in February; and

Whereas, the financial challenges of a heart patient are enormous; all funds raised within this campaign period will benefit local heart patients through the Johnston Health Foundation's Heart Fund; and

Whereas, on this day, we recognize heart disease and stroke survivors, those battling the disease, their families who are their source of love and encouragement, and applaud the efforts of our medical professionals who provide quality care; and

NOW, THEREFORE, the Honorable Mayor, M. Andy Moore and the Smithfield Town Council does hereby proclaim February 2022 as "ALL IN RED MONTH" and encourages businesses, industries and citizens in the community to support and participate in this event.

Duly proclaimed this 1st day of February 2022, while in regular session.

3. Proclamation – Recognizing the Neuse Charter Varsity Volleyball Team

Mayor Moore presented the following proclamation to the coaches and players of the Neuse Charter Varsity Volleyball team. He commended the coaches and players for their outstanding season and for their sportsmanship on and off the court.

PROCLAMATION

Recognizing the Neuse Charter Varsity Volleyball Team

WHEREAS, the Neuse Charter Varsity Volleyball Team, under Head Coach Jennifer Cochran and Assistant Coach Gail Browning, is to be commended for their outstanding volleyball season; and

WHEREAS, by its extraordinary efforts, the Neuse Charter Varsity Volleyball Team was undefeated conference champions and conference tournament champions; and

WHEREAS, the Neuse Charter Varsity Volleyball Team entered the 64 team NCHSAA 1A bracket and were East Region Champions; and

WHEREAS, the Neuse Charter Varsity Volleyball Team played in the State Championship game in Reynolds Coliseum, something that has never been accomplished in the school's history; and

WHEREAS, the Neuse Charter Varsity Volleyball Team ended their impressive season with an amazing record of 26-3 (2 of the 3 losses were preseason to a 3A school, final loss was in the state tournament); and

WHEREAS, this has been an exciting, hard-fought and successful season for the Neuse Charter Varsity Volleyball Team; and

WHEREAS, the Town of Smithfield is proud of the record the Neuse Charter School Volleyball Team has earned and the fine publicity they have brought to our community by their good sportsmanship and inspired team play.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield along with the members of the Town Council, congratulates Neuse Charter School, its volleyball team, its coaches, its athletic department and all people associated with the volleyball team for the outstanding accomplishments.

PUBLIC HEARINGS:

1. **Town Plan Amendment (CA-22-01):** The Town of Smithfield was requesting an amendment to update the Transportation and Growth Management Plan in response to rapid growth in the West Smithfield area.

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

Planning Director Stephen Wensman explained staff was requesting to amend the Town Plan otherwise known as the Comprehensive Growth Management Plan and Transportation Plan. The current plan was approved on February 4, 2020. Comprehensive Plans are typically long-range planning documents and are characteristically renewed every ten years. Smithfield has been experiencing unprecedented residential growth that has rendered portions of the plan in need of an update.

The Town Plan guided approximately 389 acres of land to Industrial of which nearly all has been rezoned to Light Industrial including the 240-acre planned West Smithfield Business Park (WSBP) (of which 170 is under construction for Amazon) and future industrial road. According to the Town's economic development consultants, additional industrial land was needed and in demand. With that recommendation, staff has proposed expanding the light industrial district by adding 2 additional tracts

of land. As for the transportation plan, the current plan does not quite work. One of the north-south transportation routes was supposed to intersection with M. Durwood Stephenson Parkway, but NCDOT will not allow any connections on M. Durwood Stephenson Parkway.

Mr. Wensman explained the landmass between M. Durwood Stephenson Parkway, 70 Business and Barbour Road was a large landmass with a lot of developable land. Staff believed there was a need for a continuous road that goes across the whole development providing a type of connectivity for future development and not a dead-end cul-de-sac.

Mr. Wensman further explained the plan was for the Town of Smithfield's future land use. And this land would be guided for industrial uses. Developers would look at this land and then plan accordingly. If there was an interest in the land, then a rezoning would follow. Staff generally reviews any rezonings against the Comprehensive land use plan to ensure that the plan is being followed. However, in North Carolina, the Council's opinion can differ from the Comprehensive Land Use Plan. The plan is a way to plan growth in an organized way.

