

The Smithfield Town Council met in regular session on Tuesday, February 7, 2023 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore, presided.

Councilmen Present:

John Dunn, Mayor Pro-Tem
Sloan 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
Lawrence Davis, Public Works Director Dr.
James Grady, Interim Police Chief
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources/PIO
Eric McDowell, IT Director
Shannan Parrish, Town Clerk
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 7:01 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 amendments:

Add to the Consent Agenda:

Item 5: Consideration and request for approval to appoint Elizabeth Baker to serve a first term on the Appearance Commission and Historic Properties Commission

Item 6. Consideration and request for approval to appoint Jan Branch and Brittany Lucas to the Downtown Smithfield Development Corporation's Board of Directors by adopting Resolution No. 720 (03-2023)

Closed Session: Add section (a) (5)

Unanimously approved

PRESENTATIONS:

1. Proclamation – Declaring February as All in Red Month

Mayor Moore read the following Proclamation and explained the importance of the All in Red Month 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 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 3, 2023, 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 2023 as "*ALL IN RED MONTH*" and encourages businesses, industries and citizens in the community to support and participate in this event.

PUBLIC HEARINGS:

1. Unified Development Ordinance Text Amendment – Mr. William R. Andrews (ZA-22-05):

The applicant is requesting an amendment to the Unified Development Ordinances, Article 6, Table 6.6 Table of Uses and Activities to allow Accessory Dwelling Units (ADUs) in the R-20A Zoning District with supplementary standards, Article 7 Section 7.3 to add supplementary standards for ADUs; and Article 11, Section A.3 adding a definition for ADU.

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

Planning Director Stephen Wensman explained Mr. Andrews was requesting the UDO amendment so he could obtain a permit to complete the construct of an accessory dwelling unit in his barn for his daughter. He had begun the construction with a valid permit for the ADU prior to the Town's expansion of the ETJ and was hoping to complete the work at this time to enable his daughter to live in it. His permit application was rejected because ADUs were not permitted within the Town's zoning jurisdiction.

In 2020, when the Town Plan approval was being considered by the Town Council, a policy recommendation that was stricken from the plan was: Objective 5: Encourage a mix of housing types inside the Town Limits was a policy to allow accessory dwelling units that meet performance-based criteria. This requested UDO Amendment is different than the deleted policy in that it would allow ADUs in the R20-A District only and only on parcels 2 acres or greater, and most of these were located outside of the Town's corporate limits. Permitting ADU's on larger rural lots would allow property owners to enjoy greater utility of their properties without negatively impacting neighbors, while providing needed housing. In the case of Mr. Andrews, it also provides him an opportunity to provide needed housing to his daughter who can then help care for he and his wife.

Accessory Dwelling Units were being promoted by the American Planning Association to address the national shortage of affordable housing. The Town has many illegal or legal non-conforming accessory dwellings scattered throughout the Town and mostly they go unnoticed without any complaint or issue. Also, Johnston County does not permit ADUs.

An additional supplementary standard was recommended, 7.3.3.7., restricting ADUs from having separate utility meters, ensuring they are accessory to the principal structure. This addition was suggested by Staff after the Planning Board meeting to review the ordinance.

Mr. Wensman explained the proposed amendment would modify the following 3 sections of the UDO:

1. Article 6, Section 6.6 would be amended to allow ADUs as permitted uses with standards in the R-20A District
2. Article 7, Section 7.3.3 would be added creating supplementary standards for ADUs
3. A definition for ADU would be added to Article 11, Section A.3

Consistency Statement (Staff Opinion):

The zoning text amendment as proposed is consistency with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Recommendation:

Planning Staff and the Planning Board recommend approval of the zoning text amendment, ZA-22-05, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request 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 7, 2023 agenda packet.

Mayor Moore asked if there were any questions from Council.

Councilman Scott questioned if the owner would be required to have paved parking for the Accessory Dwelling Unit. Mr. Wensman responded the parking area could be gravel or paved.

Councilman Stevens questioned if there should be some type of size restriction placed on the Accessory Dwelling Unit (ADU). It was his concern that someone could essentially build two large houses on one piece of property. Mr. Wensman responded that Council could restrict the size of the ADU. Town Attorney Bob Spence suggested the maximum square footage of an ADU to be 1200 sq. ft.

Mayor Moore questioned if Mr. Andrews' structure was already built. Mr. Wensman responded that Mr. Andrews structure was a partly finished apartment on the second floor of a garage. He wanted to finish it per code, but was not allowed.

