

The Smithfield Town Council met in regular session on Tuesday, September 1, 2020 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  
Marlon Lee, District 1  
David Stevens, District 2  
Travis Scott, District 3  
Dr. David Barbour, District 4  
Stephen Rabil, At-Large  
Roger 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

*(Note: All Town Department Heads were present, but due to Social Distancing and Mass gathering restrictions related to Covid19, they were not present in the meeting room unless an item from their Department was discussed)*

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 Barbour, to approve the agenda with the following amendment:

- Move Consent Agenda Item #7 *Consideration and request for approval to adopt changes in the utility late fee policy* to Business Item #6.

Unanimously approved.

**PRESENTATIONS:**

**1. Administering Oath of Office to new Police Officer Alexander Watts**

Mayor Moore administered the oath of Office to new Police Officer Alexander Watts and welcomed him to the Town of Smithfield.

**2. Update from the Public Library of Johnston County and Smithfield**

Executive Director Renita Barksdale provided the Council with an update on the Public Library. She explained the Library had to lay off 2 full time and 2 part time positions which resulted in an annual savings of \$130,000. All new materials will be shelf ready when received by the library. The library implemented a temporary virtual library card program while the facility remains closed. 275 new patrons have been registered. The library also offers curbside pick up which 1500 patrons have used. The library has updated its COVID-19 procedures for when the library is reopened to the

public. The library was awarded a CARES Act grant in the amount of \$7,600 for laptops and classes to be used by patrons when the library is reopened.

## **PUBLIC HEARINGS:**

1. **Zoning Text Amendment Request – Lesley Thomas (ZA-20-02)**: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities to allow for child care centers as an accessory use to Churches/Places of Worship as a special use in all zoning districts that allow for Churches/Places of Worship.

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

Planning Director Stephen Wensman informed the Council childcare centers were regulated by the Division of Child Development and early education. Childcare center is defined as where at any one time there are three or more preschool aged children or nine or more school aged children receiving childcare. Religious sponsored programs are given the option in the childcare law to operate under a notice of compliance with childcare rules and laws rather than a childcare license. The Division of Child Development and early education monitors programs that operate under the notice of compliance in the same manner that all other programs are monitored to ensure the safety and health of the children. If a religious sponsored program receives childcare subsidies, the exemptions apply except they must meet the health safety and training requirements of staff. Mr. Wensman outlined the history of childcare centers in Smithfield. He explained in 1994, the zoning ordinance permitted daycare establishments in all residential zoning districts with a board of adjustment approved conditional use permit. Subsequent unified development ordinances adopted in 2008 removed daycare centers from the list of permitted uses in all residential districts. All childcare establishments permitted before 2008 are now considered legal non-conforming, and they cannot rebuild if destroyed by fire or natural disaster. In the 2016 UDO, childcare centers are not allowed in residential districts as either primary or accessory uses.

Mr. Wensman explained the draft zoning ordinance amendment would allow child care centers with a Town Council issued special use permit as an accessory use to churches and places of worship in all zoning districts that currently allow for churches and places of worship. All childcare centers accessory to churches will be required to meet the supplemental regulations for childcare centers and Churches/places of worship.

Supplemental Regulations are as follows:

### 7.4.1. Child Care Center

7.4.1.1. When a center is licensed for six to twenty-nine children, inclusive, there shall be 75 square feet per child of outdoor play area for the total number of children for which the center is licensed. In addition, the total number of children on the playground shall not exceed the number the space will accommodate at 75 square feet per child. When a center is licensed for 30 or more children, there shall be 75 square feet per child of outdoor play area for at least one-half of the total number for which the center is licensed, provided that the minimum amount of space on the outdoor play area shall be enough to accommodate at least 30 children. The outdoor play area shall provide an area that is shaded by a building, awnings, trees, or other methods. The outdoor area shall be designed so that staff are able to see and easily supervise the entire area.

7.4.1.2. If a special use permit is required, the permit shall establish the hours of operation.

7.4.1.3. Minimum paved off-street parking spaces: Two spaces plus one for each employee.

7.4.1.4. Minimum paved off-street loading and unloading area: In addition to the off-street parking area, there shall be sufficient paved driveway to accommodate at least two autos at one time for the purpose of loading and unloading passengers. The drop off area must be full drive through with no backing of vehicles required.

**SECTION 7.32 CHURCHES /PLACES OF WORSHIP, CLUB OR PRIVATE LODGE MEETING HALLS AND INDOOR STORAGE FACILITIES. (AMENDED 8/7/18 SEE ZA-18-04) (Supplemental Regulations)**

7.32.1 Churches/Places of Worship and Club or Private Lodge Meeting Halls shall have adequate parking meeting Article 10, Section 10.3.

7.32.2 The land use will not significantly increase traffic on local roadways within a residential neighborhood.

7.32.3 In B-2 and B-3 zoning districts, the land use should not substantially decrease vehicular and/or pedestrian traffic or inhibit business activity for adjacent commercial businesses particularly during normal business hours. Obviously, some businesses have more traffic than others. The Town recognizes that businesses in these zoning districts need active adjacent business space to attract customers to B-2 and B-3 zoning districts. The town intends for planning policies to encourage business traffic in these zoning districts while not prohibiting uses with less traffic. If a special use, due to inactivity during business hours or otherwise, substantially decreases commercial traffic then that special use is likely not to be in harmony with the existing development and uses with the area in which it is to be located.