The Planning Board was in favor of the map amendments, but they did have concerns with just notification. Staff followed the statutory notification process for this public hearing.

The Planning Department recommends approval of approve the amendments, CA-22-01, to the Town Plan.

The Planning Board was unanimously in favor of the amendment but split the vote 3 in favor and 3 opposed because several members, although in favor, felt the affected property owners should be notified by mail of the changes

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the February 1, 2022 agenda packet.

Mayor Moore asked if there were any questions from Council.

Councilman Scott stated that several people contacted him about the plan changes. He questioned if Staff had addressed all their concerns. Mr. Wensman responded he had only received questions from Elaine Marshall and he provided her with all the information so she would disseminate it to her clients.

Councilman Barbour questioned if this change affected the zoning of the land. Mr. Wensman responded it did not affect the zoning of the land. Councilman Barbour further stated this plan was a document to assist with future growth and the land use could be changed. Mr. Wensman responded the Council has the ability to change the land use.

Councilman Barbour questioned if there were other parcels that had been rezoned that were not in agreement with the Town Plan. Mr. Wensman responded there were parcels that were rezoned to an industrial land use that were not guided for that purpose.

Mr. Wensman stated the Town has to have a Comprehensive Growth Management plan, but the Council has the flexibility to amend the Plan. Councilman Barbour questioned the section of the Transportation Plan that included a road through the two newly added parcels. Mr. Wensman responded the road doesn't have to go in the exact proposed spot, but staff thought it important to include a road connecting to Barbour Road.

Mayor Pro-Tem Dunn questioned if the road on the proposed Transportation Plan through the newly added parcels had been included on the current Transportation Plan. Mr. Wensman responded the current plan shows a road connecting to M. Durwood Stephenson Parkway, but since NCDOT will not allow a connection there, another functioning connection was needed for the industrial properties. Whether or not that connection comes to fruition, remains to be seen.

Mayor Pro-Tem Dunn stated he had some concerns about the proposed changes to the Town Plan. He further stated that he did not want to cause any additional burden to the landowners with what they were able to do with their properties. He asked if this was a time sensitive issue. Mr. Wensman responded that it was not a time sensitive issue. Staff was merely trying to get ahead of all the growth in the area.

Councilman Barbour questioned if this Plan amendment was legally binding. Town Attorney Bob Spence responded that the Council could approve something that was contrary to the Plan. Mr. Spence further stated the Town has to have a plan that looked towards the future growth of the Town.

Mr. Wensman pointed out that the Finding of Fact for subdivisions required compliance with the Comprehensive Plan. There is strength in the subdivision regulations to create support for the Comprehensive Plan. If the Council chose to support a subdivision that was not compliant with the Plan, the Plan would have to be amended.

Councilman Scott stated he was concerned about the transparency as it related to informing the property owners of the proposed changes to the Plan. He stated this amendment would complicate the process if the property owners wanted to use their land for subdivisions.

Councilman Scott noticed there were a few parcels near Barbour Road that were not included in this amended plan. He questioned why they were not included. Mr. Wensman responded the two additional parcels proposed were flat open pieces of land that would be better for industrial uses. The smaller parcels Councilman Scott references were smaller and closer to residential homes. Also, since those parcels are smaller, they would not be guided for industrial uses. The two large parcels are contiguous to other industrial land uses.

Councilman Barbour stated this amendment to the Plan had really no effect, because it was not attached to any rezoning. Mr. Wensman responded the Council can amend the plan at any time, but a developer who is interested in the land for industrial uses will look more closely at that land because it is guided for industrial uses.

Mayor Moore stated the property owners were bound by the zoning of the land. They always have the option of rezoning the property if a developer proposed something different than an industrial use.

Councilman Scott questioned if staff provided proper notification of the amendments to the Plan. Mr. Wensman responded that staff followed the NC General Statutes as it relates to notification of the public hearing. He further stated the notifications required are similar to a UDO text amendment. Per the Statute, Staff did not have to notify the individual property owners or adjacent property owners of the proposed changes.