Councilman Barbour stated the intent of this amendment was to allow for something similar to a mother-in-law suite and not to allow for another house.

Councilman Scott stated there were two key points to the amendment. One, the property could not be subdivided for each structure, and two, the two structures could not have separate utilities. He suggested opting for the use of a percentage of the primary structure in relation to size of the ADU. He suggested possibly using 75% of the total square footage of the primary structure be allowed for the ADU. Mr. Wensman responded the Council could use the square footage percentage with a maximum square footage allowance of 1200 sq. ft.

Councilman Barbour also suggested that staff investigate changing the UDO to allow more than one accessory structure on property in Town. Currently, the UDO only allows for one such structure.

Mayor Moore questioned if Mr. Andrews' apartment could become rental property in the future if his daughter chose not to live in the apartment. Mr. Wensman responded it could become rental property. Mayor Moore further questioned if Council could restrict that it not become a rental. Mr. Wensman responded there was no way to control it becoming a rental.

Councilman Scott questioned if the ADU could be a recreational vehicle or manufactured home. Mr. Wensman responded that an ADU could not be a recreational vehicle or manufactured home. The ADU would have to meet the North Carolina Building Code.

Town Manager Michael Scott asked if there was any language that prohibited the number of dwelling units in the R20-A zoning district. Mr. Wensman responded there were only two accessory structures allowable in the R20-A zoning district. The ADU would be considered as one of the two structures.

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.

Councilman Barbour made a motion, seconded by Councilman Wood, to recommend approval of zoning text amendment, ZA-22-05, finding it 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.

**DRAFT ORDINANCE # ZA-22-05
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 6, Section 6.6, Article 7, Section 7.3.3, and Article 11, Section A.3**

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 6, Section 6.6 permitting Accessory Dwelling Units (ADUs) in the R-20A District with supplementary standards, Article 7, Section 7.3.3 adding supplementary standards for ADUs, and Article 11, Section A.3 adding a definition for ADU.

WHEREAS, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

[Revise Article 6, Section 6.6 permitting Accessory Dwelling Units (ADUs) in the R-20A District with supplementary standards.]

PART 1

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

Section 6.6 TABLES of Uses and Activities – Primary Zoning Districts.

Uses	Primary Zoning Districts											Supplemental Regulations	
	R-20A	R-10	R-8	R-6	R-MH	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)		AH/H
ACCESSORY USES													
Accessory Dwelling Unit (ADU)	PS												Section 7.3
Accessory structures/buildings	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		Section 7.3
Accessory uses incidental to any permitted use	P	P	P	P	P	P	P	P	P	P	P		
Child care center (as an accessory use for a principal business)						PS	PS	PS	PS	PS	PS		Section 7.4.1
Customary home occupations	PS	PS	PS	PS	PS	PS	PS	PS					Section 7.7
Cemeteries	S					P							

[Revise Article 7, Section 7.3.3 adding supplementary standards for ADUs.]

Part 2

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

7.3.3. Accessory Dwelling Unit (ADU). ADUs are permitted in the R-20A Zoning District on properties that are 2 or more acres in size, have adequate sewer or adequately sized and functioning septic system for the use.

7.3.3.1. An ADU shall be located on the same lot as a principal dwelling and meet both of the following: a. The gross floor area of the accessory dwelling shall be no greater than 75% of the gross floor area of the total principal dwelling with a maximum square footage of 1,200 sq. ft.

7.3.3.2. An ADU shall be affixed to or constructed on a permanent foundation and not be a manufactured home or moveable structure and meet applicable NC Building Code requirements.

7.3.3.3. There shall be no more than one ADU on the same lot as a principal dwelling.

7.3.3.4. An ADU shall be accessed by a lockable external entrance.

7.3.3.5. Ownership of an ADU shall not be transferred apart from its principal dwelling unit.

7.3.3.6. An ADU shall have dedicated paved parking area in accordance with Article 10, Part I.

7.3.3.7. ADUs shall not have utility meters separate from the principal dwelling.

[Revise Article 11, Section A.3 adding a definition for ADU.]

PART 3

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

Accessory Dwelling Unit (ADU).

A self-contained dwelling unit that is located on the same lot as a principal dwelling that meets the supplemental regulations identified in Section 7.3.3. An Accessory Dwelling Unit may be located above a garage. Accessory Dwelling Units may be detached, attached, or internal to the principal dwelling. Only residential uses are permitted in Accessory Dwelling Units.