7.32.4 The land use will not impede the normal and orderly development of the surrounding property for uses permitted in the district. If a substantial portion of a commercial center is closed or not attracting traffic during normal business hours then that absence of activity would likely impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

**PROPOSED AMENDMENT:**

Article 6, Section 6.5 is proposed to be amended to read as follows:

**SECTION 6.5 TABLE OF USES AND ACTIVITIES.**

Accessory Uses / Buildings	R-20A	R-10	R-8	R-6	R-MH	O/I	B-2	B-3	Supplemental Regulation
<u>Child Care Center (As accessory use to Churches/places of worship)</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>SS</u>	<u>Section 7.4.1</u> <u>Section 7.32</u>

Planning Staff and the Planning Board recommend approval of the zoning text amendment ZA- 20-02 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 Council in written form in the September 1, 2020 agenda packet

Councilman Scott stated that in the presentation, Mr. Wensman explained there were many childcare centers that were not in compliance. Mr. Wensman responded there were childcare centers in churches in residential districts .

Councilman Scott questioned why this was not addressed when the UDO was updated. Mr. Wensman responded he was unsure why this issue was not addressed because he was not employed with the Town at the time of the UDO update.

Councilman Barbour stated it would be nice to know why the decisions were made during the UDO update. He asked Mayor Moore if he remembered any of those discussions. Mayor Moore responded he was unsure, but he believed it may have been because people did not want childcare centers in residential areas and therefore the UDO did not allow it. Churches are allowed in residential areas and a lot of churches have childcare and after school childcare. When this was removed from the UDO, they may have not considered churches.

Mr. Wensman clarified the 2008 edition of the UDO removed childcare centers from residential areas and the 2016 edition did not add it back. Mr. Wensman further stated the special use permit process was a process where if there were perceived issues with adjoining properties and the intensity of the use, reasonable conditions could be put on a permit to address those conditions above and beyond the special use supplementary standards.

Councilman Scott asked when an applicant requested this change, were they required to pay a fee. Mr. Wensman responded they were required to pay a \$400 fee for a text amendment.

Mayor Moore asked if there was anyone in attendance that wished to speak on the matter. There were no comments from anyone in attendance.

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

Councilman Scott made a motion, seconded by Councilman Lee, to approve zoning text amendment ZA-20-02, adding Child Care Centers as an accessory use to Churches/ Places of worship as a special use. and to refund the applicant the \$400 zoning text amendment fee. Unanimously approved.

Councilman Scott made a motion, seconded by Councilman Wood, the Town Council finds the zoning text amendment, ZA-20-02, amending Article 6, Section 6.5 Table of Uses and Activities 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.

Mayor Moore stated he was unsure if there was a staff error in regards to this text amendment.

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

2. **Special Use Permit Request – Lesley Thomas (SUP-20-07):** The applicant is requesting a Special Use Permit for a Child Care Center as an accessory use to a Church on property located within an R-6 (Residential) zoning district. The properties considered for approval are located on the northwest side of Second Avenue approximately 200 feet southwest of its intersection with West Street. The properties are further identified as Johnston County Tax ID# 15066010 and 15066023.

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

Planning Director Stephen Wensman testified the church in question was Greater Vision Worship Center Church of God of Prophecy located at 720 Second Avenue. This property continued all the way to Blount Street. With the approved text amendment, childcare centers as an accessory to churches requires a special use permit. The area consisted of two properties and as a condition of approval, staff is requesting the applicant submit a lot recombination plat to combine the two

properties. Originally the applicant submitted a plan with two separate parking lots not connected. Staff worked with the applicant to improve the flow of the site. A particular concern was cars trying to enter the parking lot, finding it full and then they would have to drive around the block to locate a parking space in the other lot. Staff felt this would increase traffic in a residential neighborhood. Staff wanted to make it efficient for people to find onsite parking. Doing this created some issues with the playground being that it was a little farther from the church than originally planned. To address this, the applicant will be adding fencing along the parking between the church and the playground.

Mr. Wensman testified the existing 2519 sq. ft church is located within a single-family residential neighborhood. The site was currently accessed from Second Avenue by two curb cuts to a looped gravel/dirt driveway and parking with no access to Blount Street. The parking lot was somewhat undefined with no curbs and no stormwater features. The Blount side of the property is a grassy area. Existing vegetation is found on the Blount Street side and toward the center of the property. There was a small shed located behind the church building. A concrete sidewalk provides pedestrian access from the street to the doors of the church. The church is planning to construct a 611 sq. ft. addition to the rear of the 1,515 sq. ft sanctuary for a clergy room and chancel (stage area) and a 582 sq. ft. addition to the north of the sanctuary for offices. The childcare center will occupy the 1,004 sq. ft. (+/- 46' x 22') area on the south side of the sanctuary. The childcare center will have a 618 sq. ft. area for the kid's activities, a staff bathroom, a children's bathroom, and a kitchenette.

Bufferyards are required between residential and nonresidential uses. The UDO requires either a Type B (20-foot) bufferyard or a Type C bufferyard in this case. The site plans cannot dimensionally accommodate the 20' bufferyard, so a combination of fence and landscaping will be required.

A 2250 sq. ft. playground is proposed behind the church on the Blount Street side of the property. With the building additions and the childcare, the applicant is proposing 43 new paved parking stalls including two handicap accessible stalls. The sanctuary will have 112 seats requiring 37 parking stalls and the daycare will have a maximum of 24 children and two employees requiring 6 parking stalls in accordance with the parking requirements of Section 10.3 of the UDO. According to the preliminary site plan, the new impervious areas would not trigger the need for on-site stormwater management. A landscaping plan will be required for the entire site with review of the construction plans. A lighting plan will be required for the entire site with review of the construction plans.