Councilman Scott questioned if this public hearing was a rezoning hearing, would the public be notified. Mr. Wensman responded there would be notification requirements; such as, letters to adjoining property owners, advertisement in the local newspaper and a sign would be posted on the property.

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

Elaine Marshall of Marshall and Associates stated she was representing two clients that own land adjacent to the area. She expressed her concerns about the potential impact this Plan amendment would have on the landowners to the adjacent properties. She stated there needed to be more time to disseminate the information. There need to be more time for questions to be asked and answered. She was further concerned that when developers saw the Plan they would not be interested in the land if they intended to use it for anything other than an industrial use.

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

Councilman Stevens made a motion, seconded by Councilman Wood, to approve the proposed amendments, CA-22-01, to the Transportation Plan and Comprehensive Growth Management Plan. Councilman Stevens, Councilman Wood and Councilman Barbour voted in favor of the motion. Mayor Pro-Tem Dunn, Councilman Rabil and Councilman Scott voted against the motion. Mayor Moore broke the tie by voted in favor of the motion. Motion passed 4 to 3.

Mayor Moore stated he was unsure why the Planning Board took they action they did at their meeting. Some members of the Planning Board voted against the Plan amendment because they felt the property owners should have been notified. It was their duty to look at the facts presented to them and make a recommendation to the Council because the Council does value their input. He further stated it was not the duty of the Planning Board to disagree with how something was handled when staff followed the NC General Statutes. He asked the Planning Board members to keep their personal thoughts and opinions out of their deliberations. Staff legally noticed the public hearings for the Planning Board and for the Town Council meetings. Which is what they were required to do.

2. **Zoning Text Amendment - Regulations for Signs (ZA-21-08):** The Town of Smithfield is requesting an amendment to Article 10, Part III, Regulations for Signs, that will allow additional wall mounted sign opportunities for commercial properties, creates residential subdivision signs requirements and modifies existing text to clarify and eliminate inconsistencies throughout the document

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

Planning Director Stephen Wensman explained the proposed ordinance provides for additional wall signs for commercial businesses and other amendments. He further explained that when staff began reviewing the UDO, they found other issues, inconsistencies and other opportunities for improvement.

The proposed text amendment makes the following changes:

- Updates permit requirements including eliminating late fee provision.
- Consolidates regulation for signs into distinct sections, i.e., pole sign area calculations have been moved to Section 10.21.1 Computation of Sign Area.
- Revises ground mounted sign dimensional requirements.

- Updates standards for all permitted signs.
- Eliminates contradicting or differing regulations for the same sign.
- Updates and clarifies temporary sign regulations, creating a distinct section for temporary signs.
- Moves Entry Corridor Overlay District sign regulations into the sign code.
- Updates Permitted District Signs:
 - Requires development signs at residential subdivisions (10.21.1.1) as requested by the Planning Department.
 - Allows wall signs on walls fronting on street, public parking area, common parking area in a planned shopping center or a public access walkway at 1 sq. ft. per linear foot of frontage, or 5% of the wall. Eliminates lesser signage for secondary walls.
 - Adds Highrise signs to the commercial signage tables
 - Eliminates all the footnotes to the commercial signage tables.
 - Updates Pole Signs regulations to be in conformance with NCDOT regulations.
- Improves order of regulations with signs not requiring permits and exempt signs moved to the end of the ordinance.
- Consolidates all regulations for sign lighting.

The Planning Department recommends approval of text amendment, ZA-21-08, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the February 1, 2022 agenda packet.

Mayor Moore asked if there were any questions from Council. There were none.

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

Mayor Pro-Tem Dunn made a motion, seconded by Councilman Wood, to approve zoning text amendment, ZA-21-08, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest. Unanimously approved.

*{Attached hereto and made an official part of these minutes
is the zoning text amendment ZA-21-08}*

CITIZEN'S COMMENTS: There were none.