PART 4

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

2. Contiguous Annexation – Town of Smithfield (ANX-23-01): In accordance with NCGS 160A-

31, the Town of Smithfield is seeking to annex 16.2 acres of land into the corporate Town limits by adoption of Ordinance No. 516

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

Planning Director Stephen Wensman explained the Town of Smithfield was requesting voluntarily annexation of a 16.2-acre property into the Town of Smithfield. The property was located on the north side of Barbour Road approximately 270 feet west of the Barbour Road/Bella Square intersection. On January 10, 2023, the Town Council adopted a Resolution setting the date for the public hearing on the question of annexation.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the February 7, 2023 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.

Councilman Barbour made a motion, seconded by Councilman Wood, to adopt Ordinance No. 516 extending the Corporate Limits of the Town of Smithfield. Unanimously approved.

**Town of Smithfield
North Carolina
ORDINANCE No. 516 to extend the
corporate limits of the Town of Smithfield**

WHEREAS, the Town Council has been petitioned under NCGS 160A-31 to annex the area described below; and

WHEREAS, a public hearing on the question of this annexation was held in the Smithfield Town Hall Council Chamber located at 350 East Market Street, Smithfield, North Carolina at approximately 7:00 pm on February 7, 2023, after due notice; and

WHEREAS, the Town Council finds that the petition meets the requirements of NCGS 160A-31.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Smithfield that:

Section 1. By virtue of the authority granted by NCGS 160A-31, the following described contiguous property owned by the Town of Smithfield is hereby annexed and made a part of the Town of Smithfield effective immediately.

The legal description of the property is as follows:

Beginning at the point where the current city limits of the Town of Smithfield intersects the common line of Moses L Moore (DB 5245 page 945, PB 69, p 118, with the 15.020 acres taken by eminent domain from Heath Street #215 Limited Partnership on January 10, 2023, said point being located from existing iron stake in the centerline of Barbour Road (SR 1918) being the Southeast corner of the Alma Moore (Deed Book 3972, Page 535/Plat Book 88, Page 234, Johnston Registry) property and the southwest corner of the property taken by Smithfield on January 10, 2023; thence along the line of Alma Moore North 01 degrees 35 minutes 52 seconds West 41.25 feet to the northern right of way of Barbour Road, thence continuing with said line North 01 degrees 35 minutes 52 seconds East 490 feet to an existing iron stake; continuing along the Moore line North 01 degrees 35 minutes 52 seconds East 17.59 feet to an existing iron stake; thence along the line of Moses L. Moore North 00 degrees 59 minutes 31 seconds East 164.01 feet TO THIS POINT OF BEGINNING, thence from the point of beginning North 00 degrees 59 minutes 31 seconds East 26.80 feet to an existing iron stake, thence continuing said direction with Moore 203.75 feet to his corner with Ronald Williams Deed Book 3617 page 253 thence continuing said direction with his line and the Dennis Moore line, Deed Book 3617, page 118 1130.48 feet to an existing iron stake; a corner with E&F Properties, Inc., thence with the property line of E&F Properties, Inc. and with Poplar Creek the following distances: South 57 degrees 26 minutes 50 seconds East 255.94 feet; North 85 degrees 52 minutes 58 seconds East 122.65 feet; South 64 degrees 52 minutes 10 seconds East 65.98 feet; South 19 degrees 21 minutes 58 seconds West 45.14 feet; and South 57 degrees 15 minutes 50 seconds East 73.85 feet to a new corner; thence along the new property line with Heath Street #215 Limited Partnership the following distances: South 01 degrees 40 minutes 26 seconds West 908.72 feet; to the current town line (Deed book 1386, page 246), thence with the town line North 65 degrees 24 minutes 20 seconds east 340.42 feet, thence continuing with the town line south 38 degrees 24 minutes 226.27 feet to the point of beginning.

Section 2. The Mayor of the Town of Smithfield shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State in Raleigh, North

Carolina an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall be delivered to the Johnston County Board of Elections, as required by NCGS 163-288.1

Adopted this the 7th day of February, 2023

CITIZEN'S COMMENTS:

- David Auge stated that in 2012, he addressed the Council on an Ordinance Amendment allowing residents to raise chickens in Smithfield. With the rising cost of eggs, he asked the Council to reconsider allowing chickens to be raised in Smithfield.
- Elizabeth Temple provided the Council with some historical facts pertaining to the Town of Smithfield.
- John Keeley addressed the Council on some code enforcement issues. He stated he had sent information to the Town Manager and the Town Council concerning some issues he had seen around Town.