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

#### **STAFF'S FINDINGS OF FACT**

1. The public's health, safety, or general welfare have been addressed with the proposed site plan.
2. The special use is complementary to the existing church use and will be in harmony and will provide daycare services to the area.
3. The special use will not impede normal and ordinary development of the residential district. The church is existing, and the entire site will be improved with the daycare use benefiting the surrounding properties.
4. Adequate utilities, parking, access and other facilities exist or are being adequately provided for.
5. Adequate egress and ingress currently exist to the site. The proposed egress and ingress are configured with the parking lots connected to minimize traffic on adjacent streets.
6. With a special use permit, the use will conform to the applicable regulations.
7. There are no conflicts with the Town's adopted plans.

8. With a special use permit, the use is permitted within the zoning district.

The Planning Department recommends approval of the Special Use Permit, SUP-20-07, with the following conditions:

1. That a site plan be submitted for review in accordance with the Town's Unified Development Ordinance including the supplementary standards for childcare facilities, Section 7.4.
2. That the applicant submit a Lot Recombination Plat for approval to combined the lots into one.
3. A handicap curb ramp be installed at the sidewalk at Second Avenue

Planning Director Stephen Wensman has incorporated his entire record and provided it to Council in written form in the September 1, 2020 agenda packet.

Mayor Moore asked if there were any questions from the Council.

Councilman Barbour questioned if the property owner owned the church. Mr. Wensman responded that Mrs. Thomas does own the church.

Councilman Barbour questioned if the church disbanded would that mean that the childcare center must cease operations because it would be out of compliance. Mr. Wensman responded the childcare center can only be operational if it is an accessory use to a church.

Mayor Moore asked the applicant if she had any other information she would like to present. Mrs. Thomas testified her husband was the pastor of the church and they would remain a church and the daycare would always be a part of that if they could have this special use permit

Mayor Moore asked Mrs. Thomas if she agreed with the testimony provided by Mr. Wensman. Mrs. Thomas testified that she did agree with the testimony offered by Mr. Wensman. She informed the Council that the name of the church had changed to True Vine Apostolic Ministries, Inc. She further stated it was important to be granted the special use permit for the community and for her grandchildren. The church has about 12 children all under the age of 9. The addition of the childcare center would be a great benefit to the community.

Mayor Moore asked if there was any in attendance sworn to testify in this matter. There was no one in attendance that wished to testify on the matter.

Councilman Rabil questioned if Mrs. Thomas reached the maximum amount of 24 children at the childcare center would she have to come back before the Council for approval. Mr. Wensman responded Mrs. Thomas would have to comply with the State's standards.

Mrs. Thomas stated they were going through the state to get licensed. They were going to make sure they were following the Department of Health and Human Services.

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

### **The Written Finding**

Mayor Pro-Tem Dunn made a motion, seconded by Councilman Rabil, to approve the eight findings of fact for Special Use Permit SUP20-07 as recommended in the staff report on pages 18 and 19 of the agenda packet. 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:

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
2. The special use will be in harmony with the existing development and uses within the area in which it is to be located.
3. 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. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
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.
6. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
7. Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.
8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.

**Record of Decision: Approval of Special Use Permit Application Number SUP-20-07**

Councilman Barbour made a motion, seconded by Councilman Rabil, to recommend approval of SUP-20-07 for a childcare center as an accessory to a church based with three conditions of approval:

1. That a site plan be submitted for review in accordance with the Town's Unified Development Ordinance including the supplementary standards for childcare facilities, Section 7.4.
2. That the applicant submits a Lot Recombination Plat for approval to combine the lots into one.
3. A handicap curb ramp be installed at the sidewalk at Second Avenue"

Unanimously approved.

**CITIZEN'S COMMENTS:**

- Rick Mercier of 193 Fireweed Place in Clayton, NC introduced himself to the Council as a candidate for the Johnston County Board of Education. He explained he decided to run for the school board because he was extremely discouraged by the chaos and incompetence of the current school board. He promised that the success of Smithfield Selma High School was at the top of his priority list. He stated his professional experience would prepare him to serve on the school board along with his integrity and passion. He stated he would be honored for their support.
- Omar McKnight of 4560 Hargrove Road, Raleigh, NC informed the Council he was in attendance to remain vigilant because of the overgrown properties adjacent to his mother's residence on Old Goldsboro Road. He stated one of the lots has been cut, but not properly. Mr. McKnight stated he was unsure why it has taken so long to get some people to comply with the code while others were being threatened with fines. He asked if the Council if something was going to be done to address the issue

of nuisance grass. Mr. McKnight stated Mr. Mark Lane has made some racist comments on his Facebook post. He stated those comments were disturbing since he believed Mr. Lane was an employee of the Town. Mr. McKnight stated this was his hometown and he cared about it. He asked for prompt attention to his complaints of nuisance grass.

- Mark Lane of 2108 Yelverton Grove Road, Smithfield, NC asked the Council when they went into closed session to have Councilman Lee to share the post with everyone referenced by Mr. McKnight. He stated he cannot control what others post. He can only control what he posts.

## CONSENT AGENDA:

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

1. The following minutes were approved
  - August 4, 2020 – Regular Meeting
  - August 4, 2020 – Closed Session
2. Approval was granted to install “No Parking” signs on Equity Drive.
3. Approval was granted to accept the FEMA Assistance to Firefighters Grant.
4. Approval was granted to adopt Resolution #663 (12-2020) for the NCDEQ asset inventory and assessment grant for the sanitary sewer collection system.