CONSENT AGENDA:

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

1. The following minutes were approved:
 - January 4, 2022 – Regular Meeting
2. Approval was granted to promote an employee from the Senior Customer Service Representative position to the Payroll/ Accounting Technician position.
3. Approval was granted to promote a Firefighter II to the rank of Fire Engineer.
4. Approval was granted to promote a Police Officer II to the rank of Master Police Officer.
5. Approval was granted to purchase four Dodge Durango SUVs for the Police Department. Bids received are as follows:

• Ilderton	\$33,667 x 4= \$134,668
• Deacon Jones	\$36,287 x 4= \$145,148
• Performance Automotive	No bid submitted
6. Approval was granted to adopt a Drone Policy

{Attached hereto and made an official part of these minutes is the Drone Policy}

- 7. Approval was granted to adopt Resolution No. 693 (02-2022) accepting State Directed Grant Funds.

TOWN OF SMITHFIELD
RESOLUTION No. 693 (02-2022)
ACCEPTING NORTH CAROLINA DIRECTED GRANT FUNDS

WHEREAS, The State of North Carolina has appropriated Directed Grants in the amount totaling \$5,475,800 to the Town of Smithfield; and

WHEREAS, these funds are intended to assist with the speeding up the recovery from the economic and health effects from the COVID-19 pandemic and ongoing recession; and

WHEREAS, part of the American Rescue Plan provides funding aid for local governments; and

WHEREAS, these funds for municipalities may be used to respond to public health emergencies with respect to COVID-19, provide premium pay to essential workers and investment in water and sewer infrastructure; and

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

- That Town of Smithfield does hereby authorize the acceptance of these funds from the State of North Carolina.
 - That the Smithfield Town Council delegates to its Town Manager, the responsibility to execute any necessary agreements required on behalf of the Council.
 - That The Town of Smithfield will substantially comply with all laws, rules, and regulations, pertaining thereto.
- 8. Approval was granted to appoint Suzanne Taylor and reappoint Dr. Kathleen Coates to the Downtown Smithfield Development Corporation’s Board of Directors.
 - 9. Approval was granted to appoint Kaitlyn Tarley to a first term on the Appearance Commission
 - 10. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Fire Marshall	Fire	10-60-6220-5100-0200	\$29.31/hr. (\$64,013.04/y...)
IT Support Specialist	General Government	10-10-4100-5100-0200	\$19.80/hr. (\$41,184.00/yr.)
	PU – Water/Sewer (1/3)	30-71-7220-5100-0200	
	PU – Electric (1/3)	31-72-7230-5100-0200	
Payroll/Accounting Technician II	Finance	10-10-4200-5100-0200	\$25.15/hr. (\$52,312.00/yr.)
	PU – Water/Sewer (1/3)	30-71-7220-5100-0200	
	PU – Electric (1/3)	31-72-7230-5100-0200	
Police Officer I	Police	10-20-5100-5100-0200	\$18.97/hr. (\$42,416.92/yr.)
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	\$15.48/hr. (\$32,198.40/yr.)
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	\$15.48/hr. (\$32,198.40/yr.)
P/T SRAC Staff - General	P&R - Aquatics	10-60-6220-5100-0210	\$9.00/hr.
P/T Lifeguard	P&R – Aquatics	10-60-6220-5100-0210	\$8.00/hr.
Current Vacancies			

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Electric Line Technician (2 positions)	PU – Electric	31-72-7230-5100-0200
Firefighter I (2 positions)	Fire	10-60-6220-5100-0200
Police Officer I/II – Patrol (6 positions)	Police	10-20-5100-5100-0200
P/T Collections Assistant	PU – Electric/CS	31-72-7230-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200

Business Items:

1. Economic Development Administration (EDA) Grant update and request for matching funds

Town Manager Michael Scott informed the Council this was the third time this items had been before the Council. He explained the Council previously approved a grant application with a 25% match for this project. The Town has a continued opportunity to leverage the jobs created by the Amazon Project with local match dollars to create an additional \$3.8 million is waste-water infrastructure in West Smithfield.

The application has been reviewed by the Federal Government Agency. The Economic Development Administration (EDA) would now require a \$1,095,880 match. This was an increase in match amount of 4%. The Council previously approved a \$950,000 match for this application.