CONSENT AGENDA:

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

1. The following minutes were approved:
 - January 3, 2023 – Regular Meeting
 - January 10, 2023 – Recessed Meeting
 - January 10, 2023 – Closed Session
2. Approval was granted to promote a Firefighter I to the rank of Firefighter II.
3. Resolution No. 719 (02-2023) was adopted reappointing Kay Kennedy and Katie Smith to the Downtown Smithfield Development Corporation's Board of Directors

TOWN OF SMITHFIELD
 RESOLUTION NO. 719 (02-2023)
 Supporting Appointments to the Downtown Smithfield
 Development Corporations' Board of Directors

WHEREAS, The Smithfield Town Council has received a request from the Downtown Smithfield Development Corporation's Board of Directors to reappoint two members to its Board; and

WHEREAS, pursuant to Article VII of the Downtown Smithfield Development Corporation's By-Laws, the Town Council must approve any appointments/ reappointments to the Board of Directors by Resolution; and

WHEREAS, the Downtown Smithfield Development Corporation Board of Directors have recommended the reappointments of Kay Kennedy and Katie Smith; and

WHEREAS, the Town Council is asked to consider these reappointments and make a determination.

NOW THEREFORE, BE IT RESOLVED, the Town Council does hereby approve the reappointment of Kay Kennedy and Katie Smith to the Downtown Smithfield Development Corporation's Board of Directors.

4. New Hire Report

Position	Department	Budget Line	Rate of Pay
Electric Line Technician	PU – Electric	31-72-7230-5100-0200	\$22.96/hr. (\$47,756.80/yr.)
Police Officer I	Police	10-20-5100-5100-0200	\$21.82/hr. (\$48,789.52/yr.)
Police Officer II	Police	10-20-5100-5100-0200	\$22.90/hr. (\$51,204.40/yr.)
P/T Recreation Staff	P&R – Recreation	10-61-6200-5100-0210	\$10.00/hr.
P/T SRAC Staff	P&R – Aquatics	10-60-6220-5100-0210	\$10.00/hr.
P/T SYCC	P&R – Recreation	10-60-6240-5100-0210	\$10.00/hr.
Sanitation Worker	PW – Sanitation	10-40-5800-5100-0200	\$15.48/hr. (\$32,198.40/yr.)

5. Board Appointment
 - Elizabeth Baker was appointed to serve a first term on the Appearance Commission and Historic Properties Commission
6. Resolution No. 720 (03-2023) was adopted appointing Jan Branch and Brittany Lucas to the Downtown Smithfield Development Corporation's Board of Directors

TOWN OF SMITHFIELD
RESOLUTION NO. 720 (03-2023)
Supporting Appointments to the Downtown Smithfield
Development Corporation's Board of Directors

WHEREAS, The Smithfield Town Council has received a request from the Downtown Smithfield Development Corporation's Board of Directors to reappoint two members to its Board; and

WHEREAS, pursuant to Article VII of the Downtown Smithfield Development Corporation's By-Laws, the Town Council must approve any appointments/ reappointments to the Board of Directors by Resolution; and

WHEREAS, the Downtown Smithfield Development Corporation Board of Directors have recommended the new appointments of Jan Branch and Brittany Lucas due to the resignations of Collen Roby and Rick Herndon; and

WHEREAS, the Town Council is asked to consider these appointments and make a determination.

NOW THEREFORE, BE IT RESOLVED, the Town Council does hereby approve the appointments of Jan Branch and Brittany Lucas to the Downtown Smithfield Development Corporation's Board of Directors.

BUSINESS ITEMS: None

Councilmembers Comments:

- Mayor Moore informed the Council that each had been given an invitation to the Johnston Central Food Pantry's first annual Black History Program to be held on February 18th.
- Councilman Scott informed the Council that former Wilson's Mills Mayor Phillip Wright had passed away,

Town Manager's Report:

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

- Amphitheater Construction and site improvements are underway.
- The splash pad addition in District 1 should begin construction by early next week.

Closed Session: Pursuant to NCGS 143-318.11 (a) (5) & (6)

Councilman Rabil made a motion, seconded by Councilman Barbour, to go into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 7:54 pm.

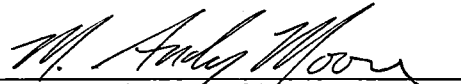
Reconvene in Open Session

Councilman Barbour made a motion, seconded by Councilman Wood, to reconvene the meeting in Open Session. Unanimously approved at approximately 10:04 pm


No action taken

Adjourn

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Dunn, to adjourn the meeting. The meeting adjourned at approximately 10:05pm.


M. Andy Moore, Mayor

ATTEST:


Shannan L. Parrish, Town Clerk