### RESOLUTION NO. 663 (12-2020) BY GOVERNING BODY OF THE TOWN OF SMITHFIELD SEWER ASSET INVENTORY AND ASSESSMENT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of Asset Inventory and Assessment projects for water and sewer systems, and

WHEREAS, The Town of Smithfield has need for and intends to update an asset management plan for its sewer system described as the *Town of Smithfield Sewer Asset Management Plan*, including asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management program for sewer, and

WHEREAS, The Town of Smithfield intends to request state grant assistance for the project,

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

That Town of Smithfield, the Applicant, will arrange financing for all remaining costs of the project, including matching funds, if approved for a State grant award.

That Michael L. Scott, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the development of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all



Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 1<sup>st</sup> day of September 2020 at the Town Hall Council Chambers in Smithfield, North Carolina.

5. Approval was granted to adopt Resolution #664 (13-2020) for the NCDEQ asset inventory and assessment grant for the water distribution system.

**RESOLUTION NO. 664 (13-2020)  
BY GOVERNING BODY OF THE TOWN OF SMITHFIELD  
WATER ASSET INVENTORY AND ASSESSMENT**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of Asset Inventory and Assessment projects for water and sewer systems, and

WHEREAS, The Town of Smithfield has need for and intends to update an asset management plan for its water system described as the Town of Smithfield Water Asset Management Plan, including asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management program for water, and

WHEREAS, The Town of Smithfield intends to request state grant assistance for the project,

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

That Town of Smithfield, the Applicant, will arrange financing for all remaining costs of the project, including matching funds, if approved for a State grant award.

That Michael L. Scott, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the development of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 1<sup>st</sup> day of September 2020 at the Town Hall Council Chambers in Smithfield, North Carolina.

6. Bid was awarded to W. Landis Bullock Industrial and Contractor Supply in the amount of \$12,251.20 for the purchase of a 2020 Scag Zero Turn Mower to truck to be utilized by Appearance Division of the Public Works Department. Bids received are as follows:

• W. Landis Bullock Industrial and Contractor Supply:	\$12,251.20
• Musgrave Equipment:	\$14,000.00
• Quality Equipment:	\$18,636.75

7. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
P/T Lifeguard	P&R - Aquatics	10-60-6220-5100-0230	\$8.00/hr.
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200	\$14.88/hr.(\$30,950.40/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Assistant Finance Director	Finance	10-10-4200-5100-0200
Police Officer I (3 positions)	Police	10-20-5100-5100-0200
Pump Station Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

**Business Items:**

- 1. Consideration and request for approval to allow the Downtown Smithfield Development Corporation to hold outdoor dining events on South Third Street on September 11<sup>th</sup>, September 25<sup>th</sup>, October 9<sup>th</sup> and October 23<sup>rd</sup> from 5:00 pm until 9:30. This request includes closing South Third Street for outside dining and amplified sound for a busker**

Planning Director Stephen Wensman stated the request would have to comply with any Executive Order in place by the Governor. At this time, outdoor events were limited to 50 people. They believe there would be 100 people in attendance. Those businesses that have sidewalk café permits could have tables on the sidewalk and those businesses that wished to participate would have to apply for a sidewalk café permit.

Mayor Pro-Tem Dunn questioned how many restaurants on that section of South Third Street had sidewalk café permits. Mr. Wensman responded SoDoSoPa was the only restaurant with the sidewalk café permit. Mayor Pro-Tem Dunn questioned if this would diminish SoDoSOPa's outdoor seating. Mr. Wensman responded their seating was currently on Johnston Street so they would be able to add seating to South Third Street.

Councilman Scott questioned if this was for a special event. Mr. Wensman responded the DSDC is anticipating over 100 people would be in attendance, but that would be against the current restrictions in place by the Governor's Executive Order. The reasons the request was before the Council was due to the street closure and the over 100 people in attendance. Currently, they would be restricted to 50 people.

Councilman Wood questioned how this event would be managed. DSDC Executive Director Sarah Edwards stated the idea was to give the ability of all our restaurants to serve people and provide a place downtown to eat thus expanding their dining rooms. Currently, restaurants are only allowed to be at 50% capacity. It's not just to help the restaurants in that block but to also allow someone to bring their dinner from Simple Twist, Sami's or Gotham's to Third Street where seating would be provided. That is the reason for the road closure. In terms of management, the DSDC would have hand sanitizing stations. The DSDC would also rent tables and chairs which would be cleaned between patrons. Signage would include adhering to the three W's (wear your masks, wait 6 feet, and wash your hands). Ms. Edwards stated there were other communities doing this in such a way that it expands outdoor dining for restaurants. and the Governor's mass gathering order is not an issue in those places. Based on the street you could have a maximum of 50 tables if you space them all out to provide for social distancing.

Mayor Pro-Tem Dunn questioned if the Governor's Executive Order would apply to this event. Ms. Edwards responded it was not 100% clear, but other Town's were holding similar events. But if is only 50 people were able to attend that would be better for the restaurants.

Councilman Wood asked how the number of people would be managed and he would not vote for something that against the Executive Order.

Mayor Pro-Tem Dunn questioned the regulations for a sidewalk café permit. Mr. Wensman responded the owner would have to show where they were going to put their tables and they would have to follow

it and it would have to be adjacent to the restaurant. What Ms. Edwards was proposing is people could carry out their food from a restaurant and sit at any of the tables on Third Street. This would be different than what SoDoSoPa would be able to do because they could simply expand their services. Under the Oak could also apply for the sidewalk café permit and have service in front of the restaurant on the sidewalk.

Councilman Barbour stated another problem could be the entertainment that would be offered because that could be perceived as a gathering. Ms. Edwards responded if the busker was an issue that could be eliminated. The goal was to offer the restaurants additional seating capacity. And also, to make Smithfield a safe place to be.

Councilman Scott suggested the Council approve the request under its authority and in compliance with the Governor's Executive Order.