The Town Manager explained the grant application had moved into the “Due Diligence” period. During

this period, they are asking for certain policies and financial information. While they cannot say with certainty the Town will be awarded the grant, they did share that 95% of the applications that reach this stage are funded.

The Town Manager questioned if the Council wished to proceed with the application by approving the additional 4% match and if they wanted to proceed, how would they want to pay for it. He explained there was the previously approved 25% match in the Water/Sever Fund Balance that could be used. The entire 29% match could be paid out of the Water/Sewer Fund balance. The funds can also come from the American Rescue Plan Act (ARPA) funds if the Council voted to use those funds as revenue replacement funds. Or the matching funds can be a combination of ARPA funds and Water/Sewer Fund Balance Funds. Staff was recommending using ARPA funds since it was originally intended for infrastructure. Also, by leaving the funds in the Water/Sewer Fund Balance, the Council had more discretion on how those funds could be used. The intent was to construct a sewer line replacement in order to spur economic development further on the west side of Town.

Councilman Scott questioned the amount of funds currently in the Water/Sewer Fund Balance. The Town Manager responded it was at 72%.

Mayor Pro-Tem Dunn questioned if it was Staff's recommendation to use APRA funds for the match amount because there was a timeline for the use of APRA funds. He further stated that by not using fund balance funds for this project, those funds could be used for projects that spanned beyond the two-year timeline restraints of the ARPA funds. The Town Manager agreed with Mayor Pro-Tem Dunn's comments and analysis.

Councilman Scott made a motion, seconded by Councilman Barbour, to approve the additional match amount for the grant. All matching funds for the EDA grant would come from the Water/Sewer Fund Balance. Unanimously approved.

Councilmembers Comments:

- Councilman Barbour expressed his appreciation to the Sanitation Department for all they do for the Town.
- Councilman Wood expressed his appreciation to the Sanitation Department and all Town staff. He thanked the Council, Town Manager and Staff for their patience during his recent health battles.
- Councilman Scott expressed his appreciation to the Public Works Department for their hard work during the recent winter weather event.
- Mayor Pro-Tem Dunn expressed his appreciation to Planning Director Stephen Wensman and his staff for all their efforts with all the new growth in Town. He further expressed his appreciation for the Planning Staff's diligence in keeping the UDO updated and more user friendly.
- Mayor Moore commended the Public Works Department for their efforts during the recent winter weather events. He commended the Sanitation Department for all their hard work in light of several of their trucks being inoperable. He reminded everyone of Black History Month and asked that everyone celebrate the month. Mayor Moore also clarified his earlier comments about the Planning Board. He explained there was some confusion as to why the Planning Board voted the way they did on the Town Plan. They were in favor of the change but were not in favor that property owners were not notified and voted accordingly. This sent a mixed message to the Town Council. He further stated he appreciated the members of the Planning Board and all they do for the Town.

Town Manager's Report:

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

- The third phase of Way-Finding signs are moving forward with utility locates being completed last week.
- ElectriCities is not recommended an increase in wholesale electric rates for FY 2023. This should again allow the Town's electric rates to remain stable.
- The Water Plant infrastructure project was evaluated last week. The water plant upgrades are moving forward and are on schedule to be completed by July 1, 2023. At this time the water plant is also within the approved budget amount. The 1 million gallon clear well has been constructed and will be operational in March.

Closed Session: Pursuant to NCGS 143-318.11 (a) (3) to consult with the Town Attorney

Councilman Scott made a motion, seconded by Councilman Wood, to enter into Closed Session pursuant to the aforementioned NC General Statute. Unanimously approved at approximately 8:53 pm.

Reconvene in Open Session

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

No action was taken by the Council following the Closed Session

Adjourn

Being no further business, Councilman Barbour made a motion, seconded by Councilman Wood, to adjourn the meeting. Unanimously approved. The meeting adjourned at approximately 9:26 pm.

ATTEST:


Shannan L. Parrish, Town Clerk




M. Andy Moore, Mayor