Town Manager Michael Scott stated he had one point of clarity. When this originally came to staff there was a lot of discussion about allowing alcohol in the street as a part of this request. He wanted to make sure staff understood the Council's wishes. Sidewalk cafes were created primarily to allow restaurants to have alcohol on the sidewalk with their dinner. They must have a large amount of liability insurance to protect the Town. If the Council is going to extend dining into the street, we cannot legally extend the alcohol service into the street without amending our current ordinance on alcohol. It does not allow alcohol on the street anywhere in Town. The Town Manager wanted to make sure that everyone was clear as to what would be required for alcohol sales, consumption and being allowed to have open containers. Legally, all they could do is extend a restaurant to the sidewalk with a sidewalk cafe permit. If they're going to have alcohol, that's all the farther it can go. It can't go anywhere else. The Town Manager further stated he'd like to find some common ground to assist the downtown restaurants, but the Town Attorney believes this would constitute as a mass gathering.

Mayor Pro-Tem Dunn asked for Town Attorney Bob Spence's legal opinion. Mr. Spence responded the Governor's Executive Order limited the number of a gathering to 50 people. Putting out 50 spaces would be violating the order. He suggested that Ms. Edwards work with the Planning Department. Mr. Spence suggested starting this with a more conservative approach with Town staff observing.

Mayor Pro-Tem Dunn made a motion, seconded by Councilman Wood, to allow the Planning Department to work with DSDC on this event and in compliance with the Governor's Executive Order. If the Executive Order changes, Planning staff would work with DSDC to increase the seating capacity in accordance with any new order. This motion included approval to close South Third Street on September 11th, September 25th, October 9th and October 23<sup>rd</sup>. Unanimously approved.

**2. Consideration and Request for approval to allow the Downtown Smithfield Development Corporation to hold Take Out Tuesday events with amplified sound for a busker at 305 East Market Street from 10:00am until 2:00pm every Tuesday until October 27<sup>th</sup>**

Planning Director Stephen Wensman addressed the Council to allow the DSDC to have a busker for a takeout Tuesday event. The request is before you because approval is needed for the amplified sound.

Councilman Barbour made a motion, seconded by Councilman Wood, to approve the request allowing amplified sound at 305 East market Street from 10:00am until 2:00pm every Tuesday until October 27, 2020. Unanimously approved.

**3. Consideration and Request for Approval to adopt Ordinance No. 505 Amending the Town of Smithfield's Code of Ordinances Chapter 8, Article II: Noxious Weeds and Grass and Similar Nuisances**

Planning Director Stephen Wensman stated this item was brought before the Council in response to the issue the gentlemen mentioned earlier tonight. Staff was attempting to strengthen the Town's Ordinance to be effective and make code enforcement more efficient. Staff proposed an amendment

to Chapter 8, Article II Section 8.27 amending the nuisance regulations as it pertained to tall grass in wooded areas and added a chronic violator provision section 8-34. The intent was to create code enforcement to be more effective and enforceable utilizing less staff time. Repeat offenders cause staff to address the same code violation. The Code Enforcement Officer spends 50% of his time dealing with the same property owners and the same properties every summer. The repeat offender clause was intended to speed up that process. Mr. Wensman explained staff has difficulties enforcing tall grass nuisance particularly as it pertains to wooden lots. Tall grass nuisances on public boulevards adjacent to properties are a problem because the Code does not address it.

Mr. Wensman explained the repeat offenders provision was included because there were only a few that ignored grasses and weeds until threatened by letters or ultimately the Town ends up abating the property and they receive a bill. The current process is a long process. The Code Enforcement Officer must investigate the complaint and document it. Then a notice must be sent to the property owner allowing them 10 days to abate the issue. The property must be reinspected after the 10 days. If it has not been abated, Public Works will be ordered to mow the property and invoice the owner. By this time, the grass is excessively overgrown. Because this is such a long process, it gives the perception that the Town is not addressing the issue. The provision in the proposed ordinance will allow the Town to immediately abate the property if the Town has given three violations in a calendar year. Public Works will immediately mow the property and bill the owner.

Councilman Rabil questioned the percentage of invoices that are paid when Public Works mows the property. The Town Manager responded it was about 50%. Some owners were willing to pay what the Town charges because it is cheaper than hiring a mowing service. That is a disincentive for them to follow the rules. The Town Manager stated that Mr. Spence discovered the chronic violator provision in the State statute that seemed to be a fix to address this issue. The chronic violator provision allows the Town to place a lien against the business or against the person and would be reflected in the tax rolls. This would ensure payment to the Town.

Mr. Wensman explained the next part of the Ordinance Amendment was adding a definition for wooded areas because currently it was not defined. The problem we are experiencing is tall grass emerges into weeds and it quickly sprouts small trees. The weeds are taller than these small trees and the property owner claims it is a wooded area and it cannot be mowed. Staff is trying to provide clarity to this. New provision would exempt wooded areas, but it provides a definition for woods which is *“any tax parcel of property which is covered over substantially all its surface with trees of a size and density that the trees in themselves prohibit cleaning with a five (5) foot wide bush hog type mower or which in the opinion of the town manager or his designee is so substantially covered by mature trees as to be a wooded lot; whether a parcel is so covered will be determined by a town code enforcement officer, if so designated by the Town Manager.”*

Mr. Wensman explained another provision in the Code addressed right of way maintenance. He explained most property owners maintain their properties and the boulevard up to the curb, but in some instances, residents refuse. The Code does not address this situation and Public Works is the default for maintenance of these boulevards. The new provision requires property owners to maintain tall grass and weeds along the road frontage.

Mayor Pro-Tem Dunn questioned if the new businesses along M. Durwood Stephenson Parkway responsible for mowing in front of their businesses which are a part of NCDOT's right of way. Mr. Wensman responded they would be responsible for cutting that area.

Mr. Wensman explained the simplification on of the tall grass and weed standard. The old standard required abatement or maintenance if you were 100 feet from an open street, 100 feet from a property line with a structure of 59 feet from an occupied dwelling. To simplify the Code, the new standard would be 100 feet from a property line with a commercial building or dwelling.

Mayor Moore stated there were a lot of wooden areas in Smithfield. If the lot was wooden but the right of way was not, then it would have to be mowed.

Mayor Pro-Tem Dunn stated he would have a problem requiring businesses to have to mow large right of ways when some right of ways in town are mowed by the Town. Town Attorney Bob Spence stated that there may need to be some amendments to this ordinance in the future. He and staff were

trying to establish an overall rule that works for the Town.

Councilman Barbour made a motion, seconded by Councilman Scott, to approve Ordinance No. 505 Amending the Town of Smithfield's Code of Ordinances Chapter 8, Article II: Noxious Weeds and Grass and Similar Nuisances as proposed by staff. Unanimously approved.

**TOWN OF SMITHFIELD**  
**North Carolina**

**ORDINANCE NO. 505**

**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD CODE OF ORDINANCES CHAPTER 8, ARTICLE II NOXIOUS WEEDS AND GRASS AND SIMILAR NUISANCES**

**WHEREAS**, Chapter 8, Article II of the Town of Smithfield's Code of Ordinances outlines the regulations concerning noxious weeds and grass and similar nuisances within the Town; and

**WHEREAS**, the Planning Director Stephen Wensman, is requesting the Ordinance be amended as it pertains to declaration of nuisance for growth of weeds and grasses over 12" and adding a chronic violator provision.

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Smithfield that Chapter 8, Article II - Noxious Weeds and Grass and Similar Nuisances:

**PART I**

[Revise Article II, Section 8-27 (2) to exclude wooded areas and to define wooded areas and (3) to make a public nuisance unmaintained public right-of-way, except for agricultural properties]

**ARTICLE II. NOXIOUS WEEDS AND GRASS AND SIMILAR NUISANCES**

**Sec. 8-27.** The following enumerated and described conditions are hereby found, deemed and declared to constitute a detriment, danger, and hazard to the health, safety, morals and general welfare of the inhabitants of the town and are found, deemed and declared to be public nuisances **per se** wherever the same may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

- (1) Any condition which is a breeding ground or harbor for mosquitoes or a breeding ground or harbor for rats, snakes, or other pests or has the potential for becoming a breeding ground or harbor for such pests;
- (2) A place, **other than a "Wooded Area"** of heavy growth of weeds or grasses over twelve (12) inches in height which ~~lie less than one hundred (100) feet from any abutting open street or which lies less than one hundred (100) feet from any adjoining property line which contains a dwelling or business structure. or is a place of heavy growth of weeds or grasses over twelve (12) inches in height which lies within fifty (50) feet of any occupied dwelling; provided, that the nuisance defined by this subsection shall be cleared and cut to the satisfaction of~~ **"Wooded Areas" are exempt from**

this restriction and are defined as any tax parcel of property which is covered over substantially all its surface with trees of a size and density that the trees in themselves prohibit cleaning with a five (5) foot wide bush hog type mower or which in the opinion of the town manager or his designee is so substantially covered by mature trees as to be a wooded lot; whether a parcel is so covered will be determined by a town code enforcement officer, if so designated by the Town Manager.

- (3) Except for agricultural properties, any growth of weeds or grasses over twelve (12) inches in height, not including wooded areas, in or along a public right-of-way, including an alley or easement. The right of way as herein referenced is *defined* as the land between the "Edge", hereinafter Edge, of pavement, alley or curb line and the property line. Some of that area herein defined to be right of way may not technically be the right of way of the street but nevertheless as herein defined the obligation to maintain growths extends to the Edge The maintenance of such right-of-way shall be the responsibility of the property owner with property adjacent to or fronting on such right-of-way=
- ~~(3)~~ (4) A place of growth of noxious vegetation, including poison sumac (*Rhus vernix*), poison ivy (*Rhus radicans*) or poison oak (*Rhus toxicodendron*), in a location likely to be accessible to the general public;
- ~~(4)~~ (5) An open place of collection of water for which no adequate natural drainage is provided and where insects tend to breed or which is or is likely to become a nuisance or a menace to public health;
- ~~(5)~~ (6) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of a like nature;
- ~~(6)~~ (7) Is an open place of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind;
- ~~(7)~~ (8) Hides, dried or green provided the same may be kept for sale in the town when thoroughly cured and odorless;
- ~~(8)~~ (9) Any furniture, appliances, automotive parts or pieces or other wood or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement, or areas which may provide a habitat for rats, snakes, insects, or other pests;
- ~~(9)~~ (10) Any improper or inadequate drainage on private property which causes flooding, interferes with the use of, or endangers in any way the streets, sidewalks, parks or other town owned property of any kind;
- ~~(10)~~ (11) Any stormwater retention or detention pond or other impoundment device which is operating improperly;
- ~~(11)~~ (12) Any stormdrain, sewer manhole, abandoned well or other private or public facility which is not properly covered with a grate or other means to remove any hazard to pedestrians or motor traffic;
- ~~(12)~~ (13) Any ditch, trench, or below ground portion of a construction project which remains open for more than fourteen (14) days without being completed or which is not protected with barricades, flags or other means so as to constitute a hazard to pedestrians or motor traffic;
- ~~(13)~~ (14) Failure to clean or clear a public street of mud and debris related to a construction, timbering or other similar land use project within twelve (12) hours after notification by the town manager or his designee for major and minor thoroughfares or within twenty-four (24) hours after such notification for collector and local streets; however, if it is found by the town manager or his designee that the situation is causing a clear and present danger or hazard to traffic or the general public, such cleaning or clearing may be required to take place as soon after notification as practicable;
- ~~(14)~~ (15) Any condition which violates the rules and regulations of the Johnston County Health Department; or
- (45) (16) Any other condition specifically declared to be a danger to the public health, safety, morals, and general welfare of inhabitants of the city and a public nuisance by the town council which proceeding may be initiated by the town manager or his designee before the board after giving written notice thereof. Such notice shall state the condition existing, the location and that the board will be requested on a day certain, after a public hearing at which the person notified may appear

and be heard, to declare that the conditions existing constitute a danger to the public health, safety, morals and general welfare of the inhabitants of the city and a public nuisance. After such declaration by the board in the form of an ordinance, the condition will be abated as provided for in this chapter, provided no administrative appeal shall lie from the proceeding pursuant to the subsection and initiated by the town manager or his designee before the town council.

- (17) The outdoor storage of any tire upon any premises with the Town in such a manner that it does not conform to the approved storage methods defined in Article III, Section 8-51.

## **PART II**

[Revise Article II, adding Section 8-34-Chronic violator provision.]

### **Sec. 8-34 - Chronic violator provision.**

The Town may notify a “chronic violator” of the Town’s public nuisance ordinance that, if the violator’s property is found to be in violation of the ordinance, the Town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. A chronic violator is defined as a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance

The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.

**Sec. 8-34 8-35**– Civil Penalty Provided.

## **PART III**

That the Town of Smithfield’s Code of Ordinances shall be page numbered and revision dated as necessary to accommodate these changes.

## **PART IV**

That these amendments to the Town of Smithfield’s Code of Ordinances shall become effective upon adoption.

Councilman Scott questioned if Powell Bill monies allocated the NCDOT for right of way grass maintenance could be paid directly to the Town instead of being paid to NCDOT’s contractor. The Town Manager responded he would investigate that.

#### **4. Consideration and request for approval to award a contract to Withers & Ravenel for professional services to perform a AWIA risk and resiliency assessment and an emergency response plan for the Town of Smithfield.**

Public Utilities Director Ted Credle addressed the council to seek approval for the proposed consultant and the proposed contract for the Town of Smithfield America’s Water Infrastructure Act (AWIA), risk and resiliency assessment and the associated Emergency Response Plan. In 2018, United States Congress passed the America’s Water Infrastructure Act (AWIA). AWIA did many things from attempting to improve flood control, to redefining the term navigable waterways, to spurring further development and hydroelectric power. One of the components of the AWIA is the mandate that every water system in the country perform a risk and resiliency assessment on their entire system. Each water system is encouraged to use the findings of this assessment to establish or update their mandatory associated Emergency Response Plan. Based on the bioterrorism Act of

2002 AWIA mandates that we focus on malevolent acts of terrorism, or other intentional threats such as vandalism, cyber security, natural hazards. Specifically, the water system is to assess the risk to system critical components, such as physical assets that include underground pipes, storage tanks, water plant, treatment processes, source water intakes, barriers for security, electronic or automated monitoring systems, chemical supply, chemical use chemical storage, beyond the physical assets in the systems. AWIA also mandates that we analyze our current monitoring practices, SCADA systems, cybersecurity, our financial infrastructure, our operation and maintenance on the system practices in the long term capital plan to respond to a natural or manmade disaster This is a comprehensive analysis that will take multiple months. A system of our size must submit a certification to the EPA, that our assessment was complete by June 30, 2021. This table was provided by the EPA. A system of our size must also submit a second certification to the EPA that the Emergency Response Plan was either developed or updated by December or by the end of the year of 2021.

Mr. Credle explained the Town publicly advertised for qualified firms to help us with this assessment on July 29. We received six bids on August 21. These submittals were then reviewed by panel. And the panel concurred that the recommended firm of choice was WithersRavenel, Inc. a multi-discipline consulting firm based in Cary. Staff is asking the council to approve the recommended firm also authorize the Town Manager to execute the contract for these services for a project budget not to exceed \$60,000.

Councilman Barbour questioned if this was in the budget. Mr. Credle responded there were funds set aside for SCADA improvements and some of those funds will have to be used. This was more expensive then we thought it would be, but after reaching out to other Town's our size, staff determined that this amount was within range.

Councilman Scott questioned if there was another firm that could provide professional services at a cheaper rate. Mr. Credle responded this was one of those services where you cannot ask for a price up front. Since it is for professional services, the Town must choose the most qualifies firm. Staff will negotiate with the firm not to exceed \$60,000.

Town Manager Michael Scott stated Councilman Scott was right. We were remiss in not budgeting this properly this year. It is not in the budget. Had we budgeted it, it would not have been a problem to pay for it because we had \$350,000 that we set aside for possible expenses at the water plant and that budget would have been \$290,000 instead. . If you are concerned, we can take the money from there and leave the rest of the budget intact. That would have occurred if we had properly budgeted.

Councilman Barbour made a motion, seconded by Councilman Stevens, to award the contract to Withers & Ravenel for professional services to perform a AWIA risk and resiliency assessment and an emergency response plan for the Town of Smithfield. Councilman Barbour, Councilman Stevens, Mayor Pro-Tem Dunn, Councilman Lee, Councilman Rabil and Councilman Wood voted in favor of the motion. Councilman Scott voted against the motion. Motion passed 6 to 1.

## **5. Consideration and request for approval to hold a Veteran's Day Fireworks Display**

The Town Manager explained this request was in front of the Council because of the COVID-19 atmosphere. Staff discovered it was difficult to find things to do for citizenry that was not considered a mass gathering. Staff reviewed some options and realized Veterans Day was on November 11<sup>th</sup> and thought it would be a great way to honor our veterans a little more than we normally do. Staff investigated the Fourth of July celebrations managed by neighboring communities. People parked in their cars in various locations to watch the fireworks display. Staff's biggest issue was finding a location central enough where we could set off a firework display where people could enjoy them. Staff decided Community Park could be used since there was plenty of parking at the park, the school and neighboring businesses. People would remain in their cars to adhere to social distancing and not be in violation of the Governor's Order. Once staff started talking about it, we thought we could get a local radio station involved to play patriot music during the event so people could listen to while remaining in their cars. Staff contacted Seymour Johnson Air Force Base to request a fly over before the event. These are all things people can enjoy from their cars. It would also bring people into Town to visit our restaurants and businesses. We have also talked about doing a Facebook Live event. Staff has already talked to the ROTC at SSS High School requesting their participation. Staff really wanted to do something that the citizens could look forward to attending. Staff believes the budget



for the firework display would be less than \$10,000 and more likely it would be \$7,500 to \$8,000. The request was to allow staff to move forward with the firework display. Since there are budgeted funds in the Parks and Recreation Part Time staff that have not been used because of COVID-19, funds for this would come from that line.

Councilman Scott asked if the Community Park was a set location or would you consider something more commercial. The Town Manager responded staff was trying to find something centrally located with a lot of parking. Staff was certainly open to other suggestions.

Councilman Scott made a motion, seconded by Councilman Wood, to approve the request as submitted. Unanimously approved.

#### **6. Consideration and request for approval to adopt changes in utility late fee policy**

This item was moved from the Consent Agenda. Councilman Scott stated on page 79 of the agenda packet, it says that the late penalty which includes mail received after the due date regardless of the posted. He asked if that was supposed to say "post mark" and not post. Finance Director Greg Siler responded that meant regardless of the post mark.

Councilman Scott questioned if that could be changed to allow for payments that were postmarked before the due date. Mr. Siler responded that would have to be a manual process because all late fees are done at the same time. It would be labor intensive for the staff.

Councilman Scott made a motion, seconded by Councilman Wood, to adopt changes in the utility late fee policy as submitted by staff. Unanimously approved.

#### **Councilmembers Comments:**

- Councilman Scott questioned how the CARES Funds were being used. The Town Manager responded Johnston County has already allocated the Town's share of those funds in the amount of a little more than 450,000. What we have to do is turn in a monthly report until the first of January, that shows how we're being reimbursed for that money because this is a reimbursement. But one of the eligible expenses is police and fire. Salaries and benefits for public safety are automatically reimbursable. We are turning in monthly reports showing what our police department is costing us and what our fire department is costing us every month which would be over a million dollars by the time January rolls around. At this time, none of the funds are being allocated. Some funds were used for the installation of cameras, door locks and speakers in Town Hall

Councilman Scott asked if the Town could allocate some of those funds to the employees as hazard pay. The Town Manager responded he would investigate if those funds could be used for the purpose.

- Councilman Lee publicly expressed his appreciation to the Town Manager for assisting a family who needed their grass maintained. He explained that both he and the Manager worked together to assist that family.
- Councilman Wood recognized the Smithfield Fire Department, Police Department and all the first Responders for their efforts during the recent flooding and tragedy on Galilee Road.
- Councilman Barbour stated staff was working on how we can implement and utilize drones in the Town of Smithfield. Working diligently to be a drone friendly community.
- Mayor Pro-Tem Dunn stated that the events on Galilee Road was a terrible event where many different agencies responded. He explained that every day first responders train for when these types of events occur. These first responders put their lives on the line to help others. He asked for the public to thank those first responders for what they do.
- Mayor Moore explained the water event that occurred on Galilee Road when a mother and two children were swept away in raging flood water. The Mayor publicly expressed his appreciation to all the first responders. He expressed his appreciation to the Public Works Department and Public Utilities Departments. The Mayor stated that Chief Blanton did a fantastic job at the press

conference.

### **Town Manager's Report:**

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

- **Equity Drive Repairs:** We are awaiting a phasing plan from the Equity Drive contractor, prior to the beginning of construction. This may take till mid-September. Repairs/construction is planned to begin on the North side and move south through the project.
- **Storm Damage:** At this time businesses along Highway 301 South have reported damage due to flooding. We also have road damage at Vermont and Meadowbrook Lane and along Crestview Drive. Both streets have earth that has washed out near the side of the road around a culvert. Both can be repaired in house by pumping cement into the area around the culvert that has been washed away. Neither road should require closure except during repairs.
- **Utility Customers:** The utility account report is a little different because we have entered into contracts with customers. Notice that there is only \$ 22,000 this month because \$81,431 under contract with customers.

### **Closed Session Pursuant to NCGS 143-318.11 (a)(1)**

Mayor Pro-Tem Dunn made a motion, seconded by Councilman Wood, to enter into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 9:44pm

### **Reconvene in Open Session**

Councilman Stevens made a motion, seconded by Councilman Rabil, to reconvene in Open Session. Unanimously approved at approximately 10:18pm

### **Adjourn**

Being no further business, Councilman Barbour made a motion, seconded by Councilman Wood to adjourn the meeting. The meeting adjourned at approximately 10:19pm

ATTEST:

---

M. Andy Moore, Mayor

---

Shannan L. Parrish, Town Clerk